



Decision Notice Approval

SUSTAINABLE PLANNING ACT 2009, SECTION 334 AND 335

Application number:	D/194-2016	Contact:	Thomas Gardiner
Date of Decision:	21 February 2019	Contact Number:	1300 22 55 77

1. APPLICANT DETAILS

Name:	Earthworkx Australia Wide Pty Ltd		
Postal address:	C/- Gideon Town Planning		
Phone no:	Mobile no:	Email:	

2. PROPERTY DESCRIPTION

Street address:	117 Somerset Road, Gracemere
Real property description:	Lot 1 on RP602365, Parish of Gracemere

3. OWNER DETAILS

Name:	C W Bowden and V M Bowden Tte
Postal address:	

4. DEVELOPMENT APPROVAL

Development Permit for a Material Change of Use for a Transport Depot and Warehouse and Operational Works for Access Works, Stormwater and Earthworks

5. APPLICATION TYPE

	Development Permit	Preliminary Approval
• Material change of use made assessable by the planning scheme	YES	NO
• Associated work made assessable by the planning scheme - <ul style="list-style-type: none">operational works	YES	NO

6. THE RELEVANT PERIOD

The standard relevant periods stated in section 341 of *Sustainable Planning Act 2009* apply to each aspect of development in this approval, if not stated in the conditions of approval attached.

7. THE APPROVED PLANS

The approved development must be completed and maintained generally in accordance with the approved drawings and documents:

Material Change of Use

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Plan – Stage 1	SK-002, Revision 7	8 December 2016
Site Plan – Stage 2	SK-003, Revision 7	8 December 2016
Floor Plan	SK-004, Revision 7	8 December 2016
Mezzanine Level	SK-005, Revision 7	8 December 2016
Elevations	SK-006, Revision 7	8 December 2016
Elevations	SK-007, Revision 7	8 December 2016

Operational Works

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version /Issue</u>
Cover Sheet	Knobel Consulting	13 December 2016	000	A
Bulk Earthworks Plan	Knobel Consulting	13 December 2016	BE001	A
Bulk Earthworks Sections	Knobel Consulting	13 December 2016	BE002	A
Pre-Development Stormwater Catchment	Knobel Consulting	13 December 2016	C001	A
Post-Development Stormwater Catchment	Knobel Consulting	13 December 2016	C002	A
Erosion & Sediment Control Plan	Knobel Consulting	13 December 2016	SE001	A
Erosion & Sediment Control Details	Knobel Consulting	13 December 2016	SE002	A
Stormwater Management Plan	Knobel Consulting	14 December 2016	K2696-0004/A 10 pages	

8. FURTHER DEVELOPMENT PERMITS REQUIRED

Type of development permit required	Subject of the required development permit
Building Works	
Plumbing and Drainage Works	

- 9. SUPERSEDED PLANNING SCHEME** NO
- 10. REFERRAL AGENCIES** NIL
- 11. SUBMISSIONS** NIL
- 12. RIGHTS OF APPEAL**

Rights of appeal in relation to this application are attached.

13. WHEN THE DEVELOPMENT APPROVAL TAKES EFFECT

This development approval takes effect:

- From the time the decision notice is given – if there is no submitter and the applicant does not appeal the decision to the court.

Or

- When the submitter's appeal period ends – if there is a submitter and the applicant does not appeal the decision to the court.

Or

- Subject to the decision of the court, when the appeal is finally decided – if an appeal is made to the court.

This approval will lapse unless substantially commenced within the above stated relevant periods (refer to sections 339 and 340 of *Sustainable Planning Act 2009* for further details).

14. ASSESSMENT MANAGER

Name:	Tarnya Fitzgibbon <u>COORDINATOR</u> <u>DEVELOPMENT ASSESSMENT</u>	Signature:	Date: 25 February 2019
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1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
- 1.3.1 to Council’s satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use,
- unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.5.1 Plumbing and Drainage Works; and
 - 1.5.2 Building Works.
- 1.6 All Development Permits for Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Plan – Stage 1	SK-002, Revision 7	8 December 2016
Site Plan – Stage 2	SK-003, Revision 7	8 December 2016
Floor Plan	SK-004, Revision 7	8 December 2016

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Mezzanine Level	SK-005, Revision 7	8 December 2016
Elevations	SK-006, Revision 7	8 December 2016
Elevations	SK-007, Revision 7	8 December 2016

2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.

2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of an application for a Development Permit for Operational Works.

3.0 STAGED DEVELOPMENT

3.1 This development approval is for a development to be undertaken in two (2) discrete stages, namely:

3.1.1 Establishment of the Transport Depot and Warehouse land uses (Stage One); and

3.1.2 Construction of a 965 square metre Gross Floor Area (GFA) warehouse-type building and formalise car parking area (Stage Two).

in accordance with the approved Stage 1 and Stage 2 plans (refer to condition 2.1).

The stages are not required to be undertaken in any chronological order.

