

OUR REF:5093

COUNCIL REF: MCU2011006550, PN163781/01/DA1

5th October 2016

Chief Executive Officer
Gold Coast City Council
PO Box 5042
GOLD COAST MC QLD. 9729

Attention: Monique Anderson

Dear Monique

RE: REQUEST TO EXTEND THE RELEVANT PERIOD PURSUANT TO SECTION 383 OF THE SUSTAINABLE PLANNING ACT 2009

PROPERTY: NO.30 YELLOWOOD ROAD, STAPYLTON, NO.60 STAPYLTON JACOBS WELL ROAD, STAPYLTON & NO.82 CHRISTENSEN ROAD, STAPYLTON (LOT 4 ON RP6843, LOT 1 ON RP6882 & LOT 240 ON W31320)

On behalf of the Applicant, Patricia and William Hester, we hereby submit a request for an extension to the relevant period, pursuant to Section 383 of the *Sustainable Planning Act 2009*, for the Preliminary Approval for making a Material Change of Use (Impact Assessment) to override the Planning Scheme for Industry Uses at the abovementioned property.

The applicant is seeking an extension of the relevant period as the current approval period for only a four (4) year commencement period, lapsing 4 May 2017, and does not allow for the development timeframes envisioned, due to the significant scale of the project and economic climate.

As Council would be aware most Preliminary Approvals of this nature normally allow for a ten (10) year commencement period, however, in this instance the approval was silent, no condition placed on the approval.

The applicant feels that an extension to the approval period by an additional six (6) years would be a reasonable and acceptable timeframe.

The following documents have been attached as part of the correspondence:

- Council Fee for \$3,387.00 (maximum prescribed fee);
- Council's 'Request to change and/or extend an existing development approval' form;
- Copy of letter to SARA as notification of the request; and
- Copy of Decision Notice.

We await Council's favourable determination, and if you have any queries please do not hesitate to contact the undersigned.

Yours faithfully,

GASSMAN DEVELOPMENT PERSPECTIVES



Barry Craddock
Senior Town Planner

Attachment 1

GCCC Form

Council of the City of Gold Coast

Request to change and / or extend an existing development approval

Planning and Environment
Planning Assessment
City Development
PO Box 5042 GOLD COAST MC QLD 9729
P: (07) 5582 8866 F: (07) 5596 3653
W: cityofgoldcoast.com.au

Please use BLOCK LETTERS and complete all details in full

Privacy statement

Council of the City of Gold Coast (Council) is collecting your personal information in accordance with *Sustainable Planning Act 2009* in order to help assess your application. The information will only be used by authorised Council officers for the purpose of assessment, statistical reporting, and ensuring our records are accurate. Your information will not be given to any other person or agency unless you have given us permission or we are required by law.

Use this form process:

- If the original application was decided by Council (and not by the relevant Minister); and
- If you are seeking to amend a condition or the relevant period imposed by the Council (and not by a concurrence agency).

Request type (Please select)	
An extension to the relevant period before an approval lapses (s383 SPA)	☒
A permissible change to the development approval (s369 SPA)	☐
A pre-request response notice (s368 SPA)	☐

Applicant details			
Name	Patricia & William Hester		
Postal address	C/ Gassman Development Perspectives PO Box 392, Beenleigh Qld 4207		
Primary phone	07 3807 3333	Alternative phone	
Facsimile		Email	bcraddock@gassman.com.au

Property details			
Lot number	4 1 240	Registered plan number	RP6843 RP6882 W31320
Property address	No.31 Yellowwood Road, Stapylton No.60 Stapylton Jacobs Well Road, Stapylton No.82 Christensen Road, Stapylton		
Existing approval number	MCU201100650		
Date of approval	6 May 2013		
The City's reference file number	PN163781/01/DA1		

Details of existing approval (Please select)			
Development permit	Environmentally relevant activity	Material change of use	☒
Operational works	Preliminary approval	Reconfiguration of lot	☒

Fees

The fees for this application can be found on the last page of this form.

These fees are in accordance with Councils regulatory fees and non-regulatory charges in place at time of lodgement. A copy of the Councils regulatory fees and non-regulatory charges can be found on the website cityofgoldcoast.com.au

Payment Options	
Business partner account (BP)	
Business partner name	Business partner number
Cash, cheque or credit card at any of Council's branch offices. For branch office locations and operating hours, please refer to	

Office use only			
Date received		Fee paid	
Received by		Receipt number	
Business partner name		Account number	
Business partner number		AMS code	

Council's website.

Please be advised that payments by credit card will incur a surcharge of 0.60%.

Cheque or money order may be posted to Council's post office box address as above. Please ensure that you provide adequate reference details or attachments to allow the cheque to be appropriately receipted.

Details of the request

Condition number	Not Applicable
------------------	----------------

Description of requested change to condition	Not Applicable
--	----------------

Justification for change

The Approval did not specify by way of condition a date for the lapsing of the approval, therefore reverts to the statutory timeframes.

As with most Preliminary Approvals of this nature, a condition is normally placed on the approval stating a set date, on or around a ten (10) year timeframe.

The request is to extend the relevant period for a further six (6) years to enable a realistic timeframe, given the scale and nature of the proposed development and economic climate.

Condition number	
------------------	--

Description of requested change to condition	
--	--

Justification for change

(Please provide reasoning)

Condition number	
------------------	--

Description of requested change to condition	
--	--

Justification for change

(Please provide reasoning)

Condition number	
------------------	--

Description of requested change to condition	
--	--

Justification for change

(Please provide reasoning)

Details of the request

Please provide any relevant history of the application and the request for permissible change or extension to the relevant period

(Please provide reasoning)

Preliminary Approval for making a Material Change of Use to override the Planning Scheme for Industry Use.**Council Reference: MCU201100650****Application No. PN163781/01/DA1****Original Decision Notice dated 26 February 2013.****Negotiated Decision Notice dated 6 May 2013.****Resource owners agreement**If an application for the existing approval was being lodged now, would evidence be required to support the application because it involved taking or interfering with State-owned resource? (refer to s370 (3) (4) of the *Sustainable Planning Act 2009*)

Yes



No

If yes – the written agreement of the chief executive from whom evidence would need to be obtained under the *Sustainable Planning Act 2009*, s264 (1). must be attached**Details are pre-request response notice**Has a pre-request response notice been issued from a referral agency in relation to this approval in accordance with s368 of the *Sustainable Planning Act 2009*

Yes



No

If Yes

Details of pre-request response notice

Date of Notice

Concurrence agencies

Were there one or more concurrence agencies involved in the original approval?



Yes

No

If Yes

Concurrence Agencies

(Use a separate row for each agency)

Department of Transport & Main Roads

Department Natural Resources & Mines

Department of State Development, Infrastructure and Planning

Has the applicant sent a copy of the request to the concurrence agency?

No - you will be issued with an Incorrectly Lodged Notice (s372)

Yes – please attach evidence of referral



Yes

No

Attachments and information

What attachments and supporting information accompanies this application?

Description of the attachment or information (e.g. *Notice to concurrence agencies, declaration re owners consent, reports*)Title and date (if applicable) (e.g. *James Street Traffic Report*)

Covering letter

SARA referral letter

Is the information for a request for permissible change or extension to the relevant period being provided in accordance with the *Sustainable Planning Act 2009* (SPA)**Permissible Change**

Section 370 of SPA requires the person requesting a permissible change to fill out the relevant Council forms (this form) accompanied by:

- the fee for the request
- a copy of any pre-request response notice (from a concurrence agency) relevant to the request (refer to question 9); and
- evidence to show the person making the request has referred the application to all concurrence agencies, if applicable (refer to question 10).

*Note: Council cannot commence with the request until section 370 of SPA has been complied with;***Extension of the Relevant Period**

Section 383(3) of SPA required the person requesting an extension of the relevant period to fill out the relevant Council forms (this form) which is to be accompanied by:

- the fee for the request; and
- evidence to show the person making the request has referred the application to all concurrence agencies, if applicable (refer to question 10).

Note: Council cannot commence with the request until section 383 of SPA has been complied with;

Owners consent

Name of all owner/s of the land Patricia Ann and William Arthur Hester

Declaration

I/ We, the owner/s of the land, consent to the making of this request

Name	Signature	Date

Or

- ☒ I confirm the owner/s consent is not required in accordance with s371 of the *Sustainable Planning Act 2009 (SPA)*

If ticked, please confirm why owners consent is not required:

- ☒ The person making the request is the owner of the land; or
- Acquisition land acquired by entity, e.g. Council or State land; or
- Approval is for building work or operational work for supply of community infrastructure on land designated for the community infrastructure; or
- Request relates to operational works approval only; or
- Consent being unreasonably withheld and change does not materially affect the owner's land; or
- Not practicable to obtain all owners' consent and does not materially affect the owners' land.

Applicants declaration

By making this request I declare that:

- The information provided in this form is complete and correct
- I have read the privacy notice

Please Note: A request for permissible change may lead to a change in the relevant infrastructure charges

Signature  Date 5 October 2016

***Section 367 of the Sustainable Planning Act (2009) defines a permissible change for a development approval as:**

(1) A **permissible change**, for a development approval, is a change to the approval that would not -

- (a) result in a substantially different development; or
- (b) if the application for the approval were remade including the change -
 - (i) require referral to additional concurrence agencies; or
 - (ii) for an approval for assessable development that previously did not require impact assessment—require impact assessment; or
- (c) for an approval for assessable development that previously required impact assessment—be likely, in the responsible entity's opinion, to cause a person to make a properly made submission objecting to the proposed change, if the circumstances allowed; or
- (d) cause development to which the approval relates to include any prohibited development.

Notes

- Applications can be lodged at a Customer Service Centre or mailed to Council, accompanied by a cheque.
- Applications are not accepted via email.

Customer Service Centres where you may choose to lodge your application

City of Gold Coast Customer Service Centres are open from 8.15am to 4.30pm, Monday to Friday

Broadbeach office - 61 Sunshine Boulevard, Mermaid Waters

Bundall - 8-10 Karp Court, Bundall

Burleigh Heads office - Park Avenue, Burleigh Heads

Coolangatta office - Showcase on the Beach, Griffith Street Coolangatta

Helensvale office - Corner Lindfield Road and Sir John Overall Drive, Helensvale

Nerang - 833 Southport Nerang Road, Nerang

Palm Beach office - 26 Eleventh Avenue, Palm Beach

Southport office - 47 Nerang Street, Southport

Upper Coomera office - 90 Reserve Road (corner Reserve and Abraham Roads), Upper Coomera

Fees

Fee name	[✓] please tick applicable fee(s)	Account number	Amount
Material Change of Use and Reconfiguration of a Lot applications			
	Request to change development application – minor change (as defined in SPA)	99096	\$608.00
	Request to change development application (other)	99096	Fee amount is 20% of current application fee (up to a maximum of \$14,228.00).
	Request to extend development approval (SPAs383) (MCU/ROL). Includes pre-request response notice (s368 SPA)	90280	20% of current land use application fee (up to a maximum of \$14,228.00).
	Request to change development approval (SPA s369). Minor change (not defined by SPA) - Change that affects up to three contiguous lots within a ROL approval - Change to conditions based on plan references - Amendment to a building envelope (up to three lots)	99096	\$979.00
✓	Request to extend development approval (SPA s383)	99096	Fee amount is 20% of the current land use application fee (up to a maximum of \$3387.00).
	Request for negotiated decision	99096	Fee amount is 20% of current land use application fee (up to a maximum of \$14,228.00).
Operational Works Application			
	Request to change approved operational works civil engineering drawings	99098	20% of current operational works application fee (up to a maximum of \$864.00).
	Request to extend relevant period for operational works civil engineering drawings	98468	
	Request to change approved operational works associated building works	99098	
	Request to extend relevant period for operational works associated building works	98468	
	Request to change approved operational works change to ground level	99098	
	Request to extend relevant period for operational works change to ground level	98468	
	Amendment to approved Landscaping plan (Includes request to change development Approval); - Request to change/cancel conditions - Request to extend relevant period - Request for negotiated decision notice	99101	20% of current landscaping application fee
	Operational works tree works linked to a development application	99102	(20% of the current application fee)
	Request to change operational works prescribed tidal works	96655	20% of current fee (up to a maximum of \$823.00).
	Request to change operational works vehicular crossing or driveway application	98117	\$155.00
	Request to extend relevant period vehicular crossing or driveway application	98117	\$155.00

Attachment 2

GCCC Decision Notice

6 May 2013

Monique Anderson
Implementation & Assessment Branch, Nerang
(07) 5582 8866

PN163781/01/DA1
Application No: MCU201100650

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



Dear Sir/Madam

NEGOTIATED 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: 82 Christensen Road, Stapylton

I wish to advise that on 3 May 2013 a decision was made to issue a Negotiated Decision Notice. This Negotiated Decision Notice replaces the Decision Notice previously issued and dated 26 February 2013. The conditions indicate whether the Assessment Manager or a Concurrence Agency imposed them.

The name and address of each Referral Agency is enclosed.

The natures of the changes are outlined in the attached document.

The applicant has the right of Appeal to the Planning and Environment Court regarding this decision in accordance with [section 461 of the Sustainable Planning Act 2009](#). An extract from the [Sustainable Planning Act 2009](#), which details your appeal rights, is attached for your information.

The applicant is advised that no submissions were received in regard to this application.

If the applicant notifies Gold Coast City Council in writing that the decision is accepted without dispute and they will not exercise any right of appeal to the Court in respect of this decision, this Decision Notice may be taken to be the Development 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

Wiremu Cherrington

SUPERVISING PLANNER MCU CITYWIDE (NORTH)

For the Chief Executive Officer

MA:OW

RECOMMENDATION

It is recommended Council resolve:

Real Property Description	Lot 4 on RP6843 , Lot 1 on RP6882 and Lot 240 on W31320
Address of Property	31 Yellowood Road, 60 Stapylton Jacobs Well Road and 82 Christensen Road, Stapylton
Area of Property	771,610m ²
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** Under Delegated Authority the Manager of the City Development Branch decides as follows in respect of the applicant's representations:

Condition 1(a)(vii) which currently reads:

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.'

is deleted.

Condition 1(a)(ix) which currently reads:

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'.

is deleted.

Condition 2(c) which currently reads:

Development within Precinct C shall not occur until all other development within the remaining area of the Generations Industrial Park is exhausted.

is deleted.

- B** Under Delegated Authority the Manager of the City Development Branch gives a new decision notice approving the issue of preliminary approval for material change of use to override the Planning Scheme for Industry Uses, subject to the following conditions:

- 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	Food Industry	
	Service Industry	Industry	
Minor Change in the scale or intensity of an existing lawful use	Take-Away Food Premises	Manufacturer's Shop	
	Temporary Use	Outdoor Storage Area	
Park	Warehouse	Rural Industry	
Public Utility		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	
	Low Impact Industry	Telecommunications Facilities n.e.i.	
Minor Change in the scale or intensity of an existing lawful use	Manufacturer's Shop	Transport Terminal	
	Milk Depot		
Park	Outdoor Storage Area		
Public Utility	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 Facility	Manufacturer's Shop	Telecommunications Facilities n.e.i	Milk Depot
Minor Change in the scale or intensity of an existing lawful use	Outdoor Storage Area	Transport Terminal	Motor Vehicle Repairs n.e.i
Park	Service Industry		Salvage Yard
Public Utility	Temporary Use		Service Station
	Warehouse		Take-Away Food Premises

Precinct D (Open Space/Reserve)

Conservation (natural area management)	Temporary Use	Telecommunications Facility n.e.i	Agriculture
Low-Impact Telecommunications Facility			
Minor Change in the scale or intensity of an existing lawful use			
Park			
Public Utility			

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	
--	--	---	--

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 (Aquila audax) 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.

C 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;' and
- vii Deleted.

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 Deleted.
- 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';
- 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; and
 - 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; and
- 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:
 - xxvi Issue of a development approval for reconfiguring a lot.
 - xxvii Issue of a development approval for operational work.
 - xxviii 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):

xxix 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 Deleted.
- 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.
- 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 Cast 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

D 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

E 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.

F 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.

G 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.

H 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.

I 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.

J 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.

RECLASS

From: admin@tmr.edam.qld.gov.au
Sent: Thursday, 22 November 2012 4:16 PM
To: GCCC Mail
Cc: Daniel.I.McNaught@tmr.qld.gov.au; nathan.a.bright@tmr.qld.gov.au
Subject: TMR11-000540 - SL22_Supported – with conditions_1 for 31 Yellowwood Road, Stapylton QLD 4207 (4RP6843) (TMR ref TMR11-000540, Council ref PN163781/01/DA1 MCU201100650, Applicant ref 5093-10-BG/BJW)

Attachments: SL22_Supported – with conditions_1.pdf; Yellowwood Attachments.pdf

Dear Sir/Madam,

Please see the attached [SL22_Supported – with conditions_1] from the Department of Transport and Main Roads. A hardcopy of the attached will also be posted.

Regards,
 eDAM System | Department of Transport and Main Roads

Tomorrows Queensland: strong, green, smart, healthy and fair.
www.towardQ2.qld.gov.au

*Please consider the environment before printing this email

WARNING-

This email (including any attachments) may contain legally privileged, confidential or private information and may be protected by copyright. You may only use it if you are the person(s) it was intended to be sent to and if you use it in an authorised way. No one is allowed to use, review, alter, transmit, disclose, distribute, print or copy this email without appropriate authority.

If this email was not intended for you and was sent to you by mistake, please telephone or email me immediately, destroy any hardcopies of this email and delete it and any copies of it from your computer system. Any right which the sender may have under copyright law, and any legal privilege and confidentiality attached to this email is not waived or destroyed by that mistake.

It is your responsibility to ensure that this email does not contain and is not affected by computer viruses, defects or interference by third parties or replication problems (including incompatibility with your computer system).

Opinions contained in this email do not necessarily reflect the opinions of the Department of Transport and Main Roads, Maritime Safety Queensland or endorsed organisations utilising the same infrastructure.



3342856



22 November 2012

The Chief Executive Officer
Gold Coast City Council
PO Box 5042
Gold Coast MC QLD 9729

Attention: Ms Monique Anderson

Dear Madam

CONCURRENCE AGENCY RESPONSE – CONDITIONS

Proposed Development: Preliminary Approval for making a Material Change of Use to override the Planning Scheme for Industry uses
Real Property Description: Lot 1RP6882, 240W31320, 4RP6843
Street Address: 31 Yellowwood Road; 60 Stapylton Jacobs Well Road; 82 Christensen Road, Stapylton, QLD 4207
Assessment Manager ref.: PN163781/01/DA1 MCU201100650
Local Government Area: Gold Coast City Council

Reference is made to the referral agency material for the development application described above which was received by the Department of Transport and Main Roads (the department) under section 272 of the *Sustainable Planning Act 2009* (SPA) on 7 December 2011.

An assessment of the proposed development has been undertaken against the purposes of the *Transport Infrastructure Act 1994* for state-controlled roads. Based on this jurisdiction, the department provides this concurrence agency response under Section 285 of the SPA.

The department advises the assessment manager that it requires conditions to attach to any development approval for the application. The department would also like to provide advice about the application to the assessment manager under Section 287(6) of the SPA.

Under Section 325(1) of the SPA, the assessment manager must therefore attach this response, including the enclosed Department of Transport and Main Roads Concurrence Agency Conditions and Statement of Reasons, to any approval for the application.

