

4 March 2013

Monique Anderson
City Development
(07) 5582 8866

PN163781/01/DA1
Application No: MCU201100650

Patricia Hester
C/- Gassman Development Perspectives
PO Box 392
BEENLEIGH QLD 4207



Dear Madam

DECISION NOTICE TO APPLICANT

Application Type: PRELIMINARY APPROVAL FOR MAKING A MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO OVERRIDE THE PLANNING SCHEME FOR INDUSTRY USES

Property Description: Lot 4 on RP6843 , Lot 1 on RP6882 , Lot 240 on W31320

Property Location: 31 Yellowood Road, 60 Stapylton Jacobs Well Road and 82 Christensen Road, Stapylton

I wish to advise that on 26 February 2013 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 submissions were received regarding this application. Submitters have appeal rights to the Planning and Environment Court in accordance with [section 462 of the Sustainable Planning Act 2009](#) and will be notified of this decision on completion of your appeal period.

If you do not appeal the decision, this Decision Notice may be taken to be the Development Approval and has effect upon completion of the submitters appeal period, or if the submitter appeals the decision, when the appeal is finally decided. To trigger the commencement of the submitters appeal period, you may wish to notify Gold Coast City Council in writing that the decision is accepted without dispute and that you will not exercise any right of appeal to the Court in respect of this decision

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

Michael Moran
ACTING SUPERVISING PLANNER
For the Chief Executive Officer

MA:AM

Yours faithfully

COMMITTEE RECOMMENDATION CP13.0220.006

That Council resolve:

Real Property Description	Lot 4 on RP6843, Lot 1 on RP6882 and Lot 240 on W31320
Address of Property	31 Yellowwood Road, 60 Stapylton Jacobs Well Road and 82 Christensen Road, Stapylton
Area of Property	771,610m²
Decision Type	Preliminary Approval for making a Material Change of Use to override the Planning Scheme for Industry Uses
Further Development Permits	Operational Works
Further Compliance Permits	Nil
Compliance Assessment required for documents or works	Covenant Area Management Plan and Open Space Management Plan

NATURE OF DECISION

A Council approves:

1 The issue of a preliminary approval for a material change of use for Industry landuses;

2 The following variations to the effect of the planning scheme:

a Type of assessment

The following tables of development vary the effect of Section A/B/C/D/E/F/G of the Yatala Enterprise Area Local Area Plan Table of Development for determining the type of assessment for the approved material change of use and operational work relating to the approved material change of use:

A: Material Change of Use

Exempt	Self Assessable	Code Assessable	Impact Assessable
Precinct A (Low Impact and Service Industry)			
Agriculture	Café	Bulk Garden Supplies	Motor Vehicle Repairs n.e.i
Animal Husbandry	Car Park	Caretakers Residence	Salvage Yard
Conservation (natural area management)	Convenience Shop	Estate Sales Office	Service Station
Low-Impact Telecommunications Facility	Low Impact Industry	Family Accommodation	Transport Terminal
	Milk Depot		
	Service Industry	Food Industry	

Minor Change in the scale or intensity of an existing lawful use	Take-Away Food Premises	Industry	
Park	Temporary Use	Manufacturer's Shop	
Public Utility	Warehouse	Outdoor Storage Area	
		Rural Industry	
		Telecommunications Facilities n.e.i.	

Precinct B (General Impact Business and Industry)			
Agriculture	Café	Bulk Garden Supplies	Motor Vehicle Repairs n.e.i
Animal Husbandry	Car Park	Caretakers Residence	Salvage Yard
Conservation (natural area management)	Convenience Shop	Food Industry	Service Station
Low-Impact Telecommunications Facility	Industry	Rural Industry	
Minor Change in the scale or intensity of an existing lawful use	Low Impact Industry	Telecommunications Facilities n.e.i.	
Park	Manufacturer's Shop	Transport Terminal	
Public Utility	Milk Depot		
	Outdoor Storage Area		
	Service Industry		
	Take-Away Food Premises		
	Temporary Use		
	Warehouse		

Precinct C (Limited General Impact Business and Industry)			
Agriculture	Car Park	Bulk Garden Supplies	Café
Animal Husbandry	Industry	Caretakers Residence	Convenience Shop
Conservation (natural area management)	Low Impact Industry	Rural Industry	Food Industry
Low-Impact Telecommunications	Manufacturer's Shop	Telecommunications	Milk Depot
			Motor Vehicle

Facility Minor Change in the scale or intensity of an existing lawful use Park Public Utility	Outdoor Storage Area Service Industry Temporary Use Warehouse	Facilities n.e.i Transport Terminal	Repairs n.e.i Salvage Yard Service Station Take-Away Food Premises
Precinct D (Open Space/Reserve)			
Conservation (natural area management) Low-Impact Telecommunications Facility Minor Change in the scale or intensity of an existing lawful use Park Public Utility	Temporary Use	Telecommunications Facility n.e.i	Agriculture

B: OPERATIONAL WORKS - CHANGE TO GROUND LEVEL

Exempt	Self Assessable	Code Assessable	Impact Assessable
Operational Work that involves extraction, excavation or fill that:			
		Exceeds a volume of 100 cubic metres of fill or excavation, or is closer than 20 metres from the allotment boundary and is within or adjoins an allotment containing places, sites, or landscapes of indigenous cultural heritage significance listed on the Queensland Heritage Register – Cultural Records (Landscapes Queensland and Queensland Estate) Act 1987;	

		OR is located on land which is the subject of a native title claim; OR Is located on land that is known to the owner and/or the developer to be of indigenous cultural heritage value	
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C: OPERATIONAL WORKS - ADVERTISING DEVICE

Exempt	Self Assessable	Code Assessable	Impact Assessable
	Advertising Device that is: a) not illuminated, nor animated, and where the total area of signage per street frontage does not exceed the following for each precinct: Precinct A:20 m² b) not on land with frontage to an arterial road or any State controlled road	Advertising Devices n.e.i.	

D: OPERATIONAL WORKS - INFRASTRUCTURE AND LANDSCAPE WORK

Exempt	Self Assessable	Code Assessable	Impact Assessable
Minor Landscape Work		Landscape Work n.e.i. Works for Infrastructure	

E: OPERATIONAL WORKS - VEGETATION CLEARING

Exempt	Self Assessable	Code Assessable	Impact Assessable
Precinct A and B and C (Low Impact and Service Industry, General Impact Business and Industry and Limited General Impact Business and Industry)			
	Results in the removal of, or damage to, vegetation that is equal to, or in excess of, 40 centimetres in girth (circumference) measured at 1.3 metres above average ground level, and complies with the Acceptable Solutions of Specific Development Code 36 – Vegetation Management; OR Results in the removal of, or damage to, vegetation that is equal to, or in excess of, four metres in height, and complies with the Acceptable Solutions of Specific Development Code 36 – Vegetation Management.	Results in the removal of, or damage to, vegetation that is equal to, or in excess of, 40 centimetres in girth (circumference) measured at 1.3 metres above average ground level, and provides an alternative solution to the Acceptable Solutions of Specific Development Code 36 – Vegetation Management; OR Results in the removal of, or damage to, vegetation that is equal to, or in excess of, four metres in height, and provides an alternative solution to the Acceptable Solutions of Specific Development Code 36 – Vegetation Management; or Results in the removal of, or damage to the existing wedge-tailed eagles nest (<i>Aquila audax</i>) in the north eastern corner of Precinct C, which is not in accordance with the vegetation removal requirements detailed in the approved relocation plan required by the conditions of this Development Permit.	