4.0 ACCESS AND PARKING WORKS

4.1 All access, parking and vehicle manoeuvring areas must be constructed and surface treated in a manner so that there is no significant impact on the amenity of adjoining premises or the surrounding area being caused due to the emission of dust or resulting in sediment laden water.

Note: The access must be sealed to the Council's satisfaction once Somerset Road is upgraded.

4.2 The existing access from Somerset Road to the development must be upgraded to accommodate B-Double vehicles in all directions and comply with the requirements of the *Capricorn Municipal Development Guidelines*.

4.3 All vehicles must ingress and egress the development in a forward gear.

4.4 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with *Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities"*.

4.5 A minimum of ten (10) parking spaces must be provided on-site.

4.6 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.

4.7 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).

4.8 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.

5.0 SEWERAGE WORKS

- 5.1 A four (4) metre wide sewerage easement along the full frontage of the front boundary of the subject site must be dedicated to Council for a future gravity sewerage main.

6.0 WATER WORKS

- 6.1 All water works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008*, and *Plumbing and Drainage Act 2002*.
- 6.2 The development must be connected to Council's reticulated water network.
- 6.3 The existing water connection point(s) must be retained and upgraded, if necessary, to service the development.
- 6.4 Adequate domestic and fire fighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person.
- 6.5 If required, the development must be provided with a master meter at the development site boundary and sub-meters for each sole occupancy building in accordance with the *Queensland Plumbing and Drainage Code* and Council's Sub-metering Policy.
- 6.6 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.

7.0 PLUMBING AND DRAINAGE WORKS

- 7.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 7.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2002*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 7.3 The development must be connected to Council's reticulated sewerage network once available for connection.
- 7.4 On-site sewerage treatment and disposal must be provided in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.

Note: The existing on-site sewerage treatment system must be upgraded to cater for demand loading from the ultimate development or a separate on-site treatment system must be provided to cater for additional demand loading from the development.

- 7.5 On-site sewerage treatment system(s) must be disconnected once the development is connected to the reticulated sewerage network.
- 7.6 Structures must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the *Queensland Plumbing and Wastewater Code*.
- 7.7 Once the development is connected to the reticulated sewerage network, sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.

8.0 STORMWATER WORKS

- 8.1 All stormwater must drain to a demonstrated lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 8.2 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.
- 8.3 The location of the retention basin/bio basin in the proximity of the proposed four (4) metre wide sewerage easement is to be confirmed by amended plans approved by Council prior to the pre start meeting to commence operational works.
- 8.4 A maintenance plan for the proposed detention basin system must be submitted as part of any application for a Development Permit for Operational Works (stormwater works).

9.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 9.1 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.
- 9.2 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.

10.0 BUILDING WORKS

- 10.1 A Development Permit for Building Works must be obtained for the development.
- 10.2 Structures must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the *Queensland Plumbing and Wastewater Code*.

11.0 ELECTRICITY

- 11.1 Underground electricity services must be provided to the development in accordance with the approved Operational Works Plans and the standards and requirements of the relevant service provider.

12.0 TELECOMMUNICATIONS

- 12.1 Underground telecommunications services must be provided to the development in accordance with the approved Operational Works Plans and the standards and requirements of the relevant service provider.

13.0 ASSET MANAGEMENT

- 13.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 13.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 13.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.

14.0 ENVIRONMENTAL HEALTH

- 14.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 14.2 Noise emitted from the activity must not cause an environmental nuisance.
- 14.3 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.
- 14.4 An incidents register must be kept at the premises and it must record any incidents including but not limited to:
- 14.4.1 any fire at the premises; and
 - 14.4.2 any release of contaminants not in accordance with the development approval conditions.
- 14.5 Odour and visible contaminants, including but not limited to dust, fume, smoke, aerosols, overspray or particulates, must not be released to the environment in a manner that will or may cause environmental nuisance or harm unless such release is authorised by Council.
- 14.6 Plant and equipment must be maintained in proper working order at all times, in accordance with the manufacturer's directions to ensure the efficiency of the equipment.
- 14.7 Stormwater must be prevented from entering contaminated work areas. Any stormwater which may enter into a contaminated area must not be drained to the stormwater drainage system.
- 14.8 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, etcetera. Any wash-down areas used for the maintenance or cleaning of equipment (including vehicles) must be appropriately bunded and drained to the sewer network in accordance with a trade waste permit.
- 14.9 All chemicals and/or environmentally hazardous liquids must be contained within a covered, bunded storage area that has a volume of at least that of the largest container in the bund plus twenty-five percent (25%) of the total storage capacity.
- 14.10 An appropriate spill kit must be kept on-site for neutralising or decontaminating spills. The spill kit must be clearly identifiable, maintained regularly and stored in a central location that is easily accessible to employees. Staff must be adequately trained in the use of these materials. The spill kit may consist of:
- 14.10.1 a bin with a tight-fitting lid, partially filled with non-combustible absorbent material such as vermiculite;
 - 14.10.2 a broom, shovel, face shield, chemically-resistant boots and gloves; and
 - 14.10.3 waste bags and ties.
- 14.11 Any spillage of environmentally hazardous liquids or other materials must be cleaned up as quickly as practicable. Any spillage of waste and/or contaminants must not be hosed or swept to any stormwater drainage system, roadside gutter or waters.
- 14.12 Regulated waste and any other waste must not be released to the environment, stored, transferred or disposed of in such a manner that it will or may cause environmental harm or nuisance. This includes any waste being burnt or incinerated at the premises.