Department of Transport and Main Roads
Program Delivery and Operations
South Coast Region
36-38 Cotton Street Nerang Queensland 4211
PO Box 442 Nerang Queensland 4211

Our ref	TMR11-000540
Your ref	PN163781/01/DA1 MCU201100650
Enquiries	Daniel McNaught
Telephone	+61 7 5596 9141
Facsimile	+61 7 5596 9511
Website	www.tmr.qld.gov.au
Email	Daniel.I.McNaught@tmr.qld.gov.au

The department may change its concurrence agency response in accordance with Section 290(1)(b) of the SPA.

The department must be provided with a copy of the assessment manager's decision notice regarding the application within five (5) business days after the day the decision is made in accordance with Section 334 of the SPA.

A copy of this response has been sent to the applicant for their information.

If you have any questions or wish to seek clarification about any of the details in this response, please contact Daniel McNaught, Town Planner (Land Management) on 07 5596 9500.

Yours sincerely



Nathan Bright
Principal Advisor (Land Management)

Enc. (Department of Transport and Main Roads Agency Conditions and Statement of Reasons)

C/c William & Patricia Hester
C/- Gassman Development Perspectives
PO Box 392
Beenleigh QLD 4207



**Queensland
Government**

Our ref.: TMR11-000540
Your ref.: 5093-10-BG/BJW

C/c William & Patricia Hester
C/- Gassman Development Perspectives
PO Box 392
Beenleigh QLD 4207

Attention: Gary Savins

Please find attached correspondence for your information and action as required. Should you wish to discuss this correspondence, please contact Daniel McNaught, Town Planner (Land Management) on 07 5596 9500.

Yours sincerely

Nathan Bright
Principal Advisor (Land Management)

22 November 2012

Enc. (Department of Transport and Main Roads Agency Conditions and Statement of Reasons)

Department of Transport and Main Roads
Concurrence Agency Conditions and Statement of Reasons

Proposed Development: Preliminary Approval for making a Material Change of Use to override the Planning Scheme for Industry uses

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

Street Address: 31 Yellowood Road; 60 Stapylton Jacobs Well Road; 82 Christensen Road, Stapylton, QLD 4207

Assessment Manager ref.: PN163781/01/DA1 MCU201100650

Local Government Area: Gold Coast City Council

No. of Conditions of Development	Preliminary Approval for making a Material Change of Use to override the Planning Scheme for Industry uses	The purposes of the Transport Infrastructure Act 1994.
1	Development must be carried out generally in accordance with the following plans and reports, except as modified by these concurrence agency conditions: • <i>Generations Industrial Park Place Code</i>, prepared by Gassman Development Perspectives, dated November 2012; • Plan No. 5093 P00 10A, entitled <i>Land Use Classification and Staging Plan Stapylton Jacobs Well Road, Stapylton, Generations Industrial Park</i>, prepared by Gassman Development Perspectives, dated 06-11-12; • Drawing No. KO31 – Project No. AA003837 – Issue 02, entitled <i>Stapylton – Jacobs Well Road Intersection Interim Road Upgrade</i>, prepared by Hyder Consulting, dated 25.07.12; • Drawing No. KO32 – Project No. AA003837 – Issue 02, entitled <i>Stapylton – Jacobs Well Road Intersection Interim Road Upgrade</i>, prepared by Hyder Consulting, dated 10.08.12;	Prior to the commencement of use and to be maintained at all times. The Department of Transport and Main Roads' assessment of the development application was undertaken on the basis of the cited plans and reports which depict how the proposed development will be carried out.

2	(a) The Stapylton Jacobs Well Road and De Bortoli Street intersection must be upgraded to include a Channelised Right Turn. The intersection must be designed and constructed in accordance with Figure 13.60 Channelised Right Turn (CHR) on a Two Lane Rural Road and as per Chapter 13 of the Department of Transport and Main Roads' <i>Road Planning and Design Manual</i> including the <i>Interim Guide to Road Planning and Design Practice</i> as shown in Drawing No. KO32 – Project No. AA003837 – Issue 02, entitled <i>Stapylton – Jacobs Well Road Intersection Interim Road Upgrade</i>, prepared by Hyder Consulting, dated 10.08.12. (b) The intersection must be provided by the applicant at no cost to the Department of Transport and Main Roads. (c) All adjustments and/or relocations to existing services within the state-controlled road as a result of the development are at the applicant's expense.	Prior to submitting the Plan of Survey to the local government for approval for Stage 1	The purposes of the <i>Transport Infrastructure Act 1994</i> (TIA). The intersection upgrade is required as a result of the development and its associated traffic impacts to ensure the safety and efficiency of the state-controlled road network. Comments or additional information: In accordance with Section 33 of the TIA, you must have written approval to carry out road works, including road access works on a state-controlled road. These development conditions do not constitute such approval. You will need to contact the Department of Transport and Main Roads on 55969500 to make an application for approval under section 33 of the TIA to carry out road works.
3	(a) The applicant must provide a signalised intersection located between Stapylton Jacobs Well Road and Lot 1 on RP6882 as shown in Drawing No. KO31 – Project No. AA003837 – Issue 02, entitled <i>Stapylton – Jacobs Well Road Intersection Interim Road Upgrade</i>, prepared by Hyder Consulting, dated 25.07.12.	Prior to submitting the Plan of Survey to the local government for approval for Stage 2	The purposes of the <i>Transport Infrastructure Act 1994</i> (TIA). The intersection works are required as a consequence of the development and its associated traffic impacts to ensure the safety and efficiency of the state-controlled road network.

	(b) The intersection must be designed and constructed generally in accordance with the Department of Transport and Main Roads' Road Planning and Design Manual including the Interim Guide to Road Planning and Design Practice (c) The intersection must be provided by the applicant at no cost to the Department of Transport and Main Roads (d) All adjustments and/or relocations to existing services within the state-controlled road as a result of the development are at the applicant's expense (e) All land identified as road on Drawing No. KO31 – Project No. AA003837 – Issue 02, entitled <i>Stapylton – Jacobs Well Road Intersection Interim Road Upgrade</i>, prepared by Hyder Consulting, dated 25.07.12 is to be dedicated as road reserve.	
4	Direct access is not permitted between Stapylton Jacobs Well Road and the subject site at any location other than the permitted intersection location in accordance with Condition 3 above.	At all times
		The purposes of the <i>Transport Infrastructure Act 1994</i>. Vehicular access at the permitted road access location minimises impacts on the safety and efficiency of the state-controlled road network.

5	The existing vehicular property access located between Lot 1 on RP6882 and Stapylton Jacobs Well Road is to be used for rural purposes only	Until construction of the new intersection is complete in accordance with Condition 3	The purposes of the <i>Transport Infrastructure Act</i> 1994 (TIA). This is a decision under section 62(1) of the TIA in conjunction with a development approval that access at a location or locations is no longer permitted.
6	The existing vehicular property access located between Lot 1 on RP6882 and Stapylton Jacobs Well Road must be permanently closed and removed by the applicant.	Prior to submitting the Plan of Survey to the local government for approval for Stage 2	The purposes of the <i>Transport Infrastructure Act</i> 1994 (TIA). The closure of the existing access will minimise conflict points ensuring the safety and efficiency of the state-controlled road network. Comments or additional information: This is a decision under section 62(1) of the TIA in conjunction with a development approval that access at a location or locations is no longer permitted. In accordance with Section 33 of the TIA, you must have written approval to carry out road works, including road access works on a state-controlled road. These development conditions do not constitute such approval. You will need to contact the Department of Transport

			and Main Roads on 5596 9500 to make an application for approval under section 33 of the TIA to carry out road works. The Department of Transport and Main Roads' technical standards and publications can be accessed at http://www.tmr.qld.gov.au/Business-industry/Technical-standards-publications.aspx.
7	(a) The development must be in accordance with the Stormwater Management Plan entitled <i>Generations Industrial Park – Stormwater Management Plan</i> prepared by Hyder Consulting and dated 20 June 2012 and Drawing No. CO37 – Project No. AA003837 – Issue 01, entitled <i>Stapylton Jacobs Well Culvert Upgrade</i>, prepared by Hyder Consulting dated 15.06.12. Stormwater management for the development must ensure no worsening or actionable nuisance to the state-controlled road network caused by peak discharges, flood levels, frequency/duration of flooding, flow velocities, water quality, sedimentation and scour effects. Subject to the following amendments; (i) The existing 3000 X 2700 RCBC cattle underpass in Stapylton Jacobs Well Road is to be removed and replaced by drainage pipeline under Stapylton Jacobs Well Road in accordance with Department of Transport and	(a) Prior to submitting the Plan of Survey to the local government for approval for Stage 4 or by the year 2024, whichever occurs first	The purposes of the <i>Transport Infrastructure Act 1994</i>. The safety and efficiency of state-controlled roads can be adversely affected by changes to stormwater runoff as a result of development. Additional comments or information: In accordance with Section 33 of the TIA, you must have written approval to carry out road works, including road access works on a state-controlled road. These development conditions do not constitute such approval. You will need to contact the Department of Transport and Main Roads on 5596 9500 to make an application for approval under section 33 of the TIA to carry out road works.



Queensland Government	<i>Main Roads' Road Drainage Manual.</i> (b) Any excavation, filling, paving, landscaping, construction or any other works to the land must not: i. create any new discharge points for stormwater runoff onto the state-controlled road; ii. interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; iii. surcharge any existing culvert or drain on the state-controlled road; iv. reduce the quality of stormwater discharge onto the state-controlled road. (c) The applicant must provide RPEQ certification to the Department of Transport and Main Roads that the development has been designed and constructed in accordance with parts (a) and (b) of this condition.	(b) At all times	As part of the above application the applicant must provide a detailed design with supporting calculations of the proposed road and drainage works in accordance with this condition that demonstrates that the stormwater flows from the local catchment in a 100 year ARI storm will be intercepted and conveyed under Stapylton - Jacobs Well Road without incursion onto the through lanes of that road. Further guidance regarding stormwater management is also provided in the <i>Queensland Urban Drainage Manual</i> available at www.derm.qld.gov.au and in the <i>Environmental Protection Act 1994</i> and <i>Environmental Protection (Water) Policy 2009</i> which are available at www.legislation.qld.gov.au
------------------------------	---	-------------------------	---

8	The Land Requirement area as shown in plan TP Sketch 1003/TP12020 prepared by the Department of Transport and Main Roads and dated 27 September 2012 must be kept free of any permanent buildings, structures and improvements (including car parks, swimming pools and advertising signs) above and below the ground at all times.	Prior to commencement of use and to be maintained at all times	The purposes of the <i>Transport Infrastructure Act 1994</i> (TIA). Department of Transport and Main Roads' road corridor planning indicates that a future land requirement affects this property. A setback to be kept clear of permanent buildings, structures and improvements is required to protect the future road corridor. Comments or additional information: Information regarding land acquisition can be accessed via the Department of Transport and Main Roads' website at: http://www.tmr.qld.gov.au/Community-and-environment/Property-information.aspx
9	The applicant must provide a monetary contribution for all stages of the proposed development towards mitigating the impact of the proposed development on the safety and efficiency of the state-controlled road network. In particular, the contribution is required to mitigate the developments impact on Stapylton Jacobs Well Road and the Yatala (North) Interchange. The monetary contribution to be paid, is to be calculated in accordance with the following equation;	Prior to obtaining a final inspection certificate or certificate of classification, whichever is applicable, or prior to the commencement of use, whichever occurs first	The purposes of the <i>Transport Infrastructure Act 1994</i> (TIA). The intersection upgrade contribution is required as a result of the development and its associated traffic impacts in order to ensure the safety and efficiency of the state-controlled road network.

10	<u>R x C2</u> C1 Where: — R is the sum equal to \$45.94 per square metre of Total Use Area* (TUA) of each building or premises for the relevant Stage; — C1 is the Consumer Price Index (All Groups) for Brisbane index number as published by the Australian Bureau of Statistics for the quarter ending immediately prior to the Date of this original Concurrence Agency Response; — C2 is the Consumer Price Index (All Groups) for Brisbane index number as published by the Australian Bureau of Statistics for the quarter ending immediately prior to the date on which the Transport Infrastructure Contribution is being paid. * As defined in the Gold Coast Planning Scheme 2003 as amended. This contribution must be paid to the Department of Transport and Main Roads (South Coast Region).		
	No dust/debris from the subject site must enter Stapylton Jacobs Well Road during the construction phase of the development.	To be maintained at all times during construction	The purposes of the <i>Transport Infrastructure Act 1994</i>. Dust and debris from development on the site can affect the state-controlled road, causing a safety hazard to road users.

Devices for state-controlled roads

Under section 43 of the *Transport Infrastructure Act 1994*, a local government must obtain the Department of Transport and Main Roads' approval if it intends to approve the erection, alteration or operation of an advertising sign or other advertising device that would be visible from a motorway; and beyond the boundaries of the motorway; and reasonably likely to create a traffic hazard for the motorway.

Under section 33 of the *Transport Infrastructure Act 1994*, written approval is required from the Department of Transport and Main Roads to carry out road works, including road access works, on a state-controlled road. Please contact the Department of Transport and Main Roads on 5596 9500 to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).

An application for a Road Corridor Permit is required for any ancillary works and encroachments on the state-controlled road under section 50(2) and Schedule 6 of the *Transport Infrastructure Act 1994* and Part 5 and Schedule 1 of the *Transport Infrastructure (State-Controlled Roads) Regulation 2006*. Please contact the Department of Transport and Main Roads on 5596 9500 to make an application for a Road Corridor Permit. Ancillary works and encroachments include but are not limited to advertising signs or other advertising devices, paths or bikeways, buildings/shelters, vegetation clearing, landscaping and planting.

Mandatory Part (MP) 4.4 of the *Queensland Development Code (QDC)* commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated *transport noise corridor*. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a *transport noise corridor* are designed and constructed to reduce transport noise. *Transport noise corridor* means land designated under Chapter 8B of the *Building Act 1975* as a *transport noise corridor*. Information about *transport noise corridors* is available at state and local government offices. A free online search tool can be used to find out whether a property is located in a designated *transport noise corridor*. This tool is available at the Department of Local Government and Planning website (<http://www.dlgp.qld.gov.au/building/transport-noise-corridor-search-tool.html>) and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land.

Pursuant to Section 580 of the *Sustainable Planning Act 2009* it is a development offence to contravene a development approval, including any condition in the approval.

Pursuant to Section 80 of the *Transport Infrastructure Act 1994*, the construction, augmentation, alteration or maintenance of a public utility plant on a state-controlled road reserve, must be in accordance with the Department of Transport and Main Roads' requirements.

INFORMATION ATTACHMENT TO CONCURRENCE AGENCY RESPONSE

Representations on Referral Agency Response

If the applicant intends to make a representation to the Department of Transport and Main Roads (the department) regarding the attached concurrence agency response, the applicant needs to do this before the assessment manager decides the application. The assessment manager cannot decide the application before 10 business days after receiving the final concurrence agency response, pursuant to section 318(5) of the *Sustainable Planning Act 2009* (SPA).

The applicant will need to give the assessment manager written notice under section 320(1) of SPA to stop the decision-making period to make a representation to the department and subsequently contact the department to make the representation. The decision making period cannot be stopped for more than 3 months.

Planning and Environment Court Appeals

If an appeal is lodged in the Planning and Environment Court in relation to this application, the appellant must give written notice of the appeal to the department under Section 482(1) of the SPA. This notice should be forwarded to the Planning Law Team, Planning Management Branch, Department of Transport and Main Roads, GPO Box 213, Brisbane QLD 4001 within 2 days if the appeal is started by a submitter, or otherwise within 10 business days after the appeal is started.

GENERATIONS INDUSTRIAL PARK PLACE CODE

A PRELIMINARY APPROVAL AFFECTING A LOCAL
PLANNING INSTRUMENT FOR A MATERIAL CHANGE
OF USE FOR INDUSTRIAL USES (S.242 OF THE
SUSTAINABLE PLANNING ACT 2009)

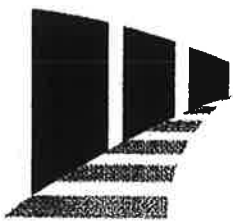
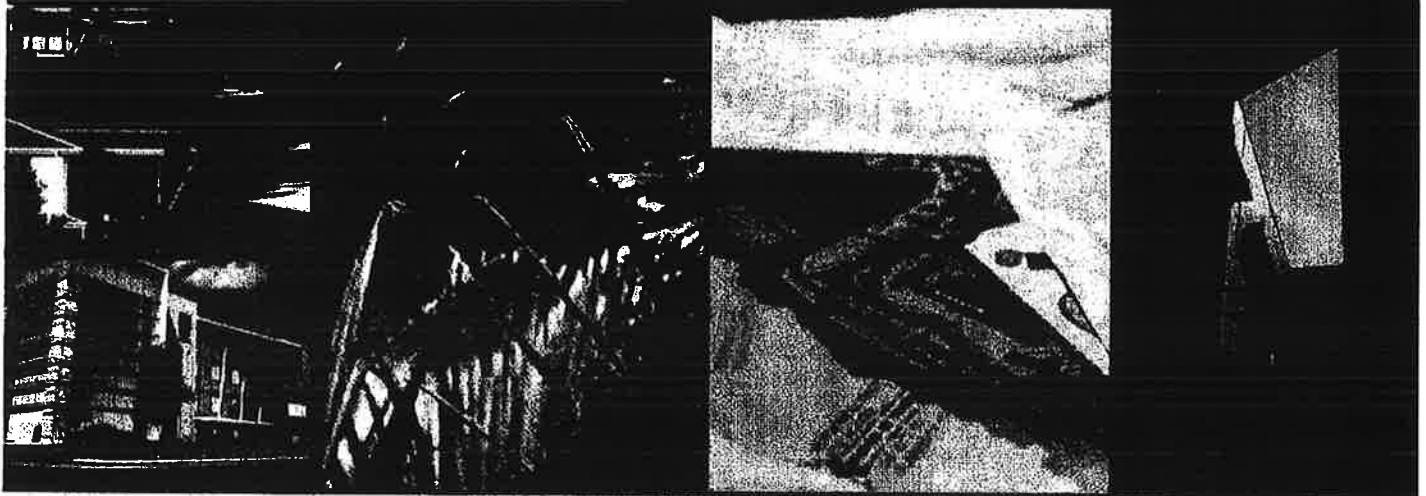
ADDRESS:

60 STAPYLTON-JACOBS WELL ROAD & 82 CHRISTENSEN ROAD,
STAPYLTON Q 4207 (LOTS 1 ON RP6882, 240 ON W31320 AND 4
ON RP6843)

PREPARED FOR:

PATRICIA AND WILLIAM HESTER

NOVEMBER 2012



g a s s m a n
**development
perspectives**

project coordination
urban + regional planning
landscape + urban design
environmental management
visualisation + spatial services
surveying services
advisory services

TABLE OF CONTENTS

1.0	GENERATIONS INDUSTRIAL PARK PLACE CODE INTENT.....	3
1.1	PLACE CODE INTENT.....	3
1.2	BACKGROUND	4
2.0	APPLICATION OF THE GENERATIONS INDUSTRIAL PARK PLACE CODE ..	5
2.1	APPLICATION	5
3.0	DICTIONARY	6
3.1	APPLICATION OF DEFINITIONS	6
3.2	USE OR DEVELOPMENT DEFINITIONS	6
3.3	SPECIFIC USE OR DEVELOPMENT EXAMPLES	7
4.0	GENERATIONS INDUSTRIAL PARK PLACE CODE - TABLE OF DEVELOPMENT	8
4.1	TABLE OF DEVELOPMENT	8
5.0	GENERATIONS INDUSTRIAL PARK PLACE CODE - RELEVANT CODES FOR ASSESSMENT	14
5.1	RELEVANT CODES.....	14
5.2	PERFORMANCE CRITERIA AND ACCEPTABLE SOLUTIONS.....	17
5.3	CONFLICT BETWEEN PLACE CODE AND PLANNING SCHEME	18
6.0	GENERATIONS INDUSTRIAL PARK PLACE CODE - DEVELOPMENT REQUIREMENTS	19
6.1	PURPOSE	19
6.2	APPLICATION	19
6.3	DEVELOPMENT REQUIREMENTS.....	19
 SCHEDULE 1 – GENERATIONS INDUSTRIAL PARK LAND USE CLASSIFICATION PLAN.....		37

1.0 GENERATIONS INDUSTRIAL PARK PLACE CODE INTENT

1.1 PLACE CODE INTENT

The Generations Industrial Park Place Code shall provide opportunities for industrially-related development at a scale that has regional economic significance and shall offer long-term employment benefits to the northern Gold Coast area. Ideally, the Generations Industrial Park Place Code area ('the site') shall provide a location for the development of a variety of scales of general impact business and industry uses to complement and support the major industries that have, and will continue to, establish themselves in the ultimate precinct designation of the site which is General Business and Industry – Precinct 1 under the Yatala Enterprise Area Local Area Plan (YEA LAP).

