



GLADSTONE
REGIONAL COUNCIL

21 December 2010

Contact Officer: Kym Bannerman
Contact Phone Number.: 07 4976 6979
Our Ref: DA/154/2010

Ms Wendy Loveday
Quarterback Group
C/- Place Design Group
PO Box 419
FORTITUDE VALLEY QLD 4001

Dear Madam



DECISION NOTICE
Sustainable Planning Act S334 & S335

DEVELOPMENT APPLICATION NO. DA/154/2010
MATERIAL CHANGE OF USE - IMPACT ASSESSMENT - MOTEL (79 UNITS)
LOCATION: 7 GOONDOON STREET, QLD 4680, &
8 CENTRAL LANE, GLADSTONE QLD 4680
DESCRIPTION: LOT 27 G 1410, LOT 1 RP 618019, & LOT 8 RP 836412, GLADSTONE

Reference is made to the above development application, which was received by Council on 14 May 2010.

I wish to advise that the application was considered by Council at its 21 December 2010 Meeting where it was resolved to approve the application subject to conditions as set out in the following Decision Notice.

Should you have any questions or require further clarification in relation to any matters raised in the Decision Notice, please do not hesitate to contact Council's **Senior Planning Officer, Kym Bannerman on 4976 6979.**

Yours faithfully,



A E KEARNS
DIRECTOR STATUTORY PLANNING



DECISION NOTICE - DA/154/2010
SUSTAINABLE PLANNING ACT 2009 S335

Application:	Material Change of Use - Impact - Motel (79 units)
Applicant Name & Address:	Ms Wendy Loveday Quarterback Group C/- Place Design Group PO Box 419 FORTITUDE VALLEY QLD 4001
Owner:	Quarterback Group Pty Ltd
Subject Land:	7 Goondoon Street, 8 Central Lane, GLADSTONE QLD 4680
Location:	Lot 27 G 1410, Lot 1 RP 618019, Lot 8 RP 836412, Gladstone
Zoning:	Commercial
Site Area:	4,059m ²
Submissions Received:	Nil
Application Received:	14 May 2010

You are advised that your application was approved with conditions. The conditions relevant to this approval are attached. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

1. DETAILS OF THE APPROVAL

	Development Permit	Preliminary Approval
• Material Change of Use made assessable by the planning scheme	✓	x

2. RELEVANT PERIOD FOR THE APPROVAL

The relevant periods stated in section 341 of the *Sustainable Planning Act 2009* (SPA) apply to each aspect of development in this approval, as outlined below:-

✓ material change of use - 4 years

OR

✓ the following relevant periods apply to the following aspects of development in this approval:-

If there is 1 or more subsequent related approvals for a development approval for a material change of use or a reconfiguration, the relevant period for the approval will be taken to have started on the day the latest related approval takes effect.

3. APPROVED PLANS

The approved plans and/or documents for this development approval are listed in the following table:

Plan/Document Number	Plan/Document Name	Date
DA.SA00	Site Plan	May 2009
DA.SA01	Basement 1 & Ground Plan	May 2009
DA.SA02	Level 1 & 2 Plans	May 2009
DA.SA03	Level 3-6 Plans	May 2009
DA.SA04	Elevation Comparison	May 2009
DA.SA05	Unit Types & Development Sum	May 2009
DA.SA06	Elevations	May 2009
DA.SA07	Sections	May 2009

4. OTHER NECESSARY DEVELOPMENT PERMITS

Listed below are other development permits that are necessary to allow the development to be carried out:-

- Operational Works
- Building and Plumbing Works

5. IDAS REFERRAL AGENCIES

The IDAS referral agencies applicable to this application are:-

- Department of Environment & Resource Management (Advice Agency)
- Department of Transport & Main Roads (no response received)

6. APPEAL RIGHTS

Attached is an extract from the SPA which details your appeal rights and the appeal rights of any submitters regarding this decision.

7. 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

- If there is a submitter and the applicant does not appeal the decision, the earlier date of either:
 - When the submitter's appeal ends; or

- The day the last submitter gives the assessment manager written notice that the submitter will not be appealing the decision.

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 if:-

- for a material change of use, the first change of use under the approval does not start within the relevant period stated in section 2 of this decision notice;
- for a reconfiguration, a plan for the reconfiguration is not given to the local government within the relevant period stated in section 2 of this decision notice;
- for a development approval other than a material change of use or reconfiguration, the development does not substantially start within the relevant period stated in section 2 of this decision notice.

Note that in the case of a development approval for a material change of use or for reconfiguring a lot, if there is 1 or more subsequent related approvals the relevant period for the material change of use or reconfiguration will restart from the date of the related approval taking effect. Please refer to section 341 of SPA for further information.

Should you wish to discuss this matter further, please contact Council's **Senior Planning Officer, Kym Bannerman on 4976 6979.**

Yours faithfully,



A E KEARNS
DIRECTOR STATUTORY PLANNING

Attached: **Conditions**
 Appeal Rights
 Approved Plans
 Referral Agency Response



ASSESSMENT MANAGER CONDITIONS - DA/154/2010
SUSTAINABLE PLANNING ACT S335

1. Development is to be carried out in accordance with the submitted application including the following plans:
 - Site Plan, Drawing Number DD.SA00 Issue A dated May 09 and prepared by Ferro Arch Architects;
 - Basement 1 and Ground Plan, Drawing Number DD.SA01 Issue A dated May 09 and prepared by Ferro Arch Architects;
 - Level 1 and 2 Plans, Drawing Number DD.SA02 Issue A dated May 09 and prepared by Ferro Arch Architects;
 - Level 3-6 Plans, Drawing Number DD.SA03 Issue A dated May 09 and prepared by Ferro Arch Architects;
 - Level 7 & 8 Plans, Drawing Number DD.SA04 Issue A dated May 09 and prepared by Ferro Arch Architects;
 - Unit Types and Development Summary, Drawing Number DD.SA05 Issue A dated May 09 and prepared by Ferro Arch Architects;
 - Elevations, Drawing Number DD.SA06 Issue A dated May 09 and prepared by Ferro Arch Architects; and
 - Sections, Drawing Number DD.SA07 Issue A dated may 09 and prepared by Ferro Arch Architects.

except where amendments are required to satisfy the conditions of this approval.

2. Development is to comply with Department of Environment and Resource Management (Advice Agency) Conditions dated 12 July 2010 (Attachment B).
3. Payment of an infrastructure charge for water headworks. Based on the current policy this charge amounts to \$1,219 per Motel room assessed in accordance with Council's Transitional Planning Scheme Policy No 4 - Water Supply and Sewerage Infrastructure Headworks. This contribution is to be paid prior to the issue of a Development Permit for Building Works and at the rate applicable at the time of payment.
4. Payment of an infrastructure charge for sewerage headworks. Based on current policy this charge amounts to \$3,127.60 per Motel room assessed in accordance with Council's Transitional Planning Scheme Policy No 4 - Water Supply and Sewerage Infrastructure Headworks. This contribution is to be paid prior to the issue of a Development Permit for Building Works and at the rate applicable at the time of payment.
5. Payment of a Major Road Infrastructure Contribution in accordance with Council's Transport Infrastructure Policy. Based on current charges the contribution amounts to \$3,010 per Motel room and is to be paid prior to the commencement of the use and at the rate applicable at the time of payment.