- 14.13 All traceable regulated waste must be removed from the premises by a licensed regulated waste transporter.
- 14.14 Where regulated waste is removed from the premises, records must be maintained for a period of five (5) years, and include the following:
- 14.14.1 the date, quantity and type of waste removed;
 - 14.14.2 a copy of any licensed waste transport vehicle docket;
 - 14.14.3 the name of the licensed regulated waste removalist and/or disposal operator; and
 - 14.14.4 the intended treatment and/or disposal destination of the waste.

These records must be available for inspection by Council when requested.

- 14.15 The workshop must have an impervious floor that is adequately bunded and drains to a holding tank or the sewer through an approved oil interceptor/separation system.

15.0 OPERATING PROCEDURES

- 15.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Somerset Road.

- 15.2 Where un-sealed surface treatments are utilised in access, parking and vehicle manoeuvring areas, contaminants such as oils or chemicals must not be released onto the surface treatment.

- 15.3 All surface treatments must be operated and maintained in a manner so that there is no significant impact on the amenity of adjoining premises or the surrounding area being caused due to the emission of dust or resulting in sediment laden water.

Note: If the amenity impacts cannot be mitigated, the area must be sealed to Council's satisfaction.

- 15.4 All waste storage areas must be:

- 15.4.1 kept in a clean and tidy condition; and
- 15.4.2 maintained in accordance with *Environmental Protection Regulation 2008*.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that 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 listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Aboriginal and Torres Strait Islander and Partnerships website www.datsip.qld.gov.au.

NOTE 2. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Work Health and Safety Act 2011* and *Public Health Act 2005*.

NOTE 3. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the

development site during all stages of the development including earthworks, construction and operation.

NOTE 4. General Safety Of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 5. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with Council policies. The charges are presented on an Infrastructure Charges Notice.

OPERATIONAL WORKS CONDITIONS

16.0 ADMINISTRATION

16.1 The approved use and development must be completed and maintained generally in accordance with the approved drawings and documents, except where amended by the conditions of this Decision Notice.

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version /Issue</u>
Cover Sheet	Knobel Consulting	13 December 2016	000	A
Bulk Earthworks Plan	Knobel Consulting	13 December 2016	BE001	A
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Erosion & Sediment Control Plan	Knobel Consulting	13 December 2016	SE001	A
Erosion & Sediment Control Details	Knobel Consulting	13 December 2016	SE002	A
Stormwater Management Plan	Knobel Consulting	14 December 2016	K2696-0004/A 10 pages	

16.2 A set of the above approved plans are returned to you as the Applicant. The Applicant is to supply one (1) approved set to the contractor to be retained on site at all times during construction.

16.3 Where there is any conflict between the conditions of the Decision Notice and the details shown on the approved plans and documents, the conditions of this Decision Notice must prevail.

- 16.4 Where the conditions required the above plans or documents to be amended, the revised document(s) must be approved by Council, prior to any pre-start meeting for the works on the site.
- 16.5 If after the issue of this Decision Notice, any errors, omissions or insufficient details are noted on the approved plans, such deficiencies must be corrected prior to construction, or if noted during construction, approval obtained from Council's Engineer to correct any error or omission, Council reserves the right to withhold approval of construction until such remedies are complete.
- 16.6 A Pre-Start meeting must be held, prior to the commencement of any work or construction, between any or all of the Site Superintendent / Consulting Engineer / Principal Contractor and Council in accordance with *CMDG Section CP1.08 – Notice to Commence Works* and *CP1.09 – Prestart Meeting*.

Note: Prestart Meetings are conducted with a minimum of five (5) business days' notice being given to Council.

The following information must be presented prior or at the meeting:

- 16.6.1 A copy of the Contractor's Public Liability Insurance Policy for a minimum of twenty (20) million dollars indemnifying Council against all claims resulting from the construction works of this Development;
- 16.6.2 Evidence of payment of QLeave (when applicable);
- 16.6.3 A Traffic Guidance Scheme for the works authorised by this development permit, with site access clearly identified.
- 16.6.4 Knobel Consulting Plans SW001 Rev A and SW002 Rev A dated 13.12.16 are to be annotated/amended to clearly indicate that the bio-retention basin is to be constructed a minimum of four (4) metres from the Somerset Road boundary. Fill material forming the bund wall can be sited in the area between the bio-retention basin wall and the Somerset Road boundary.
- 16.6.5 Knobel Consulting Plan R001 Rev A dated 13.12.16 is to be amended to indicate that the existing access from Somerset Road is to be upgraded to accommodate B-Double vehicles turning from both directions to comply with the requirements of the CMDG. The applicant is to liaise with Council's Civil Ops Designers/Engineers to achieve a satisfactory outcome.
- 16.6.6 The above amended plans (1.6.4 and 1.6.5) are to be submitted and approved by Council prior to the pre-start meeting taking place.
- 16.6.7 Other items as listed in *CMDG Section CP1.09* may be required for the Pre-Start meeting.
- Note: Refer to Notes for other requirements and information that may be required (Council Engineer to confirm) at the Pre-Start meeting.
- 16.7 Under Part 1 Clause 1.9 of the *Manual of Uniform Traffic Control Devices Queensland, and AS 1742.3-2009*, Council delegates the Principal Contractor the responsibility for the placing of all regulatory signs, as outlined in the above documents.
- 16.8 All civil/engineering works must be supervised and inspected by a *RPEQ* who is experienced in all aspects of civil construction. All works must comply with the *CMDG* and / or other relevant standards and policies as conditioned in the Decision Notice.
- 16.9 Council reserves the right for uninterrupted access to the site at all times.
- 16.10 All Construction works and other associated activities are permitted only between 0630 hours and 1800 hours Monday to Saturday. No work is permitted on Sundays or public holidays. All requirements of the *Environmental Protection Act* and *Environmental Protection Regulations* must be observed at all times.

- 16.11 Any proposed works within the vicinity (or zone of influence) of existing Council infrastructure / public utilities will not adversely affect the integrity of the infrastructure. Any restoration works required on existing Council infrastructure as a result of proposed works will be at the developer's expense.
- 16.12 The developer/contractor must be present for the final inspection at the completion of works, to be undertaken prior to the use commencing or the endorsement of the Survey Plan.
- 16.13 Any proposed changes to the approved stamped plans during the works will be generally considered minor amendments and require Council's approval. The stamped amended plans and a covering letter will be forwarded to the applicant (*CMDG – CP1.11*).

17.0 CONSTRUCTION SECURITY BOND

- 17.1 Prior to any construction works commencing the developer/contractor is to lodge a security bond of \$10,000.00 as agreed pursuant to *Section 67 Planning Act 2016*. The bond will be returned when the Council accepts the works as "On Defects" or are completed in accordance with the conditions of the approval. The bond is required for any non-compliance with the conditions of the approval that may include, but not limited to:-
 - 17.1.1 Protection of on-street works from damage by contractors, sub-contractors and suppliers.
 - 17.1.2 Repairs to on-street works resulting from damage caused by contractors, subcontractors and suppliers.
 - 17.1.3 Protection and repair of existing Council services (i.e. sewerage connections, water connections etc).
 - 17.1.4 Inadequate Erosion Control and Stormwater Management during construction.
 - 17.1.5 Inadequate provision for traffic control.
 - 17.1.6 Urgent action required by Council to resolve unsafe construction or emergency repairs required to protect persons and/or property from consequential damages.
 - 17.1.7 Provision of 'As Constructed' data.

18.0 DEFECTS LIABILITY BOND

- 18.1 A refundable Defects Liability Bond in accordance with the *CMDG Construction Procedures CP1.19*, must be paid to Council prior to the acceptance of the works 'On Defects'. A schedule of actual construction costs (infrastructure only to be contributed to Council) must be submitted prior to Council's acceptance of the bond. The minimum Defects Bond accepted is one (1) thousand dollars (\$1,000.00).
- 18.2 Unless otherwise specified, the minimum Defects Maintenance Period is twelve (12) months.

19.0 INSPECTION REQUIREMENTS

- 19.1 Joint inspections with any of the Site Superintendent / Consulting Engineer / Contractor and Rockhampton Regional Council Works Inspector / Engineer are required. A minimum of twenty four (24) hours' notice is required. All works must comply with the inspection and test plan as defined by the *CMDG*.
- 19.2 Council's minimum inspection programme is as follows, however this does not preclude the requirement for further inspections if deemed appropriate by Council Engineers.

Site Works

19.2.1	earthworks	C213/visual	pre-start/completion
19.2.2	topsoil	C273/visual	completion of works

Roads

19.2.3	subgrade	C242/proof-roll	completion of trim
19.2.4	sub-base	C242/proof-roll	completion of trim
19.2.5	base	C242/proof-roll	completion of trim
19.2.6	asphalt	C245/visual	preprime spray

Concrete Works

19.2.7	concrete	C271/visual	pre pour / surface finish
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Stormwater

19.2.8	pipes	C220/visual	prior to backfill
19.2.9	ret/det structures	visual	progress/completion

Overland Flow Paths

19.2.10	channels, easement	visual	progress/completion
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Defects / Maintenance Liability

19.2.11	on / off defects	visual	completion of works
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Note: This does not preclude the requirement for further inspections if deemed appropriate by Council Engineers.