Accordingly, the Generations Industrial Park Place Code, in conjunction with the enclosed land-use classification plan creates the following Precincts:

- **Precinct A (Low Impact and Service Industry):** The land-uses promoted within this precinct are generally low impact industrial style uses responsive to the established nature of residential uses located nearby. Whilst more intensive levels of industry are not generally envisaged, they may be suitable subject to appropriate acoustic attenuation measures, strategies and operational measures being implemented to minimise potential detrimental impacts. The allotment sizes envisaged within this precinct are reflective of those that are promoted within Precinct 1 of the YEA LAP.
- **Precinct B (General Impact Business and Industry):** The majority of the land-uses promoted in this precinct, which covers the bulk of the developed site, are consistent with those itemised within the Precinct 1 land use designation of the YEA LAP. Those that are not, are industrially related and benefit the future development prospects of the site and the YEA LAP generally. The ultimate intent of this precinct is to promote the land uses and allotment sizes that would ordinarily be located within Precinct 1 land located within the YEA LAP. It is also noted that the proposed subdivision lot-size parameters from Precinct 1 of the YEA LAP have been adopted within this precinct.
- **Precinct C (Limited General Impact Business and Industry):** The land-uses promoted in this precinct are similar to that of Precinct B and Precinct 1 of the YEA LAP. This precinct is however responsive to established nearby heavy industrial uses and mindful of likely odour impacts and therefore food industry and related uses are not envisaged within this precinct.
- **Precinct D (Open Space/Reserve):** This precinct is reflective of the land-uses that would otherwise be promoted within the Precinct 6 – Open Space land-use designation of the YEA LAP. All areas within the site that are highlighted as Precinct D are intended to serve as an area of environmental conservation and natural landscape relief compatible with the retention and rehabilitation of vegetation and habitat landscape and/or buffer values. Open space corridors linking adjacent open space areas will be established. Land may be in public or private ownership.

The site area shall be easily accessible from the existing and proposed arterial road system, being Stapylton-Jacobs Well Road and Christensen Road – both of which link to the Pacific Motorway. The

site design accommodates for north-south road linkages consistent with underlying connectivity requirements within the YEA LAP.

Proposals under the Generations Industrial Park Place Code area shall consider the relative proximity of the site to residential neighbours located to the south and the Stapyton landfill located to the east. Accordingly, a high level of screening is encouraged along the eastern portion of the site and relevant acoustic treatments along part of the southern section of the site. Further, attention is given to improving visual appearance and providing high landscape amenity along the Stapyton-Jacobs Well Road frontage. Buildings shall address the street, incorporate articulated exterior walls and rooflines, a mixture of building materials and exterior finishes, and other architectural details or features to enhance the appearance of any structures associated with a business/industry activity.

1.2 BACKGROUND

1.2.1 Strategic Considerations: The Generations Industrial Park Place Code seeks to activate the industrial land-use potential of 'future industry' land that is included within the YEA LAP. The site is strategically located within/near a cluster of developed industrial uses that are situated within both the 'future industry' and 'general business and industry' precincts of the YEA LAP. Accordingly, the preliminary approval effectively brings forward several preferred land-uses of the site, consistent with surrounding development and the ultimate intent of the YEA LAP.

1.2.2 The Site Context: The site is suitably located within the YEA LAP and shall enable the logical growth of industrial development in the area. This Generations Industrial Park Place Code recognises the site's strategic position along major roads servicing the Yatala Enterprise Area, namely Stapyton Jacobs-Well Road. The plan provides for appropriate transport connectivity to the north and south, as intended under the YEA LAP. Optimal ecological linkages are also supplied within this Place Code to ensure the ecological priorities of the YEA LAP are also met.

1.2.3 The Land Use Classification Plan: Please refer to the attached plan 5093 P 00 12A (Schedule 1) specifying the part of the site that is affected by the Generations Industrial Park Place Code. It communicates the area of the site that will be developed after taking into account relevant amenity, ecological, stormwater, connectivity and constraint issues. This approach shall also provide an understanding that the purpose of the development is to enable an extension to the Yatala Enterprise Area rather than a land use area in conflict with the ultimate land uses intended for the local area plan.

2.0 APPLICATION OF THE GENERATIONS INDUSTRIAL PARK PLACE CODE

2.1 APPLICATION

- 2.1.1** The Generations Industrial Park Place Code applies to all proposed development located within the Place Code area, as indicated in the **Generations Industrial Park Land Use Classification Plan 5093 P 00 12A**.
- 2.1.2** The Table of Development Indicated in **Clause 4.0** identifies the levels of assessment for development occurring within this development area. These tables override all applicable material change of use overlay provisions as contained within the Gold Coast Planning Scheme 2003, as amended.
- 2.1.3** The codes that may be relevant to the assessment of development in this Place Code area are listed in **Clause 5.0**.
- 2.1.4** It should be noted that self assessable development is deemed to be development that is consistent with the intent of this Place Code, and therefore need only comply with the self assessable acceptable solutions of the **Generations Industrial Park Place Code** contained in **Clause 6.0** and any other acceptable solutions identified in the relevant codes explicitly referred to in **Subclauses 5.1.1 – 5.1.7**.
- 2.1.5** The definitions of all relevant terms and land uses contained within this Place Code are to be found within **Part 4, Division 1, Chapters 1-3 of the Gold Coast City Planning Scheme 2003, as amended** except as separately defined within **Clause 3.0** of this document.
- 2.1.6** The operation of this Place Code is guided, where necessary, by the protocols of **Part 6, Division 1, Chapters 2 of the Gold Coast City Planning Scheme 2003, as amended**.
- 2.1.7** This Generations Industrial Park Place Code only applies to the specific forms of development outlined within the Table of Development in **Clause 4.0**. All other forms of development are subject to the relevant planning provisions of the Gold Coast City Council, which is currently the Gold Coast Planning Scheme 2003, as amended.

3.0 DICTIONARY

3.1 APPLICATION OF DEFINITIONS

The definitions outlined in Clause 3.2 have been compiled specifically for the Generations Industrial Park Place Code only. Where applicable, these specific use or development definitions override those contained within **Part 4 Division 1 Chapter 2 of the Gold Coast Planning Scheme 2003, as amended**. For any proposed use that does not comply with these specific definitions, the current use or development definitions contained within the Gold Coast Planning Scheme 2003, as amended apply.

3.2 USE OR DEVELOPMENT DEFINITIONS

Food Industry

Premises used for the manufacturing, producing, processing, storing or distributing of food or food related products for human consumption.

Low Impact Industry

Premises used for industrial activities that include the manufacturing, producing, processing, repairing, altering, recycling, storing, distributing, transferring, treating of products and have one or more of the following attributes:

- negligible impacts on sensitive land uses due to offsite emissions including aerosol, fume, particle, smoke, odour and noise;
- minimal traffic generation and heavy-vehicle usage;
- demands imposed upon the local infrastructure network consistent with surrounding uses;
- the use generally operates during the day (e.g. 7am to 6pm);
- offsite impacts from storage of dangerous goods are negligible;
- the use is primarily undertaken indoors.

Service Industry

Premises used for industrial activities that have no external air, noise or odour emissions from the site and can be suitably located with other non-residential uses.

Industry

As defined in the Gold Coast Planning Scheme 2003 as amended, where not 'low impact industry' or 'service industry' as defined in the Generations Industrial Park Place Code.

3.3 SPECIFIC USE OR DEVELOPMENT DEFINITIONS EXAMPLES

The following table provides more specific examples of the specific use definitions applicable to the Generations Industrial Park Place Code .

Column 1 Use	Column 2 Examples Include	Column 3 Does not include the following examples
Low impact Industry	- Repairing and servicing motor vehicles, including mechanical components, radiators, electrical components, wheel alignments, exhausts, tyres, suspension or air conditioning, not including spray painting; - Repairing and servicing lawn mowers and outboard engines; - Fitting and tuning workshop; - Assembling or fabricating products from sheet metal or welding steel, producing less than 10 tonnes a year and not including spray painting; - Assembling wood products not involving cutting, routing, sanding or spray painting; - Dismantling automotive or mechanical equipment, not including debonding brake or clutch components; - Service station, not including above ground tanks of class 2.1 (flammable gasses) or class 3 (flammable liquids) dangerous goods greater than 18kL (Note-class 2.1 and class 3 dangerous goods are defined in the Australian Dangerous Goods Code); - Dangerous goods location not including the storage of toxic gases.	Panel beating, spray painting or surface coating, tyre recycling, drum re-conditioning, wooden and laminated product manufacturing.
Service industry	Audio visual equipment repair, film processing, bicycle repairs, clock and watch repairs, computer repairs, dry cleaning, hand engraving, jewellery making, laundromat, locksmith, picture framing, shoe repairs, tailor	Small engineer mechanical repair workshop, cabinet making, shop fitting, sign writing, tyre depot

4.0 GENERATIONS INDUSTRIAL PARK PLACE CODE – TABLE OF DEVELOPMENT

4.1 TABLE OF DEVELOPMENT

Pursuant to s.242 of the *Sustainable Planning Act 2009*, the **Yatala Enterprise Area Local Area Plan Table of Development (as modified)** below, is nominated as the applicable Table of Development. It applies to the area specified within the Generations Industrial Park Land Use Classification Plan and the specific forms of development outlined. Precincts nominated in this plan and the following tables of development and Place Code are as follows:

- Precinct A (Low Impact and Service Industry)
- Precinct B (General Impact Business and Industry)
- Precinct C (Limited General Impact Business and Industry)
- Precinct D (Open Space/Reserve)

TABLE A – YATALA ENTERPRISE AREA LOCAL AREA PLAN TABLE OF DEVELOPMENT (AS MODIFIED) – MATERIAL CHANGE OF USE

MATERIAL CHANGE OF USE incorporating or not incorporating BUILDING WORK			
Exempt	Self Assessable	Code Assessable	Impact Assessable
Precinct A (Low Impact and Service Industry)			
Agriculture Animal Husbandry Conservation (natural area management) Low-Impact Telecommunications Facility Minor Change in the scale or intensity of an existing lawful use Park Public Utility	Café Car Park Convenience Shop Low Impact Industry Milk Depot Service Industry Take-Away Food Premises Temporary Use Warehouse	Bulk Supplies Caretakers Residence Estate Sales Office Family Accommodation Food Industry Industry Manufacturer's Shop Outdoor Storage Area Rural Industry Telecommunications Facilities n.e.i.	Garden Motor Repairs n.e.i. Vehicle Salvage Yard Service Station Transport Terminal

MATERIAL CHANGE OF USE incorporating or not incorporating BUILDING WORK				
Precinct B (General Impact Business and Industry)				
Agriculture Animal Husbandry Conservation (natural area management) Low-Impact Telecommunications Facility Minor Change in the scale or intensity of an existing lawful use Park Public Utility	Café Car Park Convenience Shop Industry Low Impact Industry Manufacturer's Shop Milk Depot Outdoor Storage Area Service Industry Take-Away Food Premises Temporary Use Warehouse	Bulk Supplies Caretakers Residence Food Industry Rural Industry Telecommunications Facilities n.e.i. Transport Terminal	Garden	Motor Vehicle Repairs n.e.i. Salvage Yard Service Station
Precinct C (Limited General Impact Business and Industry)				
Agriculture Animal Husbandry Conservation (natural area management) Low-Impact Telecommunications Facility Minor Change in the scale or intensity of an existing lawful use Park Public Utility	Car Park Industry Low Impact Industry Manufacturer's Shop Outdoor Storage Area Service Industry Temporary Use Warehouse	Bulk Supplies Caretakers Residence Rural Industry Telecommunications Facilities n.e.i. Transport Terminal	Garden	Café Convenience Shop Food Industry Milk Depot Motor Vehicle 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

TABLE B – YATALA ENTERPRISE AREA LOCAL AREA PLAN TABLE OF DEVELOPMENT (AS MODIFIED) – RECONFIGURING A LOT

RECONFIGURING A LOT			
Exempt	Self Assessable	Code Assessable	Impact Assessable
Precincts A, B & C (Low Impact and Service Industry, General Impact Business and Industry & Limited 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 Plans and/or Volumetric Lots), or a Volumetric Lot within a building, or a leasehold subdivision of an existing approved development	Results in one or more lots with an area less than 4,000m 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	Results in one or more lots with an area less than 20 hectares

TABLE C – YATALA ENTERPRISE AREA LOCAL AREA PLAN TABLE OF DEVELOPMENT (AS MODIFIED) – OPERATIONAL WORK

OPERATIONAL WORK – CHANGES TO GROUND LEVEL			
Exempt	Self Assessable	Code Assessable	Impact Assessable
Operational Work that involves extraction, excavation or fill that:			



OPERATIONAL WORK – CHANGES TO GROUND LEVEL			
		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	

TABLE D – YATALA ENTERPRISE AREA LOCAL AREA PLAN TABLE OF DEVELOPMENT (AS MODIFIED) – OPERATIONAL WORK

OPERATIONAL WORK – ADVERTISING DEVICES			
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: 20m ² b) not on land with frontage to an arterial road or any State-controlled road	Advertising Devices n.e.l.	

TABLE E – YATALA ENTERPRISE AREA LOCAL AREA PLAN TABLE OF DEVELOPMENT (AS MODIFIED) – OPERATIONAL WORK

OPERATIONAL WORK – INFRASTRUCTURE AND LANDSCAPE WORK			
Exempt	Self Assessable	Code Assessable	Impact Assessable
Minor Landscape Work		Landscape Work n.e.l. Works for Infrastructure	



TABLE F – YATALA ENTERPRISE AREA LOCAL AREA PLAN TABLE OF DEVELOPMENT (AS MODIFIED) – OPERATIONAL WORK

OPERATIONAL WORK – VEGETATION CLEARING			
Exempt	Self Assessable	Code Assessable	Impact Assessable
Vegetation Clearing that:			
	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 alternate solutions to the Acceptable Solutions of Specific Development Code 36 – Vegetation Management are proposed; OR results in the removal of, or damage to, vegetation that is equal to, or in excess of, four metres in height, and alternate solutions to the Acceptable Solutions of Specific Development Code 36 – Vegetation Management	

5.0 GENERATIONS INDUSTRIAL PARK PLACE CODE – RELEVANT CODES FOR ASSESSMENT

5.1 RELEVANT CODES

References to Relevant Codes

The Codes relevant for development assessment in this Place Code area are listed and contained within the **Gold Coast Planning Scheme** and are as follows:

5.1.1 All proposed development within the site is subject to the **Generations Industrial Park Place Code**.

5.1.2 Self Assessable Development: The following codes apply to development that is self assessable under the Tables of Development herein (Section 3).

PLACE CODE	SPECIFIC DEVELOPMENT CODES	CONSTRAINT CODES
Generations Industrial Park Place Code	2 Advertising Devices 4 Animal Husbandry 10 Caretaker's Residence 13 Detached Dwelling 24 Office 25 Private Recreation 27 Retail and Related Establishments 34 Temporary Use 36 Vegetation Management 38 Working From Home	2 Bushfire Management Areas 3 Canals and Waterways 4 Car Parking, Access and Transport Integration 8 Flood Affected Areas 10 Nature Conservation 16 Steep Slopes or Unstable Soils

5.1.3 Material Change of Use: The following codes apply to development that is code or impact assessable under the Tables of Development herein (Section 3).

PLACE CODE	SPECIFIC DEVELOPMENT CODES	CONSTRAINT CODES
Generations Industrial Park Place Code	4 Animal Husbandry 10 Caretaker's Residence 12 Child Care Centres 13 Detached Dwellings 15 Ecotourism Facility 17 Farm Forestry 20 Kennels	2 Bushfire Management Areas 3 Canals and Waterways 4 Car Parking, Access and Transport Integration 5 Cultural Heritage (Historic) 6 Cultural Heritage (Indigenous) 8 Flood Affected Areas

PLACE CODE	SPECIFIC DEVELOPMENT CODES	CONSTRAINT CODES
	21 Landscape Work 23 Low Rise Commercial Tourist Accommodation 24 Office 25 Private Recreation 27 Retail and Related Establishments 29 Rural Industry 30 Salvage Yards 31 Service Stations 33 Telecommunications Facilities 38 Working From Home 39 Works for Infrastructure	9 Natural Wetland Areas and Natural Waterways 10 Nature Conservation 12 Rail Corridor Environs 13 Road Traffic Noise Management 14 Sediment and Erosion Control 15 Service Roads (Pacific Motorway) 16 Steep Slopes or Unstable Soils 17 Unsewered Land

5.1.4 Operational Work – Changes to Ground Level: The following codes apply to development that is self or code assessable Operational Work – Changes to Ground Level under the Tables of Development herein (Section 3).

PLACE CODE	SPECIFIC DEVELOPMENT CODES	CONSTRAINT CODES
Generations Industrial Park Place Code	11 Changes to Ground Level and Creation of New Water bodies	2 Bushfire Management Areas 3 Canals and Waterways 4 Car Parking, Access and Transport Integration 6 Cultural Heritage (Indigenous) 7 Flood Affected Areas 9 Natural Wetland Areas and Natural Waterways 10 Nature Conservation 14 Sediment and Erosion Control 16 Steep Slopes or Unstable Soils



5.1.5 Operational Work – Advertising Devices, Landscape Work and Infrastructure: The following codes apply to development that is code assessable Operational Work – Advertising Devices, Landscape Work or Infrastructure under the Tables of Development herein (Section 3)

PLACE CODE	SPECIFIC DEVELOPMENT CODES	CONSTRAINT CODES
Generations Industrial Park Place Code	2 Advertising Devices 21 Landscape Work 39 Works for Infrastructure	2 Bushfire Management Areas 3 Canals and Waterways 4 Car Parking, Access and Transport Integration 5 Cultural Heritage (Historic) 6 Cultural Heritage (Indigenous) 8 Flood Affected Areas 9 Natural Wetland Areas and Natural Waterways 10 Nature Conservation 14 Sediment and Erosion Control 15 Service Roads (Pacific Motorway) 16 Steep Slopes or Unstable Soils

5.1.6 Operational Work – Vegetation Clearing: The following codes apply to development that is code assessable Operational Work – Vegetation Clearing under the Tables of Development herein (Section 3).