F: RECONFIGURATION OF A LOT

Exempt	Self Assessable	Code Assessable	Impact Assessable
Precinct A and B (Low Impact and Service Industry and General Impact Business and Industry)			
		Results in no lots with an area less than 4,000m ² ;	

		OR Entails only a Community Title Subdivision (including Standard Format Plan and/or Volumetric Lots), or a Volumetric Lot within a building, or a leasehold subdivision of an existing approved development	
Precinct C (Limited General Impact business and Industry)			
		Results in no lots with an area less than 10,000m ² .	
Precinct D (Open Space/Reserve)			
		Results in no lots with an area less than 20 hectares; OR Entails only a Community Title Subdivision (including Standard Format Plans and/or Volumetric Lots), or a Volumetric Lot within a building, or a leasehold subdivision of an existing or approved development.	

b Codes varying the effect of the planning scheme

Subject to the amendments listed in this Decision Notice, the following code varies the effect of the planning scheme code/s listed for the approved material change of use:

New Code	Existing code varied by new code
Generations Industrial Park Place Code	Yatala Enterprise Area Local Area Plan

c The Preliminary Approval pursuant to section 242 of SPA 2009 does not seek to override any further Specific Development Codes or Constraint Codes of the Gold Coast Planning Scheme 2003, version 1.2.

B The conditions that attach to this preliminary approval are as follows:

APPROVED PLANS/DRAWINGS/DOCUMENTS

1 Amended plans/drawings/documents to be submitted

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

Plan No.	Title	Date	Prepared by
5093 P 00 12A	Landuse Classification and Staging Plan	06/11/2012	Gassman Development Perspectives
N/A	Generations Industrial Park Place Code	November 2012	Gassman Development Perspectives

Showing the following amendments to the Landuse Classification and Staging Plan;

- i Demonstrate the provision of a reserve area 20metres wide for the length of the eastern property boundary. This area is to be labelled as 'Covenant Area' on the Landuse Classification and Staging Plan;
- ii Demonstrate the provision of a minimum ten (10) metre wide buffer for the length of the western property boundary of Precinct A and six (6) metres wide for the entire length of the subject site adjoining the Stapylton Jacobs Well Road frontage;
- iii Include a notation on the Landuse Classification and Staging Plan that states 'the landscaped buffer areas shall be established and maintained for the life of the development. No building works are to occur within the landscape buffer areas unless otherwise approved by the Chief Executive Officer;'
- iv Include a notation on the Landuse Classification and Staging Plan that states 'roadworks and land dedication associated with Road 1, Christensen Road, Eastern Service Road and Christensen Road South will be subject to the detailed design for Stage 4 of the development;'
- v Include a notation on the Landuse Classification and Staging Plan that states 'lot access on the southern side of Christensen Road South is subject to further evaluation and approval following the detailed design of roadworks in Stage 4 of the development;'
- vi Delete the reference to 'completion year;'
- vii Include a notation on the plan that states 'development within Precinct C shall not occur until all other development within the remaining area of the Generations Industrial Park is exhausted.'

Showing the following amendments to the Generations Industrial Park Place Code:

- viii The inclusion of the words 'Any use, not listed in Table A Material Change of Use Table of Development, should be considered undesirable or inappropriate in the Precinct to which the Table of Development applies. Any Material Change of Use not individually listed in the relevant Table of Development will be treated as an Impact Assessable development';
- ix The inclusion of the words 'Development within Precinct C shall not occur until all other development within the remaining area of the Generations Industrial Park is exhausted';

- x The inclusion of the following within the Precinct A Place Code Intent statement of the Generations Industrial Park Place Code:
 - A 'Strict building and operational restrictions, including building design, building construction and hours of operation and delivery and collection activities, apply to development within Precinct A. The 10metre wide landscaped buffer to be established along the western property boundary of Precinct A shall be established to minimise the potential detrimental impacts of development within Precinct A on the adjoining residential development;'
- xi Deletion of the reference to Service Station from the Low Impact Industry definitions within the section 3.3 of the Generations Industrial Park Place Code;
- xii Deletion of the reference to 'Dangerous Goods' from the Low Impact Industry definitions within section 3.3 of the Generations Industrial Park Place Code;
- xiii The deletion of 'Family Accommodation' from the Table of Development as such a use is not considered appropriate;
- xiv The deletion of Detached Dwelling, Working from Home, Low Rise Commercial tourist Accommodation, Child Care Centres and Ecotourism Facility Specific Development Codes from the 'Relevant Code' tables listed in the Generations Industrial Park Place Code;
- xv Amend within section 6.3 Development Requirements, to include a new Acceptable Solution in association with PC4 that states that 'buildings shall be setback 50 metres from the adjoining property boundary of the Stapylton Landfill.' The 50 metres shall be inclusive of the vegetated buffer area adjoining the eastern property boundary;
- xvi Amend within section 6.3 Development Requirements, Acceptable Solution AS4.3 to replace the reference to dot-points with lettering;
- xvii Amend within section 6.3 Development Requirements, to include a new Acceptable Solution and associated Performance Criteria for Development that is self assessable, code assessable or impact assessable. The AS is to state 'For development located within Precinct C an Environmental Management Plan (EMP) has been prepared and approved by Council and the development complies with the requirements of the EMP. The EMP is to be prepared in accordance with the Planning Scheme Policy 10 – Guidelines for Preparing Management Plans and Plans of Development.' The associated PC is to state 'The environmental mitigation methods for the development as detailed within an Environmental Management Plan must take into account and seek to ameliorate any negative aspects of the existing amenity of the local area having regard, but not limited, to the impact of noise, hours of operation, visual amenity, odour, emissions and dust';
- xviii Amend within section 6.3 Development Requirements, Acceptable Solution AS21.6 of the Generations Code to reference a twenty (20) metre wide north-south buffer;
- xix Amend within section 6.3 Development Requirements, Acceptable Solution AS28 to state that the minimum area for subdivision within Precinct C is one (1) hectare;
- xx Amend within section 6.3 Development Requirements, to include an additional Acceptable Solution in relation to Performance Criteria PC28 to state 'The number of allotments and tenancies located within Precinct C is minimised';