6. All lighting at ground level and associated with illuminating ground level areas must be focussed downwards and be provided with hoods, shades or other permanent devices to direct illumination downwards and not allow upward lighting to adversely affect the residential uses on the site and surrounding sites.
7. All plant and equipment (including air conditioners, exhaust fans and the like) are to be housed, screened and located so that these do not cause environmental nuisance or harm to the residential uses on the site and surrounding sites. Additionally, the roof form is to be shaped to cap the building and to screen lift over runs, roof plant and other equipment when viewed from public spaces or adjoining properties.
8. Where buildings are not built to the boundary, provision of an 1800 mm high screen fence to the side and rear boundaries the details of which are to be submitted with any building works application on the site.
9. A landscape plan is to be submitted for approval prior to the issuing of a Development Permit for Building Works. The landscaping plan shall contain the following information:
 - a) Outline of the buildings
 - b) Existing trees (height location)
 - c) Trees to be removed
 - d) Proposed planting (quantity, species and expected mature height)
 - e) Paths and paving (location and materials)
 - f) The method of planting and the proposed maintenance program;
 - g) The landscaping provided shall be in accordance with Council's preferred landscape plant list
10. All landscaping referred to in Condition 9 above is to be maintained to an appropriate standard at all times.
11. Provision of a minimum of 88 car parking spaces on site including designated disabled car parking spaces as nominated on the approved plan. These spaces and all vehicle movement areas are to be constructed, drained, linemarked and maintained in accordance with Part 14 Division 4 of the Planning Scheme for the City of Gladstone and AS 2890.1.
12. Service and delivery parking spaces must be accessible to service and delivery vehicles at all times between the hours of 6:30AM to 6:30PM. Access to those spaces is unrestricted during those times and no nominated service or delivery parking can be allocated to any particular units or units for exclusive use and/or access.
13. Signage is subject to separate approval by Council.
14. Any strata titling of the proposed development can only provide for a total of 79 Motel units.
15. An Operational Works permit is required for the following works:-
 - Earthworks;
 - Access driveway;
 - Stormwater Drainage within road reserve;
 - Sewerage; and
 - Water supply

- Other relevant infrastructure

The design and supervision of construction of the works is to be carried out by a Registered Professional Engineer of Queensland.

16. The existing sewerage infrastructure passing through the proposed allotments is to be rationalised generally in accordance with the following strategy:

- a new sewer is to be constructed along Central Lane from 10 Central Lane (Lot 10 on RP836413) to the existing sewerage infrastructure in Lord Street;
- the existing sewers passing through 13 Goondoon Street (Lot 1 on RP 605508) and passing through 10 Central Lane (Lot 10 on RP836413) are to be diverted into the new sewer to be constructed in Central Lane (complete with a 3.0m wide easement);
- a new sewer is to be constructed (complete with a 3.0m wide easement) within proposed Lot 3 from the western corner of proposed Lot 2 and along the southern boundary of proposed Lot 3 to the new sewer to be constructed in Central Lane;
- the existing sewer passing through 23 Lord Street (Lot 1 RP603105) is to be connected to the new sewer in proposed Lot 3 (complete with easement)
- a new sewer is to be constructed across Lord Street from existing sewerage infrastructure on the northern side of Lord Street to a new maintenance hole in the footpath near the north-western corner of proposed Lot 1.

17. The design and supporting calculations / documentation associated with these works must be certified by a Registered Professional Engineer of Queensland (RPEQ).

18. The Operational Works are to be executed under the supervision of a RPEQ. The applicant / developer must give to the Council, construction certificates from such supervising engineer, that the work has been constructed in accordance with the Operational Works Permit and good engineering practice, together with relevant quality assurance, operation and maintenance, and "as constructed" documentation. The "as constructed" drawings are to be certified by a registered surveyor and by the supervising engineer.

19. Operational works are to be designed and constructed in accordance with Council's relevant standards at the time of lodgement of an application for an Operational Works Permit and in accordance with the relevant Australian Standards and good engineering practice. Council's current standards include:

- Roads and Transport Standard 2005 (Joint CSC and GCC)
- GCC Subdivisional Guidelines 2002 – Section 7: Stormwater Drainage.
- Water Supply Standard 2006 (Joint CSC and GCC)
- Sewerage Design Standard 2003 (Joint CSC and GCC)

20. Any alterations to, extension of, or upgrading of Council assets / infrastructure or other service authority infrastructure necessitated by the proposal (including earthworks, retaining structures, roadworks, pedestrian / bicycle pathways, stormwater drainage, water supply, sewerage, electrical and telecommunication services, reticulated gas etc) shall be the responsibility of the applicant / developer.

21. An easement shall be created in the benefit of Gladstone Regional Council, for the purpose of wastewater drainage, over sewers and sewerage infrastructure not in road reserves or not in land controlled by Council. The easement created is to be a minimum 3.0m wide. Where

the sewer is located within 2.5m of a property boundary, the easement shall extend to the property boundary.

22. Where infrastructure (access, water supply, sewerage, stormwater etc) is required to be constructed within land owned by others (external to the development site), the developer must provide Council with evidence that the relevant property owner consents to the construction of the proposed infrastructure works within their property and to the provision of an easement (in favour of Council) over the subject infrastructure. The written evidence shall be in the form of a Deed of Agreement and must be provided to Council in conjunction with the relevant operational works application. The easement documents are to be registered in conjunction with the plan sealing / title registration process associated with the reconfiguration of the allotments.
23. Stormwater management measures shall be implemented for both stormwater quantity and quality purposes. The design and construction supervision of the stormwater management measures are to be carried out and certified by a RPEQ experienced in this type of work. The certificate must be lodged with Council's Assessment Manager prior to the occupation or use of the premises and must confirm that the measures comply with the following criteria:
 - that there will be no worsening of stormwater runoff from the site (based on QUDM-2007) as a result of the proposed development of the site, and
 - that the measures are designed to meet the following water quality objectives in terms of the minimum percentage reduction in mean annual pollutant loads from the unmitigated development:
 - TSS 85% reduction
 - TP 70% reduction
 - TN 45% reduction
 - Gross Pollutants 90% reduction
24. All alterations to services and municipal facilities necessitated by the development shall be the responsibility of the applicant.
25. The location of the proposed building shall comply with Council Policy 19.7 - Revision 1 - Building Adjacent to and Over Sewers, Stormwater and Water Assets.
26. Any manholes located on the proposed driveway are to be covered with Class D Covers to AS 3996, and are to be maintained at finished surface levels and remain accessible at all times.
27. Removal of any existing unused invert crossings, with reinstatement of the kerb and channel to match existing construction.
28. Appropriate erosion and sediment control measures are to be utilised during any operational or building works carried out in association with the development.
29. The applicant is to undertake a network analysis to determine the appropriate water main capacity required to adequately service the development. This analysis is to be submitted for approval with the Operational Works application outlined in condition 15 above. Any required upgrading will be at the applicant's expense.
30. New water connections necessitated by the development are the responsibility of the applicant. Water connection applications are to be made to Council and if a fire service is required, Council will provide a quotation that will include a detector check meter. Advisory

Note: Water supply to the site will need to be from a metered service to an on-site storage tank. Boosting of pressures for domestic and fire fighting purposes must not occur directly from Council's mains.