PLACE CODE	SPECIFIC DEVELOPMENT CODES	CONSTRAINT CODES
Generations Industrial Park Place Code	36 Vegetation Management	2 Bushfire Management Areas 5 Cultural Heritage (Historic) 6 Cultural Heritage (Indigenous) 9 Natural Wetland Areas and Natural Waterways 10 Nature Conservation 14 Sediment and Erosion Control 16 Steep Slopes or Unstable Soils

5.1.7 Reconfiguring a Lot: The following codes apply to development that is code or impact assessable Reconfiguring a Lot under the Tables of Development herein (Section 3).

PLACE CODE	SPECIFIC DEVELOPMENT CODES	CONSTRAINT CODES
Generations Industrial Park Place Code	11 Changes to Ground Level and Creation of New Water bodies 21 Landscape work 28 Reconfiguring a Lot 36 Vegetation Management 39 Works for infrastructure	2 Bushfire Management Areas 3 Canals and Waterways 4 Car Parking, Access and Transport Integration 5 Cultural Heritage (Historic) 6 Cultural Heritage (Indigenous) 8 Flood Affected Areas 9 Natural Wetland Areas and Natural Waterways 10 Nature Conservation 12 Rail Corridor Environs 13 Road Traffic Noise Management 14 Sediment and Erosion Control 15 Service Roads (Pacific Motorway) 16 Steep Slopes or Unstable Soils 17 Unsewered Land

- Where a development proposal includes one or more types of development, all of the identified codes must be referred to for each of the components of development.
- Where a number is listed prior to the name of a Code, this Code shall be located in Part 7 of the Gold Coast Planning Scheme.
- Where a number is not listed before the name of a Code, this Code shall be located within this Place Code.

5.2 PERFORMANCE CRITERIA AND ACCEPTABLE SOLUTIONS

The relevant Acceptable Solutions must comply with self assessable acceptable solutions in order to retain self assessable development status. Acceptable solutions outlined in the applicable codes that are not identified as being relevant for self assessable development do not form part of this assessment.

It is desirable that code assessable development comply with the Acceptable Solutions to ensure that each Performance Criterion is met. However, code assessable development may comply with an alternative solution, provided that the alternative solution can be demonstrated to meet the relevant Performance Criterion to Council's satisfaction. Where no acceptable solution is provided for a

Performance Criterion in the code, the development must provide its own solution to meet that particular Performance Criterion.

It is desirable that impact assessable development comply with the Acceptable Solutions to ensure that each Performance Criterion is met. However, impact assessable development may comply with an alternative solution, provided that the alternative solution can be demonstrated to meet the relevant Performance Criterion, to Council's satisfaction. Note that impact assessable development must comply with all relevant planning measures of the whole Planning Scheme. Where no alternative solution is provided for a Performance Criterion in the code, the development must provide its own solution to meet that particular Performance Criterion.

5.3 CONFLICT BETWEEN PLACE CODE AND PLANNING SCHEME

In situations where the Performance Criteria and/or Acceptable Solutions contained in Codes within this Generations Industrial Park Place Code conflict with the Performance Criteria and/or Acceptable Solutions of a Council Code, the Performance Criteria and/or Acceptable Solution of the Code within the relevant Generations Industrial Park *Place* Code shall prevail.

In situations where this Code is silent on matters, the development shall be subject to the provisions contained within the 'Our Living City – Gold Coast Planning Scheme' and its associated policies.

6.0 GENERATIONS INDUSTRIAL PARK PLACE Code – DEVELOPMENT REQUIREMENTS

6.1 PURPOSE

The Generations Industrial Park Place Code seeks to ensure that the scale and intensity of development including the impact, design and appearance of industrial development for this land is consistent with the role of the site and the YEA as a regionally significant location for industrial development. These provisions also aim to ensure that the intent of the Place Code is followed and high standards of urban design and architecture are promoted.

6.2 APPLICATION

- This Code applies to all identified forms of development taking place within the Place Code area as nominated within the Generations Industrial Park Land Use Classification Plan.

6.3 DEVELOPMENT REQUIREMENTS

GENERATIONS INDUSTRIAL PARK PLACE CODE

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
DEVELOPMENT THAT IS SELF ASSESSABLE, CODE ASSESSABLE OR IMPACT ASSESSABLE	
BUILDING HEIGHT	
PC1 The height of buildings is to be consistent with the role of the site as a predominantly industrial use area. Buildings are to be constructed to a height that complements the surrounding built form and the local landscape character.	AS1 The building has a maximum of two storeys.
ACCOMMODATION DENSITY	
PC2 Accommodation density must be consistent with the predominant character of the YEA as an industrial location. Accordingly, very low residential densities are envisaged for the LAP area.	AS2 The maximum dwelling density does not exceed one dwelling per lot.
SITE COVERAGE	
PC3 The site coverage of development shall be in accordance with the open space landscape character of the YEA.	AS3 Precinct A, B & C: The maximum site coverage shall not exceed 70%

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
	Precinct D: The maximum site coverage shall not exceed 10%
BUILDING SETBACK	
PC4 The layout of buildings, structures and activities achieves an attractive and orderly appearance where development is visible from the public domain. A good standard of visual amenity is achieved through generous building setbacks and high quality landscaping.	Precinct A AS4.1 Buildings are set back from frontages: a) 10 metres from the primary frontage; b) 7 metres from the secondary frontage; and c) 10 metres from the western boundary adjoining the existing residential uses. Precincts B, C & D AS4.2 Buildings are set back from frontages: a) 10 metres from the primary frontage; and c) 7 metres from the secondary frontage. AS4.3 Where the site adjoins a public open space area the building or structure is setback a minimum of three metres from the common boundary with the public open space, and the setback area includes; ▪ a landscape buffer strip a minimum width of two metres; and ▪ fencing of the common boundary between the private lot and public open space.
BOUNDARY FENCING	
PC5 The erection of boundary fencing is undertaken in a manner that promotes an attractive streetscape and is responsive to the intended purpose of the fencing.	AS5.1 The design of front boundary fencing is conducive to the establishment of an attractive streetscape and is generally in accordance with the design measures outlined in Figure to AS5.1 included in this code. Generally speaking, design features or strategies such as transparency or landscape buffering should be utilised to soften the effect of front boundary fencing. Solid fencing exceeding 1.5 metres in height should only be established where required for acoustic attenuation purposes. AS5.2 The height of side and rear boundary fencing, where not required for acoustic attenuation purposes, does not exceed a height of two metres. Due to the general low visibility of this fencing, there is no requirement for this fencing to be transparent or landscaped.



PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
DESIGN OF DEVELOPMENT NEAR MAJOR ROADS	
PC6 Those developments visible from, or facing Stapylton-Jacobs Well Road must exhibit a high standard of architectural presentation.	AS6 Facades visible from, or facing Stapylton-Jacobs Well Road are designed to incorporate: a) materials such as glass, brick and coloured/textured block work (standard concrete block should not be used). If metal cladding is used, it should be pre-coated in an appropriate colour and have some form of relief; b) relatively unobtrusive, earth toned colours, such as subdued greens, blues, browns and greys (bright colours and/or materials which cause glare are avoided); c) horizontal/vertical articulation of walls at least at 15 metre intervals; d) 'humanising' elements, such as entry forecourts, porticos, verandahs, windows, awnings and fenestration; e) other features which contribute to an interesting and attractive appearance These design features are to be applied to the main facade facing the relevant road, as well as along a brief return or the full length of side walls.
VEHICULAR CROSSINGS	
PC7 Vehicular crossings associated with the development must be designed and constructed to ensure: a) A safe footpath environment; b) Safe vehicular access to the property; c) Appropriate hydraulic performance of the stormwater infrastructure; d) No damage to vehicle or road infrastructure; e) Minimal loss of on-street parking spaces; and f) Continued amenity of the neighbourhood.	AS7 Driveways are designed and constructed in accordance with relevant sections of Planning Scheme Policy 11 – Land Development Guidelines.
VEHICULAR PARKING	
PC8 On-site vehicle parking is provided to meet expected demand, having regard to: a) The size of the proposed workforce; b) The likely number of visitors to the site; c) The likely size and number of service and transport vehicles to be on the site at any one time;	AS8.1.1 The number of car parking spaces provided on-site generally meets the standards set out in the Constraint Code 4 - Car Parking, Access and Transport Integration in the Gold Coast City Planning Scheme (version 1.1 Amended January 2007); OR AS8.1.2

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
d) On-site parking and loading/unloading activities within sites; e) The availability of conveniently located on-street parking; f) Any possible future expansion, redevelopment or change of use.	The number of car parking spaces provided on-site is generally in accordance with Table to Acceptable Solutions AS8.1.2. AS8.2 For multi-unit or multi-use developments, the total car parking provided is an aggregate of the standard parking required for each individual unit and/or component use. AS8.3 A lesser provision may be acceptable where it can be demonstrated, to Council's satisfaction, that the parking needs of a particular development will be adequately met. Where less than the standard amount of parking is provided, the left over space is retained as landscaped open space and placed so as to be suited to ready conversion to additional parking, should the use of the site change and/or the actual car parking demand rise.
DEVELOPMENT THAT IS CODE ASSESSABLE OR IMPACT ASSESSABLE	
BUILDING HEIGHT	
PC9 The height of buildings is to be consistent with the role of the site as a predominantly industrial use area. Buildings are to be constructed to a height that complements the surrounding built form and the local landscape character.	AS9 The maximum height of buildings does not exceed three storeys.
SITING	
PC10 All buildings must be sited to complement the industrial character and the predominant built form of the surrounding area and to reduce potential conflicts between uses having regard to a site analysis, prepared in accordance with Planning Scheme Policy 17 - Site Analysis.	AS10 No acceptable solution provided.
PC11 The layout of the site must provide a clear separation between the public access areas and the areas set aside for servicing the building.	AS11 No acceptable solution provided.
PC12 Industrial structures, storage or service areas, which are likely to appear visually dominating or unsightly, are located to the rear or sides of sites or are otherwise designed and screened to enhance their appearance, when viewed from the street.	AS12 No acceptable solution provided.
BUILDING AND LAYOUT DESIGN, SAFETY AND COMFORT	



PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
PC13 Buildings are sited and designed such that suitable external spaces remain available for future expansion of buildings, and internal spaces are of a size and shape suited to variable internal layout, maximum vertical storage and addition of mezzanine floors.	AS13.1 Building shapes are regular so as to provide opportunities for future expansion in different directions, and for flexibility in internal location of activities and equipment. AS13.2 Internal column spacing and column heights are generous (for example, building spans of 18 metres and over, bay spacing of 12-18 metres, and column heights of at least eight metres).
PC14 Buildings are sited and designed to suit climatic conditions.	AS14.1 Wherever practicable, buildings are oriented to the north east to take advantage of summer breezes and winter sun. Western aspects are avoided, wherever possible. AS14.2 Where not air conditioned, buildings incorporate a maximum of openings (ie. louvring, windows, doorways) on eastern walls. AS14.3 Windows are minimised and trees are planted along west walls for protection from hot afternoon sun. AS14.4 Shading devices (ie: large roof overhangs, window hoods/blinds, awnings and verandahs) are attached to buildings on all sides, particularly eastern and western sides. Where possible, shading devices are retractable on northern sides during winter. AS14.5 Semi-enclosed workstations, where relatively strenuous manual labour takes place, are located in the cooler and more ventilated parts of the building.
PC15 All buildings must be designed and constructed to a high aesthetic standard and to complement or enhance the local character of the YEA.	AS15.1 The massing and proportions of new industrial buildings are consistent with those of adjoining industrial buildings. AS15.2 Building materials, patterns, textures and colours used in new buildings are complementary to those of nearby buildings.
PC16 Building design and appearance must be conducive to the safety and comfort of all building users.	AS16.1 Glass which forms all or part of any external wall of a building does not exceed a maximum degree of reflection of both heat and light of 20%. The glass area does not exceed 60% of the total area of the external wall. AS16.2

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
	Entrances to premises are clearly visible from the street, and are not obscured or dominated by car parking.
DESIGN OF CAR PARK AREAS	
PC17 All ground level parking is to be suitably landscaped to provide an attractive and pleasant outlook and shade for parked vehicles, and to contribute towards the quality presentation of new developments.	AS17.1 Significant trees are preserved and incorporated into car parking areas. AS17.2 Landscaped bays for the planting of shade trees are provided at regular intervals throughout car parking areas, at the rate of one landscaped bay per 40 vehicle parking bays or one large shade tree per ten parking spaces. Landscape bays have the same dimensions as a vehicle parking space. AS17.3 Large car parking areas and all heavy/service vehicle parking are situated to the side or rear of sites. Smaller car parking areas, particularly for short term and disabled parking, may be located to the front of sites. AS17.4 Car parking areas located in frontage setback areas are set back behind a minimum three metre landscaped buffer to the frontages. To reduce their visual impact, front car parking areas may be lowered and mounds incorporated in frontage landscaping.
ADVERTISING DEVICES	
PC18 Advertising signage does not dominate the visual amenity of the area.	AS18 No advertising, freestanding or otherwise, is erected which would be readily visible from the Pacific Motorway or the Gold Coast City Rail Line.
PC19 Signs and other forms of advertising on business/industry premises are kept to a minimum. Any advertising relates directly to the activity/process conducted on the premises, rather than general product advertisements.	AS19.1 There is one sign per premises. Multi-unit developments display a single index sign at the entrance to the development which details each occupant, its activity/process and respective unit number. AS19.2 The design and construction of signs meets the following parameters: a) signs are situated near site entries and are well placed for viewing by pedestrians and drivers; b) free-standing signs have a maximum area of 3m²; c) signs on facades have a maximum area of 5m²;

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
	d) signs utilise company logos or symbolic representations for quick and easy identification; e) wording on signs is limited to the name, location, business and products of the establishment; f) signs do not utilise fluorescent paints; g) signs do not rotate, flash or move; h) signs are integrated with the form of development and are not visually dominating. AS19.3 All signs are consistent with the provisions for the Industry 2 Domain set out in Specific Development Code 2 – Advertising Devices.
OPEN SPACE/RESERVE AREA	
PC20 In the areas identified as Precinct D (Open Space/Reserve) within the Staging Plan, development is of a limited scale and intensity, compatible with the retention of and rehabilitation of vegetation and habitat, landscape amenity and/or buffer values.	AS20.1 Areas identified as Precinct D (Open Space/Reserve) on the Staging Plan are reserved for conservation and landscape amenity purposes, through: a) Transfer to Council as public open space b) Dedication of a conservation / landscape amenity buffer; or c) Reservation of an area as open space / reserve. AS20.2 Areas identified as Precinct D (Open Space/Reserve) are to be provided in accordance with the following: a) the areas identified as Precinct D as open space will be subject to the application of a statement of landscape intent and/or open space management statement/plan, designed in accordance with Council's Open Space Management and Land Development Guidelines. b) Eventual commitment of the area identified as Precinct D is provided to Council as public open space, in accordance with the requirements of an approved open space management statement/plan and/or rehabilitation management plan. AS17.3 Areas identified within the Precincts D (Open Space/Reserve) including areas identified for revegetation within an approved open space management plan and/or rehabilitation management plan are to be managed in the following manner: a) the land remains largely undisturbed by

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
	any buildings, clearing and earthworks; b) the land is provided exclusive of unacceptable hazards such as contaminated land under the Contaminated Land Act 1991 or land subject to geotechnical hazard; c) existing vegetation and natural drainage patterns are retained and rehabilitated, and additional trees planted within a 60 metre wide band utilising local native species d) the area must be of a physical standard and condition that permits use of the land for its intended purpose, compliments existing adjacent and surrounding public open space areas and provides linkages to other open space areas, where practical; e) the area may form part of the landscape open space areas, associated with individual development proposals; f) the area facilitates appropriate measures for stormwater and flood management and the care of environmental features; g) any parallel roads or services are grouped on one side of the area, to minimise disturbance h) any breaks in the vegetation canopy, necessary for roads or services, are minimised by cutting through perpendicular to the link at a point where damage and discontinuity are minimised, such as where the canopy is already broken or sparse.
LANDSCAPE DESIGN	
PC21 Landscape design is used to enhance the landscape character of the YEA.	AS21.1 Frontage setback areas are attractively landscaped, including: a) at least 25% of the frontage having a landscaped buffer of minimum five metres depth and the remainder, excluding access ways, a landscape buffer of minimum three metres depth; b) one metre landscaped area adjacent to building walls facing the street. AS21.2 Planting of shade trees occurs along pathways, throughout car parking areas and within public road reserve, as well as and in any other exposed areas where relief from sun and glare would be beneficial. AS21.3

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
	Dwarf walls prevent vehicles breaching landscaped areas along frontages. AS21.4 Screen planting, utilising an appropriate mix of tall trees and lower level shrubs, is used around outdoor parking, equipment, storage and other unsightly areas, particularly where visible from roads. AS21.5 Landscape Design includes: a) provision of pleasant, shaded areas with appropriate furniture for lunch/relaxation areas for workers and visitors; b) retention of existing mature vegetation, wherever possible; c) retention of existing natural drainage channels and planting to strengthen their resistance to erosion, especially where proposed development is expected to result in increased volume and velocity of stormwater runoff; d) use of garden edges, lines of trees and mass planting to frame pathways and define site and building entries. AS21.6 A minimum ten metre wide landscape buffer is provided along the western boundary of the site adjoining the existing residential uses generally as outlined on the Landscape Intent Plan prepared by Gassman Development Perspectives and titled 5093 L LI 03.
PC22 Potentially obtrusive noise, odour and visual impacts are effectively buffered.	AS22.1.1 Development incorporates landscape buffers, earth mounds and acoustic fencing appropriate to the likely off-site impacts of particular developments. OR AS22.1.2 A landscape buffer to a minimum width of ten metres is provided along the western property boundary where adjoining residential uses to effectively screen development behind. Species selection, use of mature or semi mature trees, and density of planting will be important in this respect.
PC23 The street side environment and other public spaces are developed to enhance their visual appeal and create a physical continuity and legibility throughout the YEA area and its component precincts.	AS23 Individual developments contribute to streetscape enhancement work (including street tree planting, paving, landscaping of traffic islands and provision of street lighting and furniture), in accordance with any adopted Council streetscape strategy.