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- xxi Amend within section 6.3 Development Requirements, Performance Criteria PC28 to include the statement 'The number of allotments within Precinct C is controlled to minimise the number of premises exposed to any environmental nuisance from the nearby landfill and associated heavy industrial uses';
 - xxii Amend within section 6.3 Development Requirements, Performance Criteria PC43 to include reference to dust and vibration;
 - xxiii Include within section 6.3 Development Requirements, for development that is self assessable, code assessable or impact assessable, under the heading of 'Refuse Facilities' a Performance Criteria that states 'Refuse facilities must be provided on site to service the needs of the development' and corresponding Acceptable Solutions that state as follows:
 - A 'Provision is made for the storage of refuse on site and access for the removal of refuse in accordance with 'Solid Waste Management Policy for New Developments;'
 - B 'The refuse storage area is not less than three metres to the frontage of the site and not less than 1.5 metres from any other site boundary;'
 - C 'The refuse storage area is enclosed on three sides, with a screen wall extending 0.2 metres above the height of the refuse receptacles;'
 - D 'The refuse storage area is effectively screened from view with landscaping.'
 - xxiv Include within section 6.3 Development Requirements, for development that is self assessable, code assessable or impact assessable, an Acceptable Solution that states that 'the building design and construction of development within Precinct A shall be in accordance with the approved Acoustic Report prepared by TTM Group dated 20 April 2011 (reference: 34418 R03)' and a corresponding Performance Criteria that states that 'All buildings within Precinct A must be acoustically treated, to minimise nuisance to the adjoining and surrounding residential development;'
 - xxv Include within section 6.3 Development Requirements, for development that is self assessable, code assessable or impact assessable, an Acceptable Solution that states that 'the hours of operation and the delivery and collection activities for development within Precinct A are restricted to between 7:00am and 8:00pm Monday to Friday' or to the satisfaction of the Chief Executive Officer and a corresponding Performance Criteria that states that 'All activities within Precinct A must be undertaken within appropriate hours, to minimise nuisance to the adjoining and surrounding residential development'.
- 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 Compliance assessment of the subdivision plan.
 - 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 Staged construction of development

- a Subject to the changes required by Condition 1 within section B of this Decision Notice, the stages as shown on the following plan are approved (subject to the relevant Operational Works approvals):
 - i Landuse Classification and Staging Plan, drawing 5093 P 00 12A, dated 06/11/2012 and prepared by Gassman Development Perspectives.
- b The construction of the development must be in sequence of the stages shown on the approved staging plan.
- c Development within Precinct C shall not occur until all other development within the remaining area of the Generations Industrial Park is exhausted.
- d Any subsequent proposed amendments to the approved staging plan (including sequence of development must be approved by the Chief Executive Officer.)

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 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.

ADVERTISING

5 Advertising device

No advertising device is to be placed on the premises without the necessary development permit for operational work (advertising device) and/or approval under Council's Local Law No. 16 (Licensing) 2008 and Subordinate Local Law No. 16.8 (Advertisement) 2008. The Applicant should contact Council's Health, Regulatory and Lifeguard Services Branch on (07) 5581 6668 to discuss approval requirements.

AMENITY

6 No nuisance from lighting

All lighting devices must be positioned on the premises and shielded to the satisfaction of the Chief Executive Officer so as not to cause glare or other nuisance to surrounding development and motorists

7 Restricted paint colours

Buildings and structures must not be painted in highly reflective, bright or obtrusive colours.

8 Location of equipment and ventilation/air-condition units

All service equipment, mechanical ventilation and air-condition units associated with the use of the premises must be installed and located to the satisfaction of the Chief Executive Officer so as not to cause nuisance or disturbance to persons outside the curtilage of the premises.

CITY TRANSPORT

9 Staged development

Subject to the changes required by Condition 1 within section B of this Decision Notice the stages as shown on Proposal Plan / Staging Plan: 5093 P00 12A, Land Use Classification and Staging Plan, dated 06/11/12 and prepared by Gassman Development Perspectives are approved for the purposes of construction (subject to the relevant Operational Work approvals) and compliance assessment of subdivision plans, subject to the following requirements:

- a The future 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 The construction of any approved operational works (including provision of "as constructed" information) and compliance assessment of subdivision plans must be in the sequence (i.e. order) of the stages shown on the approved staging plan. To be clear, the subdivision plan for stage 1 must be approved by Council before (or at the same time as) the stage 2 subdivision plan, and so on.
- c Subdivision plans must correspond to the stages as shown on the approved staging plan.
- d Any subsequent proposed amendments to the stage boundaries or the sequence of development must be first approved by Council as a change to the reconfiguration of a lot development approval and any operational work development approval.

10 Roadworks Design (Stage 4)

Prior to the issue of any development approval for Stage 4, detailed design for roadworks must be submitted for the following:

- a the upgrade of Christensen Road and Christensen Road South;
- b the intersection of Christensen Road and proposed Road 1;
- c the intersection of Christensen Road and the Eastern Service Road;
- d the re-prioritisation of the intersection of Christensen Road and Christensen Road South.

The designed works must be supported by a Traffic Impact Assessment Report, and must be completed at no cost to Council and to the satisfaction of the Chief Executive Officer.

Advice Note: Any identified roadworks supported by Council will be conditioned for construction as part of future development applications associated with Stage 4.

11 Land dedication for road widening

Land must be dedicated to Council for road widening purposes. All land to be dedicated to Council must be completed at no cost to Council and to the satisfaction of the Chief Executive Officer, the timing of which will be determined as part of each subsequent application.

ACID SULFATE SOILS AND GROUNDWATER

12 Approved acid sulfate soil management plan must be complied with

- a All works must be undertaken with due regard to the possibility of encountering acid sulfate soils.

- b The applicant must comply with the approved acid sulfate soil management plan, being Acid Sulfate Soil investigation, Lot 1 on RP 6882 and Lot 240 on W31320 Stapylton Jacobs Well Road and Christensen Road, Stapylton, prepared by ADG consulting and dated August 2011, in the carrying out of works and in the testing, treatment and management of acid sulfate soils.

VEGETATION MANAGEMENT

13 Staged tree clearing

Tree clearing onsite must be staged in accordance with the approved staging development plan as required by Condition no.1 of this Decision Notice.

14 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 (i.e. decision notice or letter of approval)):

- a The approved MCU layout plan.
- b The approved bushfire management plan/site specific Bushfire Hazard letter.
- c Plans clearly identifying which vegetation is proposed to be removed and which vegetation is proposed to be retained.
- d A letter from an EPA-approved spotter-catcher together with any necessary fauna management plan or a QPWS-endorsed fauna translocation management plan.
- e A sediment and erosion control and construction management plan.

