

STAMPED APPROVED PLANS REGISTRATION SHEET

ATTENTION: RECORD SERVICES



Please register/re-register the attached documentation to:

File No: _____ PN 307 555/01/DA7

DA _____

MCU/ROL/FDA/GIA/FORM2 2012 00768

OPW/OPW CIVIL _____

OTHER _____

STAMPED APPROVED PLANS and SIGNED DECISION NOTICE (TO BE
SCANNED and MADE INTERNET VIEWABLE) YES ☒ NO ☐

Comments:

Please mark & move to: NFX
"Contributed Assets Officer or No Further Action"

Thank you,

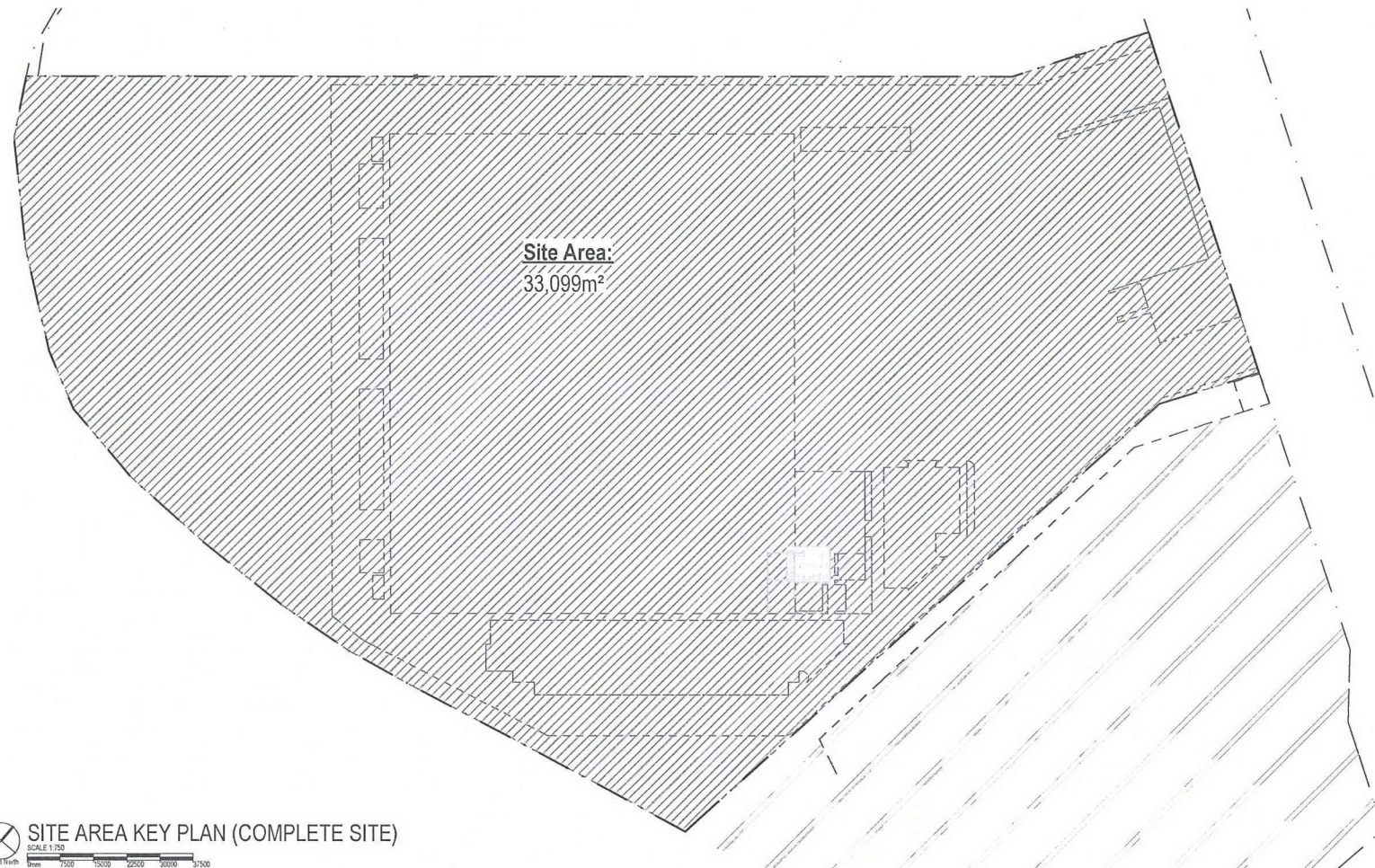
KBe



Implementation & Assessment Branch

20/12/2012

Barcode number



SITE AREA KEY PLAN (COMPLETE SITE)
SCALE 1:750
Project North

SITE KEY PLAN LEGEND:

[Diagonal lines]	COMPLETE SITE AREA
[Cross-hatch]	CONCRETE AREA
[Blue cross-hatch]	BITUMEN AREA
[Green cross-hatch]	LANDSCAPE AREA
[Blue cross-hatch]	AREA OF CAR PARKING (CONCRETE)

DEVELOPMENT SUMMARY (STAGE 1):

Site Area	33,099m²
Warehouse	10,000m²
Office	500m²
GFA	10,500m²
Plot Ratio (GFA/Site Area)	31.77%
Concrete Area including Areas of Warehouse / Office Building and Concrete Car Parking	22,689m²
Car Parking (Bitumen)	1,650m²
Car Parking (Concrete)	554m²
Car Parking (Spaces)	112 + 6 motorbikes
Awnings (inc. covered hardstand)	1,983m²
Landscaping	8,760m²

Gold Coast City Council
Application No **PN307555/01/DAT**
APPROVED
Date: 19/12/2012 Signature: *[Signature]*



SITE AREA KEY PLAN (DETAILED AREAS)
SCALE 1:750
Project North

Gold Coast City Council
ADVISORY NOTE
Development shall comply with the conditions of approval as detailed in the Decision Notice and Council's Planning Scheme, Local Laws and Planning Policies unless stated otherwise.