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS															
PC24 Public open spaces are developed to enhance their recreational amenity for workers and visitors to the Yatala area and the wider community.	AS24 Individual developments contribute (through works or financial contribution) towards construction of footpaths and cycle ways, seating, picnic facilities, play areas and/or other facilities in existing public open spaces and additional spaces established as a result of the development.															
PC25 Landscape design contributes to the creation of a distinctive, memorable and legible town centre, local centres and surrounding suburban areas for YEA.	AS25.1 Street design and plantings and major pedestrian paths are aligned to take advantage of attractive local and distant views (eg, views to the mountains or other important landscape elements). AS25.2 Footpath paving treatments and street furniture integrate with adjoining development, and setback areas are integrated with public footpaths. AS25.3 Landscape plantings utilise local native species to promote a distinctive site character.															
PC26 Open space and pedestrian areas are to be designed to be both functional and safe.	AS26 Development is designed to ensure a high degree of casual surveillance from nearby residents, employees or passing traffic, public and semi-public spaces, pedestrian and cyclist paths, car parking areas and building entrances.															
PC27 All ground level car parking, open space and buffer areas must be landscaped and maintained to complement the character of the local area, and any adjoining residential or public open space areas.	AS27 The car park area, open space and buffer areas of the lot are landscaped with landscape design and use of plant species generally consistent with that of adjacent and nearby lots. The landscape design may incorporate extensive paved areas for pedestrian use.															
LOT SIZE (FOR SUBDIVISION ONLY)																
PC28 All lots are to be of sufficient size to comfortably accommodate the type of development envisaged in the LAP and the relevant precinct intent.	AS28 Any new lots created are sized in accordance with the following schedule: <table><tr><th>Precinct</th><th>Min Area</th><th>Ave Area</th></tr><tr><td>A</td><td>4000m²</td><td>1 hectare</td></tr><tr><td>B</td><td>4000m²</td><td>1 hectare</td></tr><tr><td>C</td><td>4000m²</td><td>1 hectare</td></tr><tr><td>D</td><td>20 hectares</td><td>20 hectares</td></tr></table>	Precinct	Min Area	Ave Area	A	4000m ²	1 hectare	B	4000m ²	1 hectare	C	4000m ²	1 hectare	D	20 hectares	20 hectares
Precinct	Min Area	Ave Area														
A	4000m ²	1 hectare														
B	4000m ²	1 hectare														
C	4000m ²	1 hectare														
D	20 hectares	20 hectares														
PC29 Allotments prior to development have suitable topography for industry.	AS29 Industrial allotments generally have a ground slope not greater than 10%, and access ways associated with battle axe allotments generally															

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
	have a ground slope not greater than 16%.
PC30 Allotments are of regular shapes suited to the intended uses, and allowing design flexibility, efficient development and access.	AS30.1 Development generally incorporates all of the following features: a) allotments that are rectangular shapes; b) allotments which have frontage to depth ratios between 1:2 and 1:4. OR AS30.2 Alternative allotment shapes are provided where warranted, due to: a) the special site requirements of particular industries; and/or b) exceptional physical constraints. OR AS30.3 The development incorporates a small proportion of battle axe allotments, where particular industries have special requirements for square or long and narrow sites. (Battle-axe allotments are useful for creating allotments of such shapes, as well as reducing road frontage construction costs and providing appropriate sites for visually offensive industries.).
PC31 Allotments are oriented to suit climatic conditions.	AS31 Allotments are arranged in a manner that maximizes the number of allotments oriented to the north east to take advantage of breezes and enable optimal building orientation for energy efficiency and use of natural lighting.
PC32 Reconfiguration of land incorporates open space provision in a way which takes account of the location and attributes of the site and its surrounds, and the need to set aside certain areas for purposes such as: a) conservation of vegetation/habitat; b) retention of creek corridors and natural drainage patterns; c) provision of pedestrian/cycle linkages and recreational facilities; and/or d) creation of landscaped entrances, focal points and streetscape.	AS32.1 Where reconfiguration takes place, an area of up to 10% of the site is provided as open space. This open space is set aside for public park or conservation purposes, developed with pathways and/or recreational facilities, landscaped and/or rehabilitated to its natural state. AS32.2 Reconfiguration proposals incorporate a plan showing street planting to be undertaken. Planting themes contribute to the overall streetscape character of the estate.
PC33 Reconfiguration may take place in the form of Community Title subdivision, allowing for sharing of space, facilities and services, while at the same time ensuring allotments created are suited to the intended businesses/industries.	AS33 Community Title subdivisions within Precincts A-C (Industrial) are provided, which: a) are consistent with the Acceptable Solutions for PCs 28-32 b) generally maintain a minimum lot size of 100-



PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
	200m² within a minimum overall site area of 2,000m²; c) are not used for heavy manufacturing, metal/food processing, or noxious, offensive or hazardous industries.
ROAD DESIGN	
PC34 Roads are provided so as to form a road hierarchy, with each road serving a particular function according to the intended land use characteristics of the estate, expected traffic volumes and types, and external existing and future road linkages to anticipated development on adjoining lots.	AS34.1 Concept plans submitted with reconfiguration and/or development applications identify all roads proposed to be upgraded and/or newly constructed and their intended function within a road hierarchy. AS34.2 Concept plans submitted with reconfiguration and/or development applications identify road connections with adjacent allotments that will promote connectivity; and AS34.3 Proposed road hierarchies are generally consistent with the conceptual road hierarchy identified on the Generations Industrial Park Land Use Classification Plan.
PC35 The width, pavement, curvature, sight distances, intersections, turning radii and design features of roads convey the particular function of each road with the hierarchy mentioned in AS33.3, and reflect the nature of traffic management. In particular, road design ensures the safe movement of heavy articulated vehicles.	AS35.1 Road design and construction is in accordance with Planning Scheme Policy 11 - Land Development Guidelines and the Table to this Acceptable Solution. AS35.2 Distances between intersections are not less than 60 metres. AS35.3 Streets intersect at right angles, or as near as topography or other limiting factors permit. AS35.4 Various vehicle control devices are used to regulate traffic speed and enhance pedestrian safety (such as traffic lights and illuminated pedestrian crossings). AS35.5 Paving surfaces, landscape treatment and signage are used to define entrances to the estate and joint use areas within the estate AS35.6 Road pavements are designed and constructed for long life, hard wearing and suitability to the load capacity of expected vehicles. AS35.7 Median strips, roundabouts and footpaths are to be aesthetically treated and planted and paved accordingly; and

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
	AS35.8 The design of road networks avoids the use of culs-de-sac.
PC36 The alignment of roads reflects the physical land characteristics, and provides adequate drainage and safety.	AS36.1 Road drainage is designed and situated along natural drainage courses. AS36.2 Road grades are established to avoid excessive grading, indiscriminate removal of ground cover and tree growth, and unnecessary topographical levelling.
PC37 A network of pedestrian paths and cycleways is provided which considers: a) expected levels of pedestrian and cyclist activity; b) linkages between public transport, major employment activities, and parks; c) recreation opportunities along open space corridors; d) safe integration of users and vehicles, particularly at intersections; e) provision of bicycle end-of-trip facilities.	AS37.1 Footpaths are provided as follows: a) on both sides of all future major industrial roads. b) as specified in any relevant Council adopted strategy. AS37.2 Paths are designed and constructed in accordance with Council standards and AUSTROADS Part B. AS37.3 Features such as signs, road markings, lighting, paving, bollards and street furniture are provided to enhance the safety and amenity of foot/cycle paths. AS37.4 Bicycle end-of-trip facilities are provided in accordance with the requirements outlined in the Table to Acceptable Solution AS37.4.
PC38 The road network is designed to accommodate the extension and integration of the public transport system, with accessible linkages and routes and stops providing for passenger comfort without obstructing traffic flow.	AS38 For major industrial roads, constructed to a Industrial Collector standard, a minimum 3.5m parking lane is to be line marked and maintained to allow for future bus routes/stops.
SITE ACCESS	
PC39 Site access is designed and constructed to provide for the safe ingress/egress of vehicles to the site.	AS39 Vehicular access to the site is designed and constructed in accordance with Council, Department of Main Roads and AUSTROAD standards, and/or the following minimum requirements: a) comprises a single vehicular driveway (entrance/exit), wherever possible; b) is not closer than ten metres to an intersecting street on the same side of the street; c) provides a minimum sight distance of 110 metres;

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
	d) shares adjoining property access driveways, wherever possible; e) always enters the street at right angles; f) where the site has frontage to two roads, access is taken off the secondary/minor road, if possible. g) where separate entry and exit driveways are used, the first driveway reached from the kerbside land is clearly delineated and sign posted.
PC40 Treatment of access points to the site maintains appropriate sight distances and visually enhances its identification.	AS40 Access points incorporate decorative paving treatment and landscaping which distinguishes the access point, but which does not obstruct the safe sight distance requirements outlined above.
PC41 Provision is made for safe pedestrian and disabled access.	AS41.1 Pedestrian paths designed for disabled access are provided between building entrances, public footpaths and car parking areas. AS41.2 Pedestrian paths are separated from vehicular driveways.
AMENITY PROTECTION	
PC42 The proposed use must not detract from the amenity of the local area, having regard, but not limited, to the impact of: a) noise; b) hours of operation; c) traffic; d) lighting; e) signage; f) visual amenity; g) privacy; h) odour and emissions.	AS42 No acceptable solution provided.
PC43 The proposed development 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 existing impact of: a) noise; b) hours of operation; c) traffic; d) lighting; e) signage; f) visual amenity;	AS43 No acceptable solution provided.

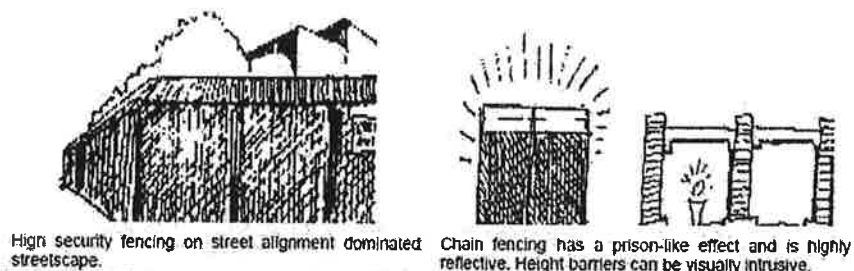
PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
g) privacy; h) odour and emissions.	
URBAN/RURAL USE CONFLICTS	
PC44 Conflicts between urban and rural uses are to be avoided by effective development design.	AS44 The development of land adjacent to the agricultural character areas includes a suitable buffer.
EXTRACTIVE INDUSTRY	
PC45 Extractive industry operations are managed to make effective use of the extractive resource, while containing any impacts on the subject site.	AS45 The extractive industry is managed and developed consistent with the Extractive Industry Domain Place Code.
ON-SITE VEHICLE PARKING AND MOVEMENT	
PC46 Internal driveways are provided for safe and easy maneuvering of vehicles.	AS46.1 Internal driveways are designed and constructed to enable all vehicles to enter and exit the site in a forward motion. AS46.2 Minimum driveway widths are as follows: a) eight metres to accommodate non articulated vehicles; b) ten metres to accommodate articulated vehicles; c) 4.5 metres for one-way driveways.
PC47 On-site vehicle parking is located: a) to allow easy access to building entrances; b) to provide visitor spaces for short term/high turnover use clearly visible from the street and signposted accordingly; c) to be adequately screened from the street; d) compatible with surrounding development and, where possible, facilitating shared use with adjacent land users.	AS47.1 In areas where visual amenity is important and/or where relatively large amounts of parking are provided, parking areas are generally situated to the rear or side of the site. In particular, employee parking is situated at the rear of the site, with staff entrances at the rear of the building. AS47.2 Some parking may be located toward the front of the site convenient to the street, provided it is behind landscaping strips and treated aesthetically. AS47.3 Short term/high turnover visitor parking and disabled parking spaces are located close to the main building entrance and clearly signposted. AS47.4 Driveways and parking areas may be constructed to property boundaries and linked to adjoining car parking areas. Similarly, loading areas may be located to facilitate shared turning areas across property boundaries.
LOADING AND UNLOADING	

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
PC48 All loading and unloading activities take place onsite.	AS48 Loading docks are located in the side or rear portions of the site, separate from public/visitor parking and access points, and screened by vegetation or walls to avoid public view.
PC49 Adequate provision is made for on-site manoeuvring of service vehicle/s.	AS49.1 On sites over 4,000m² and/or where the uses thereon involve regular servicing by service vehicle/s, on-site service areas are provided. On-site service areas comprise an area of land with an appropriate hard surface to enable a service vehicle/s to turn around within the site (based on standard design turning templates given by AUSTROADS AS 2890.1, 2890.2), and space for additional service vehicle parking and storage requirements. AS49.2 It may be acceptable for two or more developments to share service vehicle/s turning areas.
SITE SERVICING	
PC50 The design and provision of water, stormwater drainage, sewerage, electricity, gas and communications networks meets the needs of industry and business, and provides an orderly and economic progression of service development in the region.	AS50.1 The design and supply of water, stormwater drainage, sewerage, electricity, gas and communication services is in accordance with the requirements of Planning Scheme Policy 11 – Land Development Guidelines and the responsible authority (eg. Telstra, Queensland Electricity Boards, and Queensland Emergency Services). AS50.2 Car park entrances and ramps, loading docks and access ways are minimised, suitably designed and treated to ensure that they do not adversely impact on the streetscape and adjoining development.
PC51 Conflicts between pedestrians and vehicles at entrance points to parking areas are to be minimised.	AS51.1 The number of vehicle entry points to a development site is minimised, particularly in areas which have high volumes of pedestrian traffic and on streets with a significant through road function. AS51.2 Entrance points to parking and loading areas have clear and unobstructed visibility of pedestrian pathway areas, with pedestrian crossing points clearly identified which give priority to pedestrians.
PC52 Development is to be designed to support the	AS52 Development is designed to support the functional operation of the local and regional

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
functional operation of the cycle network.	cycleway system. (Local cycle ways will be determined at time of subdivision of each development.)
PUBLIC CONVENIENCE FACILITIES WITHIN BUILDINGS	
PC53 Commercial developments are to include public convenience facilities, where there is a need for their provision.	AS53 Where provided, public toilet facilities are open and readily accessible to the general public during retail trading hours or other trading hours relevant to the development.

Figure to Acceptable Solution AS5.1

Negative Fences



Positive Fences

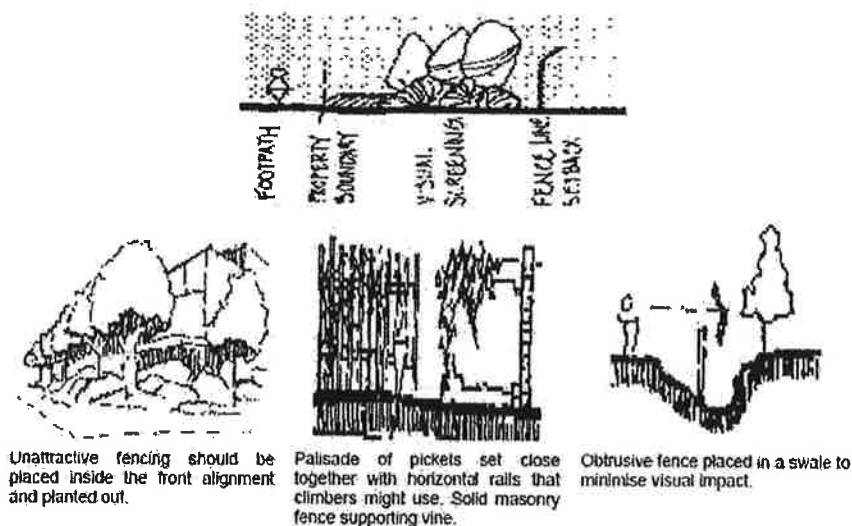


Table to Acceptable Solutions AS8.1.2

COLUMN 1	COLUMN 2
This table sets out the minimum number of car parking spaces required according to the use of the land. For each Material Change of Use, listed in Column 1, the minimum number of car parking spaces to be provided is listed in Column 2. Where the number of car spaces calculated, using Column 2, is not a whole number, the number of car parking spaces required shall be the next higher whole number.	
Warehouse	Two (2) spaces per tenancy or lot, plus one (1) space per 50m ² of GFA up to 500m ² , plus one (1) space per 100m ² of GFA over 500m ² .
All other Uses	Two (2) spaces per tenancy or lot, plus one (1) space per 50m ² of GFA up to 500m ² , plus one (1) space per 100m ² of GFA over 500m ² .

Table to Acceptable Solutions AS37.4

Note:- b) Type/Class as defined in, AS2890.3 Parking facilities – Part 3: Bicycle Parking Facilities			
Land Use	Long and Medium Term Bicycle Parking Spaces (Type/Class 1)	Short Term Bicycle Parking Spaces (Type/Class 3)	Additional End-of-Trip Facilities
Service Industry	1 per 400m ² GFA when within 800m to a light rail station otherwise, 1 per 800m ² GFA	1 per 200m ² GFA	No
Industry	1 per 150m ² GFA	N/A	No
Showroom	1 per 800m ² GFA	1 per 200m ² GFA	No
Warehouse	1 per 800m ² GFA	N/A	No
Any other land use	As determined by Council		

SCHEDULE 1:

**GENERATIONS INDUSTRIAL PARK LAND USE
CLASSIFICATION PLAN**



LEGEND

Site Area: 75,114 Ha

Limit of Application

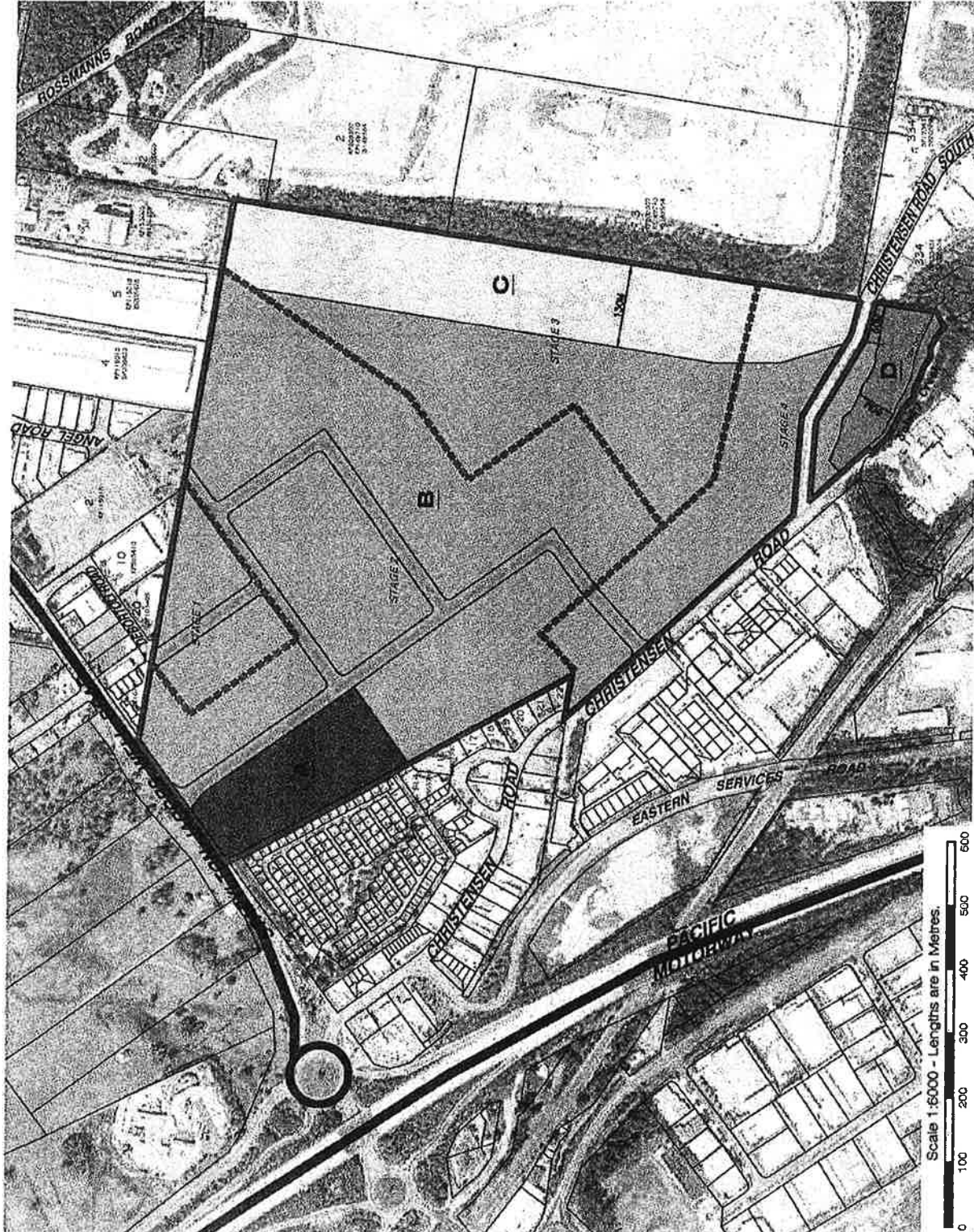
Major State controlled Roads

Proposed northern link to site

Possible future industrial collector road

LOW RENT AND RESIDE HOUSING	4,071a
GENERAL INDUSTRIAL DEVELOPMENT	54,831Ha
HEAVY INDUSTRIAL DEVELOPMENT	12,145Ha
OTHER LAND USES	1,355Ha

STAGE	COMPLETION YEAR	HA
STAGE 1	2008	4,071a
STAGE 2	2009	36,404a
STAGE 3	2013	21,559a
STAGE 4	2024	9,789a



Scale 1:6000 - Lengths are in Metres.