31. The subject site is identified as an area located between 5m AHD and 20m AHD on the Acid Sulfate Soils Overlay Plan 1. Where excavation or filling is to be undertaken in areas of acid sulfate soils, a comprehensive approach to acid sulfate soil management is undertaken to:
- (i) maintain the water quality and ecological health of the receiving environment;
 - (ii) avoid adverse effects on environmentally sensitive areas; and
 - (iii) avoid accelerated corrosion of assets such as buildings, structures, roads and other infrastructure.

One way of achieving compliance with the condition is as follows:

- (iv) no acid sulfate soil will be disturbed ; or
 - (v) less than 100m³ of acid sulfate soil with either >0.7% peroxide oxidisable sulphur or > 400 moles H⁺/tonne TPA or TAA will be disturbed.
32. A report demonstrating compliance with the requirements for the management of acid sulfate soils as detailed above shall be submitted to Council as part of the Development Application for Operational Works.
33. The applicant is required to obtain a Development Permit for Building and Plumbing Works in accordance with the *Sustainable Planning Act 2009*. Construction is to comply with the *Building Act 1975*, the Building Code of Australia and the requirements of other relevant authorities.
34. Separate application for Building Works approval is required to remove the existing structures from the site, including sealing of sewer connections until new building work commences. Removal is to also incorporate the strategies included within the Heritage Interpretation Strategy.
35. The proposed access driveways s to be constructed in accordance with Council's Standard Drawing RT-0055.
36. Any filling carried out on site is to be in accordance with AS3798-1996 and shall be certified by a suitable qualified person as being carried out in accordance with the standards and specification. The certification shall indicate level of testing responsibility that has been used i.e. Level 1 or Level 2.
37. The development must comply with the conditions contained within the Decision Notice for DA153/2010 Reconfiguring a Lot (Boundary Realignment - 3 Lots into 3 Lots) over 7 Goondoon Street and 21 Lord Street dated 13 December 2010.
38. The floor material and thickness to all floors above car parking areas is such that internal residential sleep disturbance noise levels are not exceeded.
39. Nominated communal open space areas are permanently accessible to all residents of the development and may not be allocated to any particular units or units for exclusive use and/or access.

40. The applicant is to submit a Traffic Engineer's Certification of all vehicle movements through the site, demonstrating compliance with AS 2890.1, prior to the issue of Development Permit for Building Works. Additionally, as part of this certification, submit a plan for Council approval addressing the following points:
- Access arrangements to allow entry and exit from Central Lane and left in / left out from Goondoon Street;
 - No parking associated with the development is permitted along Goondoon Street or Central Lane and appropriate signage/linemarking is to be provided to prohibit such parking.
 - No deliveries of goods permitted from the street. Demonstrate service vehicles and refuse vehicles can enter and leave the site in forward gear;
 - Clearly identify and locates parking spaces for service vehicles;
 - Have a clearly defined and separate pedestrian entrance from all street frontages to the site and clearly defined pedestrian circulation routes within the site;
 - Appropriate traffic control markings and signage is to be installed to clearly indicate the intended traffic movement into existing and throughout the site. All line marking and signage is to be in accordance with the MUTCD.
 - Clearly nominate residents, residential visitor and non-residential parking spaces. Visitor parking spaces must be accessible to visitors at all times, access to visitors is unrestricted and no nominated visitor parking can be allocated to any particular units or units for exclusive use and/or access; and
 - Identify and locate residential visitor car parking spaces so that non-residents have unrestricted access to those spaces at all times.
41. The developer shall enter into an agreement with Council in respect of provision of streetscaping works along the Goondoon Street and Central Lane frontages in a manner that is consistent with the CBD/Waterfront Revitalisation Masterplan and Manual. Details of the streetscaping works are to be submitted for approval and finalisation of agreement, prior to the commencement of these works. This is to include areas for outdoor dining with a slope not exceeding 1:40 where premises contain eateries.
42. Treatment to the proposed building to comply with the following:
- Ground floor uses to comprise at least 65% of the buildings frontage as windows or glazed doors and a maximum of 35 % as a solid façade;
 - The building corner adjacent to the vehicle egress point onto Goondoon Street and Central Lane to be constructed using clear building materials, or curves/angles utilised to avoid potential for conflict between pedestrian and vehicular traffic.
 - Public areas are illuminated, open to view from the street, and do not contain blind corners or recesses which could conceal a person, unless building corners are

constructed using clear building materials, or curves or angles are used instead of 90 degree corners.

- Screening of all vehicle parking areas from public view, the details of which are to be submitted for approval prior to the issue of a development permit for building works.
43. Provision of a public art component as part of the development, the cost of which is to be a minimum of 1% of the project's total construction costs. The public art component is to be consistent with the Heritage Theme for the site and approved by Council prior to its commissioning. The design principles are to be consistent with the document entitled 'Gladstone CBD and Waterfront Redevelopment Project Forward Plan' and the themes detailed in the Heritage Interpretation Study submitted with the application.
 44. Details of surface treatments and colour scheme shall be submitted for approval prior to the issue of a building works permit.
 45. The public art and public piazza/plaza component of the development, if constructed on the subject site is to allow for an appropriate easement to cover uninterrupted access to the community in perpetuity. The design of the public art component is to also allow for open physical access to the public art and piazza/plaza component.
 46. Prior to building work proceeding beyond the ground floor level, certification is received from a qualified surveyor that the ground floor level is in accordance with the approved plans; prior to building work proceeding beyond the first floor level, certification is received from a qualified surveyor that the first floor level is in accordance with the approved plans; and prior to building work being certified for completion, certification is received from a qualified surveyor that the finished roof height does not exceed 29.5 metres above natural ground level.