20.0 ROAD WORKS

20.1 The jointing of the existing pavement and seal to the new access pavement and seal shall be either staggered or overlapped into existing pavement by a minimum of three hundred (300mm) millimetres OR stagger bevel the existing material and place new pavement material as per CMDG specifications to avoid slippage and/or shearing.

20.2 All disturbed grassed areas will be reinstated with topsoil and grass seed, and maintained until a ninety (90%) percent strike rate is achieved. – sowing rates to be confirmed at pre-start meeting.

21.0 ACCESS

21.1 The new commercial vehicle access will be designed and constructed to comply with the *Capricorn Municipal Development Guidelines*.

21.2 The driveway access will be benched into Somerset Road pavement.

21.3 Existing access culvert headwalls will be replaced with sloped trafficable headwalls.

22.0 STORMWATER

22.1 All stormwater management systems must be designed and constructed to comply with the relevant requirements of *QUDM, CMDG and the SPP*.

23.0 DETENTION BASINS / STORMWATER CHANNELS

23.1 Bio Retention Basins:

23.1.1 The basin/s are to be fully constructed including the planting of the final type of vegetation, and the surface of the filter media is to be protected from high flows and sediment loads. The design elements will include: earthworks and profiling, impermeable liner (where applicable), hydraulic inlet and outlet structures, maintenance access (if applicable), sub-soil drainage and filter media layers, and protective layers (such as geo-fabric and turf)(*SPP, WbD*).

23.2 The design, construction and maintenance of the bio-retention basin is to comply with any relevant and related requirements of *QUDM, CMDG. and the SPP*.

23.3 Provide a bio retention basin maintenance schedule (including requirements/responsibilities), based on a design criteria, that ensures the future functioning of the system will be sustainable.(*SPP*)

24.0 EROSION AND SEDIMENTATION CONTROL

- 24.1 The developer/contractor will ensure that erosion and sedimentation controls are implemented, monitored, and maintained at all times in accordance with the *CMDG*, until all approved construction on the site has been completed. If the development is staged all erosion sediment controls are to be monitored and maintained until the completion of the development.
- 24.2 All stormwater runoff from the site during and after the site works is completed, is to comply with the *SPP*. Appendix 2, construction phase, to avoid or minimise adverse impacts on stormwater quality.
- 24.3 The developer/contractor will ensure that during construction all sedimentation controls and swale drains are maintained to ensure compliance with the *CMDG and SPP Appendix 2*, construction phase, to avoid or minimise adverse impacts on stormwater quality.
- 24.4 The developer/contractor will check erosion and sediment control measures at the start and end of each day of construction adjacent to any disturbed surfaces.

25.0 SITWORKS

- 25.1 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 25.2 All earthworks must be undertaken in accordance with *AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 25.3 A water truck is required onsite at all times to suppress dust while earthworks are being undertaken.
- 25.4 A traffic management plan is to be submitted to Council for approval five (5) days prior to the pre-start meeting.
- 25.5 The developer/contractor will ensure all construction related vehicles do not at any time restrict property access within Somerset Road.
- 25.6 The developer/contractor will ensure all earth moving equipment is parked and stored at all times within the site.
- 25.7 The developer/contractor will ensure/maintain that roads used for movement of construction materials remain clear of mud and debris at all times.
- 25.8 The developer/contractor will ensure/maintain that the Somerset Road site frontage including kerb, channels and roads, remain clear of debris, mud and building materials at all times.
- 25.9 All construction and/or road making materials, site huts, containers etc, will be stored and stockpiled within the boundaries of the site to *CMDG* specifications.

26.0 RETAINING STRUCTURES

- 26.1 All retaining walls and their associated footings must be sited within the proposed lot and/or site boundaries.
- 26.2 All retaining structures over one (1) metre high must incorporate an approved subsoil drainage systems discharging to a legal point of discharge. The design and construction must be certified by an *RPEQ*.

27.0 VEGETATION MANAGEMENT

- 27.1 Prior to commencement of any works, trees marked for removal must be mulched and all mulch stockpiled on site or removed from site and stored at an approved location. All the vegetative material including shrubs, weeds, grass etc. must be removed from site and deposited at an approved location such as the Council Landfill. Burning off is not permitted.