P1	26.11.12	PRELIMINARY - ISSUED FOR REVIEW	JH	ATM
1	1	1	1	1

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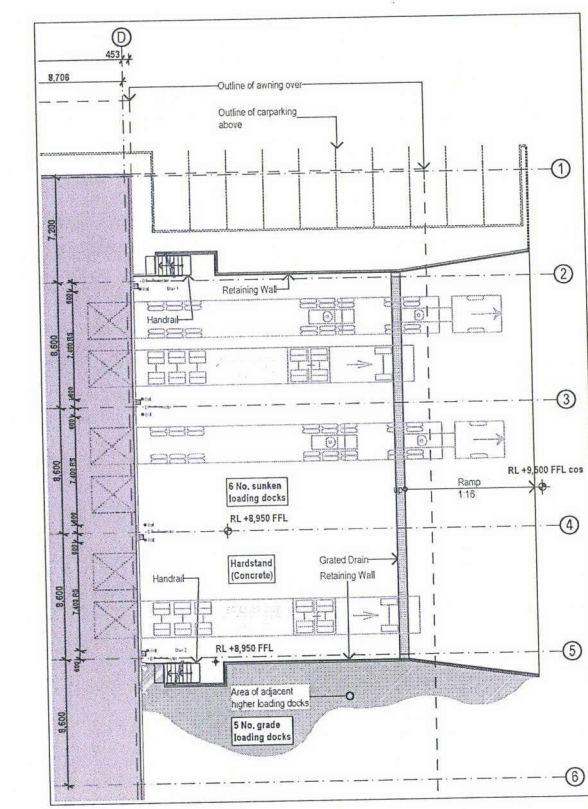
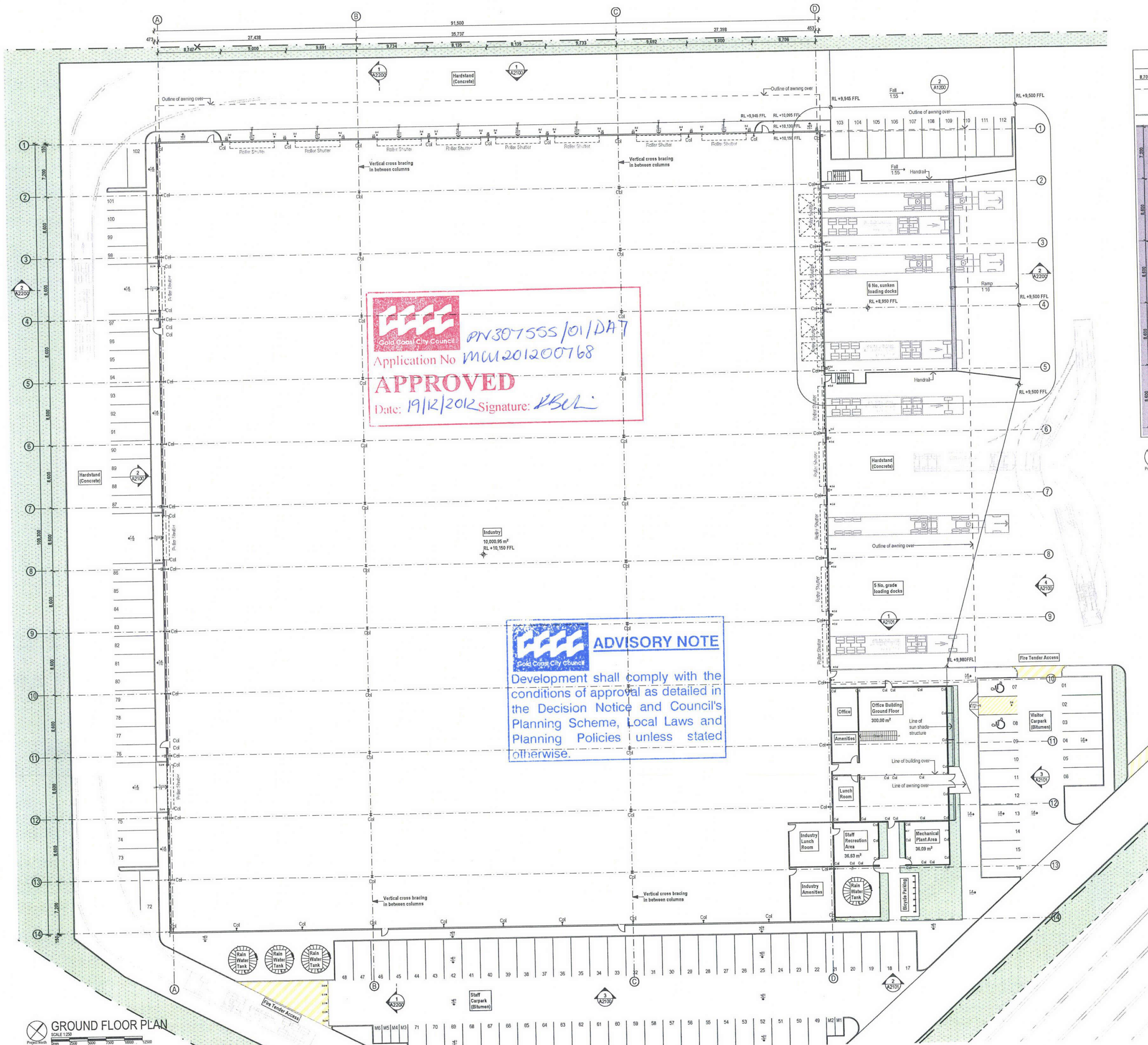
MSPProjects
PROJECT MANAGER
YATALA
INDUSTRIAL PARK

Project Title
BUILDING 9
CHRISTENSEN ROAD
SOUTH
INDUSTRIAL PARK
YATALA QLD 4207

Drawing Title
SITE AREAS KEY PLANS

Sheet Size: A1	Approved: ATM	Drawn: JH	Scale: As Shown at A1
Plot Date: NR	Project Number: 123018	Drawing Number: A0003/P1	Sheet Number: N/A

PRELIMINARY
These drawings have been prepared for information only and are not to be used for construction purposes. They are not to be used for any other purpose without the written permission of the Architect. The Architect is not responsible for any errors or omissions in these drawings. The Client is responsible for ensuring that the drawings are used for the intended purpose. COPYRIGHT: These drawings and designs are the copyright of the Architect and are not to be used, copied or reproduced without the written permission of the Architect. (S.A.N. 72 009 182 944)



PN	28.11.12	PRELIMINARY - ISSUED FOR REVIEW	JH	ATM
PS	28.11.12	PRELIMINARY - ISSUED FOR REVIEW	JH	ATM
PA	28.11.12	PRELIMINARY - ISSUED FOR REVIEW	JH	ATM
P2	28.11.12	PRELIMINARY - ISSUED FOR REVIEW	JH	ATM
P3	28.11.12	PRELIMINARY - ISSUED FOR REVIEW	JH	ATM
P4	28.11.12	PRELIMINARY - ISSUED FOR REVIEW	JH	ATM
P5	28.11.12	PRELIMINARY - ISSUED FOR REVIEW	JH	ATM
P6	28.11.12	PRELIMINARY - ISSUED FOR REVIEW	JH	ATM
P7	28.11.12	PRELIMINARY - ISSUED FOR REVIEW	JH	ATM
P8	28.11.12	PRELIMINARY - ISSUED FOR REVIEW	JH	ATM
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P10	28.11.12	PRELIMINARY - ISSUED FOR REVIEW	JH	ATM
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P12	28.11.12	PRELIMINARY - ISSUED FOR REVIEW	JH	ATM
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Client