ENVIRONMENT AND REGULATION CONDITIONS

SCHEDULE A - GENERAL CONDITIONS

- A1** In carrying out the activity, all reasonable and practical measures are to be taken to minimise releases and the likelihood of releases of contaminants to the environment, except as otherwise provided by the conditions of this development approval.
- A2** The holder of this development approval must:
 - (a) install and operate all works and control equipment, and
 - (b) take all measures, perform all acts and do all things, necessary to ensure compliance with the conditions of this development approval.
- A3** Notwithstanding any other condition of this development approval, this development approval does not authorise any release of contaminants that causes or is likely to cause an environmental nuisance beyond the boundaries of the registered place.
- A4** The requirements of the *Food Act 2006* and its subordinate legislation are to be complied with in full. This includes a separate application and detailed set of plans are to be submitted to Council's Environmental Health section for approval prior to the

commencement of building. This application is not covered by the IDAS process nor is this area subject to private certification.

END OF SCHEDULE A

SCHEDULE B - AIR

- B1** Odour and visible contaminants, including but not limited to dust, smoke, fumes and aerosols must not be released to the environment in a manner that will or may cause environmental harm or environmental nuisance unless such release is authorised.
- B2** Suitable screens and/or barriers shall be erected during excavation and building works, where required, to reduce the emission of dust, water effluent or other matter from the site.
- B3** The position of any lighting or illumination shall be positioned so as not to cause a nuisance to any surrounding properties. Lights must not be angled onto adjoining properties.

END OF SCHEDULE B

SCHEDULE C – WATER / STORMWATER

- C1** Contaminants must not be directly or indirectly released from the site to which this development approval applies, to any waters or stormwater.
- C2** Access to the site shall be restricted to a stabilised construction entrance. The entrance shall be an appropriate size, with corduroy or metal grid provided to help shake mud from vehicle tyres.
- C3** The stormwater management system for the site must include an underground (ARI = 10 years) stormwater drainage system (system of grated inlet pits and underground pipes) to collect runoff from the total development site (roofs, paved areas, landscaped areas etc) and discharge same through a Humeceptor STC-3 (or equivalent) stormwater quality improvement device before leaving the site. The intent of the stormwater quality improvement device is to intercept and store pollutants (sediment and free oil) from the stormwater flows. The design and construction of these works must be carried out under the direct supervision of a Registered Professional Engineer of Queensland and “as-constructed” details of the system (certified by the RPEQ) must be provided to Council.
Note: The treatment device is to be privately operated and maintained in accordance with the manufacturer’s recommendations and best practice management procedures.

END OF SCHEDULE C

SCHEDULE D – NOISE

- D1** The installation and operations of noise generating equipment and vehicles shall be carried out in a manner to minimise their impacts on neighbouring properties.
- D2** The building works must be carried out by such practicable means necessary to prevent the emission or likelihood of emission of noise that constitutes environmental nuisance.

- D3** All noise producing machinery and equipment (including airconditioners, compressors and cooling systems) are to be fitted with noise attenuation features so that noise at the boundary of the site does not exceed the levels indicated in the table below -

NOISE LIMITS AT A NOISE SENSITIVE PLACE

Period	Noise Level at a Noise Sensitive Place (ie a residence) Measured as the Adjusted Maximum Sound Pressure Level (Lamax adj, T)
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7am - 7pm	Background noise level plus 5dB(A)
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7pm - 10pm	Background noise level plus 5dB(A)
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10pm - 7am	Background noise level plus 3dB(A)
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Sundays & Public Holidays	Background noise level plus 5dB(A)
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NOISE LIMITS AT A COMMERCIAL PLACE

Period	Noise Level at a Commercial Place Measured as the Adjusted Maximum Sound Pressure Level (Lamax adj, T)
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7am - 7pm	Background noise level plus 10dB(A)
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7pm - 10pm	Background noise level plus 10dB(A)
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10pm - 7am	Background noise level plus 8dB(A)
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Sundays & Public Holidays	Background noise level plus 5dB(A)
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END OF SCHEDULE D

SCHEDULE E – WASTE MANAGEMENT

- E1** Where waste is a contaminant, waste must not be released to the environment where the release will or may cause environmental harm or environmental nuisance, unless such release is authorised.
- E2** The internal road construction must allow for a fully loaded refuse collection vehicle.
- E3** Prepare and submit to Council a waste management plan prior to the construction of the premises. The waste management plan is to include details on the following (but is not limited by the following):
- (i) Servicing and maintenance of the refuse chutes.
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- (ii) Cleaning procedures for the chutes, refuse room, residential bin store, commercial bin store and skip bins.
- (iii) Ventilation within all refuse storage areas;
- (iv) Collection schedules and details; and
- (v) Detailed designs of the proposed waste collection area.

It should be noted that the following requirements must be met for waste collection areas:

- clearly separated from parking bays and other similar areas; and
- clear of any hindrance to servicing by a lifter arm; and
- clear of a footpath and a pedestrian access; and
- not in front of a building entrance; and
- not blocking the vision of vehicles using the road or entering and exiting the site; and
- capable of being serviced on site while the collection vehicle travels forward upon entry and exit.

- E4** The designated bin collection site shall be provided to accommodate easy access for service by a refuse vehicle. The refuse vehicle must enter and exit the premises in a forward motion. Provision is to be made for the refuse storage area/s to be undercover on sealed ground, with floor drainage to the sewerage system via an appropriate wastewater treatment device in accordance with Council's trade waste policy.
- E5** All trade waste discharged from the site must be treated via an approved treatment device prior to discharge to the sewer in accordance with Council's Trade Waste policy. This includes any trade waste generated as part of commercial food premises.

END OF SCHEDULE E

SCHEDULE F - MONITORING AND REPORTING

- F1** All complaints received by the holder of this development approval relating to releases of contaminants from the activity must be recorded and kept in a log book with the following details:
- (i) time, date and nature of complaint;
 - (ii) type of communication (telephone, letter, personal etc.);
 - (iii) name, contact address and contact telephone number of complainant (note: if the complainant does not wish to be identified then "Not identified" is to be recorded);
 - (iv) response and investigation undertaken as a result of the complaint;
 - (v) name of person responsible for investigating complaint; and
 - (vi) action taken as a result of the complaint investigation and signature of responsible person.
- F2** As soon as practicable after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the conditions of this development approval, the holder of the registration certificate to which this development approval relates, must notify the administering authority of the release by telephone or facsimile.
- F3** The notification of emergencies or incidents as required by condition F2 must include but not be limited to the following:
- (i) the operator of the activity to which this development approval relates;
 - (ii) the location of the emergency or incident;

- (iii) the name and telephone number of the designated contact person;
- (iv) the time of the release;
- (v) the time the holder of the registration certificate became aware of the release;
- (vi) the suspected cause of the release;
- (vii) the environmental harm and or environmental nuisance caused, threatened, or suspected to be caused by the release; and
- (viii) actions taken to prevent further any release and mitigate any environmental harm and/or environmental nuisance caused by the release.

F4 Not more than 14 days following the initial notification of an emergency or incident, the holder of the development approval must provide written advice of the information supplied in accordance with condition number F3 in addition to:

- (i) proposed actions to prevent a recurrence of the emergency or incident;
- (ii) outcomes of actions taken at the time to prevent or minimise environmental harm and or environmental nuisance; and
- (iii) the results of any environmental monitoring performed.