- 27.2 All vegetation which cannot be mulched on site for use on this development or an approved place of use, must be disposed of at a suitable place of disposal. Burning is not permitted.
- 28.0 UTILITY SERVICES
- 28.1 All works with three (3) metres of a gas main require a spotter.
- 28.2 All service locations must be confirmed by "pot holing."
- 29.0 WORKS "ON DEFECTS" ACCEPTANCE PROCEDURE
- 29.1 The "On Defects Works Acceptance " inspection requires attendance by:
- 29.1.1 the Consulting Engineer of the project;
 - 29.1.2 the Contractor; and
 - 29.1.3 the Council's nominated representative.
- 29.2 It is the responsibility of the Contractor and the Consulting Engineer to ensure the necessary requirements of the works are to an acceptable standard (as defined in approved design and construction documentation prior to the conduct of an "Works Acceptance" inspection.
- 29.3 With respect to the Erosion Control and Stormwater Management Measures, the Contractor's Erosion Control and Stormwater Management Strategy is to include the Maintenance period and shall include the following:
- 29.3.1 Plan to monitor the erosion prevention and sediment control measures following rainfall;
 - 29.3.2 Follow-up repair work where necessary;
 - 29.3.3 Removal of temporary structures such as sediment traps when vegetation has re-established to an acceptable level;
 - 29.3.4 Mulch and replant areas where revegetation has not been successful.
- 29.4 The general requirements to be met prior to Council's " On Defects" inspection of the works are as follows:
- 29.4.1 the site is clean, tidy (including mowing of grass to ensure that infrastructure can be located), free of rubbish, rocks, sticks, unauthorised stockpiles, etc;
 - 29.4.2 allotment earthworks and site grading to be free draining and in accordance with the approved design;
 - 29.4.3 relevant Erosion Control and Stormwater measure are in place;
 - 29.4.4 integrity of environmentally significant areas is maintained;
 - 29.4.5 Defects Liability Bond lodged.
- 29.5 The Consulting Engineer is responsible for confirming that the approved works have been completed and the above listed items are in accordance with the approved drawings, Council's technical specifications and accepted engineering and landscaping practice prior to requesting a "On Defects" inspection. Failure to do so may result in cancellation of the inspection and/or the incurring of a reinspection fee.
- 29.6 Further to the above, and prior to the "On Defects" inspection, the Consulting Engineer shall be responsible for the completion of the "Works Acceptance" Inspection Checklist as appropriate to the works being constructed. <http://www.cmdg.com.au/Guidelines/Constuction%20&%20Approval%20Procedures/Construction%20Procedures/Works%20acceptance%20inspection%20checklist.DOC>
- 29.7 The completed checklist shall be presented to the relevant Council Officer at the "On Defects" inspection. Council Officer will not undertake a detailed check of all items raised in the checklist, but will examine some aspects of the works on an audit basis.

The original of the completed checklist shall be retained with the records for the project upon completion of the works.

30.0 AS CONSTRUCTED REQUIREMENTS

30.1 Digital "As Constructed" plans in the prescribed digital formats must be submitted to Council and approved prior to the works being accepted for the "On Defects/Liability Period". The "As Constructed" data will only be approved after the final site inspection has been passed by Council. Refer to Council's website <http://www.rockhamptonregion.qld.gov.au/PlanningBuilding/Development-Applications/Lodging-a-Development-Application/As-Constructed-Submissions> as to how to submit the data and then email to enquiries@rrc.qld.gov.au with a cover note detailing the Development Application No., legal description of the land, address, estate/subdivision name and stage, consultants name and contact details.

30.2 Any works that involve the alteration of ground surface levels (cut/fill) require spot heights and any digital elevation models and/or line work in digital AutoCAD format over the affected lots/site (refer As Constructed Data Guidelines – 5.6).

Compliance/Certifications (CMDG – CP1.21)

30.3 Council requires that the "As Constructed" documentation be supported by appropriate certifications in accordance with the following requirements.

30.3.1 All surface "As Constructed" infrastructure (i.e. sewer manholes, kerb etc) must be surveyed in relation to property boundary's by a Licensed Surveyor upon completion of the project. Other "As Constructed" infrastructure which is constructed before the completion of the project (i.e. sewer jump ups, water reticulation bends etc) can be surveyed by the contractor. The certification must note that the "As Constructed" survey data represents the true and accurate location of the relevant construction element presented in the data, relative to all appropriate survey datum's (i.e. the exact location in space of each construction element/entity). An RPEQ's certification must accompany the "As Constructed" submission to Council. The RPEQ's certification may qualify where information has been supplied by a contractor for covered up works (eg sewer jump up locations).

30.3.2 Council accepts the submission of "As Constructed" information for the location of House Connection Branches documented by the Contractor during the construction phase. This enables the Contractor to expedite the backfilling of these fixtures and will minimise "open excavations" awaiting final survey. This information shall be documented on the "As Constructed" Sewerage Plan and shall reference the Contractor's field notes used to document the "As Constructed" information.

30.3.3 All "As Constructed" works must also be certified by the Consulting Engineer responsible for design of the works. The certification must note that the design intent and function of the proposed works have not been compromised by the constructed works. To this extent, the Consulting Engineer will be responsible for checking the "As Constructed" details so that the tolerances for construction are within specified limits.

30.3.4 It is recognised that in some circumstances, the tolerances for construction are exceeded. In these instances, the Engineer will be responsible for performing confirmation design calculations to ensure that the original design intent and function are not compromised.

30.3.5 Further, should the "As Constructed" details indicate a change to the design intent or function of the works, revised design calculations shall be provided by the Consulting Engineer to indicate the acceptability of the proposed change relative to Council's requirements. Council's approval of the change is required prior to the formal acceptance of the works.