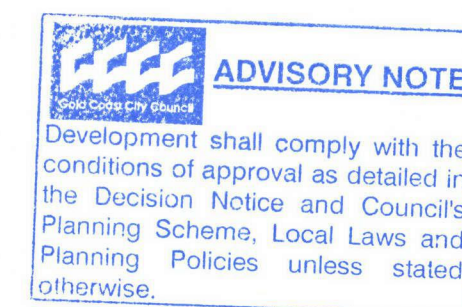
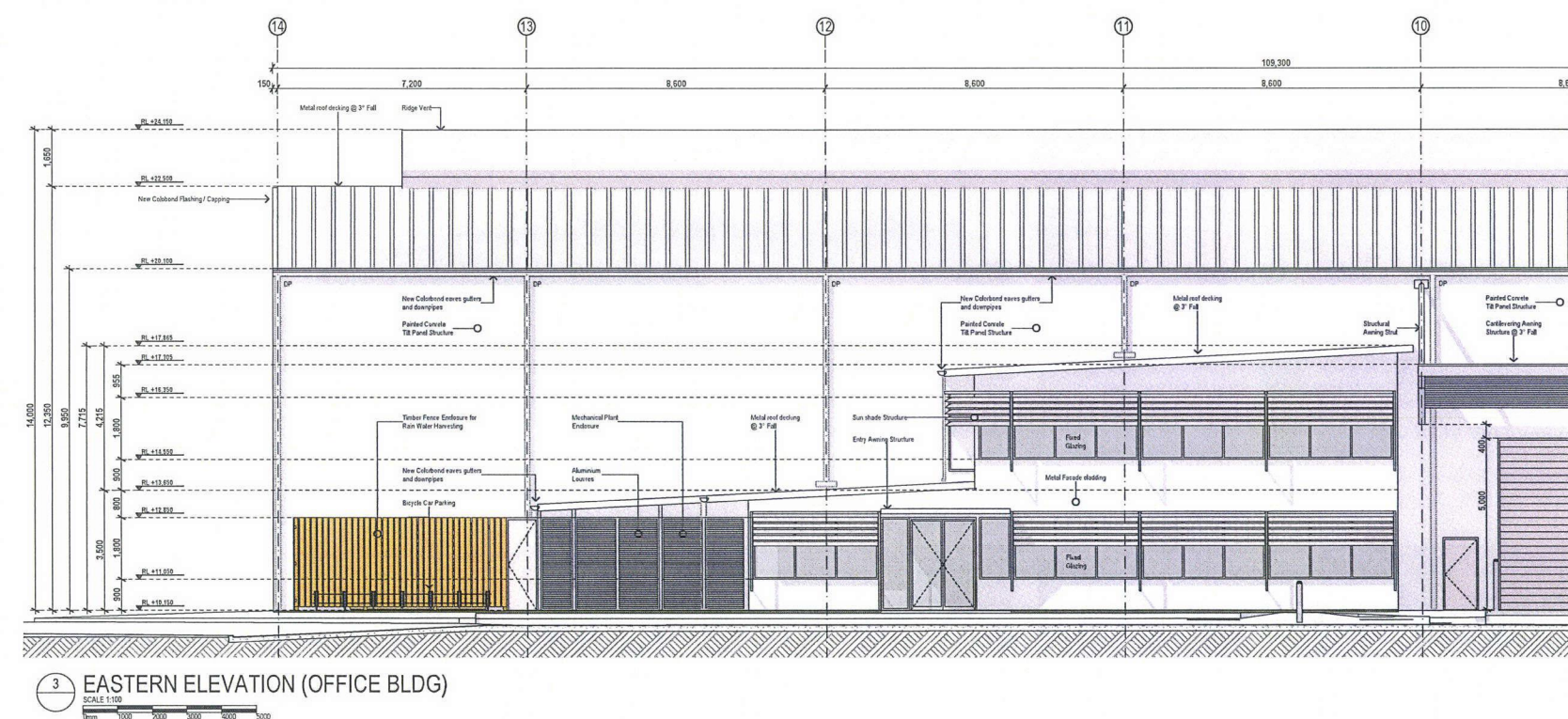
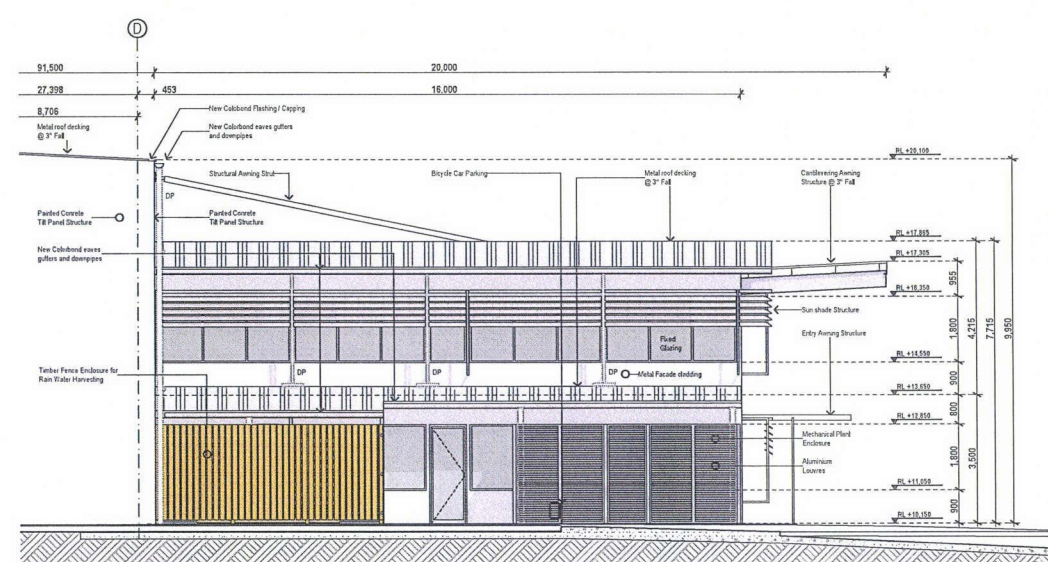
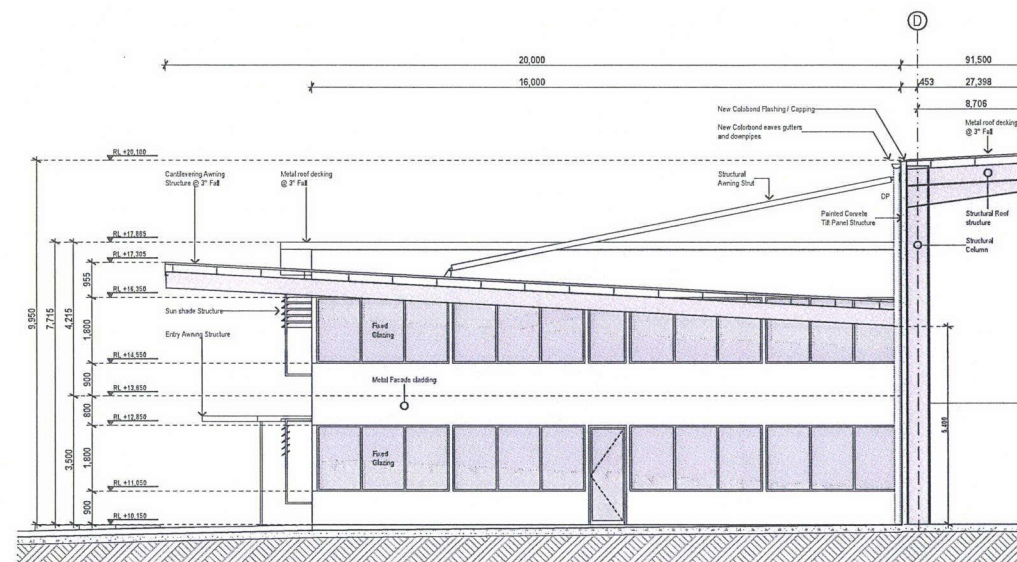
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PROXIMITY
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Project Title
BUILDING 9
CHRISTENSEN ROAD
SOUTH
INDUSTRIAL PARK
YATALA QLD 4207

Drawing Title
FLOOR PLAN

Sheet Size A1	Approved	Drawn	Scale
Plot Date	ATM	JH	As Shown at A1
Project Number	123018	Drawing Number	N/A
123018	A1200/P6	Sheet Number	N/A
PRELIMINARY			
Waiver of Liability These drawings have been reviewed for compliance with project design intent. They do not constitute all of the information necessary to complete the project and must be used in conjunction with all other drawings, specifications and conditions of sale. The client is responsible for the accuracy and completeness of the information provided. The client is responsible for the accuracy and completeness of the information provided. The client is responsible for the accuracy and completeness of the information provided.			



P3	23.11.12	PRELIMINARY - ISSUED FOR REVIEW	34	ATM
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P1	21.11.12	PRELIMINARY - ISSUED FOR REVIEW	34	ATM
Ex-9	22.11.12	Agreement	17	ATM