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

- i 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
- ii 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.

LANDSCAPING

15 Detailed landscape plan to be submitted for approval relating to landscape buffers within Stage 2

- a In relation to the landscape buffer ten (10) metres wide for the length of the western property boundary of Precinct A and six (6) metres wide for the entire length of the subject site adjoining the Stapylton Jacobs Well Road frontage, the applicant must submit to Council for approval a detailed landscape plan, by making a development application for operational work (landscape work).

- b Approval of proposed landscape work (adjoining Precinct A) must be obtained prior to the commencement of works relating to Stage 2 of this development. These approved landscape work must be constructed prior to the commencement of use of any part of Stage 2 of this development.
- 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 Be in general accordance with the Statement of Landscape Intent, being drawing 5093 L LI 03 pages 1-3, Landscape Intent, dated 01/11/12 and prepared 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.
- d The required landscaping plan must demonstrate
 - i A landscape buffer ten (10) metres wide for the length of the western property boundary of Precinct A and six (6) metres wide for the entire length of the subject site adjoining the Stapylton Jacobs Well Road frontage; and
 - ii That the buffers contain dense tree planting to soften and screen the development.

COVENANT AREA – PROHIBITED ACTIVITIES, MANAGEMENT AND COVENANT

16 Covenant Area – prohibited activities

The area described as 'Covenant Area' on amended plan required by Condition 1 of this Decision Notice, is for the purpose of preserving native plants and animals. Within the Covenant Area, the following activities must not be undertaken:

- a Clearing, lopping or removal of any native plants, whether existing at the date of this approval or planted pursuant to conditions of this approval;
- b Erection of any fixtures or improvements, including buildings or structures;
- c Construction of any trails or paths;
- d Depositing of any fill, soil, rock, rubbish, ashes, garbage, waste or other material foreign to the protected area;
- e Keeping or permitting the entry of domestic animals or any other animals that are not indigenous to the Covenant Area; and
- f Performance of any other acts which may have detrimental impact on the values of the Covenant Area.

17 Preparation of Covenant Area management plan

A covenant management plan must be prepared, detailing all management measures and monitoring to be undertaken in the Covenant Area for the life of the development and the use of the premises so as to ensure the preservation of the environmental integrity of the Covenant Area. The covenant management plan must include the following information:

- a Description of the approved development including a plan showing the location of the covenant areas.
- b Purpose of the document relating to relevant conditions of approval.

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- c A description of how the document is to be read, including the purpose of the covenant area and general requirements at each phase of the development (i.e. developer's and landowners' responsibilities as covenantor).
 - d Detailed descriptions for the covenant areas including:
 - i Topography;
 - ii Waterways, flow paths, gullies;
 - iii Vegetation communities and significant species;
 - iv Fauna habitat and significant species; and
 - v Other significant features.
 - e Requirements to be fulfilled by the developer (as covenantor) as to the following:
 - i Prohibited and permitted actions during construction;
 - ii Infrastructure requirements (including essential, unavoidable services, stormwater etc);
 - iii Rehabilitation, including summaries of rehabilitation activities (based on the approved Rehabilitation Plan and/or Landscaping Plans) 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);
 - iv Maintenance requirements including activities, timeframes and standards to be achieved prior to off-maintenance in accordance with relevant sections of 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);
 - v Monitoring details including baseline data/photographs; and
 - vi Compliance/certification.
 - f Requirements to be fulfilled by landowners (as covenantors) as to the following:
 - i Purpose of the covenant;
 - ii Prohibited and permitted actions/activities;
 - iii Detailed landowner requirements and responsibilities; and
 - iv Detailed methods relating to maintenance and enhancement of the covenant area, including weed removal methods, revegetation methods and species lists, monitoring requirements and useful resources and contacts.
 - g General information, including:
 - i Duration of requirements / responsibilities;
 - ii Information on who to contact for approvals for any activities required that are not permitted within the covenant area;
 - iii Baseline data; and
 - iv Checklists for Council (as the covenantee) to assess compliance with the covenant (including remedial actions for non-compliance).
 - h The covenant management plan must include and be consistent with:
 - i The approved management and rehabilitation plans for the site and the Covenant Area, including any amendments to those plans required by the conditions of this approval;

- ii Any stormwater quality management components within the Covenant Area; and
- iii Full details of any approved landscape plans for the Covenant Area.

18 Compliance assessment of covenant area management plan

The covenant management plan is a document requiring compliance assessment under the *Sustainable Planning Act 2009*. A request for compliance assessment must be made in accordance with the *Sustainable Planning Act 2009* for a compliance certificate approving the document, in accordance with the following:

Matters or things against which the document must be assessed	The planning scheme's: • Conservation Domain Place Code; • Natural Wetland Areas and Natural Waterways Constraint Code; and • Nature Conservation Constraint Code.
Compliance assessor	Gold Coast City Council
When the request for compliance assessment must be made	Before the earlier of: • A development application for operational work (inclusive of change to ground level, works for infrastructure, vegetation clearing/tree works or landscape work) within Precinct C; or • Any works commencing within Precinct C.

The covenant management plan is not an approved plan until a compliance certificate has been issued in respect of it.

19 Compliance certificate with future operational work development applications

A copy of the compliance certificate for the covenant management plan must be provided with any future operational work development applications within Precinct C.

20 Ongoing compliance with the approved covenant management plan

The management measures and monitoring required by the approved covenant management plan and any conditions imposed on the compliance certificate must be complied with for the life of the development and the use of the premises.

21 Amendment of the covenant management plan

The covenant management plan may be amended with the written agreement of Council but only if the amendment:

- a Is consistent with the purpose of the covenant (being the statutory covenant required to be registered pursuant to the conditions of this approval);
- b Does not alter the covenant area; and
- c Does not add or remove a party to the covenant.