END OF SCHEDULE F

SCHEDULE G - DEFINITIONS

G1 For the purposes of this development approval the following definitions apply:

- (a) "L(Amax adj, T)" means the average maximum A- weighted sound pressure level, adjusted for noise character and measured over a time period of not less than 15 minutes, using Fast response
- (b) "commercial place" means a place used as an office or for business or commercial purposes.
- (c) "noise sensitive place" means -
 - a) a dwelling, mobile home or caravan park, residential marina or other residential premises; or
 - b) a motel, hotel or hostel; or
 - c) a kindergarten, school, university or other educational institution; or
 - d) a medical centre or hospital; or
 - e) a protected area ; or
 - f) a park or gardens.

G2 For the purposes of this development approval any term not otherwise defined in the *Environmental Protection Act 1994*, and the *Integrated Planning Act 1997* and any subordinate legislation made pursuant to these Acts or in the Definitions Schedule of this development approval has the meaning conferred to that term in its common usage.

END OF SCHEDULE G

END OF CONDITIONS

460 Evidence of local planning instruments or master plans

- (1) If a chief executive officer of a local government is satisfied a document is a true copy of a local planning instrument or master plan, or a part of the local planning instrument or master plan, in force for the local government at a time stated in the document, the chief executive officer may so certify the document.
- (2) In a proceeding, a document certified under subsection (1) is admissible in evidence as if it were the original local planning instrument or master plan, or part of the instrument or plan.

Division 8 Appeals to court relating to development applications and approvals

461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following—
 - (a) the refusal, or the refusal in part, of the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the *applicant's appeal period*) after—

[s 462]

- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (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—general

- (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.

463 Additional and extended appeal rights for submitters for particular development applications

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a prescribed concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
- (a) if the prescribed concurrence agency is the chief executive (environment)—development for an aquacultural ERA; or
 - (b) if the prescribed concurrence agency is the chief executive (fisheries)—development that is—
 - (i) a material change of use of premises for aquaculture; or
 - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
- (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive (fisheries);
 - (b) a referral agency's response mentioned in subsection (2).

[s 464]

464 Appeals by advice agency submitters

- (1) Subsection (2) applies if an advice agency, in its response for an application, told the assessment manager to treat the response as a properly made submission.
- (2) 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.
- (3) 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.
- (4) 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.

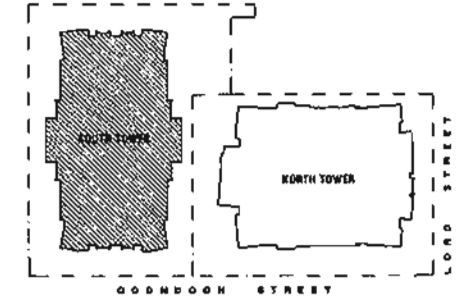
467 Appeals about changing or cancelling conditions imposed by assessment manager or concurrence agency

- (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.

This Plan is approved subject to the attached

Decision Notice No. **DA/154/2010**

Per *[Signature]* Date **21.12.10**
ASSESSMENT MANAGER



2 KEY PLAN
N.T.S.

ISS. AMENDMENT	INT.	DATE
P1 PRELIMINARY ISSUE - CLIENT REVIEW	GM	10.07.10
P2 REVISED PRELIMINARY ISSUE	GM	18.07.10
P3 REVISED PRELIMINARY ISSUE	GM	04.03.10
A DA LODGEMENT ISSUE	GM	09.03.10

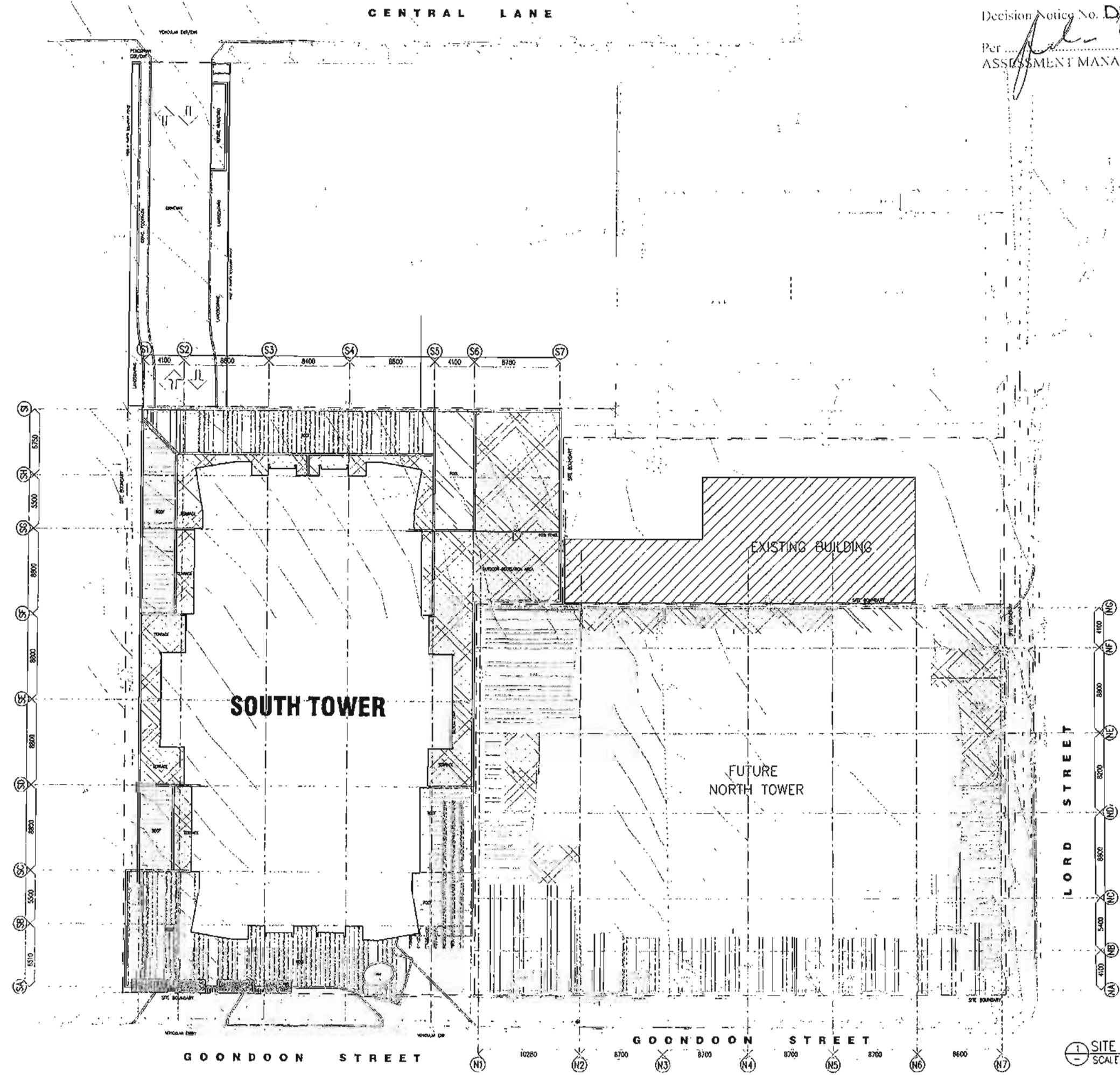
PROJECT
PROXIMA
PROPOSED
MIXED USE
DEVELOPMENT
AT
CNR GOONDOON &
LORD STREETS,
GLADSTONE
FOR
QUARTERBACK GROUP
PTY LTD