Project Title

BUILDING 9
CHRISTENSEN ROAD
SOUTH
INDUSTRIAL PARK
YATALA QLD 4207

Drawing Title

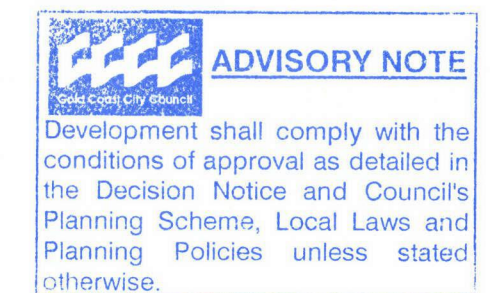
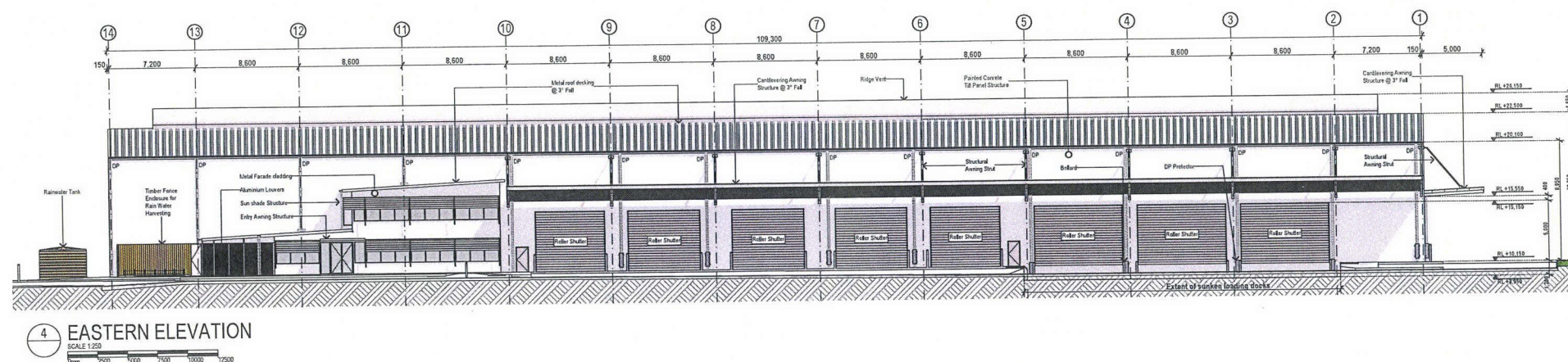
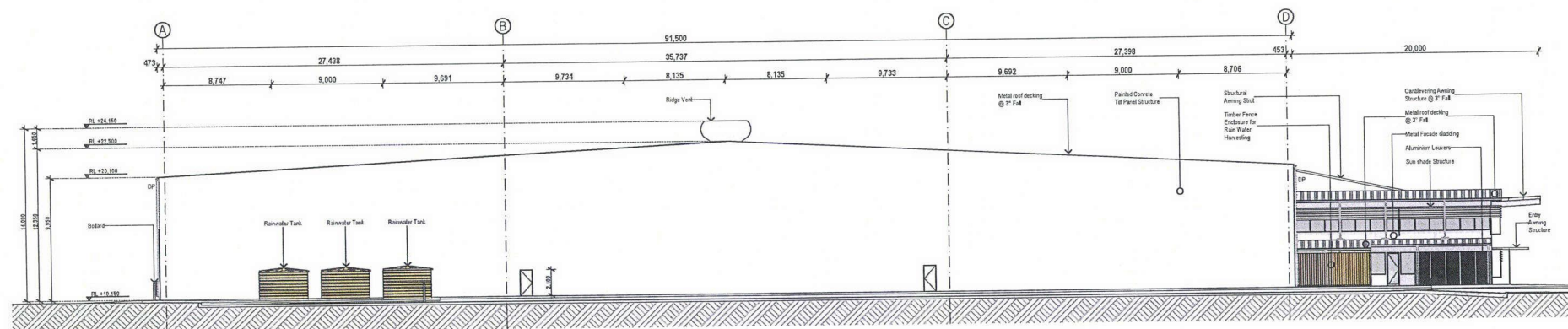
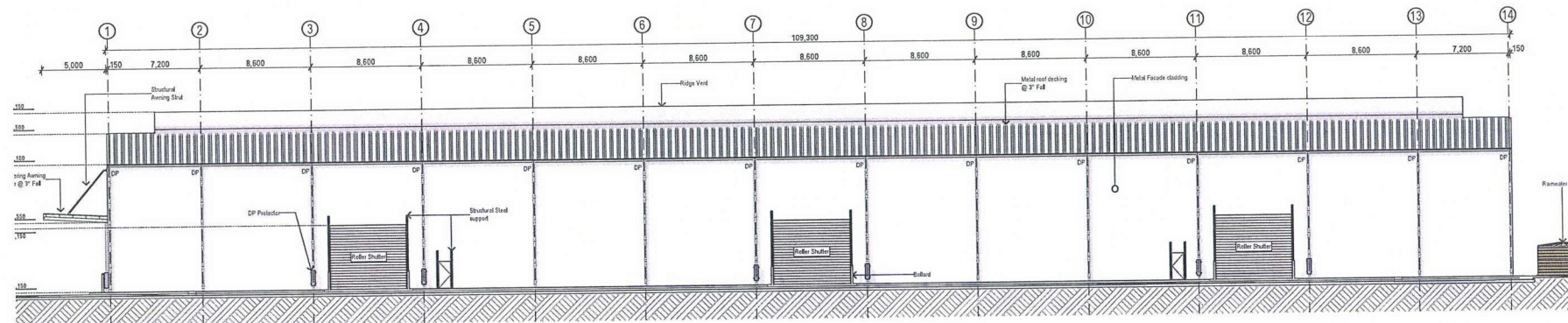
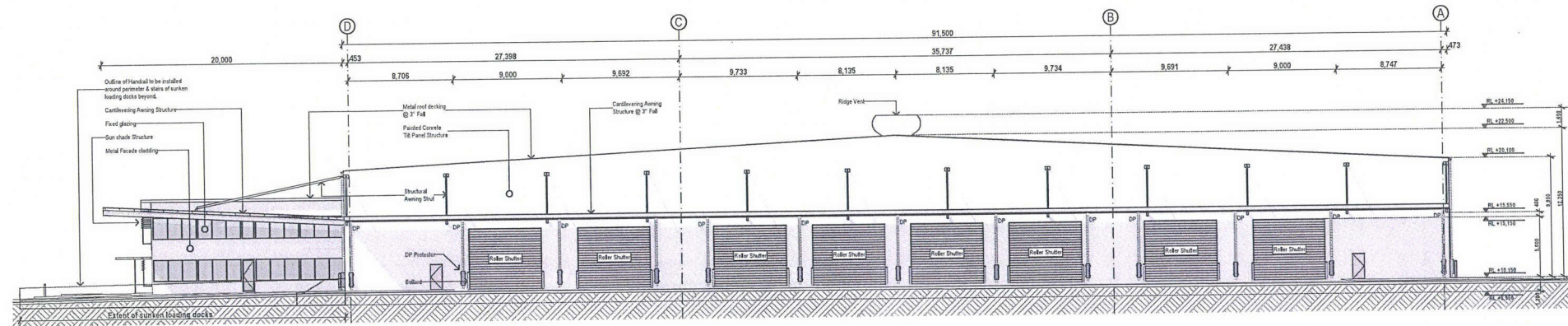
ELEVATIONS (OFFICE
BUILDING)

Sheet Size: A1			
Plot Date N/A	Approved ATM	Drawn JH	Scale As Shown
Project Number 123018		Drawing number A2101/P3	Sheet Number N/A

PRELIMINAR

Water of Liability
These drawings have been reviewed for compliance with project design intent. They do not constitute all of the information required to complete the project and must be read in conjunction with consultant drawings, specifications and written instructions which may at any time be supplemented, amended or replaced by addenda, change orders, design notes or other written instructions. The responsibility for the accuracy and completeness of the drawings, specifications, quantities, calculations, construction, fabrication techniques, co-ordination of all trades and/or other project requirements, and the proper interpretation of all dimensions are verified on site, figured dimensions provide scaled dimensions and variations requirements as determined in accordance with advice from the relevant consultant.

COMPETENT PERSON These drawings and designs and the copyright therein are the property of Architects and must not be used, retained or copied without the written permission of Architects and/or its affiliates.



PA	20.11.12	PRELIMINARY - ISSUED FOR REVIEW	JH	ATM
PS	20.11.12	PRELIMINARY - ISSUED FOR REVIEW	JH	ATM
PS	20.11.12	PRELIMINARY - ISSUED FOR REVIEW	JH	ATM
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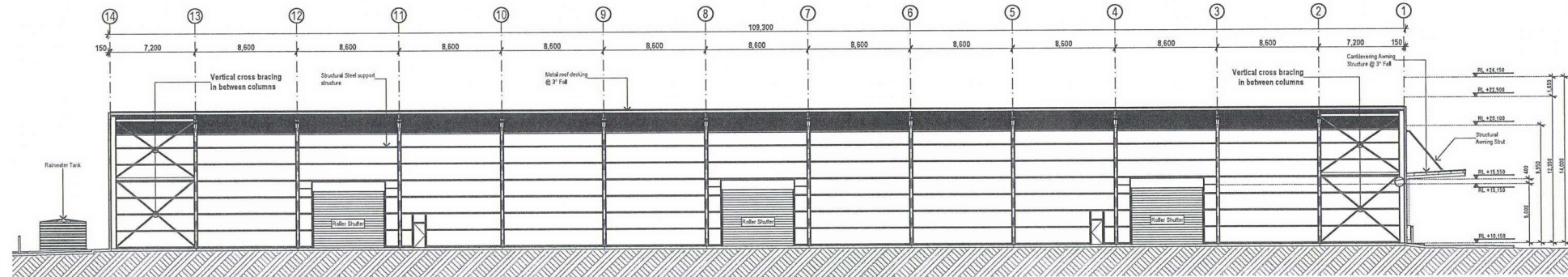