22 Covenant Area – statutory covenant to be registered

At the same time as the lodgement of the subdivision plans for Precinct C, or if no subdivision plans are required, prior to the commencement of the use within Precinct C, an instrument of covenant must be registered on the title/s of the lot/s which contain/s the Covenant Area. The following requirements must be complied with in the preparation and lodgement of the instrument of covenant:

- a The applicant is responsible for the preparation of the instrument of covenant and any necessary subdivision plan to enable registration of the covenant and for lodgement of the covenant for registration.
- b The instrument must be in a form capable of registration pursuant to section 97A(3)(b) of the Land Title Act 1994.
- c The Covenant Area must be shown and identified as a 'Covenant Area' on the face of the subdivision plan in addition to any covenant descriptor (e.g. Covenant 'A').
- d Council's standard covenant (Dealing number 711772071) must be used and the applicant must provide a draft of the covenant to Council for written approval.
- e The parties to the covenant are to be the registered owner of the lot (as covenantor) and the Council (as covenantee).
- f The instrument must include a purpose statement that articulates:
 - i That the covenantor acknowledges that the Covenant Area contains native plants and habitat for native animals that should be preserved;
 - ii That the covenant is aimed at directly preserving those features; and
 - iii That to ensure the Covenant Area and its values are preserved, it is critical that activities within the Covenant Area are limited and managed to ensure native plants, native animals, their habitat, & associated values are preserved.
- g The instrument must expressly set out, in full, as obligations of the covenantor each of the individual requirements set out in Condition 2
- h If the instrument is requisitioned or refused registration by the Registrar of Titles, the applicant shall amend the document to include a covenant/s which, as nearly as practicable, addresses the objective sought to be achieved by this condition. A draft of the amended document is to be provided to Council for written approval.
- i The applicant must provide Council with evidence of the registration of the covenant within 30 days of the registration of the subdivision plan that shows the Covenant Area.

23 Covenant Area - rehabilitation

The applicant must undertake and complete all rehabilitation works within the Covenant Area in accordance with these conditions of approval.

OPEN SPACE

24 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	Area D – Open Space/Reserve	Land Use Classification and Staging Plan, Drawing 5093 P 0012A, prepared by Gassman Development Perspectives and dated 06/11/2012.

- 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 any use within Stage 4 of this development.
- 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.

OPEN SPACE MANAGEMENT PLAN

25 Preparation of open space management plan (OSMP) to be submitted for approval addressing all areas of land to be transferred to Council as public open space

- a An Open Space Management Plan ('OSMP') must be prepared, addressing all areas of land to be transferred to Council, specifically the area of land south of Christensen Road to be dedicated to Council as public open space.
- b The OSMP must be submitted and approved by the Chief Executive Officer prior to the approval of any development permit for operational works (change to ground level, bulk earthworks, tree works, landscaping, whichever comes first) within Stage 4 of this development. The OSMP is not an approved report until a Council approved letter has been issued in respect of it.
- c The OSMP must be prepared by a suitably qualified professional and must be:
 - i 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); and
 - ii Generally in accordance with:
 - A The approved reconfiguration layout (including any amendments required by these conditions).
 - B Relevant conditions of approval.
- d The submitted OSMP must demonstrate compliance with the Open Space requirements in Section 6 of the Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings and must address the following site-specific issue:
 - i Detail a rehabilitated sixty (60) metre buffer from the high bank of Sandy Creek.

26 Compliance assessment of OSMP

The OSMP is a document requiring compliance assessment under the Sustainable Planning Act 2009. A request for compliance assessment must be made in accordance with the Sustainable Planning Act 2009 for a compliance certificate approving the document, in accordance with the following:

Matters or things against which the document must be assessed	• The planning scheme's Landscape Works Specific Development Code; • The planning scheme's Vegetation Management Specific Development Code; • The planning scheme's Bushfire Management Areas Constraint Code; • The planning scheme's Canals and Waterways Constraint Code; • The planning scheme's Cultural Heritage (Indigenous) Constraint Code; • The planning scheme's Natural Wetland Areas and Natural Waterways Constraint Code; • The planning scheme's Nature Conservation Constraint Code; • Policy 10 – Guidelines for Preparing Management Plans and Plans of Development; • Planning Scheme Policy 11 – Land Development Guidelines; • Planning Scheme Policy 17 – Site Analysis; and • 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).
Compliance assessor	Gold Coast City Council
When the request for compliance assessment must be made	Prior to the approval of any development applications for operational work (inclusive of change to ground level, works for infrastructure, vegetation clearing or landscape work) for Stage 4.

The OSMP is not an approved report until a compliance certificate has been issued in respect of it.

27 Compliance certificate with future operational work development applications

A copy of compliance certificate for the OSMP must be provided with any future operational work development applications for Stage 4.

28 Compliance with OSMP prior to acceptance of open space 'On Maintenance'

- a All works specified in the OSMP and any conditions imposed on the compliance certificate must be carried out in accordance with the approved plan at no cost to Council and to the satisfaction of the Chief Executive Officer, prior to Council accepting the open space 'On Maintenance' in accordance with Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings.
- b The applicant must provide certification from a qualified professional that all works in the approved OSMP and associated design drawings have been implemented on-site in accordance with the OSMP and the conditions of approval as stated on the compliance certificate approving the OSMP. This certification must be provided to the Council prior to accepting the works 'On Maintenance'.

29 Revegetation to use Local Provenance Stock

- a All revegetation for the purposes of ecological rehabilitation and restoration must be undertaken using only local provenance plant stock in accordance with Appendix 1A of Open Space Management Guideline: Guideline for the preparation of Reports and Plans associated with the dedication of Public Open Space (November 2007, Version 1).
- b Unless otherwise approved to the satisfaction of the Chief Executive Officer, local provenance plant stock is to be sourced from seed or vegetative material located no further than 10 kilometres from the subject site.

ACOUSTICS

30 Acoustic report

- a The development must be designed and constructed in accordance with the recommendations outlined in 7.1 of the approved acoustic report prepared by 'TTM Group', dated 20 April 2011 (Ref: 34418 R03 Hester Land Stapylton Acoustic Report.doc).
- b Any alteration to the design or construction of the development that prevents the recommendations of the approved acoustic report being implemented will require an amended acoustic report to be submitted and approved by Council prior to Building Approval.

31 Acoustic barrier

A continuous line of buildings adjacent to the full extent of the western property boundary adjoining the residential development as per Figure 4 of the approved acoustic report prepared by 'TTM Group', dated 20 April 2011 (Ref: 34418 R03 Hester Land Stapylton Acoustic Report.doc) is to be provided ensuring the following treatment is incorporated:

- a Buildings to be a minimum 5m high;
- b No gaps to be present between buildings;
- c Buildings to be constructed of solid concrete or masonry with a minimum thickness of 100mm;
- d No openings (other than emergency doors) are to be located on the western façade facing the residential properties. Any doors are to be a minimum 45mm thick solid core door with a minimum density of 25kg/m² with acoustic gasket seals around the top and sides and a seal the base;

- e Insulation blanket is to be installed in the roof of the buildings with a minimum thickness of 75mm;
- f Any penetrations through the western building façade should be acoustically treated to ensure the acoustic rating is maintained; and
- g Any alteration to the design or construction of the development that prevents the above recommendations being implemented will require an amended acoustic report to be submitted and approved by Council prior to Building Approval.

32 Landscape buffer

A minimum ten (10) metre wide buffer is to be provided along the length of the western property boundary of Precinct A in accordance with the submitted Statement of Landscape Intent, being drawing 5093 L LI 03 pages 1-3, Landscape Intent, dated 01/11/12 and prepared by Gassman Development Perspectives.