Land Use Classification : stapylton-jacobs well road, stapylton and Staging Plan generations industrial park

development perspectives

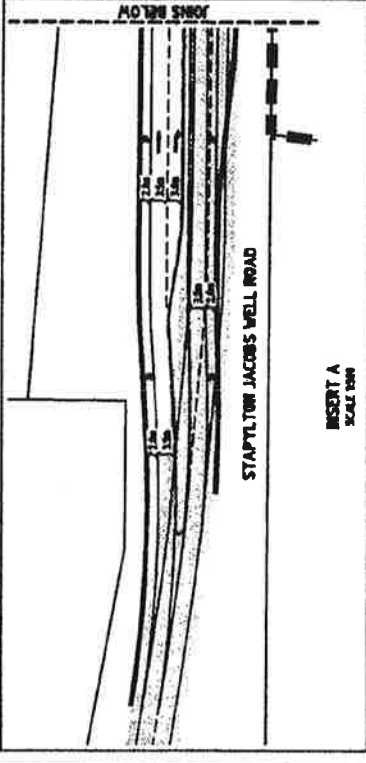
planning
design
environment
engineering

Project Office
Level 13
37 Green Street, Brisbane Q. 4000
Tel: (07) 3251 7205
Fax: (07) 3251 7206
Email: info@developmentperspectives.com.au
Website: www.developmentperspectives.com.au

Site Office and Local Office
2000 Pacific Highway, Suite 101
Stapylton, QLD 4012
Tel: (07) 3251 7205
Fax: (07) 3251 7206
Email: info@developmentperspectives.com.au
Website: www.developmentperspectives.com.au

Quality
ISO 9001
© 2007 Development Perspectives

date: 05.11.12
author: [illegible]
checked: [illegible]
designed: [illegible]
drawn: [illegible]
plan: 5003 P 00 12A

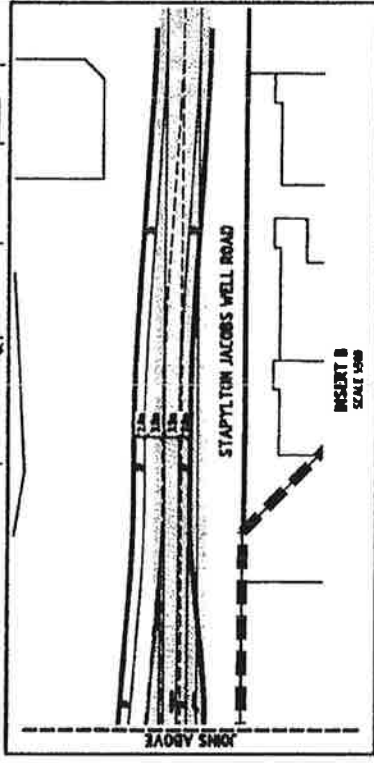
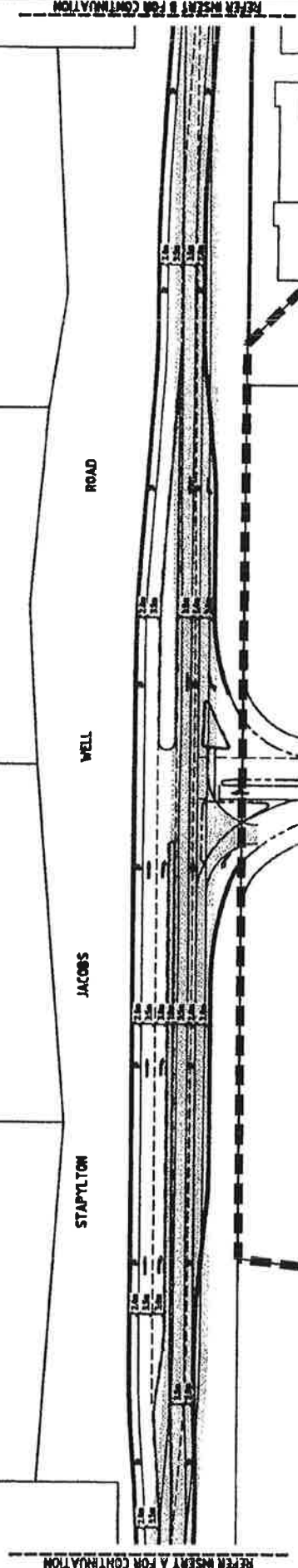


NOTE

THE ALIGNMENT OF STAPLETON JACOBS WELL ROAD HAS BEEN ADAPTED BASED ON OTHER DRAINAGE SURVEY A. ROAD RECONSTRUCTION AREAS SHOWN ON PLANS ARE INDICATIVE ONLY AND ARE BASED ON OTHER TYPICAL SECTION DRAWING ON DRAWING 307500 INT A.

ROAD RECONSTRUCTION AREAS TO THE NORTH OF STAPLETON JACOBS WELL ROAD ARE INDICATED BY A DASHED LINE. ALTERNATIVE DASHED LINE INDICATES ROAD ALIGNMENT WITH DEPARTMENT OF HIGHWAYS.

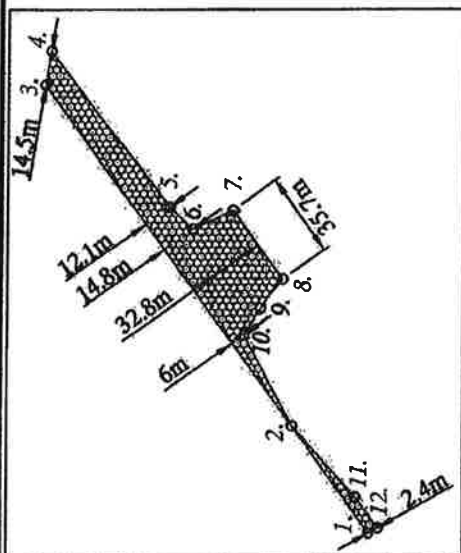
DESIGN SPEED 50KM/H
POSTED SPEED 50KM/H



LEGEND

[Symbol]	EXISTING ROAD RESERVE
[Symbol]	ROAD RECONSTRUCTION
[Symbol]	NORMAL ROAD LINE
[Symbol]	STATE BOUNDARY

PROJECT STAPLETON JACOBS WELL HESTER DEVELOPMENT SITE		CLIENT MRS PATRICIA & MR WILLIAM HESTER	
DESIGNER PRELIMINARY DESIGN FOR CONSTRUCTION		DATE 15/04/2014	
SCALE 1:500		PROJECT NO. AA000037	
PROJECT LOCATION STAPLETON JACOBS WELL ROAD INTERSECTION INTERIM ROAD UPGRADE		PROJECT NO. AA000037	
PROJECT NO. AA000037		PROJECT NO. AA000037	



DETAIL A



Table of Co-ordinates

Point	Easting	Northing	Remarks
1	522928.569	6932280.600	On Boundary
2	522973.289	6932312.776	On Boundary
3	523116.719	6932415.974	On Boundary
4	523131.005	6932413.655	On Boundary
5	523065.444	6932364.149	
6	523056.397	6932354.352	
7	523064.088	6932337.739	
8	523035.124	6932316.902	
9	523023.040	6932326.077	
10	523011.680	6932332.989	
11	522943.558	6932286.224	
12	522930.842	6932276.493	On Boundary

LOCALITY PLAN
N.T.S.

Important Information

The details on this sketch have been prepared based on the most current Digital Cadastral Data Base (DCDB) information available from Queensland Department of Natural Resources and Mines.

The sketch has been prepared to show the proposed future road corridor requirement line. The details shown are for information purposes only and are subject to change either during detailed design phases or as a result of changes to the DGB.

Co-ordinates are given in metres MGA Zone 56 (GDA94)

[illegible]

RECLASS

From: Domalewski Nick [Nick.Domalewski@dnrm.qld.gov.au]
Sent: Tuesday, 14 August 2012 5:48 PM
To: ANDERSON Monique; gsavins@gassman.com.au
Cc: GCCC Mail; Veg SEQSouth; Contaminated Land; LRO southeast
Subject: IC0212BEE0017 former DERM RAR Preliminary Approval MCU to override the Planning Scheme for Industry Use 31 Yellowwood Road, 60 Stapylton Jacobs Well Road & 82 Christensen Road, Stapylton GCCC ref: PN163781/01/DA1 MCU201100650

Attachments: IC0212BEE0017_GOL2963_RAR_CovLetter_090812_nd.pdf

Preliminary Approval Material Change of Use to override the Planning Scheme for Industry Use 31 Yellowwood Road, 60 Stapylton Jacobs Well Road & 82 Christensen Road, Stapylton (Lot 4 RP6843, Lot 1 RP6882 & Lot 240 W31320)

File reference - GOL2963
 Keeper reference - SER/098526
 EcoTrack reference - 383246 487310
 GCCC ref: PN163781/01/DA1 MCU201100650

Att: Monique Anderson & Gary Savins

Dear Sir / Madam,

Please find attached former DERM RAR for the subject DA. Please contact myself if you have any questions regarding this response.

Regards

Nick Domalewski
 Planning Officer,
 Regional Planning and Coordination
 Department of Natural Resources and Mines
 32 Tansey Street Beenleigh, Queensland 4207
 Phone: (07) 3884 8061 Fax: (07) 38848024 Mobile: 0428 106 120
 Email: nick.domalewski@dnrm.qld.gov.au

 The information in this email together with any attachments is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. There is no waiver of any confidentiality/privilege by your inadvertent receipt of this material.

Any form of review, disclosure, modification, distribution and/or publication of this email message is prohibited, unless as a necessary part of Departmental business.

If you have received this message in error, you are asked to inform the sender as quickly as possible and delete this message and any copies of this message from your computer and/or your computer system network.



15/08/2012

Notice

Concurrence and Advice Agency Response

This notice is issued by the Department of Natural Resources and Mines (DNRM) pursuant to sections 287 and 292 of the Sustainable Planning Act 2009 ("the Act").

Chief Executive Officer
Gold Coast City Council
PO Box 5042
GOLD COAST MC QLD 9729

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

Attention: Monique Anderson

Attention: Brendon Walkinshaw

Reference: PN163781/01/DA1_MCU201100650

Reference: 5093-10-BG/BJW

DERM reference: IC0212BEE0017_GOL2963_487310

Re: Concurrence and Advice Agency Response

1. Application Details

Assessment Manager reference: PN163781/01/DA1_MCU201100650
Date application referred to DNRM: 17 February 2012
Development approval applied for: Preliminary Approval – Material Change of Use to override the Planning Scheme for Industry Use
Property/Location description: 31 Yellowwood Road, 60 Stapylton Jacobs Well Road and 82 Christensen Road, Stapylton (Lot 4 RP6843, Lot 1 RP6882 and Lot 240 W31320)

The Chief Executive, Department of Natural Resources and Mines (DNRM) and the Chief Executive administering the *Environmental Protection Act 1994* concurrence agency response for the **concurrence agency referral jurisdictions** for the aspect of development involved with the application the subject of this Notice is to tell the assessment manager as follows:

2.1 Clearing vegetation

(*Sustainable Planning Regulation 2009* - Schedule 7, table 3, item 10)

- Conditions must attach to any development approval, and those conditions are attached to this Notice.

2.2 Contaminated land

(*Sustainable Planning Regulation 2009* - Schedule 7, table 2, item 23)

Concurrence Agency Response and Advice Agency Response

- Conditions must attach to any development approval, and those conditions are attached to this Notice.

1. The Chief Executive, DNRM and the Chief Executive, administering the *Environmental Protection Act 1994* advice agency response for each of the **advice agency referral jurisdictions** for the aspects of development involved with the application is to recommend to the assessment manager as follows:

- 3.1 Land in or near a wetland

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

- Recommendations made to the assessment manager.

- 3.2 Acid sulfate soils

(*Sustainable Planning Regulation 2009* - Schedule 7, table 3, item 3)

- Recommendations made to the assessment manager.

2. **General advice to assessment manager**

Pursuant to sections 334 and 363 of the Act, a copy of a decision notice or negotiated decision notice issued by the assessment manager must be forwarded to DNRM as a referral agency for the relevant application at PO Box 1164, BEENLEIGH QLD 4207 and an electronic copy to palm@ehp.qld.gov.au

The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, DNRM as a referral agency for the relevant application has not provided notification to native title parties.

Aboriginal Cultural Heritage Act 2003

DNRM also takes this opportunity to advise the Assessment Manager of the responsibilities of applicants under the *Aboriginal Cultural Heritage Act 2003*. The Assessment Manager may wish to include this information as an Advisory Note on the Decision Notice issued for the application.

Under section 23 of the *Aboriginal Cultural Heritage Act 2003* a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are \$1,000,000 for a corporation and \$100,000 for an individual.

Applicants will comply with the duty of care in relation to Aboriginal cultural heritage if they are acting in accordance with cultural heritage duty of care guidelines gazetted under the *Aboriginal Cultural Heritage Act 2003*, available on the website, or in accordance with an agreement with the Aboriginal party for the area or a cultural heritage management plan approved under part 7 of the *Aboriginal Cultural Heritage Act 2003*.

Notice

Concurrence Agency Response and Advice Agency Response

Applicants are also encouraged to undertake a search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register, administered by the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs. Application forms to undertake a free search of the Cultural Heritage Register and the Database may be obtained by contacting (07) 3239 3647 or on the website www.derm.qld.gov.au/cultural_heritage

Notifiable Activities under the *Environmental Protection Act 1994*

It is a requirement of Section 371 of the *Environmental Protection Act 1994* that if the owner or occupier of this site becomes aware that a Notifiable Activity (as defined under Schedule 3 of the *Environmental Protection Act 1994*) is being carried out on this land or that the land has been affected by a hazardous contaminant they must, within twenty-two (22) days after becoming aware the activity is being carried out, give notice to the Department of Environment and Heritage Protection. A list of Notifiable Activities is provided within Schedule 3 of the *Environmental Protection Act 1994*. Failure to give the required notice, except where notice has already been given, may give rise to an offence.



Delegate

Jeff Guinea
Senior Planning Officer
Regional Planning and Coordination
Planning and Assessment – South Region

14 August 2012

Enquiries:

Nick Domalewski
South Region, Planning and Assessment Unit
32 Tansey Street, BEENLEIGH QLD 4207
PO Box 1164, BEENLEIGH QLD 4207

Phone: 07 3884 8048

Fax: 07 3884 8024

Email: DACoordinationSEQSouth@dnrm.qld.gov.au

Attachments – Referral Agency Responses for each jurisdiction

1. Concurrence Agency Response for Vegetation Management, Permit Number: Ecotrack # 487310, Elvas # 2012/001394, Trackjob # IC0212BEE0017
2. Concurrence Agency Response for Contaminated Land, Permit Number: SPCL03861412 (MCU)
3. Advice Agency Response for Acid Sulfate Soils, Permit Number: IC0212BEE0017
4. Advice Agency Response for Wetlands, Permit Number: SPAR04405712

Sustainable Planning Act 2009

**DNRM Permit ¹ number: Ecotrack # 487310, Elvas # 2012/001394,
Trackjob # IC0212BEE0017**

Assessment manager reference (if any):	MCU201100650
Date application received:	17 February 2012
Permit type:	Preliminary Approval – s242, MCU/RAL
Date of decision:	16 August 2012
Decision:	For a concurrence agency response conditions that must attach to any development approval
Relevant laws and policies:	<i>Sustainable Planning Act 2009</i> <i>Sustainable Planning Regulation 2009</i> <i>Vegetation Management Act 1999</i> State policy for Vegetation Management Concurrence Agency Policy for Material Change of Use, dated 21 October 2009 Regional Vegetation Management Code for Southeast Queensland Bioregion- version 2, dated 6 November 2009
Jurisdiction(s):	Material change of use - Clearing vegetation Sustainable Planning Regulation 2009 - Schedule 7, table 3, item 10

Development Description(s)

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Natural Resources and Mines.

Property/Location		Development
Yellowwood Road, Stapylton-Jacobs Well Road and Christensen Road	Lot 4 on RP6843, Lot 1 on RP6882 and Lot 240 on W31320	Preliminary approval for a Material Change of Use to override the planning scheme for industry uses

Reason(s) for inclusion of conditions

The conditions are included pursuant to section 287 of the *Sustainable Planning Act 2009*.

In accordance with section 289 of the *Sustainable Planning Act 2009*, the reason(s) for inclusion of conditions stated in this permit required by the concurrence agency response for the application are detailed below in the Statement of Reasons.

Words underlined in the conditions are defined in the Definitions section.