FERRO ARCH
LEVEL 1,
15 MAFF ST,
FORTITUDE VALLEY, 4008.
GPO. BOX 800,
FORTITUDE VALLEY, 4008.
PHONE 07 3830 1152
FAX 07 3830 1148
EMAIL
mailto:ferrarch.com

DRAWING TITLE
**DA SUBMISSION
SOUTH TOWER
SITE PLAN**

DATE	MAY'09	
SCALE		
DRAWN	GM	
JOB NO.	0907	ISSUE
DRAW. NO.	DD.SA00	A

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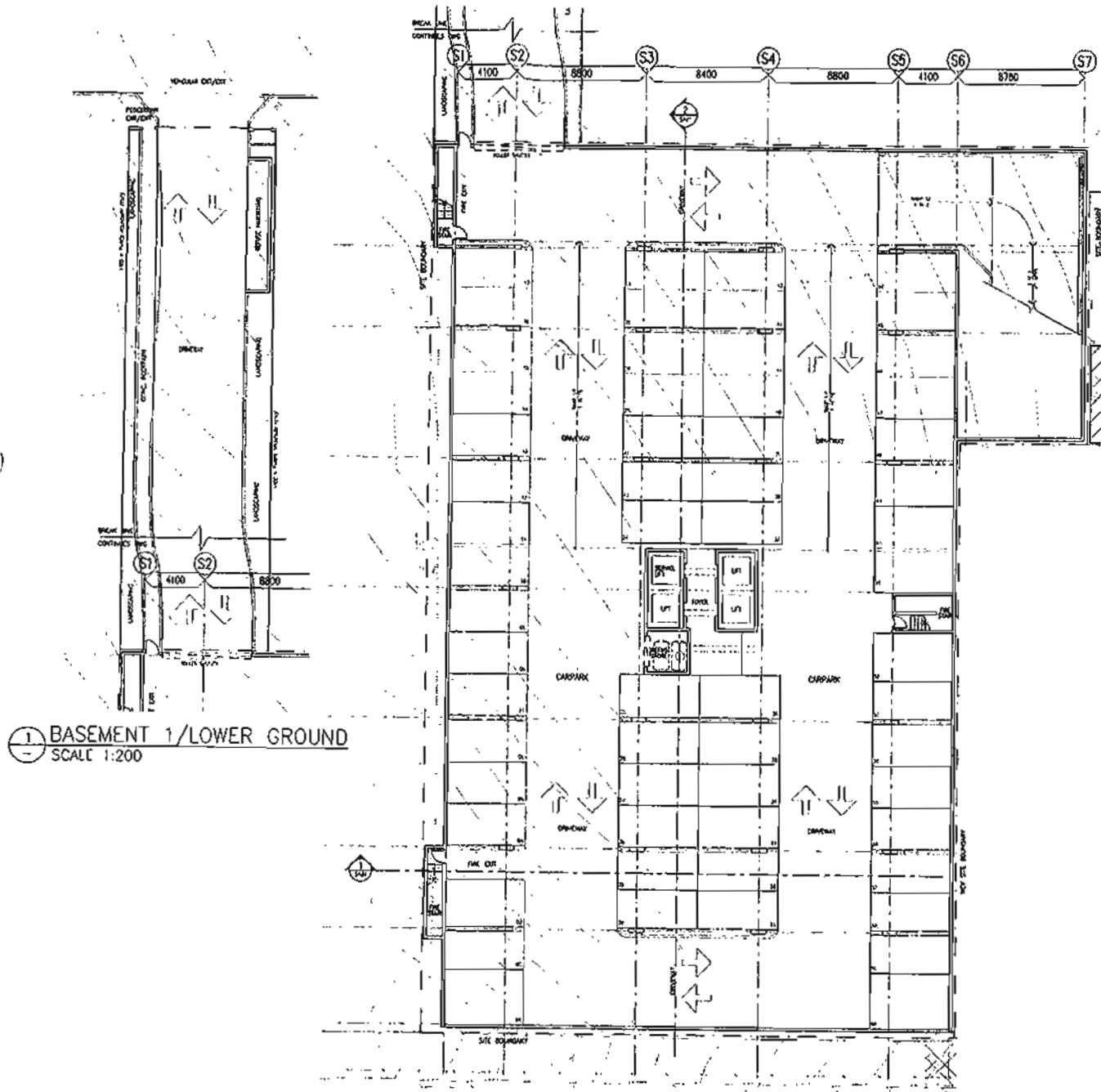


1 SITE PLAN
SCALE 1:200

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Decision Notice No DA/154/2010