Project Title
**BUILDING 9
CHRISTENSEN ROAD
SOUTH
INDUSTRIAL PARK
YATALA QLD 4207**

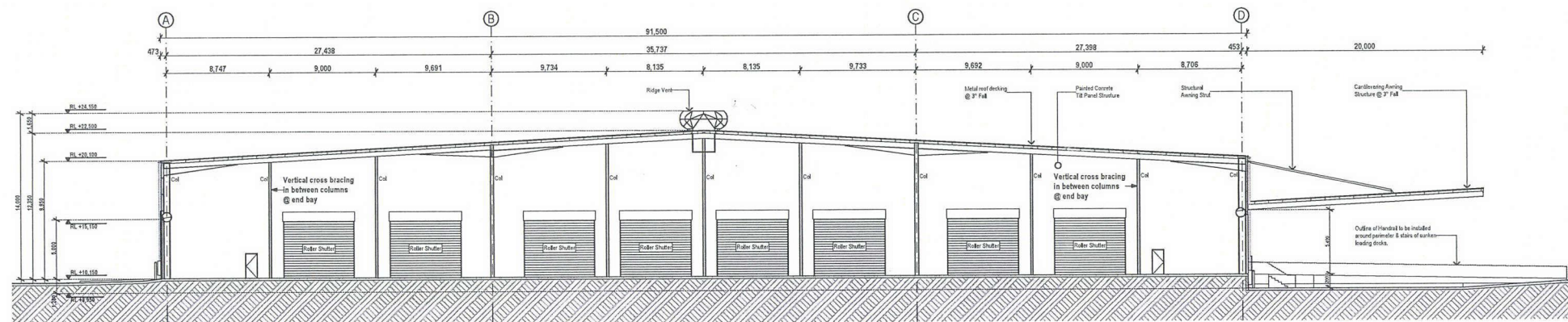
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ELEVATIONS

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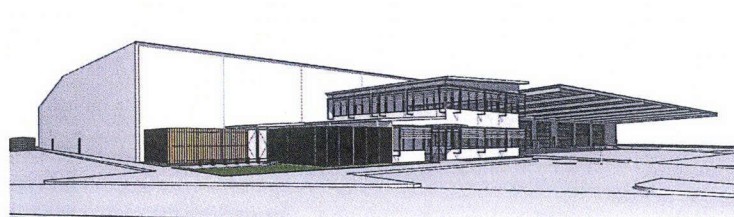
PRELIMINARY
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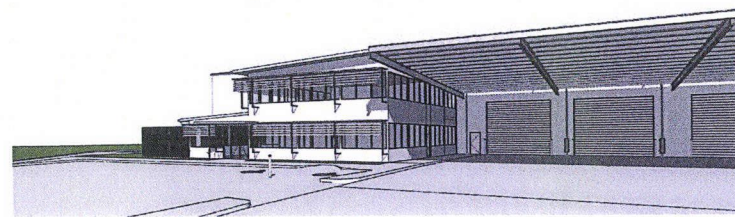
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SCALE 1:250



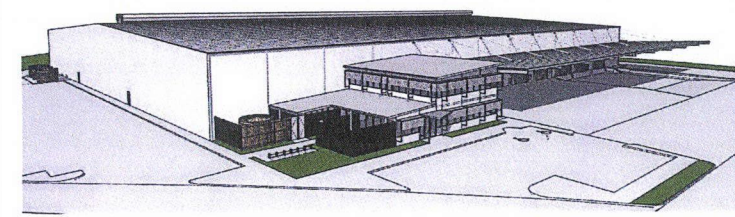
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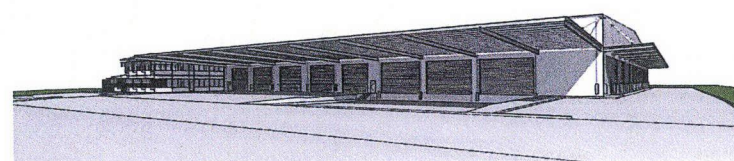
EXTERNAL PERSPECTIVE VIEW 01



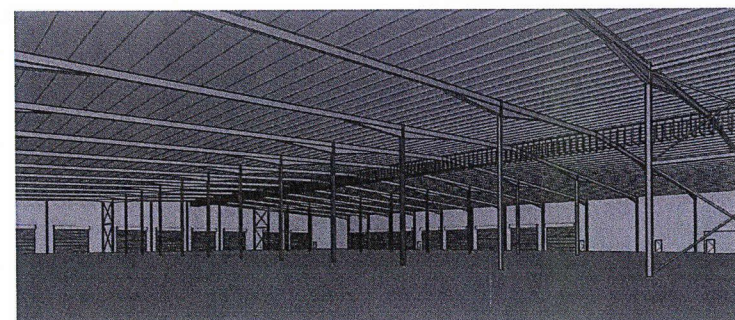
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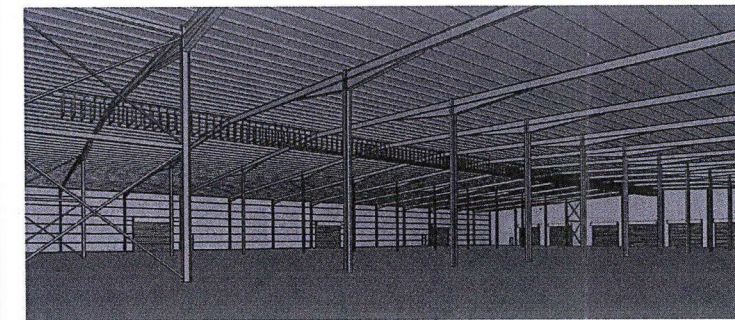
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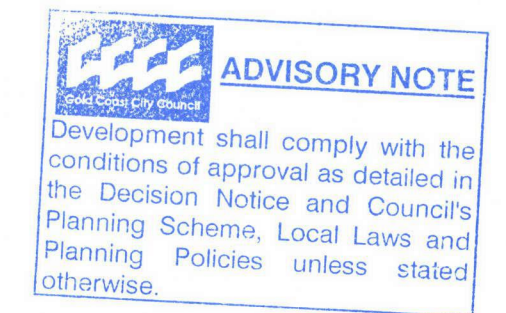
EXTERNAL PERSPECTIVE VIEW 04



INTERNAL PERSPECTIVE VIEW 05



INTERNAL PERSPECTIVE VIEW 06



P5	22/11/12	PRELIMINARY - ISSUED FOR REVIEW	JH	ATM
P4	22/11/12	PRELIMINARY - ISSUED FOR REVIEW	JH	ATM
P3	22/11/12	PRELIMINARY - ISSUED FOR REVIEW	JH	ATM
P2	22/11/12	PRELIMINARY - ISSUED FOR REVIEW	JH	ATM
P1	22/11/12	PRELIMINARY - ISSUED FOR REVIEW	JH	ATM
Rev	1	Original		

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Client
BUILDING 9
CHRISTENSEN ROAD
SOUTH
INDUSTRIAL PARK
YATALA QLD 4207

Drawing Title
SECTIONS & PERSPECTIVE VIEWS

Sheet Size: A1	Project Date: N/A	Approved: ATM	Drawn: JH	Scale: As Shown at A1
Project Number: 123018	Drawing Number: A2200/P5	Sheet Number: N/A		

PRELIMINARY
Warning of Liability
These drawings have been prepared for the purpose of design development. They do not constitute a contract. All dimensions and details are subject to change without notice. The client is responsible for ensuring that the drawings are used in accordance with the intended purpose. The client is responsible for ensuring that the drawings are used in accordance with the intended purpose. The client is responsible for ensuring that the drawings are used in accordance with the intended purpose.

19 December 2012
Katherine Berlin
Implementation & Assessment Branch, Nerang
(07) 5582 8327
1396-12-PC
PN307555/01/DA7
Application No: MCU201200768

UPDATED
VIEWABLE ☒

Ms Projects Pty Ltd
C/- Gassman Development Perspectives
PO BOX 999
BRISBANE QLD 4000



K6B.
19/12/12.

Dear Sir/Madam

DECISION NOTICE TO APPLICANT

Application Type: RISKSMART FOR INDUSTRY
Property Description: Lot 334 on SP193431
Property Location: 84 - 160 Christensen Road South, Stapylton

I wish to advise that on 19 December 2012 the above application was resolved as outlined in the enclosed 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.

You are advised that no submissions were received in regard to this application.

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

Contacting us

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

Yours faithfully

Roger Sharpe
EXECUTIVE COORDINATOR PLANNING ASSESSMENT
For the Chief Executive Officer

19 December 2012
Katherine Berlin
Implementation & Assessment Branch, Nerang
(07) 5582 8327
1396-12-PC
PN307555/01/DA7
Application No: MCU201200768

UPDATED
VIEWABLE ☒

Ms Projects Pty Ltd
C/- Gassman Development Perspectives
PO BOX 999
BRISBANE QLD 4000

K6B.
19/12/12.



