

29 November 2012

Kevin Travers
Implementation & Assessment Branch, Nerang
(07) 5582 8866

PN184540/01/DA6
Application No: MCU201200283

Amgrow Pty Ltd
C/- Gassman Developments Perspectives
PO BOX 392
BEENLEIGH QLD 4207



Dear Sir/Madam

DECISION NOTICE TO APPLICANT

Application Type: MATERIAL CHANGE OF USE (IMPACT ASSESSABLE) FOR AN EXTENSION TO AN EXISTING INDUSTRY AND WAREHOUSE

Property Description: Lot 240 on W31320

Property Location: 82 Christensen Road, Stapylton

I wish to advise that on 28 November 2012 the above application was resolved as outlined in the attached document. The conditions indicate whether the Assessment Manager or a Concurrence Agency imposed them.

The name and address of each Referral Agency is enclosed.

An extract from the *Sustainable Planning Act 2009*, which details your appeal rights, is attached.

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.

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.

Note: Please refer to the conditions of approval outlined in this Decision Notice 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.

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

Emma McGregor
SUPERVISING PLANNER
For the Chief Executive Officer

KT:VE

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

- a 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 2	11/4/2012	Multi Span 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:

- No increase in peak flow rates downstream from the site;
- No increase in flood levels external to the site; and
- 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

- 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.
- 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

- The applicant must ensure that:
 - Hydrocarbons and other waste captured by the gross pollutant trap are regularly removed by an appropriately licensed waste removal entity; and
 - 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

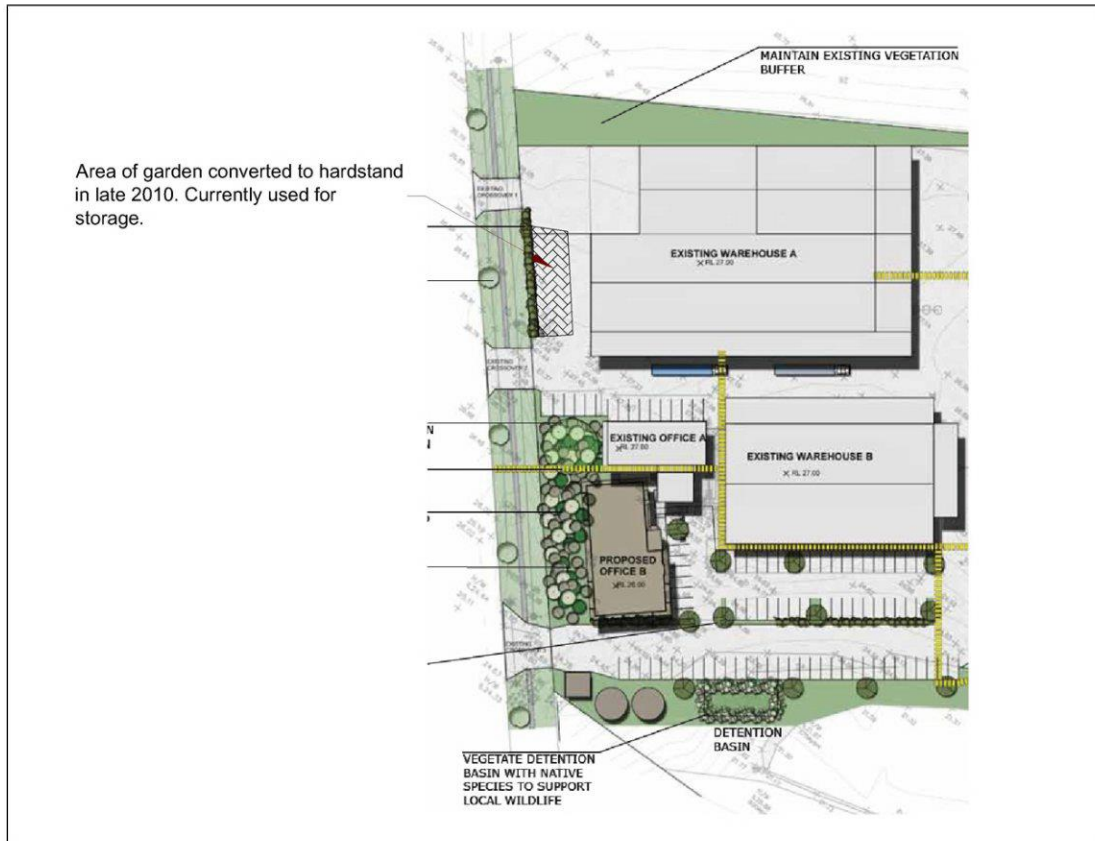


Figure 1 - Garden to Be Re-instated

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.

Sustainable Planning Act 2009

APPEAL RIGHTS TO A BUILDING AND DEVELOPMENT COMMITTEE FOR PARTICULAR MATERIAL CHANGES OF USE.

PLEASE REFER TO THE PREREQUISITES IN SECTIONS 519 AND 522 TO DETERMINE WHETHER YOU HAVE APPEAL RIGHTS TO A BUILDING AND DEVELOPMENT COMMITTEE.

519 Appeal by applicant—particular development application for material change of use of premises

- (1) This section applies to a development application if the application is only for a material change of use of premises that involves the use of a prescribed building.
- (2) However, this section does not apply to the development application if any part of the application required impact assessment and any properly made submissions were received by the assessment manager for the application.
- (3) The applicant for the development application may appeal to a building and development committee against any of the following—
 - (a) the refusal, or the refusal in part, of the application;
 - (b) any condition of the development approval and another matter, other than the identification or inclusion of a code under section 242, stated in the development approval;
 - (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 application.
- (4) An appeal under subsection (3)(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; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (5) An appeal under subsection (3)(e) may be started at any time after the last day a decision on the matter should have been made.

522 Appeal by applicant—condition of particular development approval

- (1) This section applies to a development application if—
 - (a) the application is only for a material change of use that involves the use of a building classified under the BCA as a class 2 building; and
 - (b) the proposed development is for premises of not more than 3 storeys; and
 - (c) the proposed development is for not more than 60 sole-occupancy units.

- (2) However, this section does not apply to the development application if any part of the application required impact assessment and any properly made submissions were received by the assessment manager for the application.
- (3) The applicant for the development application may appeal to a building and development committee against a condition of the development approval.
- (4) The appeal 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; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.

- (5) In this section—

sole-occupancy unit, in relation to a class 2 building, means a room or other part of the building used as a dwelling by a person to the exclusion of any other person.

storey means a space within a building between 2 floor levels, or a floor level and a ceiling or roof, other than—

- (a) a space containing only—
 - (i) a lift shaft, stairway or meter room; or
 - (ii) a bathroom, shower room, laundry, water closet or other sanitary compartment; or
 - (iii) accommodation for not more than 3 motor vehicles; or
 - (iv) a combination of any things mentioned in subparagraph (i), (ii) or (iii); or
- (b) a mezzanine.