CONDITIONS

1. To prevent loss of biodiversity and maintain ecological processes, clearing of remnant vegetation is not permitted in Area A (A1 and A2) identified on Referral Agency Response (Vegetation) Plan RARP 2012/001394.
2. Clearing as a result of the MCU must not occur until all relevant development approvals have been given.
3. Clearing of vegetation must only commence once the clearing area has been clearly defined to protect adjacent vegetation.
4. Clearing and land disturbing activities must not occur until a site-specific erosion and sediment control plan (ESCP) is prepared in accordance with the following and is submitted to and approved by DNRM:
 - 4.1. 'Best Practice Erosion and Sediment Control. International Erosion Control Association (Australasia), November 2008';
 - 4.2. The ESCP must contain the following information:
 - a) Identification of both site-specific erosion and sedimentation risks (including bulk earthworks and geo-technical structures), and measures to be used to mitigate the impact.
 - b) Engineering specifications and cross-sections.
 - c) Measures used to manage matters such as, but not limited to, stockpiles and hazardous material, pollutants and monitoring of water quality.
 - d) Details of rehabilitation or revegetation plan envisaged as part of the mitigation of the impact of the development.
 - e) The ESCP must encompass both the construction and operational phase of the development.
 - f) The ESCP must demonstrate how the development will ensure erosion and sedimentation will not impact on the ecological function of the adjacent watercourse and referable wetland area, including considerations of the following:

- I. The ecological values and processes of the wetland/watercourse, including its connectivity to other wetland/watercourse areas.
 - II. The role of the 100 metre buffer in protecting the hydrological functioning and ecological values and processes of the wetland.
 - III. The maintenance of the existing hydrological regime i.e. surface and ground water in and out of the wetland/watercourse area.
 - IV. Water quality in and out of the wetland/watercourse and monitoring thereof.
 - V. Introduction and/or increase of pest and invasive species to the wetland/watercourse area.
 - VI. Any net benefits of the proposed development to the ecological values of the wetland/watercourse e.g. rehabilitation works and removal of weeds
- g) If the above-required information is distributed across several documents, these must be clearly referenced and included in the ESCP.
5. To ensure loss of biological diversity is prevented, land degradation does not occur and ecological processes are maintained, stormwater quantity and quality must be managed to the standards and specification in the following documents:
- 5.1. *'Generations Industrial Park Stormwater Management Plan – Hyder Consulting Pty Ltd, dated 20 June 2012'*, received by DNRM 22 June 2012, and any future amendments to this document provided they are consistent with best practice; and
 - 5.2. *'Best Practice Erosion and Sediment Control. International Erosion Control Association (Australasia), November 2008'* if such standards and specification are not contained in the abovementioned Stormwater Management Plan (SWM).
6. Prior to the commencement of the proposed works, and in conjunction with the ESCP the Applicant must document a specific list of personnel that details the 'chain of command' in relation to the implementation, modification, and maintenance of the site erosion and sediment control (ESC) and stormwater management (SWM) measures. This document will, as a minimum, detail the ESC- and SWM-related responsibilities and accountabilities of personnel, and must be updated to reflect any changes in staffing arrangements.
7. All erodible material **must not** be stockpiled within 40 metres of the high bank of a watercourse.
8. Any soil disturbance must be scheduled where possible for the least erosive periods of the year i.e. during periods of low rainfall volume and intensity to prevent soil erosion, maintain water quality and protect adjacent habitat.
9. Where excavation is undertaken adjacent to Area A, the edge of excavation must be stabilised to ensure soil levels in Area A are maintained.
10. Measures used to stabilise excavation areas must not encroach into Area A.
11. Measures used to stabilise excavation areas must be of sufficient depth and/or lateral distance from Area A to ensure root systems are not adversely impacted.
12. The Applicant must ensure a copy of the development approval conditions, development permit, erosion, sediment and drainage control plan, stormwater management plan and any other documents required for

the management of soil erosion, sediment and drainage control, and stormwater quantity and quality, are provided to the principal contractor prior to the commencement of land-disturbing activities.

13. The Applicant must ensure that any and all employees, contractors, subcontractors, agents or any other person engaged or employed to carry out the clearing of any vegetation and land disturbing activities under this permit comply at all times with the requirements of this permit and do not clear any vegetation that is not approved to be cleared under this permit.

—END OF CONDITIONS—

Definitions

- **"Clear", "Cleared" or "clearing"** means clear as defined under the *Vegetation Management Act 1999* and as amended from time to time.
- **"Remnant vegetation"** means remnant vegetation as defined under the *Vegetation Management Act 1999* and as amended from time to time.
- **"Vegetation"** means vegetation as defined under the *Vegetation Management Act 1999* and as amended from time to time.

Statement of Reasons

The following Statement of Reasons is provided pursuant to section 289(1) of the *Sustainable Planning Regulation 2009*.

1. INTRODUCTION

- 1.1 The Department of Natural Resources and Mines (DNRM) received an application from Hester, P and W c/- Gassman Development Perspectives on 17 February 2012.
- 1.2 The application is for a material change of use for a Preliminary approval (Industry Uses) pursuant to s242 *Sustainable Planning Regulation 2009* to vary the effect of the Planning Scheme on freehold Lot 4 on RP6843, 1 on RP6882 and 240 on W31320.
- 1.3 Extension to Information Request period issued 1 March 2012.
- 1.4 Information Request issued to applicant dated 16 March 2012.
- 1.5 Applicant's response to Information Request received 21 June 2012.
- 1.6 Extension to Referral Agency Response period issued 3 July 2012.
- 1.7 Delegate determined the Referral Agency Response on 10 August 2012.

2. EVIDENCE

- 2.1 Application and common material included therein.

- 2.2 Smartmap.
- 2.3 Vegetation Information Network (VIN).
- 2.4 Electronic Land & Vegetation Administration System (eLVAS).
- 2.5 *Vegetation Management Act 1999* (VMA).
- 2.6 *Sustainable Planning Act 2009* (SPA).
- 2.7 *Sustainable Planning Regulation 2009* (SPR).
- 2.8 Concurrence Agency Policy for Material Change of Use, dated 21 October 2009 (the policy).
- 2.9 Regional Vegetation Management Code for Southeast Queensland Bioregion – version 2, dated 6 November 2009 (the code).
- 2.10 Natural Resource (SPA) Delegation (No. 2) 2012.
- 2.11 Regional Ecosystem (RE) map Version 6.1.
- 2.12 Gold Coast City Council Planning Scheme 2003 - Version 1.2 Amended November 2011.
- 2.13 Aerial Photographs.
- 2.14 DNRM datasets.
- 2.15 Applicant's response to Information Request.

3. FINDINGS OF FACT

- 3.1 Smartmap indicates the land tenure for Lot 4 on RP6843, 1 on RP6882 and 240 on W31320 is Freehold.
- 3.2 VIN and eLVAS indicate no PMAV has been certified on Lot 4 on RP6843, 1 on RP6882 and 240 on W31320.
- 3.3 RE mapping indicates the subject lots are mapped with:
 - 3.3.1 Of Concern RE12.3.11; and
 - 3.3.2 Least concern RE12.11.5 and 12.1.3; and
 - 3.3.3 High value regrowth containing an Of Concern RE and Least Concern RE.
 - 3.3.4 Non-remnant vegetation
- 3.4 The Gold Coast City Council Planning Scheme indicates the subject lots are zoned as *Future Industry* and *Open Space* in the Yatala Enterprise Area Local Area Plan.
 - 3.4.1 The majority of Lot 240 on W31320 is zoned as *Future Industry*, the intent of which as described in the planning scheme is consistent with the definition of *urban area* in Schedule 26 SPR.
 - 3.4.2 The remainder of Lot 240 on W31320 and all of Lot 4 on RP6843 and 1 on RP6882 are zoned as *Open Space*, the intent of which as described in the planning scheme is not consistent with the definition of *urban area* in Schedule 26 SPR.

- 3.5 The proposed development, when in an *urban area*, is consistent with the definition of *urban purpose* in Schedule 26 SPR.
- 3.6 Schedule 24, Part 2, item 2(g) SPR indicates clearing vegetation on freehold land for an urban purpose in an urban area is exempt if the vegetation is, in part, a remnant of concern RE, remnant least concern RE, or high value regrowth. As such, relative to VMA matters, clearing of native vegetation in the area on the subject lots zoned as *Future Industry* is exempt.
- 3.7 Clearing of vegetation in areas identified as Open Space are not exempt.
- 3.8 All clearing as a result of the MCU is taken into consideration during assessment. This includes, but is not limited to potential and proposed clearing for firebreaks, fence lines, roads and utility services and other exemptions provided within SPR. Where buildings are located close to allotment boundaries, assessment of potential clearing for firebreaks on adjoining allotments will be undertaken.
- Clearing of remnant vegetation as a result of the MCU that may occur through soil erosion and sediment runoff, bulk earthworks and batters, geo-technical structures, and inadequate management of stormwater runoff prior, during and post-construction is also taken into consideration.
- 3.9 The following was determined from the application:
- 3.9.1 Certified Regional Ecosystem (RE) Mapping version 6.1 overlayed with the site plans entitled "Extent of clearing plan – Stapylton Jacobs Well Road, Generations Industrial Park, dated 10 February 2012" received by the department 17 February 2012 indicates that no clearing of assessable vegetation is proposed.
 - 3.9.2 Assessable vegetation contained within Lots 4 on RP6843, 1 on RP6882 and the southern part of Lot 240 W31320 (within the *Open Space* zoning) will become exempt as a result of the MCU to override the planning scheme.
 - 3.9.3 The site plan entitled "*Land use classification plan - Stapylton Jacobs Well Road, Generations Industrial Park*, dated 2 November 2011, received by the department 17 February 2012 indicates the proposed designation of Precinct Six (Open Space/Reserve) which comprises of;
 - a) A 50m ecological corridor running north to south along the eastern boundary of Lot 240 W31320.
 - b) The Open Space zone contained within the portion of Lot 240 South of Christenson road.
- 3.10 The department determined the proposed changes to the zoning under the planning scheme did not impact on assessable remnant vegetation given the proposed Precinct 6 Open Space/Reserve incorporates all of the current *Open Space* zone identified in the current zoning map.
- 3.11 However, the department was not able to assess the impact of the future infrastructure or bulk earthworks that would occur as a result of the MCU on assessable vegetation. Insufficient information was provided to demonstrate compliance with Performance Requirements (PR's) PR P.2, PR P.3, PR P.4, PR P.7 and PR P.8 of the code.– further information was requested from the applicant including:

- 3.11.1 Confirm there is no alternative site or configuration for proposed Lot 15 with associated bio-retention basin located in the southern part of Lot 240 W31320.
- 3.11.2 In the context of clearing for proposed Lot 15 and associated bio-retention basin, insufficient information was provided to demonstrate compliance with Performance Requirements (PR's) PR P.2, PR P.3, PR P.4, PR P.7 and PR P.8 of the code. Provide further information to demonstrate compliance with these performance requirements. The applicant was asked to take the following into consideration:
- a) Clearing of assessable vegetation (i.e remnant vegetation located in the Open Space zone) may occur as a result of the MCU for fences, firebreaks and bulk earthworks. As such, clearing of assessable vegetation as a result of the MCU:
 - I. may occur within 10 metres of the high bank of Sandy Creek
 - II. may occur within 100 metres of a natural wetland.
 - b) Clearing of assessable vegetation may increase edge effects which may impact on the ecosystem functioning of the watercourse/wetland area. The vegetation located adjacent to the high bank of the watercourses acts as a buffer to the watercourse/wetland area.
 - c) Clearing may occur where the width of assessable mapped remnant vegetation is less than 100 metres and clearing may reduce of the width of assessable mapped remnant vegetation to less than 100 metres.
 - d) The watercourse wetland area also contains a mapped Of Concern regional ecosystem and essential habitat. As such, any activities that may impact on the ecosystem functioning of this area may require an offset.

3.12 Applicant's response to the Information Request for VMA matters, indicated the following:

3.12.1 Statements:

- a. *"It is confirmed that there is not considered to be any alternative site or configuration for the bioretention basin in the southern part of Lot 240 W31320 given the existing topography, the required grading of any future the lot and the areas proximity to essential habitat areas. It should be noted that the size of the basin as depicted in the supporting stormwater management plan includes all batters and represents the total extent of works meaning no vegetation outside this area will be damaged or removed".*
- b. *"The current application does not include any reconfiguration component. Where lot boundaries have been identified, they are indicative only and have provided for illustrative purposes as to the likely form development may take".*
- c. In relation to the proposed area of Lot 240 W31320 south of Christianson Road adjacent to the Open Space zone containing assessable vegetation: *"A 10 m development free zone will added to the title at the rear of the lot to ensure that further vegetation removal is required for fire management purposes. Only hardstand and car parking will be allowed in this area"* (PR P.2)
- d. *"Clearing will not occur within 10 m of the high bank of Sandy Creek. A 50 m buffer*

of vegetation measured from the centreline of Sandy Creek is being retained. The flows upstream of Sandy Creek are moderated by culverts underneath the Pacific Motorway and therefore the high bank of Sandy Creek is not liable to change." (PR P.3)

- e. "Clearing on land south of Christianson Road South will also reduce the width of mapped remnant vegetation to less than 100 metres and partially occurs where remnant vegetation is less than 100 metres wide. Edge effects will be minimised by the use of native and endemic landscape plantings at the rear of the lot south of Christianson Road South" (PR P.4)*
- f. "Whilst an Of Concern Regional Ecosystem occurs in the vicinity of the clearing, ground truthing has indicated that this RE occurs on the southern bank of Sandy Creek and not on the subject site. Only Least Concern regional ecosystems will be impacted on by the proposed development". (PR P.7)*

3.13 The applicant provided a Stormwater Management Plan, but did not provide a Soil Erosion and Sediment Control Plan. The assessing officer is satisfied in this instance to conditions that a Soil Erosion and Sediment Control Plan be prepared and submitted to DNRM for review and approval prior to the clearing of vegetation.

3.14 The application complies with the policy and code based on the following.

3.14.1 The application will be subject to the conditions identified above including the submission of an erosion and sediment control plan to DERM for review and approval prior to the start of any land disturbing activities.

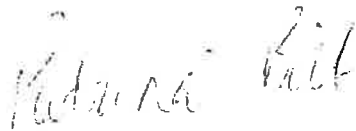
3.14.2 Additional clearing of mapped assessable vegetation will not occur as a result of soil erosion and sedimentation, poor stormwater quantity and quality, bulk earthworks or other geo-technical structures as the development will occur in accordance with the conditions of this permit and the following documents:

- a. "Extent of clearing plan – Stapylton Jacobs Well Road, Generations Industrial Park, prepared by Gassman Development Perspectives, dated 10 February 2012" received by DNRM 17 February 2012*
- b. "Land use classification plan - Stapylton Jacobs Well Road, Generations Industrial Park, prepared by Gassman Development Perspectives, dated 2 November 2011, received by DNRM 17 February 2012.*
- c. 'Open Space Management Statement and rehabilitation Plan- Lot 1 on RP6882 and Lot 240 on W31320, prepared by Gassman Development Perspectives, dated 30 June 2011, received by DNRM 17 February 2012.*
- d. 'Generations Industrial Park – Stormwater Management Plan, prepared by Hyder Consulting Pty Ltd, dated 3 November 2011', received by DNRM 17 February 2012.*
- e. 'Generations Industrial Park Place Code, prepared by Gassman Development Perspectives, dated June 2012, received by DNRM 21 June 2012.*
- f. 'Acid Sulphate Soil Investigation – proposed industrial development: Lot 1 on RP6882 and Lot 240 on W31320, Stapylton Jacobs Well Road and Christensen*

DNRM Permit number: Ecotrack # 486836, Elvas # 2012/001394, Trackjob #
IC0212IPS0003

*Road, Stapylton, Queensland, prepared by ADG Consulting November 2012',
received by DNRM 17 February 2012.*

- 3.15 The assessing officer finds the application complies (with conditions) with the *Concurrence Agency Policy for Material Change of Use, dated 21 October 2009* and as such achieves the purposes of the *Vegetation Management Act 1999*.
- 3.16 Based on the above findings DERM recommends approval.



Patrina Birt
Delegate, (VM2)
Chief Executive administering the *Vegetation Management Act 1999*.
Department of Natural Resources and Mines

10 August 2012

Derived Coordinate Points

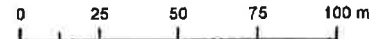
Parcel	Point	Easting	Northing
A1	1	522673	6933017
A1	2	522663	6933007
A1	3	522654	6933004
A1	4	522648	6932998
A1	5	522640	6932988
A1	6	522632	6932980
A1	7	522624	6932971
A1	8	522615	6932967
A1	9	522613	6932966
A2	10	523520	6931355
A2	11	523523	6931355
A2	12	523542	6931355
A2	13	523575	6931349
A2	14	523591	6931342
A2	15	523605	6931335
A2	16	523620	6931326
A2	17	523657	6931299
A2	18	523676	6931287
A2	19	523694	6931276
A2	20	523713	6931266
A2	21	523732	6931256
A2	22	523751	6931244
A2	23	523786	6931241
A2	24	523793	6931240

ADDITIONAL SHEET REFERRAL AGENCY RESPONSE (Vegetation) PLAN

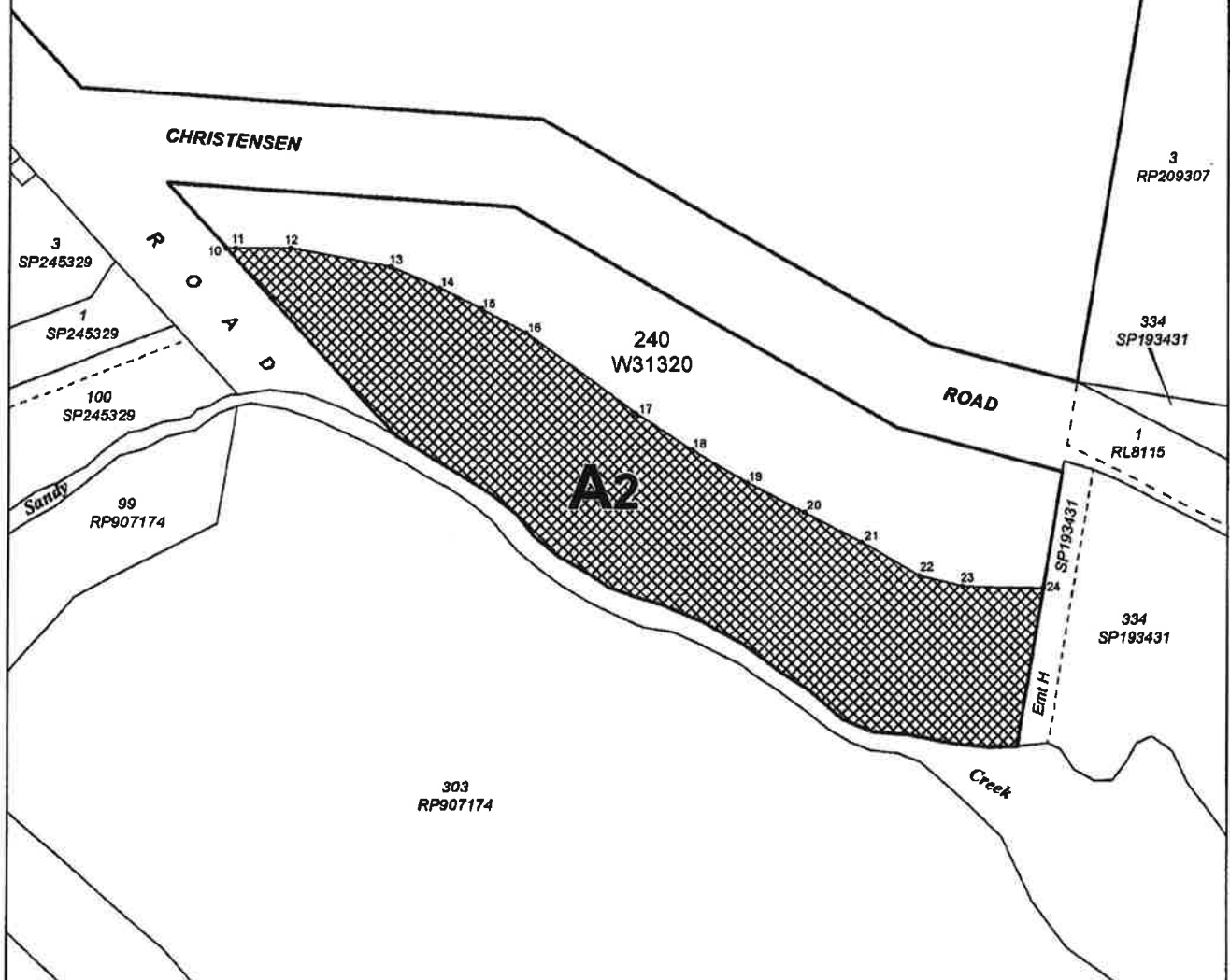
LEGEND

- Derived Coordinate Point.
- Subject Lots.
- ▨ Area A - Specific Conditions Apply. See Referral Agency Response 2012/001394 for Details.