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Yours faithfully

Roger Sharpe
EXECUTIVE COORDINATOR PLANNING ASSESSMENT
For the Chief Executive Officer

RECOMMENDATION

It is recommended Council resolve:

Real Property Description	Lot 334 on SP193431
Address of Property	84 - 160 Christensen Road South, Stapylton
Area of Property	251,820m ²
Decision Type	Development Permit for a Material Change of Use (Code Assessment) to establish Industry Building Works, Operational Woks (Landscaping), Operational Works (Vegetation Clearing), Operational Works (Public Landscape Work), Operational Work (Advertising Device), Operational Work (Works for Infrastructure)
Further Development Permits	Plumbing and Drainage
Further Compliance Permits	None
Compliance Assessment required for documents or works	

NATURE OF DECISION

- A The applicant be notified as required under the *Sustainable Planning Act 2009* that under Delegated Authority the Manager of the Implementation & Assessment Branch approves the issue of a Development Permit for Material Change of Use for Industry, 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, stamped and returned to the applicant with this decision notice.

Plan No.	Rev.	Title	Date	Prepared by
A0003/P1	-	Site Areas Key Plans	26/11/2012	Artas Architects
A1200/P6	-	Floor Plan	26/11/2012	Artas Architects
A1201/P6	-	Level 1 Floor Plan	26/11/2012	Artas Architects
A2100/P4	-	Elevations	23/11/2012	Artas Architects
A2101/P3	-	Elevations (Office Building)	23/11/2012	Artas Architects
A2200/P5	-	Sections & Perspective Views	23/11/2012	Artas Architects

2 Amended plans/drawings to be submitted

- a Amended plans/drawings must be submitted generally in accordance with:

Plan No.	Rev.	Title	Date	Prepared by
A0002/P6	-	Site Plan	26/11/2012	Artas Architects

showing the following amendments:

- i Provide a pedestrian pathway that links from the main entry of the industrial building to the external footpath along Christensen Road South.
- ii Provide an additional site plan at an appropriate scale (greater than 1:750) reflecting the layout as shown on *Dwg. No. A002/P6* yet depicting the entire Lot 334 on SP193431. On the additional Lot scale site plan show the accurate location of the 'Open Space - Precinct 6' boundary consistent with the Yatala Enterprise Area *LAP Precinct Map 29.2* across the entire Lot 334 on SP193431. The Open Space – Precinct 6 environmental buffer/corridor shall be described as 'Public Open Space – Conservation Area' and dedicated to Council in accordance with Condition titled Transfer of Open Space.
- b The amended plans/drawings are to be submitted to Council for approval by the Chief Executive Officer prior to the earlier of:
 - i Issue of a development approval for reconfiguring a lot.
 - ii Issue of a development approval for operational work.
 - iii Issue of a development permit for the carrying out of building work.
 - iv Commencement of the use of the premises.
- 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.

3 Decision notice and approved plans/drawings to be submitted with subsequent application

A copy of this decision notice and accompanying stamped approved plans/drawings must be submitted with any building development application or operational works application relating to or arising from this development approval.

4 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.

5 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.

6 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).

CAR PARKING AND ACCESS

7 Off-street car parking facilities

Off-street car parking facilities must be designed, constructed and maintained to the satisfaction of the Chief Executive Officer and at no cost to Council, prior to the commencement of the use, the subject of the development approval and in accordance with the following:

- a The off-street car parking facilities (including landscaping) must be designed in accordance with:
 - i the plans/drawings referred to in this development approval; and
 - 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 facilities must be drained, sealed and line marked to a reasonable standard acceptable to a RPEQ qualified Engineer.

8 Off-street commercial vehicle facilities

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

- a The off-street commercial vehicle facilities must be designed in accordance with:
 - i the plans/drawings referred to in this development approval; and
 - ii AS2890.2-2002: 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.

9 Off-street bicycle parking

Off-street bicycle parking spaces must be provided on-site, prior to the commencement of the use of each stage, the subject of the development approval

and maintained to the satisfaction of the Chief Executive Officer, in accordance with the following:

- a AUSTROADS Guide to Traffic Engineering Practice (1999): Part 14 – Bicycles; and
- b AS2890.3-1993 – Parking Facilities – Part 3: Bicycle Parking Facilities.

10 Freely accessible car parking

All 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.

11 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.

12 Sight lines for pedestrian safety

At the egress from the site to Christensen Road South, clear sight lines must be maintained in accordance with Figure 3.3 – Minimum Sight Lines for Pedestrian Safety of Australian/New Zealand Standards AS/NZS AS2890.1-2004: Parking Facilities – Part 1: Off-Street Car Parking. The area within these sight triangles must be kept clear of all obstructions.

13 Signage and line marking

In addition to all signs and line marking required by Australian/New Zealand Standards AS/NZS 2890.1:2004 – Parking Facilities – Part 1: Off-Street Car Parking, the following must be installed prior to the commencement of the use, the subject of this development approval and maintained to the satisfaction of the Chief Executive Officer, at no cost to Council:

- a signage and line marking to mark car parking spaces which are provided for visitors to the site and disabled drivers.

14 Industrial/commercial driveways – gradients and geometry

- a Driveways within proposed industrial/commercial lots must comply with AS2890.2-2002: Parking Facilities – Part 2: Off-Street Commercial Vehicle Facilities.
- b Where the gradient of driveways exceeds 12.5%, safe pedestrian access facilities must be provided to Council's satisfaction (e.g. handrails, steps and/or cleats).
- c The section of driveway across the verge (referred to in Council's *Land Development Guidelines* as the 'Vehicular Crossing') must comply with *Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings* and requires a Vehicular Crossing licence (VXO) from Council prior to construction.

HEALTH AND REGULATORY SERVICES

15 Bulk bins – storage point – external

The bulk bin storage point/s must be located in accordance with Drawing No.A0002/P6 prepared by MS Projects (Reference No. 123018). The design and

construction of all storage points must comply with the requirements of section 11.3 of Council's *Solid Waste Management Guideline for New Developments (2011)* as detailed below:

- a Located at least five (5) metres from any door, window or fresh air intake within the development or any adjoining site;
- b Screened to ensure bins are not visible from passing vehicle and pedestrian traffic external to the site, or inhabitants of neighbouring properties;
- c Allow for at least an additional 0.5 metres clearance surrounding each container, or for the storage of multiple bins one (1) metre clearance around the combined bin area (whichever is the lesser);
- d Constructed hardstand area with a solid concrete base or acceptable equivalent;
- e Roofed and designed to prevent entry to rainwater;
- f Graded to fall to a drainage point within the storage point;
- g Drainage point to be connected to sewer in accordance with trade waste requirements;
- h Provided with a hosecock for cleaning the bins; and
- i Signed, well lit and easily accessible from within the development.

ADVERTISING DEVICES

16 Advertising device approval required

No advertising device is to be erected on the premises without the necessary development permit for operational work (advertising device) and/or approval under Council's *Local Law No. 16 (Licensing) and Subordinate Local Law 16.8 (Advertisement)*. The applicant should contact Council's Health, Regulatory & Lifeguard Services Branch on (07) 5581 6140 to discuss approval requirements.

PLUMBING AND DRAINAGE

17 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.

18 Application for compliance permit for fire services plumbing work required

The applicant must make an application to Council (Plumbing and Drainage Services) for a compliance permit for all fire services 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 be accompanied by a hydraulic design for all fire services within the property.

Information note:

Plumbing works for fire services must not be carried out until a compliance permit under the Plumbing and Drainage Act 2002 has been issued by Council for the works

19 Application for compliance permit for sewerage works required

The applicant must make an application to Council (Plumbing and Drainage Services) for a compliance permit for any regulated sewerage works 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 sewerage works within the property;
- b comply with Council's:
 - i *Trade Waste Policy*; and
 - ii *Trade Waste Pre-treatment Policy and Guidelines*); and
- c comply with Council's Waste Management Policy Relating to Refuse Requirements for Proposed and Existing Building Developments Within the City of Gold Coast dated January 1995.

Information note:

- *Sewerage 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.*
- *Plumbing and drainage approval is not an approval to discharge trade waste to Council's wastewater system. The generator of trade must complete an Application for Approval to Discharge Trade Waste to Council's Wastewater System (available on Council's website) prior to discharging any trade waste.*

VEGETATION MANAGEMENT

20 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 an DEHP-approved spotter-catcher together with any necessary fauna management plan or a QPWS-endorsed fauna translocation management plan.
- 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.