30.3.6 The Consulting Engineer shall be responsible for the completion of the "Statement of Compliance - As Constructed works", which satisfies the requirements for Certification.

30.4 By submitting the "As Constructed" information to Council, the Consultant grants Council a royalty-free, perpetual, non-exclusive, non-cancellable, non-transferable licence to:

- a) use, reproduce, adapt, modify, commercially exploit and communicate the Intellectual Property (including by development and distribution of a Derivative Product); and
- b) sublicense Council's right to use, reproduce, adapt, modify, commercially exploit and communicate the Intellectual Property, subject to the terms of this Licence.

Interpretation of the above intellectual property condition will be subject to the following definitions:

"Intellectual Property" in relation to the "As Constructed" information, includes all copyright, and all right in relation to registered and unregistered trademarks (including service marks), registered designs and confidential information (including trade secrets and know-how), and all other right resulting from intellectual activity in the industrial, scientific, literary or artistic fields; and

"Derivative Product" means a distinct product in which the Intellectual Property is altered, abridged or supplemented, and/or which incorporates additional functionality.

31.0 DOCUMENTATION

31.1 All engineering drawings for operational works must be signed and certified by a Registered Professional Engineer Queensland as being in accordance with all relevant Australian Standards, statutory requirements and sound engineering principles. The works must be supervised on the Applicant's behalf by a suitably qualified Registered Professional Engineer Queensland. All designs, specifications and management plans must be certified, by a suitably qualified professional identifying the certifier's full name and accreditation/registration number, as complying with all relevant Codes and Standards.

For the purpose of this statement, a 'suitably qualified professional' is a person with a tertiary qualification and professional affiliation in the field of engineering or science relevant to the design, specifications and/or management plan and who has at least two years' experience in management in that field. Where the design, specifications and/or management plans involve different fields, a certification is required from a suitably qualified professional for each separate field.

31.2 An Engineer's Certificate of Construction and As Constructed Certification must be signed and submitted by a Registered Professional Engineer of Queensland verifying that all works have been carried out in accordance with Council approved drawings, approval conditions and specifications.

31.3 Any operational and maintenance manuals associated with structural assets shall be provided to Council before the asset goes Off Defects. The manuals shall cover operations and maintenance standards, inspection and preventative maintenance programs and specific plans for critical events (such as floods) and failure of critical assets.

32.0 ON DEFECTS PERIOD

32.1 Operational Works approvals requiring 'As Constructed Data' that is associated with a Reconfiguring a Lot approval will go 'On Defects' (provided the On Defects acceptance inspection has passed), at the date of the endorsement of the Survey Plan.

- 32.2 Operational Works approvals requiring 'As Constructed Data' associated with a Material Change of Use approval will go 'On Defects' (provided the On Defects acceptance inspection has passed), at the date of Council's acceptance of the Engineers' Construction Certificate and 'As Constructed' Certification, and payment of the Defects Bond.
- 32.3 The satisfactory performance, repairs, insurance and maintenance of all contributed assets, infrastructure and its components, constructed, installed and/or purchased by the developer must remain the sole responsibility of the developer during the maintenance period. The developer/contactor must take all reasonable steps to ensure that the works are not damaged and/or vandalised prior to the works being accepted 'off maintenance' by Council.
- 33.0 WORKS "OFF DEFECTS" ACCEPTANCE PROCEDURE
- 33.1 The "Final Acceptance" inspections will generally confirm the matters raised in the "Final Acceptance" Inspection checklist and any other matters outstanding relevant to the works. The Checklist is to be completed by the Consulting Engineer prior to the conduct of the "Final Acceptance" Inspection. Refer Table CP1.27.1 for CCTV requirements prior to "Final Acceptance".
- 34.0 GENERAL REQUIREMENTS
- 34.1 During the Defects Liability Period, it is the responsibility of the Developer to:
- 34.1.1 Rectify any works found to be defective or found to exhibit faults attributed to the design of the works and/or the performance of the construction activities in terms of quality and conformance with the design and specifications.
 - 34.1.2 Remove eroded material from the road surface and stormwater systems where this is attributed to failure of the erosion control measures.
 - 34.1.3 Continue watering turf until it is fully established.
 - 34.1.4 Maintain landscape plantings until they are mature.
- 34.2 During the Defects Liability Period it is Council's responsibility to;
- 34.2.1 Clean out gross pollutant traps.
 - 34.2.2 Repair third party damage to infrastructure (e.g. damage to street signs, damage to asphalt surfacing).
- 34.3 Upon Council's notification of a defect it must be rectified within a timeframe specified by Council. Council reserves the right to rectify a defect in certain circumstances at the Developer's cost.
- 34.4 Council reserves the right to require extension of the Defects Liability Period and retain all (or a portion of) a Defects Liability Bond for a portion of the works if:
- 34.4.1 Significant rectification or replacement work is carried out; or
 - 34.4.2 If acceptable performance of works during the defects liability period has not been demonstrated.
- 34.5 Once the Defects Liability Period has elapsed a "Final Acceptance" inspection is to be arranged with Council.
- 34.6 The "Final Acceptance" inspection is to be attended by:
- 34.6.1 Council's nominee;
 - 34.6.2 the Consulting Engineer for the project; and
 - 34.6.3 the Contractor.
- 34.7 The Consulting Engineer for the works shall be responsible for ensuring that Council's requirements for acceptance of the works are satisfied prior to requesting a Final Acceptance inspection.