Scale 1:1500 at A3 paper size



240
W31320



Projection UTM (MGA94 Zone 58) Datum - GDA94

Note: Derived Coordinate Points are provided to aid in the location of the Referral Agency Response boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated clearing contractor(s). All Derived Coordinate Points continue sequentially when labels are missing.

Note: Plan scales are at A3 paper size. This is a colour plan and should only be reproduced in colour.

Note: This plan must be read in conjunction with Referral Agency Response 2012/001394.

RARP 2012/001394

Sheet 2 of 2 Sheets

DERM Permit ¹ number: SPCL03861412 (MCU)

Assessment manager reference:	MCU201100650
Date application received:	17 February 2012
Permit type(s):	<i>Preliminary Approval Only</i>
Date of decision:	6 March 2012
Decision:	For a concurrence agency response conditions that must attach to any preliminary approval
Relevant laws and policies:	<i>Environmental Protection Act 1994</i>
Jurisdiction(s):	1. Material change of use - Contaminated land - <i>Sustainable Planning Regulation 2009</i> - Schedule 7, table 2, item 23

Development Description(s)

Property/Location		Development
Lot 4 on RP6843	31 Yellowwood Road, Stapylton	Preliminary Approval for making a Material Change of Use to override the Planning Scheme for Industry uses
Lot 1 on RP6882	60 Stapylton Jacobs Well Road, Stapylton	
Lot 240 on W31320	82 Christensen Road, Stapylton	

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Environment and Resource Management.

DERM Permit number: SPCL03861412 (MCU)

Reason(s) for inclusion of conditions

In accordance with section 289 of the *Sustainable Planning Act 2009*, the reason(s) for inclusion of conditions stated in this permit required by the concurrence agency response for the application are as follows.

The Department of Environment and Resource Management is recognised as a concurrence agency under the *Sustainable Planning Regulation 2009* for the protection of the environment by the management of contaminated land. The Department of Environment and Resource Management concurrence agency conditions for this proposed development that are contained within this response are required to prevent or mitigate any potential risk to human health or the environment from possible hazardous contaminants present on the site.



Delegate

Kelli Ready
Delegate, Chief Executive administering the
Environmental Protection Act 1994
Department of Environment and Resource Management

Enquiries:

Helen Banks
Contaminated Land
Department of Environment and Resource
Management
GPO Box 2454 BRISBANE QLD 4001
Phone: (07) 3330 5616
Email: helen.banks@derm.qld.gov.au

DERM Permit number: SPCL03861412 (MCU)

CONDITIONS OF THE PRELIMINARY APPROVAL

1. Sufficient information must be provided in accordance with Part 8 of the *Environmental Protection Act 1994* and the *Draft Guidelines for the Assessment and Management of Contaminated Land in Queensland* (DEH, 1998) specifying that Lot 1 on RP6882 is suitable for the intended use or enabling statements of suitability with Site Management Plans (SMPs).

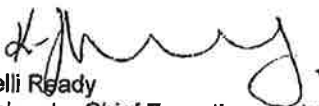
Additional comments or advice about the application:

1. The information requested may be reviewed and consented to by a Third Party Reviewer (TPR) before submitting to DERM.
2. A Third Party Reviewer (TPR) may be appointed under DERM's *Terms of Reference - Use of a Third Party Reviewer for Assessment and Management of Site Contamination dated 15 June 2010* (TOR). A copy of the Terms of Reference may be obtained via <http://www.derm.qld.gov.au/register/p01313aa.pdf>

The *Draft Guidelines for the Assessment and Management of Contaminated Land in Queensland* may be obtained from DERM's Internet site at www.derm.qld.gov.au, or by contacting DERM's Contaminated Land Unit. Please ensure that the appropriate statutory fee [as of the 1 August 2011 \$1117.00 per lot listed on the EMR] is included with this application for the assessment of the site investigation and / or validation reports.

~ End of Conditions ~

Delegate


Kelli Ready
Delegate, Chief Executive administering the
Environmental Protection Act 1994
Department of Environment and Resource Management

Enquiries:

Helen Banks
Contaminated Land
Department of Environment and Resource
Management
GPO Box 2454 BRISBANE QLD 4001
Phone: (07) 3330 5616
Email: helen.banks@derm.qld.gov.au

**Department of Natural
Resources and Mines**

Sustainable Planning Act 2009

DNRM Permit ¹ number: IC0212BEE0017

Assessment manager reference (if any):	PN163781/01/DA1 MCU201100650
Date application received:	17 February 2012
Decision:	Conditions that should attach to any development approval
Relevant laws and policies:	State Planning Policy 2/02 – Planning and Managing Development Involving Acid Sulfate Soils
Jurisdiction(s):	Various aspects of development - Acid sulfate soils. <i>Sustainable Planning Regulation 2009</i> - Schedule 7, table 3, item 3

Development Description(s)

Property/Location		Development
31 Yellowwood Road, 60 Stapylton Jacobs Well Road & 82 Christensen Road, Stapylton	Lot 4 RP6843, Lot 1 RP6882 & Lot 240 W31320	Material Change of Use

Recommendation

The SPP 2/02 is triggered where a development would involve either of the following activities:

- excavating or otherwise removing 100 m³ or more of soil or sediment from at or below 5 m AHD; or

¹ Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation administered by the Department of Natural Resources and Mines.

- filling land below 5 m AHD with 500 m³ or more of material having an average depth of 0.5 of a metre or greater.

Review of the application material indicates that earthworks would include either placement of more than 1000 m³ of fill with an average depth of 0.5 m on land below 5 m AHD, excavation of more than 1000 m³ from at or below 5 m AHD or both.

With respect to Lot 1 RP6882 & Lot 240 W31320, DNRM advises that the application meets the requirements of the SPP 2/02. However, Lot 4 RP6843 was not assessed in the ASS investigation by ADG Consulting dated November 2011. To address this deficiency, the Department recommends the following conditions with respect to Lot 4.

Recommended Conditions

1. Complete an ASS investigation in accordance with SPP 2/02 Guideline².
2. Based on the results of the ASS investigation, formulate an ASS EM Plan consistent with Appendix 4 of the SPP2/02 Guideline and the Management Principles of the latest version of the *Queensland Acid Sulfate Soil Technical Manual, Soil Management Guidelines*³.
3. The development must comply with the ASS EM Plan required in 2.

Should you have any questions about the above, please contact Louise Henriksen on telephone (07) 41315756, quoting the above reference number.



Delegate

P Harris

Manager (Natural Resources Technical Support)

Nambour – South Region

Delegate, Chief Executive administering the *Sustainable Planning Act 2009*

Department of Natural Resources and Mines

14 August 2012

² State Planning Policy 2/02 Guideline: *Planning and Managing Development Involving Acid Sulfate Soils*

³ Dear SE, Moore NG, Dobos SK, Watling KM and Ahern CR (2002). *Soil Management Guidelines. In Queensland Acid Sulfate Soils Technical Manual*. Department of Natural Resources and Mines, Indooroopilly

Notice

Advice Agency Response - Referable Wetland SPAR04405712

This notice is issued by the administering authority pursuant to section 292 (advice agency response) of the Sustainable Planning Act 2009.

Chief Executive Officer
Gold Coast City Council
PO Box 5042
GOLD COAST MC QLD 9729

Attention: Monique Anderson

Reference: PN163781/01/DA1_MCU201100650

cc. Patricia Hester and William Hester
C/- Gassman Development Perspectives
PO Box 392
BEENLEIGH QLD 4207

Attention: Brendon Walkinshaw

Reference: 5093-10-BG/BJW

DERM reference: IC0212BEE0017_GOL2963_487310

Re: Advice Agency Response

1. Application Details

Date properly referred to EHP: 17 February 2012

Development approval applied for: Preliminary Approval – Material Change of Use to override the Planning Scheme for Industry Use

Aspect of development: Material Change of Use, other than for a domestic housing activity, if any part of the land is situated in a wetland management area

Sustainable Planning Regulation 2009 - Schedule 7, Table 3, Item 21

Property/Location description: 31 Yellowwood Road, 60 Stapylton Jacobs Well Road and 82 Christensen Road, Stapylton (Lot 4 RP6843, Lot 1 RP6882 and Lot 240 W31320)

Recommendation

The Chief Executive, Department of Environment and Heritage Protection (EHP), makes the following recommendation to the assessment manager:

Wetland:

The assessment manager should consider the potential impacts of the proposed development on wetland values, including the water quality, natural hydrological flows and ecological functioning of the wetland. Development should meet the following outcomes:

- **Maintain ecological values of the wetland.** There is no loss of wetland habitat and adverse impacts on the functioning and integrity of a wetland from development are avoided. A report prepared and certified by an appropriately qualified professional may assist the assessment manager to consider the

impacts of the development on the ecological values and functioning of the wetland. If adverse impacts are unavoidable, the assessment manager is encouraged to ensure that the values lost are offset in order to achieve an environmental outcome equal or better than the wetland values that are impacted. Refer to section 81A of the Environmental Protection Regulation 2008 for the list of wetland values.

Where a wetland management area is mapped as being of 'high ecological significance under the *Queensland Coastal Plan* it should be assessed against State Planning Policy 3/11: Coastal Protection (SPP3/11). Refer to policy 3 *Nature Conservation* in SPP 3/11.

- **Maintain wetland water quality.** The water quality of any waters in and linked to the wetland is maintained and managed to protect the environmental values of the wetland, and to ensure that the water quality objectives listed under Schedule 1 of the *Environmental Protection (Water) Policy 2009* are achieved.
- **Maintain wetland water regime.** The existing water regime (including surface and groundwater) within and linked to the wetland is maintained and managed to protect existing natural hydrological processes within the wetland ecosystem. This includes safeguarding natural fluctuations in size and location of the wetland, and retaining and allowing for regeneration of native vegetation.

To ensure that the proposed development is able to meet the above outcomes, the assessment manager is encouraged to consider the requirement for a buffer area between any proposed works and the wetland. A wetland buffer has two components:

- a support area adjacent to the wetland that maintains and supports the environmental values of the wetland; and
- a separation area around the support area that protects the wetland from external threats such as sediment and nutrient discharge from surrounding landuse.

Buffer distances should be maximised in order to maintain existing biodiversity values, habitat connectivity and to minimise edge effects. Unless otherwise determined by a suitably qualified professional, the following buffer widths are accepted by EHP as precautionary buffer widths likely to absorb impacts from external uses.

- within urban areas, a minimum 50m buffer to wetland
- outside of urban areas a minimum 200m buffer to wetland

Note: The Queensland Wetland Buffer Planning Guideline (2011) should be referred to when planning detailed buffer design to position development, determine any alternative buffer widths and establish operating measures that avoid adverse impacts on a wetland.

Where required, revegetation of the buffer is recommended using native species representative of the pre-clearing regional ecosystem, with preference given to endemic species. Plants should be of local provenance where possible. A rehabilitation/ revegetation management plan including weed management strategies may assist in determining the rehabilitation requirements for the development. Conditioning of any approval with building or development envelope(s) may also be a useful way to give formal effect to any required buffer area.

The assessment manager should consider requiring applicants to provide a Stormwater Management Plan to demonstrate how stormwater, sediment and other run-off from the site (associated with the construction and operational phases of development) will be effectively managed to prevent adverse impacts on wetland values. Potential impacts are to be addressed through water sensitive urban design including compliance with *South East Queensland Regional Plan 2009-2031 Implementation Guideline No. 7: Water sensitive*

urban design – design objectives for urban stormwater management. For areas outside of the South-east Queensland Regional Plan area any approval should recognise the requirements of The Urban Stormwater Quality Planning Guidelines 2010.

General information for assessment managers

The State's Native Title Work Procedures provide that responsibility for assessment of native title issues for an IDAS application rests with the assessment manager. Therefore, EHP as a referral agency for the relevant application has not provided notification to native title parties.

Additional information for applicants

It is a requirement of the *Environmental Protection Act 1994* that if an owner or occupier of land becomes aware of a Notifiable Activity (as defined in Schedule 3 and Schedule 4 of the *Environmental Protection Act 1994*) being carried out on the land, or that the land has been, or is being, contaminated by a hazardous contaminant, the owner or occupier must, within 22 business days after becoming so aware, give written notice to EHP.

Aboriginal Cultural Heritage Act 2003

DNRM also takes this opportunity to advise the Assessment Manager of the responsibilities of applicants under the *Aboriginal Cultural Heritage Act 2003*. The Assessment Manager may wish to include this information as an Advisory Note on the Decision Notice issued for the application.

Under section 23 of the *Aboriginal Cultural Heritage Act 2003* a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are \$1,000,000 for a corporation and \$100,000 for an individual.

Applicants will comply with the duty of care in relation to Aboriginal cultural heritage if they are acting in accordance with cultural heritage duty of care guidelines gazetted under the *Aboriginal Cultural Heritage Act 2003*, available on the website, or in accordance with an agreement with the Aboriginal party for the area or a cultural heritage management plan approved under part 7 of the *Aboriginal Cultural Heritage Act 2003*.

Applicants are also encouraged to undertake a search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register, administered by the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs. Application forms to undertake a free search of the Cultural Heritage Register and the Database may be obtained by contacting (07) 3239 3647 or on the website www.derm.qld.gov.au/cultural_heritage

Should you have any questions about the above, please contact PALM on telephone 1300 130 372, quoting the above reference number.

Notice
Advice Agency Response



Delegate:
Jeff Guinea
Senior Planning Officer
Regional Planning and Coordination
Planning and Assessment – South Region
14 August 2012

Enquiries:
Permit and Licence Management
Implementation and Support Unit
Department of Environment and Heritage
Protection
GPO Box 2454
BRISBANE QLD 4001
Phone: 1300 130 372
Fax: (07) 38963342
Email: palm@ehp.qld.gov.au



**Queensland
Government**

**Department of State Development,
Infrastructure and Planning**

Our Reference: F11/15685

18 July 2012

Mr Dale Dickson
Chief Executive Officer
Gold Coast City Council
PO Box 5042
GOLD COAST MC QLD 9729

Attention: Monique Anderson

Dear Mr Dickson

I refer to the development application received by this office on 9 December 2011 seeking the Chief Executive of the Department of State Development, Infrastructure and Planning's (DSDIP) referral agency response under section 285 of the *Sustainable Planning Act 2009* (SPA) for the following application:

Assessment Manager:	Gold Coast City Council
Council Reference No:	MCU201100650
Applicant:	William and Patricia Hester C/- Gassman Development Perspectives
Location:	31 Yellowwood Road, 60 Stapylton Jacobs Well Road and 82 Christensen Road, Stapylton Lot 4 on RP6843, Lot 1 on RP6882 and Lot 240 on W31320
Proposed Development:	Development Application for: Preliminary Approval to vary the effect of a planning instrument for a Material Change of Use (Industry Uses)
Referral Trigger:	<i>Sustainable Planning Regulation 2009</i> Schedule 7, table 3, item 24 - Development for which preliminary approval is sought under the SPA, section 242



3465943

Level 7, 63 George Street
PO Box 15009
City East Queensland 4002
Telephone +61 7 3237 1770
Facsimile +61 7 3235 4563
Website www.dsdip@qld.gov.au

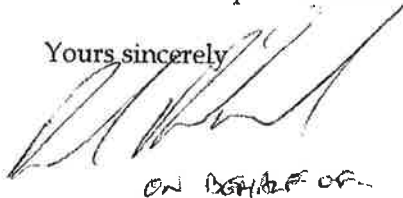
The Chief Executive of the DSDIP, triggered as a concurrence agency for this application for the reason listed above, has no requirements relating to this application.

Further Advice:

- The department notes that the application is for industry type uses, which for the purposes of the *South East Queensland Regional Plan 2009-2031 State Planning Regulatory Provisions* (SEQRP) are considered Urban Activities. The proposal notes lot 1 on RP6882 and lot 240 on W31320 are in the Urban Footprint, however lot 4 on RP6843 is in the Rural Landscape and Rural Production Area for the purposes of the SEQRP.
- A review of the landuse classification Plan (Ref 5093-P-00-10) indicates that urban activities are contained within lot 1 on RP6882 and lot 240 on W31320. Therefore the proposal is consistent with the intentions of the SEQRP subject to compliance with the landuse classification plan.
- It is noted that the definitions the applicant included in the proposed code vary from the existing planning scheme and the Queensland Planning Provisions version 2. Council should consider rectifying this inconsistency.
- It is also noted that 'service industry' appears in both the self assessable and code assessable columns in Table A (Precinct A), and 'industry' and 'service industry' appears in both the self assessable and code assessable columns in Table A (Precinct B). This duplication will affect the workability of the proposed code.

If you require any further information, please contact Jodie Smith, Planning Services Division on telephone number 3405 4236 who will be pleased to assist.

Yours sincerely



ON BEHALF OF
James Coutts
Executive Director
Planning Services Division

CC to: William and Patricia Hester
C/- Brendon Walkinshaw
Gassman Development Perspectives
PO Box 392
Beenleigh Qld 4207

Attachment 3

SARA Referrral

OUR REF:5093

COUNCIL REF: MCU2011006550, PN163781/01/DA1

5th October 2016

State Assessment and Referral Agency
South East Queensland (South) Regional Office
PO Box 3290
AUSTRALIA FAIR SOUTHPORT QLD 4215

Dear Sir/Madam,

RE: REQUEST TO EXTEND THE RELEVANT PERIOD PURSUANT TO SECTION 383 OF THE SUSTAINABLE PLANNING ACT, 2009

PROPERTY: NO.30 YELLOWWOOD ROAD, STAPYLTON, NO.60 STAPYLTON JACOBS WELL ROAD, STAPYLTON & NO.82 CHRISTENSEN ROAD, STAPYLTON (LOT 4 ON RP6843, LOT 1 ON RP6882 & LOT 240 ON W31320)

On behalf of the Applicant, Patricia and William Hester, who requests an extension to the relevant period, pursuant to Section 383 of the *Sustainable Planning Act 2009*, for the Preliminary Approval for making a Material Change of Use (Impact Assessment) to override the Planning Scheme for Industry Uses at the abovementioned property.

The application has been provided to Gold Coast City Council, and under relevant provisions of the SPA, is required to be provided to all referral agencies relevant to the submission.

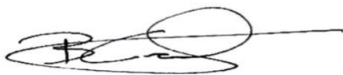
The State Assessment and Referral Agency (SARA) will be a referral to the application, as the original application was referred to Department of Transport & Main Roads, Department Natural Resources & Mines and Department of State Development, Infrastructure and Planning, as Concurrence Agencies.

We have enclosed the full application made to Gold Coast City Council within Attachment 1 of this correspondence for your review and reference.

If you require any further information or have any queries, please contact the undersigned.

Yours faithfully,

GASSMAN DEVELOPMENT PERSPECTIVES



Barry Craddock

Senior Town Planner

Attachment 1

Submitted Application