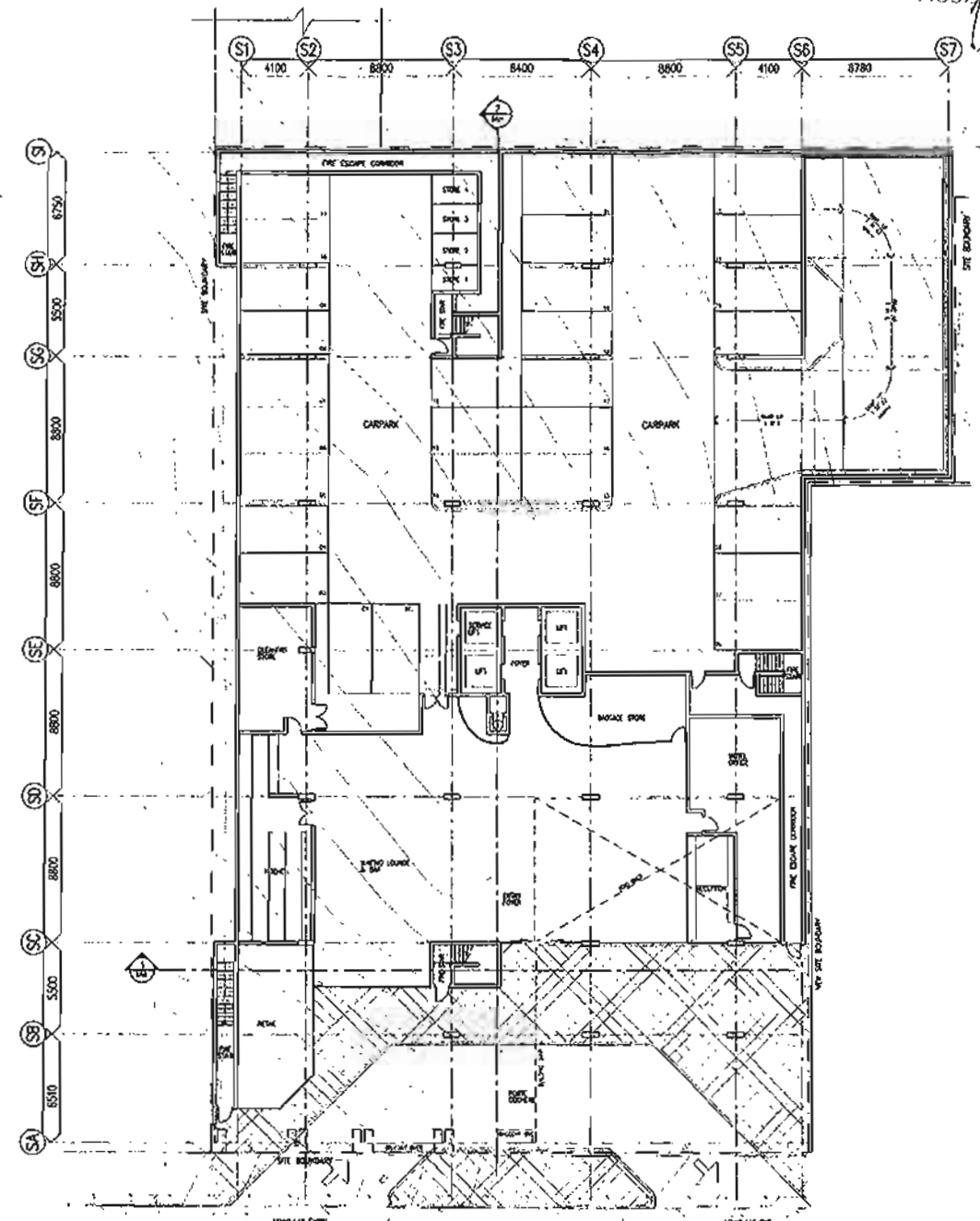
Per *[Signature]* Date 21.12.10
ASSESSMENT MANAGER



1 BASEMENT 1/LOWER GROUND
SCALE 1:200

GOONDOON STREET

2 BASEMENT 1/LOWER GROUND
SCALE 1:200



GOONDOON STREET

3 GROUND
SCALE 1:200

ISS.	AMENDMENT	INT.	DATE
P1	PRELIMINARY ISSUE	GM	11.06.09
P2	PRELIMINARY ISSUE - AREAS	GM	14.07.09
P3	REVISED PRELIMINARY ISSUE	GM	09.10.09
P4	PRELIMINARY ISSUE - CLIENT REVIEW	GM	22.01.10
P5	PRELIMINARY ISSUE - CLIENT REVIEW	GM	10.02.10
P6	REVISED PRELIMINARY ISSUE	GM	18.02.10
P7	REVISED PRELIMINARY ISSUE	GM	04.03.10
A	DA LODGEMENT ISSUE	GM	06.03.10

PROJECT
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MIXED USE
DEVELOPMENT
AT
CNR GOONDOON &
LORD STREETS,
GLADSTONE
FOR
QUARTERBACK GROUP
PTY LTD

LEVEL 1,
18 MAIT ST,
FORTITUDE VALLEY, 4006.
GPO BOX 600,
FORTITUDE VALLEY, 4006
PHONE 07 3830 1152
FAX 07 3839 1149
EMAIL
mail@ferroarch.com

DRAWING TITLE
DA SUBMISSION
SOUTH TOWER
BASEMENT 1 & GROUND
PLAN

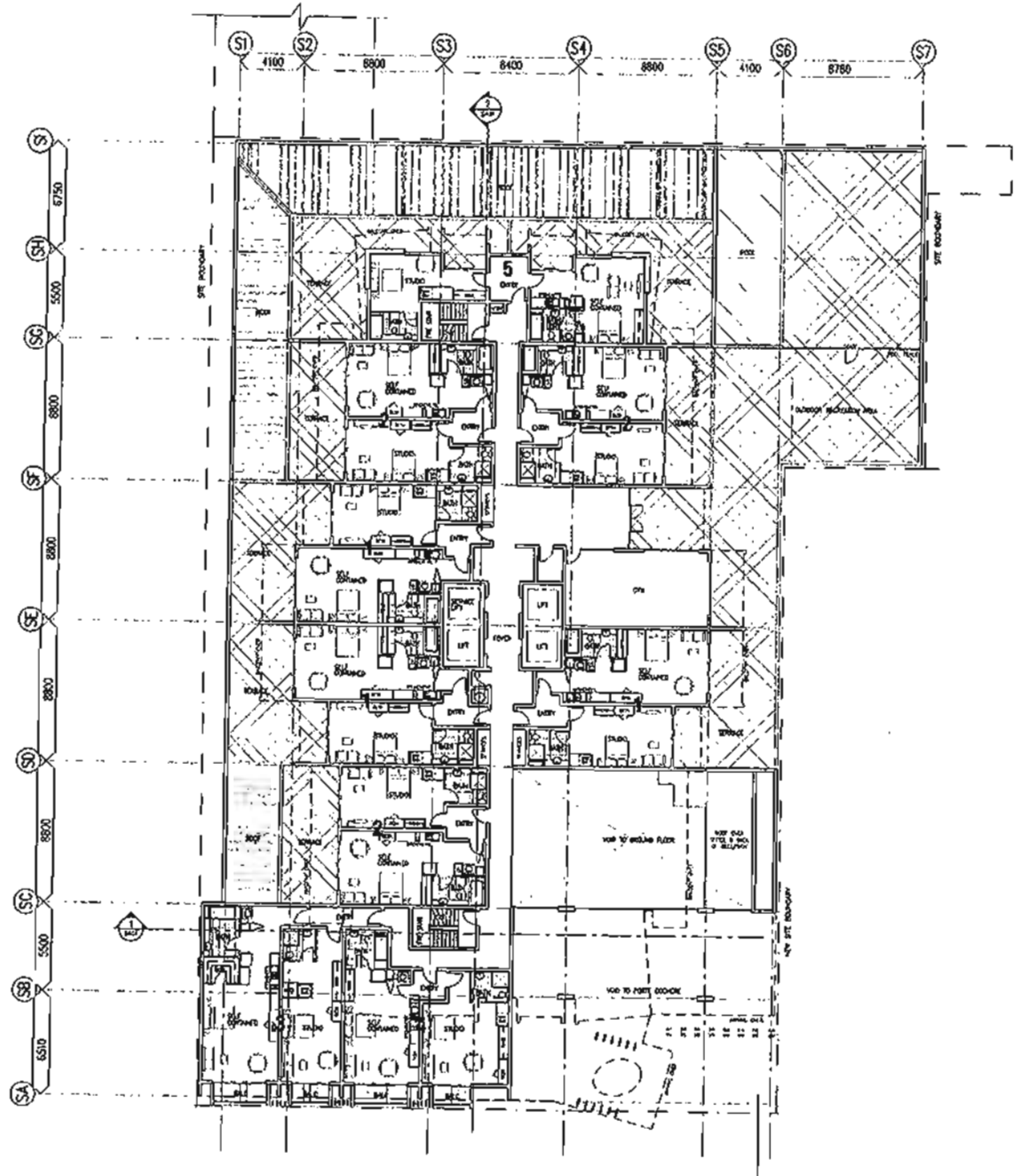
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JOB NO	0907		
DWG. NO.	DD.SA01	ISSUE	A