- 34.8 Council's requirements for acceptance of the works comprise the following:-
- 34.8.1 No outstanding payments are due to Council or other Authorities from the development;
 - 34.8.2 Completion of the "Final Acceptance" Inspection Checklist; and
 - 34.8.3 Satisfactory "Final Acceptance" Inspection by relevant Council Officers.
- 34.9 Following a satisfactory Final Acceptance inspection, the Consulting Engineer shall submit a written request to Council for Final Acceptance of the works and release of the Defects Liability Bond. Council will, upon confirmation that no outstanding payments arising from the development are due to Council, confirm acceptance of the works, and arrange for the release of the Defects Liability Bond.

ADVISORY NOTES

NOTE 6. Aboriginal Cultural Heritage

It is advised that 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 listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs website www.datsima.qld.gov.au

NOTE 7. Environmental Protection Act 1994

General Environmental Duty – Sec.319

A person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm (the *general environmental duty*). In deciding the measures required to be taken, regard must be had to, for example—

- (a) the nature of the harm or potential harm; and
- (b) the sensitivity of the receiving environment; and
- (c) the current state of technical knowledge for the activity; and
- (d) the likelihood of successful application of the different measures that might be taken; and
- (e) the financial implications of the different measures as they would relate to the type of activity.

NOTE 8. General Safety Of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 9. Water

In accordance with the *Water Supply (Safety and Reliability) Act 2008*, it is an offence to interfere with a service provider and Fitzroy River Water is the department responsible for water and sewerage services. Fitzroy River Water can provide cost estimates for any water and sewerage works if required.

NOTE 10. The *CMDG Construction Specifications* must be used for the construction works.

NOTE 11. Please contact Rockhampton Regional Council's Plumbing Compliance section to organise a Plumbing and Drainage permit for any alterations to the private plumbing pipework.

NOTE 12. Requirements for Pre-Start meeting (*CMDG CP1.09*):

- a) Notification requirements for nearby residents (Residents advice letter – See proforma) – Residents to be identified will be identified at the pre start meeting.
- b) introduction of the Council's representative(s), Consulting Engineers(s), Contractor(s) and any other relevant parties i.e. Geotechnical Engineers (if required);
- c) review of relevant conditions of development approval;
- d) review of Council's construction requirements;
- e) review of the Contractor's Erosion Control and Stormwater Management Strategy;
- f) inspection and identification of parks and environmentally significant areas and/or trees for preservation;
- g) site access conditions;
- h) identification of areas to be left undisturbed;
- i) review of Inspection and Test Plan including a review of nominated Hold/Witness points;
- j) any other relevant Acts;
- k) provision of Construction Security Bond (if required);
- l) Public Liability Insurance;
- m) Traffic Management Plan

The following is an extract from the *Sustainable Planning Act* (Chapter 7).

Division 8 Appeals to court relating to development applications

461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following—
 - (a) the refusal, or the refusal in part, of a development application;
 - (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under section 424;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the applicant's appeal period) after the day the decision notice or negotiated decision notice is given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters

- (1) A submitter for a development application may appeal to the court only against—
 - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
 - (a) the giving of a development approval;
 - (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
 - (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the submitter's appeal period) after the decision notice or negotiated decision notice is given to the submitter.

464 Appeals by advice agency submitters

- (1) The advice agency may, within the limits of its jurisdiction, appeal to the court about—
 - (a) any part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or

- (b) any part of the approval relating to the assessment manager's decision under section 327.

- (2) The appeal must be started within 20 business days after the day the decision notice or negotiated decision notice is given to the advice agency as a submitter.
- (3) However, if the advice agency has given the assessment manager a notice under section 339(1)(b)(ii), the advice agency may not appeal the decision.

465 Appeals about decisions relating to extensions for approvals

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3) Also, a person who has made a request under section 383 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

466 Appeals about decisions relating to permissible changes

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval—
 - (a) if the responsible entity for making the change is the assessment manager for the application—
 - (i) the person who made the request; or
 - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request;
 - (b) if the responsible entity for making the change is a concurrence agency for the application—the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 may appeal to the court against a deemed refusal of the request.
- (4) An appeal under subsection (3) may be started at any time after the last day the decision on the matter should have been made.

467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

- (1) A person to whom a notice under section 378(9)(b) giving a decision to change or cancel a condition of a development approval has been given may appeal to the court against the decision in the notice.
- (2) The appeal must be started within 20 business days after the day the notice of the decision is given to the person.