33 Certificate of Compliance

Prior to occupation of any premise within Precinct A of the development, a Certificate of Compliance from a suitably qualified acoustic professional is to be provided so as to confirm that buildings have been constructed in accordance Section 7.1 and Figure 4 of the approved acoustic report, prepared by 'TTM Group' and dated 20 April 2011 (Ref: 34418 R03 Hester Land Stapylton Acoustic Report.doc).

34 An acoustic report required for future MCU (Code and Impact Assessable) development applications within Precinct A

An acoustic report must be submitted and approved by Council for all future Material Change of Use (Code and Impact Assessable) development applications within Precinct A.

- a The report must detail:
 - i The expected impact of noise from mechanical plant and equipment from buildings within Precinct A on nearby noise sensitive dwellings;
 - ii An assessment conducted in accordance with AS1055.1-3: 1997 Acoustics – Description and Measurement of Environmental Noise and the Environmental Protection Act 1994 and Subordinate Regulations and Policies; and
 - iii The required control measures to ensure compliance with the relevant noise level criteria.
- b The development must be designed and constructed in accordance with any recommendations of the approved acoustic report and any other conditions imposed in the approval of the report.

35 Hours of operation within Precinct A

Hours of operation within Precinct A are restricted to between 7:00am and 8:00pm Monday to Friday or to the satisfaction of the Chief Executive Officer.

36 Delivery and Collection Activities within Precinct A

Delivery and collection activities within Precinct A are restricted to between 7:00am and 8:00pm Monday to Friday or to the satisfaction of the Chief Executive Officer.

HYDRAULICS AND STORMWATER MANAGEMENT

37 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.

38 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.

39 Certification of earthworks compliance with hydraulic report

Immediately after completion of the bulk earthworks, the applicant must submit to Council a certification from a Registered Professional Engineer Queensland (RPEQ) specialising in hydraulics stating that the bulk earthworks comply with Section 4 of the approved report, being 'Generations Industrial Park – Stormwater Management Plan', dated 20 June 2012 and prepared by Hyder Consulting Pty Ltd and no loss of flood plain storage has occurred as a result of the earthworks. The certification must be accompanied by calculations and as constructed data that:

- a Includes existing and proposed triangulated surface meshes which can be produced by computer terrain modelling software packages such as Civil-Cad, 12D or KEAYS; and
- b Has been compared with the pre-development surface levels to ensure that no loss of floodplain storage has occurred.

40 Use of land for flood storage purposes only

The part of Lot 4 on RP6843 that is identified as Excavation below RL8.6m AHD in Figure 4.6 (Compensatory Excavation for Flood Storage Volume Balance) of the stormwater management report, being 'Generations Industrial Park – Stormwater Management Plan', dated 20 June 2012 and prepared by Hyder Consulting Pty Ltd must be used solely for the purposes of flood storage/conveyance and not be used for any purposes that involve the construction of any building, structures or earthworks. This obligation applies independently of any registered covenant.

41 Flood storage covenant

Prior to the earlier of compliance assessment of the subdivision plan or the commencement of the use of the premises, an instrument of covenant must be registered on the title/s of the lot/s. The following requirements must be complied with in the preparation and lodgement of the instrument of covenant:

- a The applicant is responsible for the preparation of the instrument of covenant and any necessary subdivision plan to enable registration of the covenant and for lodgement of the covenant for registration.
- b The instrument must be in a form capable of registration pursuant to section 97A(3)(a) of the Land Title Act 1994.
- c The part of Lot 4 on RP6843 that is identified as Excavation below RL8.6m AHD in Figure 4.6 (Compensatory Excavation for Flood Storage Volume Balance) of the stormwater management report, being 'Generations Industrial Park – Stormwater Management Plan', dated 20 June 2012 and prepared by Hyder Consulting Pty Ltd must be shown and identified as a 'Flood Covenant Area' on the face of the subdivision plan in addition to any covenant descriptor (e.g. Covenant 'A').
- d The applicant must provide a draft of the covenant to Council for written approval.

- e The parties to the covenant are to be the registered owner of the lot (as covenantor) and the Council (as covenantee).
- f The instrument must include a purpose statement that articulates:
 - i That the covenantor acknowledges that the Flood Covenant Area contributes to the existing flood storage capacity of the floodplain and watercourse system, as well as maintaining existing flood conveyance capacity of the watercourse system; and
 - ii That to ensure the flood storage/flood conveyance function of the Flood Covenant Area is not adversely affected, it is critical the Flood Covenant Area be used solely for the purposes of flood storage/conveyance and not be used for any purposes that involve the construction of any building, structures or earthworks.
- g The instrument must expressly set out in full as obligations of the covenantor that:
 - i The Flood Covenant Area must be used for the purpose of flood storage/conveyance; and
 - ii The Flood Covenant Area must not be used for any purposes involving buildings, structures or earthworks that result in a loss of flood plain storage or conveyance capacity (cross sectional area) of the watercourse.
- h If the instrument is requisitioned or refused registration by the Registrar of Titles, the applicant shall amend the document to include a covenant/s which, as nearly as practicable, addresses the objective sought to be achieved by this condition. A draft of the amended document is to be provided to Council for written approval.

42 Amendment of and compliance with stormwater management plan

- a The submitted stormwater management plan, being 'Generations Industrial Park – Stormwater Management Plan', dated 20 June 2012 and prepared by Hyder Consulting Pty Ltd, is approved, subject to the following amendments:
 - i GPTs must be selected in accordance with Section 13.12.2.2 of the Council's Land Development Guidelines (GCCC, 2007).
 - ii Pollutant removal efficiency of GPTs must not be higher than the Council's acceptable value 50% TSS, 20% TP and no removal of TN. The applicant must provide additional bioretention basin/swale if requires to achieve the Council's pollutant load reduction target (80% TSS, 60% TP, 45% TN and 90% GP).
- b All works must be carried out and completed and all maintenance and monitoring implemented by the applicant in accordance with the amended stormwater management plan, prior to a request for compliance assessment of the subdivision plan or, if no subdivision plan is required, prior to the commencement of the use of the premises.

43 Certification that stormwater management treatment train implemented

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

44 SQIDs maintenance management plan

In accordance with Vol 3 (Section 13) of the Land Development Guidelines, the applicant must submit to Council for approval, before Council will accept the works 'On Maintenance', a SQID Maintenance Management Plan (MMP) that is:

- a prepared by a Registered Professional Engineer Queensland (RPEQ) specialising in stormwater; and
- b developed in accordance with Council's Water Sensitive Urban Design Guidelines (2007), and with reference to the Water by Design document "Maintaining Vegetated Stormwater Assets" Version 1 February 2012.