21 Management of vegetation within future Public Open Space

The applicant must ensure that all existing vegetation within the area identified as 'Public Open Space – Conservation Area' on the amended plans specified in Condition 1 of this development approval is managed during construction activities to avoid any of the following:

- a structural damage and/or compaction of the root plate of any existing trees;
- b filling of soil within the drip zone of vegetation;
- c impact on the long-term health of retained vegetation; and
- d disturbance to understorey vegetation and other natural habitat features.

OPEN SPACE

22 Transfer of open space

- a The applicant must transfer to Council the areas of public open space listed below, as identified on the plans indicated (subject to any amendments required by these conditions):

Purpose	Description on Plan	Plan Reference
Conservation Area	'Public Open Space – Conservation Area' consistent with the Open Space – Precinct 6 boundary of the Yatala Enterprise Area LAP <i>Precinct Map 29.2</i> across entire Lot 334 SP193431	Refer Amended plans/drawing to be submitted, Condition 1

- b The land identified in paragraph (a) must be transferred in fee simple as 'Public Open Space' to **Council of the City of Gold Coast as Trustee**.
- c Council will hold the land in trust for community infrastructure and may use the land, or permit the land to be used, for purposes that do not compromise the purpose for which the land is dedicated.
- d The applicant must lodge the transfer documents with Council at the same time as lodgement of the subdivision plans or, if no subdivision plans are required, prior to the commencement of the use.
- e Where subdivision plans are required, the applicant must provide Council with evidence of the transfer of the land identified in paragraph (a) within 30 days of

the registration of the subdivision plan that shows the entirety of the land identified in paragraph (a).

- f The transfer of the land to Council must be at no cost to Council.

23 Interface of developable area with public open space

All works associated with constructed batters, retaining walls and associated works on-site must be contained wholly within the developable area and must not encroach upon the adjoining public open space (Conservation Area).

24 Fencing of boundary between public open space and private land

- a Fences must be constructed at the interface of common boundaries between public open space and private land.
- b Such fencing must be a maximum height of 1.8 metres, a minimum height of 1.2 metres and be of an open style with a minimum 50% transparency.

25 Detailed landscape plans for public open space 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) addressing landscape works within the public road reserve fronting Christensen Road and ecological rehabilitation works within the 'Public Open Space - Conservation Area' (ecological buffer area) to Sandy Creek.
- 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 Provide locations for the retained vegetation;
 - iv Incorporate the compensatory / replacement vegetation into the landscape works for the site, in accordance with conditions of this approval;
 - v comply with Planning Scheme Policy 13 - Landscape Strategy Part 2 - Landscape Works Documentation Manual;
 - vi for works in the 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 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*; and
- vii for all public open space areas – comply with the following requirements:
 - A Compliance with Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings must be demonstrated;
 - B Details of all landscape works including new planting, rehabilitation works, built structures, stormwater treatment devices and wetland areas must be provided;
 - C All batters to public open space must be constructed to a slope no steeper than 1:6;
 - viii include detailed design drawings of the stormwater treatment train including any bioretention systems (if required by the conditions of this approval) which have been prepared in consultation with a Registered Professional Engineer Queensland (RPEQ) specialising in stormwater;
 - ix Incorporate a detailed ecological rehabilitation component for the area described as 'Public Open Space - Conservation Area' pursuant to Condition 1 of this approval. The ecological rehabilitation component shall:
 - A Be prepared in accordance with Appendix 1 (Guideline for the preparation of a Rehabilitation Plan) of Council's Open Space Management Guidelines: Guideline for the preparation of Reports and Plans associated with the dedication of Public Open Space (November 2007: Version 1);
 - B Adopt rehabilitation strategies and treatment measures recommended in South East Queensland Ecological Restoration Framework Code of Practice dated 2012 prepared by Chenoweth EPLA and Bushland Restoration Services;
 - C Provide specific details of '**assisted natural regeneration**' works only including:
 - i All weeding works required, full list of known weeds on site and how each weed can be adequately managed;
 - ii Schedules of works including frequency and tasks;
 - iii Allocation of labour and resources to perform tasks;
 - iv Nomination of key performance indicators/criteria for monitoring purposes (eg. All revegetation areas minimum 90% weed free, etc).
 - d The landscape works must be constructed, in accordance with the approved landscape plan, prior to the commencement of the use of the premises.

26 '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.

27 Establishment period for open space

- 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 of *Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings*.
- c Without limiting the obligations under section 6 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.

28 'On Maintenance' period for open space

- a Upon satisfactory completion of the 'Establishment' period and Council notifying the applicant that the public open space 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*.
- b Without limiting the obligations under section 6 of the *Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings*, the applicant, and not Council, is responsible for:
 - i Maintaining open space areas; and
 - ii For the rectification of defects and any damage that occurs, unless the damage is directly attributable to Council activities.

29 Preparation of maintenance management plan

- a A maintenance management plan ('MMP') for all land identified as 'Conservation Area' in the plans specified in Condition 1 (Transfer of open space) of this development approval must be prepared.
- b The MMP must be prepared by a suitably qualified professional.
- c The MMP must be drafted in accordance with Council's Open Space Management Guideline: Guideline for the preparation of Reports and Plans associated with the dedication of Public Open Space (November 2007, Version 1).
- d The MMP must be submitted and approved in conjunction with the Operational Works (Public Landscape) application.

HYDRAULICS

30 Compliance with stormwater management plan

- a The stormwater management plan being "Conceptual Stormwater Management Plan' Lot 334 SP193431 Building 9, 84 Christensen Road South, Stapylton, Revision A, Prepared by CR Consulting and Drafting Services, Dated 30 October 2012 is approved subject to the following amendments:
 - i Modify the alignment and configuration of 'Proposed Bioretention Basin 612m²' as shown on *Dwg 02041-B-01 Amendment A dated 21 November 2012* to ensure that all works associated with the construction of the bioretention basin remain outside the 'Public Open Space – Conservation Area'.
- b All works must be carried out and completed by the applicant/developer/owner of the subject property in accordance with the Council approved stormwater management plan.

31 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.

32 Legal point of discharge

- a The applicant must ensure that all stormwater drainage is directed to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual* Volume 1 Second Edition 2007 ('**QUDM**') Section 3.02.
- b Should the development be unable to satisfy the conditions of the first test of QUDM Section 3.02, the applicant must submit a detailed drainage plan to Council for approval prior to the issue of the development permit for carrying out building work, or if an application for carrying out building work is not required, prior to commencement of the use the subject of this approval.

33 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.

34 Maintenance of stormwater management devices

- a A stormwater quality improvement device (SQID) maintenance management plan must be prepared for the proposed device (bio-retention basin). The SQID maintenance management plan must be:
 - i Prepared by a Registered Professional Engineer Queensland (RPEQ) specialising in stormwater; and
 - ii Developed in accordance with Council's *Water Sensitive Urban Design Guidelines* (2007).
- b The legal authority of the development shall be responsible for monitoring and maintaining the stormwater management devices during both construction and operational phases at no cost to the Council.

35 Certification that stormwater management treatment train implemented

- a The applicant must submit to Council certification from a Registered Professional Engineer Queensland (RPEQ) specialising in hydraulics stating that the proposed stormwater management systems are properly installed and functioning in accordance with the approved storm water management plan.
- b The certification must be submitted to Council prior to commencement of use of the site.