The MMP should be a concise document suitable for use by field staff in carrying out day-to-day maintenance activities. The MMP must include, but not necessarily be limited to, the following key information:

- i Design intent and description of the device(s)
- ii The location and specific dimensions of the device(s)
- iii Approved / designed water quality objectives
- iv Water quality monitoring procedures
- v Monitoring frequency
- vi Specifications and procedures for device(s) maintenance
- vii Plant and equipment access details for maintenance activities
- viii Maintenance activity schedule defining frequency, area (m²) per maintenance zone, hours, staff, plant and equipment, approximate costs per rotation, and per annum
- ix Performance indicators / intervention levels / triggers for reactive maintenance
- x Any necessary preventative maintenance measures
- xi Acceptable solutions for specific items, i.e. acceptable plant species substitutions based on availability, hydraulic conductivity, water quality objectives, etc
- xii Defined maintenance zones, i.e. shallow water zone – 350m², ephemeral planting zone – 600m², etc (for wetlands in particular)
- xiii Approximate lifecycle maintenance costs

Prior to acceptance for 'Off Maintenance' the applicant must submit a report to Council providing details of water quality performance monitoring including any recommendations or corrective action taken throughout the maintenance / defects liability period ('On Maintenance').

Information note:

The term Stormwater Quality Improvement Devices (SQID) is used to describe all built WSUD features, e.g. grassed swales, gross pollutant traps and various basins (detention, retention and sedimentation, etc).

EROSION AND SEDIMENT CONTROL

45 Erosion and sediment control

- a Sediment, erosion and dust control measures must be implemented generally in accordance with the approved report, being "Generations Industrial Park – Stormwater Management Plan" dated 20 June 2012 prepared by Hyder Consulting Pty Ltd and 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 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).
- 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 (e.g. sediment fence) must be placed at the base of all materials imported on-site to trap any sediment runoff.
- e 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.
- f 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.
- g All water from the site, including dewatering discharge, 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.
- h 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).

- i 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 Environmental and Resource Management of any non-compliance to water quality objectives and the corrective actions taken by the applicant within 48 hours of the non-compliance.
- j Water quality samples must be collected monthly during the first rainfall event of greater than 25mm in 24 hours. The sampling frequency shall be increased to fortnightly in case of any non-compliance to the construction phase water quality objectives until the above water quality objectives are achieved through additional corrective measures.

46 Construction of sediment basin

- a The sediment basin(s) proposed 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.

47 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.

48 Detailed design and certification of erosion and sediment control measures

- a The development application for operational work (change to ground level and/or works for infrastructure) must be accompanied by site specific detailed design of erosion & sediment control measures, including (but not limited to) details of:
 - i Catchment boundary and overland flow path;
 - ii Estimated soil loss from each catchment;
 - iii Length, width and depth of each sediment basin;
 - iv Spillway details and levels;
 - v Energy dissipation/scour protection;
 - vi High flow bypass (if requires);
 - vii Value of each parameter used in the calculation of soil loss and volume of sediment basins;
 - viii Cross section, capacity and spacing of each catch/diversion drain;
 - ix Spacing of silt fences;
 - x Frequency and location of water quality monitoring;
 - xi Maintenance requirements and frequencies;
 - xii Maintenance access; and
 - xiii Contingency measures in case of failure to achieve the water quality objectives.
- b The applicant must also submit a certification from a qualified professional confirming that the above detailed drawings are prepared in accordance with the Best Practice Erosion & Sediment Control (IECA Australasia, November 2008) and best industry practices.

GEOTECHNICAL

49 Geotechnical report to be complied with

All future earthworks over the subject site must be designed following the advice and recommendations of the geotechnical report, being 'Broad Geotechnical Assessment, Proposed Industrial Development, Lot 1 on RP6882 and Lot 240 on W31320, Stapylton Jacobs Well Road and Christensen Road, Stapylton', prepared by Morrison Geotechnic Pty Ltd, Job No. GE11/002 and dated February 2011.

50 Retaining structures design

- a Retaining structures and associated footings must be designed 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 over the subject site must not exceed 5.0 metres in height.
- 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.

51 Cut and fill batters design

- a Cut/fill batters must be constructed in accordance with section 3.2.7 of Planning Scheme Policy 11 - Land Development Guidelines, Standard Specifications and Drawings.
- b All platforms resulting from cutting/filling must have a minimum slope of 1 in 150 and comply with Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings for drainage of allotments to the street.
- c Benching is required where any proposed freestanding batter height exceeds 2.5 metres. The minimum width of benching must be 1 metre with a minimum slope of 1 in 100 towards the lower face. The absolute maximum height of any freestanding cut/fill batter with benching is 5 metres.

WASTEWATER

52 Reduced infiltration gravity wastewater reticulation

The development must be connected to reduced infiltration gravity wastewater reticulation by gravity solution, at the applicant's cost.

53 General wastewater servicing arrangement

Unless otherwise determined by Gold Coast Water, the wastewater servicing arrangements shall be generally in accordance with the following:

- a Connect part of Stage 1 that naturally drains to Pump Station BE45, to BE45, via De Bortoli Street;
- b Connect the remaining part of Stage 1 and part of Stage 2 that naturally drains to the proposed new pump station (refer to drawing no.C028-AA003837-04 dated 15/6/2012 prepared by Hyder Consulting) located near Stapylton-Jacobs Well Road;
- c The balance of Stage 2, Stage 3 and Stage 4 shall gravitate into Council's future wastewater network;
- d The balance of Stage 2 and Stage 3 shall gravitate into Stage 4 (no pump station is permitted); and
- e A temporary pump station sited in Stage 4 may be permitted where the wastewater network in Christensen Road remains unavailable (the wastewater network in Christensen Road serving lot 334 on SP193431 is serviced by a private pump station and therefore not currently available).

54 Connection point

The applicant must submit to Gold Coast Water and obtain approval prior to making any development application for a Development Permit or Building Work:

- a Pump Station BE45 catchment (part of Stage 1):
 - i Demonstrate development can be connected by gravity to BE45,
- b Proposed new pump station near Stapylton-Jacobs Well Road (balance of Stage 1 and part of Stage 2 that's drains to this new pump station):

- i Demonstrate that downstream wastewater infrastructure has sufficient capacity to accommodate the new wastewater pump station;
 - ii Demonstrate an ability to deliver the new wastewater pump station in time to service the proposed development.
- c Long Term Strategy (balance of Stage 2, Stage 3 and Stage 4):
 - i Demonstrate that balance of Stage 2 and Stage 3 gravitate to Stage 4; and
 - ii Demonstrate that downstream wastewater infrastructure has sufficient capacity to accommodate the development.