EROSION AND SEDIMENT CONTROL

36 Erosion and sediment control

- a Sediment, erosion and dust control measures must be implemented in accordance with the *Best Practice Erosion & Sediment Control* (IECA Australasia, November 2008). Additional sediment, erosion and dust control measures must be implemented as directed by Council officers upon site inspection.
- b All lots must be adequately vegetated and action taken to prevent erosion from wind and/or water to the satisfaction of the Chief Executive Officer.
- c Immediately after backfilling behind all kerbing:
 - i A turf strip 1 metre wide must be placed behind all kerbing; and
 - ii A turf strip must be placed at 90 degrees to the kerb every 10 metres to prevent scouring along the turf edge,in accordance with Figure 2.5 (Application of Grassed Filter Strips down a slope) of the *Best Practice Erosion & Sediment Control* (IECA Australasia, November 2008).
- d 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%.
- e Sediment control structures (eg sediment fence) must be placed at the base of all materials imported on-site to trap any sediment runoff.
- f A perimeter bund and/or diversion drain must be constructed around the disturbed area to prevent any sediment laden stormwater from mixing with outside clear stormwater.
- g The following inspection program must be carried out until the site is fully rehabilitated:
 - i Regular inspections to ensure that adequate erosion control measures are in place and in good condition both during and after construction; and
 - ii Inspections after each storm event to assess the adequacy of the erosion control measures. The applicant must make good any damage or non-performing erosion control devices and clean up any sediment that has left the site or is on the roads within and external to the site.
- h 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.
- i All water from the site must be directed through a sediment pond prior to leaving the site. The sediment ponds or other approved devices are to be maintained in good condition until the site is fully rehabilitated.
- j Prior to discharging of any water from the site during construction, including dewatering discharge, the applicant must achieve the water quality objectives in Table 8.2.1 of the *Queensland Water Quality Guidelines* (DERM, September 2009).
- k Water quality must be monitored in accordance with Section 7.5 of the Best Practice Erosion & Sediment Control (IECA Australasia, November 2008) and compared with water quality objectives. A monitoring report must be prepared and retained at the site office and made available to Council's inspectors upon request. The applicant must notify Council's Contributed Asset Section and Department of Environment and Heritage Protection of any non-compliance to water quality objectives and the corrective actions taken by the applicant within 48 hours of the non-compliance.

37 Construction of sediment basin

- a The sediment basin(s) for construction phase must be designed in accordance with Appendix B of the Best Practice Erosion and Sediment Control (IECA Australasia, November 2008).
- b Each sediment basin must have the capacity to treat flows to current best practice standards and as a minimum must be designed to contain all the stormwater runoff from the 85th percentile 5 day rainfall depth and in addition be designed to store 2 months sediment from the receiving catchment, as determined using the Revised Universal Soil Loss Equation.
- c Sediment basins must be dewatered as soon as practicable after each rainfall event.
- d Sediment basins and associated structures such as inlets, outlets and spillways are designed and constructed to be structurally sound for 10 year ARI rainfall event under normal circumstances.
- e A high-flow bypass system must be included (if necessary) to prevent any potential re-suspension of accumulated sediment from the basin during major storm events.
- f Accumulated sediment from basins and other controls must be removed and disposed of appropriately without causing water contamination.

38 Inspections and reporting

- a All erosion and sediment control measures must be inspected on a weekly basis and following runoff events until the site is fully rehabilitated.
- b All drainage control structures such as Diversion Banks, Diversion Channels and Temporary Culvert Protections must be inspected daily to ensure they have not been damaged by machinery and are serviceable in readiness for the next rainfall event.
- c Where inspection indicates a non-conformance, a Non-Conformance Report must be generated. This report must include but not limited to the following:

- i Details of the nature and cause of non-conformance; and
- ii Details of the required corrective actions.

Corrective actions must be carried out within 24 hours where practicable or as agreed with the Construction Superintendent.

- d A monthly summary of Erosion and Sediment Control (ESC) performances must be compiled and retained at the site office and made available to Council's inspectors upon request. This report must include but not limited to the following:
 - i ESC Inspection Checklists;
 - ii Description of any incidents of non-conformance;
 - iii Results of corrective action; and
 - iv Revisions to the ESCP.

LANDSCAPE WORKS ON PRIVATE LAND

39 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: 1396 L LI 01A, Title: Statement of Landscape Intent, Date: 30-11-12, 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*.

40 The required landscaping plan must also demonstrate the following:

- a The frontage gardens must include dense plantings of tree species in 100 litre bag size; and
- 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*.

TELECOMMUNICATIONS

41 Telecommunications internal wiring – MCU development

The applicant must, prior to commencement of the use:

- a Provide internal wiring (minimum Category 6), to structured cabling standards as per the Australian Standard which applies at the time of installation, within all buildings the subject of this application.
- b Provide internal equipment spaces and cable pathways to allow future installation by NBN Co or their contractor, in accordance with the NBN Co building design guide that applies at the time of construction (currently *MDU Building Design Guide - New Developments - April 2011*).
www.nbnco.com.au/assets/documents/new-developments-mdu-building-design-requirements.pdf.
- c Provide certification to Council, from the authorised telecommunications carrier/contractor or suitably qualified Registered Professional Engineer Queensland (RPEQ), that the wiring required above has been installed in accordance with NBN requirements, the *Telecommunications Act 1997* and any other relevant legislation and standards.

WASTEWATER

42 Wastewater reticulation

- a The development must be connected to Council's reticulated wastewater system, prior to commencement of the use of the premises, at the applicant's cost.
- b The size of the wastewater property service connection shall be 150mm in accordance with *Gold Coast City Council's Land Development Guidelines, Standard Specifications and Drawings*.
- c The applicant is responsible for any external works necessary to connect to Council's live reticulation system.
- d Private wastewater 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 Land Development Guidelines.

43 Connection point

- a The existing 225mm main in Christensen Road South must be used as the connection point, unless otherwise approved by Gold Coast Water.
- b Wastewater must be discharged to Council's system via existing private pump station located within the development site until Council's permanent wastewater connection become available.

Advice Note: The landowner (Lot 334 on SP193431) is responsible for the ownership and maintenance of the local sewerage pump station located near Christensen Road South adjacent to this development.

44 Connections – arrangements with Gold Coast Water

All live connections to the existing wastewater main or a manhole (MH) are to be performed by Gold Coast Water at the applicant's cost. The applicant must liaise with Gold Coast Water's Network Reliability Branch (phone 5581 7564) to make arrangements for the connection and to obtain a quotation for the work.

WATER SUPPLY RETICULATION

45 Water supply reticulation (potable only)

- a The proposed development must be connected to Council's reticulated water system, prior to commencement of use of premises, at the applicant's cost.

- b The applicant is responsible for any external works necessary to connect to Council's live reticulation system.
- c Internal water reticulation works within the 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*.

46 Connection point

The existing 150mm main in Christensen Road South must be used as the potable water supply connection point, unless otherwise approved by Gold Coast Water.

47 Installation of property service, water meter box, and meters

The applicant must, prior to the commencement of use:

- a Provide, a property service and water meter box at the boundary of the property in accordance with *Gold Coast City Council Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings*; and
- b A complete property service connection that includes the meter installation and tapping of the main shall be installed by Gold Coast Water at the time of the building application and at the cost of the applicant.
- c All development shall comply with Clause 4.2.7 of Planning Scheme Policy 11- Land Development Guidelines.

48 Connections – arrangements with Gold Coast Water

Live connection to the existing water main is to be performed by Gold Coast Water at the applicant's cost. The applicant must liaise with Gold Coast Water's Network Reliability Branch (phone 5581 7564) to make arrangements for the connection (including to obtain a quotation for the work); and

49 Supply standard

The applicant must provide water supply to the standard specified in Section 4 and 7 of Gold Coast City Council's *Land Development Guidelines*.

50 Fire loading

Fire loading must not exceed 30L/s for commercial and industrial uses.

RAINWATER TANKS

51 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.

Information note:

The terms 'Commercial Building' and 'Non-residential Building' are defined in the code.

A notation is to be placed on Council's rate notice for the property, prior to the issue of a certificate of classification, that states:

- A rainwater tank is required to be installed on the premises in accordance with Condition of the decision notice;
- The owner must maintain the rainwater tank system in accordance with all relevant statutory requirements; and
- Council's Plumbing and Drainage inspectors may undertake a random and risk-based rainwater tank monitoring program involving compliance inspections.

ADVISORY NOTES TO APPLICANT

B 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.

C 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.

D 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.

E 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.

F 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.

G Obligation to ensure electrical safety

Under the *Electrical Safety Act 2002* you have an obligation to ensure your business or undertaking is conducted in an electrically safe way, whether or not it is electrical work.

If there is a reasonable likelihood that your work may cause a person, vehicle, operating plant or equipment to come into contact with an overhead electric line, you must consult with the person in control of powerlines.

Persons, vehicles, operating plant or equipment must stay outside the defined exclusion zone applicable to the powerline.

Information note:

An exclusion zone sets the minimum safe approach distance to the powerline.

Guidance on exclusion zones can be found in the Code of Practice - Working Near Exposed Live Parts issued by the Electrical Safety Office.

For further information, including codes of practice and legislation, either check the Department of Employment and Industrial Relations' web site – www.deir.qld.gov.au, or contact the Electrical Safety Office Info line – 1300 650 662.

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.