Note: The development is out of sequence in respect of wastewater services. The wastewater network scenario may change as a result of the future planning of the Beenleigh, Stapylton and Pimpama Wastewater Treatment plants. The applicant is advised to liaise with Gold Coast Water.

55 Wastewater reticulation schematic plan

- a The applicant must submit to Gold Coast Water a wastewater reticulation schematic plan for the proposed development that:
 - i Demonstrates how the development is to be connected to Council's wastewater network,
 - ii Provides the following details:
 - A Average and peak weather flows;
 - B Emergency storage;
 - C Septicity and odour; and
 - D Pump duty points.
 - iii Makes allowance for any external catchments that may drain through the subject site; and
 - iv Accommodates the extension of the wastewater main to the upstream property boundary to provide for future wastewater connectivity of the upstream external catchment.
- b The applicant must obtain Gold Coast Water approval of the wastewater reticulation schematic plan prior to making any development application for a Development Permit or Building Work.

56 Wastewater pump stations

Wastewater pump stations, rising main and emergency storage must be designed and constructed in accordance with Council's Policy 11 – Land Development Guidelines standards, at no cost to Council and are to:

- a Provide legal access to the pump station,
- b Provide a separate electrical power,
- c Provide a separate water service and meter.

57 Location and transfer of wastewater pump station land

The site of any wastewater pump station and associated access driveways, that will be owned and maintained by Council, must be transferred, in freehold and at the applicant's cost, at the earlier of making an application for Building Work, request for a compliance assessment for a Development Permit or prior to the commencement of the use.

58 Completion of external wastewater connections

All external wastewater connections (including the completion of all infrastructure downstream of the development site to the point of connection and approved augmentation works) must be completed in accordance with engineering plans approved by Council prior to the earlier of making an application for Building Work, request for a compliance assessment for a Development Permit or commencement of the use of the premises.

59 Connections – arrangements with Gold Coast Water

All live connections are to be performed by Gold Coast Water at the applicant's cost. The applicant must liaise with Gold Coast Water's Field Services and Construction Branch (phone 5581 7564) to make arrangements for the connection and to obtain a quotation for the work.

60 No building work over/within Council's wastewater infrastructure easements and minimum distance from Gold Coast Water infrastructure

- a No structure or building work is permitted over/within any public utility easements (Gold Coast Water/Council).
- b All proposed buildings and structures must be located a minimum distance of 2 metres from Gold Coast Water infrastructure (i.e. Water or wastewater infrastructure that become contributed assets) and comply with Gold Coast City Council Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings.

WATER SUPPLY RETICULATION

61 Dual water supply reticulation (potable and recycled)

The development must be connected to Council's dual water reticulation system (potable and recycled supply) at the applicant's cost.

62 Design, construction and standard of water supply reticulation

The design, construction and standard of the required water supply reticulation infrastructure to be carried out by the applicant (including all water supply reticulation infrastructure to be dedicated to Council) must be in accordance with Gold Coast City Council Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings.

63 Connection point

- a The existing 225mm main in Stapylton Jacobs Wall Road must be used as the potable water supply connection point, unless otherwise approved by Gold Coast Water.
- b The development site must be connected to Council's recycled water reticulation system when it becomes available for connections at no cost to Council.
- c The development site must provide a cross-connection between the potable and recycled water systems at the applicant's cost.
- d The applicant must submit to Gold Coast Water and obtain approval for a cross-connection.

64 Water reticulation schematic plan and network analysis

- a The applicant must submit to Gold Coast Water and obtain approval of a potable and recycled water reticulation schematic plan and network analysis of the overall development prior to the earlier of the making of any development applications for Operational Work (works for infrastructure) or for Plumbing and Drainage Work.
- b In preparing the plan/analysis, the applicant must liaise with Gold Coast Water to ensure appropriate allowance is made for connectivity with external mains and external demands.

65 Installation of property service, dual water meter box and meters

The applicant must, prior to a request for compliance assessment of the overall development:

- a Provide property service and dual water meter box at the boundary of the development site 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 the Council the time of the building application and at the cost of the applicant.
- c All development shall comply with Clause 4.2.7 of Gold Coast City Council Planning Scheme Policy 11 – Land Development Guidelines.

66 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.

67 Fire loading

Fire loading must not exceed 30L/s for commercial and industrial uses, unless otherwise approved by Gold Coast Water.

68 Rainwater tanks – dual reticulated water supply regions

To achieve water savings targets in dual reticulated water supply regions 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.

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

REFERRAL AGENCY CONDITIONS

69 Concurrence agency conditions

The applicant must comply with the conditions set out in the attached correspondence from the following concurrence agencies:

- a Concurrence Agency – Department of Natural Resources and Mines – Referral Agency Reference 5093-10-BG/BJW, dated 14 August 2012; and
Concurrence Agency – Department of Transport and Main Roads – Referral Agency Reference TMR11-000540, dated 22 November 2012.

FAUNA MANAGEMENT

70 Relocation of active Wedge-tailed eagles nest within Precinct C

Prior to any clearing within Precinct C, a relocation program shall be developed by the applicant, lodged with Council and approved by Council for the relocation of the active wedge-tailed eagles nest (*Aquila audax*) located within the north eastern

corner of Precinct C. The program shall detail the specific requirements for the relocation of the nest into the adjoining eastern boundary environmental covenant area. All works shall occur in accordance with the requirements of the relocation program and in liaison with Councils Environmental Planning section.

Please note, a relocation pole of similar height and dimension to the existing nesting tree will be required.

ADVISORY NOTES TO APPLICANT

C 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 Natural Resources and Mines (Previously Department of Environment and Resource Management)	Permit and Licence Management GPO BOX 2454 BRISBANE QLD 4001	Concurrence and Advice Agency – For the purposes of the Vegetation Management Act and for the purposes of the Environmental Protection Act
Department of Transport and Main Roads	South Coast Region Land Management PO BOX 442 NERANG QLD 4211	Concurrence Agency – for the purposes of the Transport Infrastructure Act
Department of State Development Infrastructure and Planning	PO BOX 15009 CITY EAST QLD 4002	Concurrence Agency – for the purposes of the Act

D Properly made submissions

There were properly made submissions about the application. The name and address of the principal submitter for each properly made submission is attached to the decision notice.

E 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.

Submitters who made properly made submissions have a right of appeal to the Planning and Environment Court regarding this decision, pursuant to section 462 of the Sustainable Planning Act 2009. A copy of that section is attached to the decision notice.

F 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.

G 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.

H 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.

I Infrastructure charges

Infrastructure charges have not been calculated or imposed for this Material Change of Use, as it is a Preliminary Approval under Section 242 of the Sustainable Planning Act 2009. Infrastructure charges will be assessed and charged at the time of subsequent development permit/s for Material Change of Use or Building Work.

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

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- (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.