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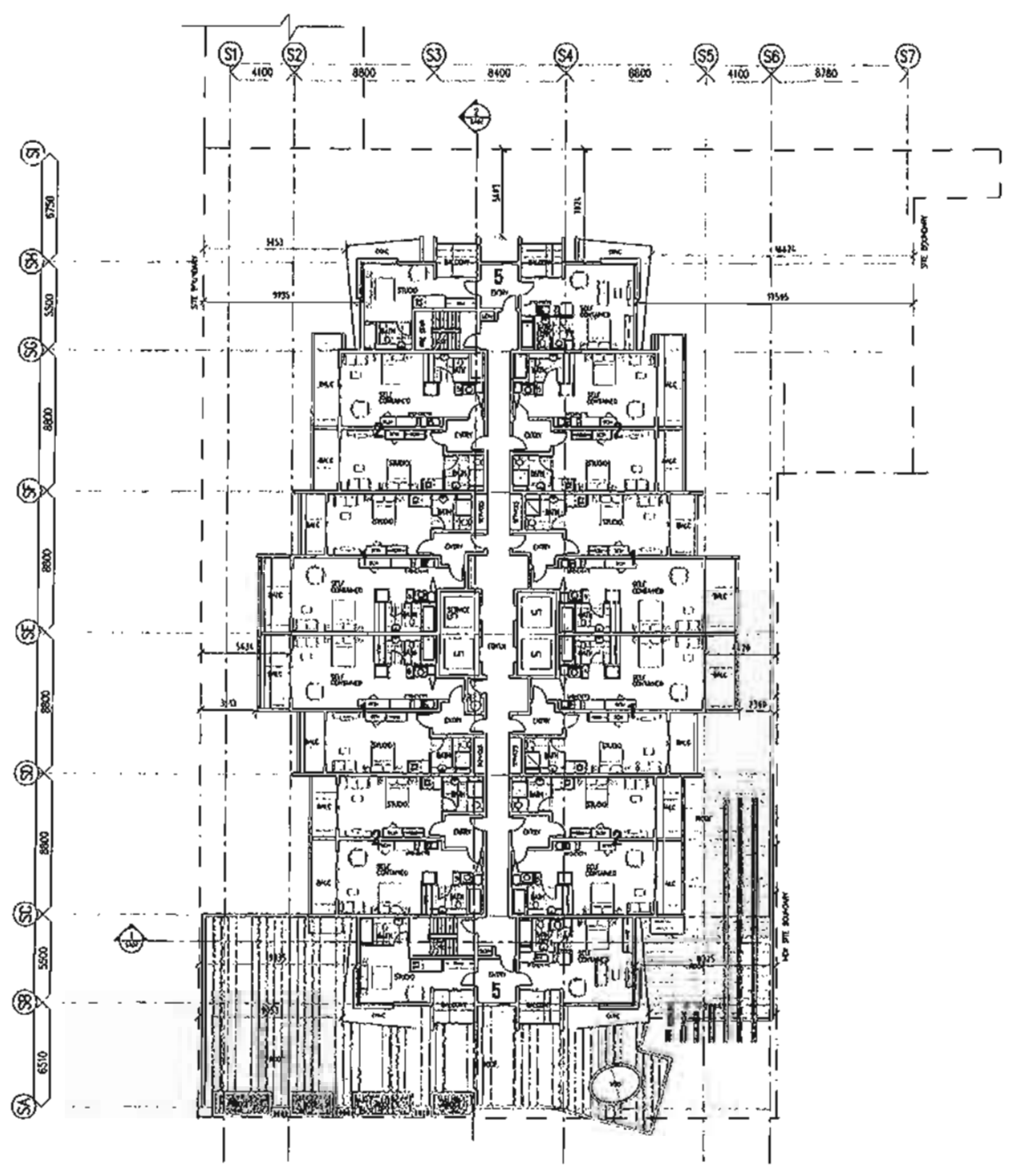
Decision Notice No. **DA/154/2010**

Per *[Signature]* Date **21.12.10**
ASSESSMENT MANAGER



GOONDOON STREET

① LEVEL 1
SCALE 1:200



GOONDOON STREET

① LEVELS 2
SCALE 1:200

ISS. AMENDMENT	INT.	DATE
P1 PRELIMINARY ISSUE	GM	11.06.09
P2 PRELIMINARY ISSUE -ARTAS	GM	14.07.09
P3 REVISED PRELIMINARY ISSUE	GM	09.10.09
P4 PRELIMINARY ISSUE-CLIENT REVIEW	GM	10.07.10
P5 REVISED PRELIMINARY ISSUE	GM	18.02.10
P6 REVISED PRELIMINARY ISSUE	GM	04.03.10
A DA LODGEMENT ISSUE	GM	08.03.10

PROJECT
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MIXED USE
DEVELOPMENT
AT
CNR GOONDOON &
LORD STREETS,
GLADSTONE
FOR
QUARTERBACK GROUP
PTY LTD

LEVEL 1,
15 WALT ST.
FORTHUDE VALLEY, 4006.
GPO BOX 500,
FORTHUDE VALLEY, 4006.
PHONE 07 3838 1152
FAX 07 3838 1149
ENR.
mail@ferroarch.com

DRAWING TITLE
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SOUTH TOWER
LEVEL 1 & 2 PLANS

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DATE	0907	ISSUE
DATE	DD.SA02	A

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ASSESSMENT MANAGER

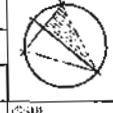
ISSUE	AMENDMENT	INT	DATE
P1	PRELIMINARY ISSUE	GM	11.06.09
P2	PRELIMINARY ISSUE - REAS	GM	14.07.09
P3	REVISED PRELIMINARY ISSUE	GM	09.10.09
P4	PRELIMINARY ISSUE - CLIENT REVIEW	GM	10.02.10
P5	PRELIMINARY ISSUE - CLIENT REVIEW	GM	11.02.10
P6	REVISED PRELIMINARY ISSUE	GM	04.03.10
A	W/ LODGEMENT ISSUE	GM	09.03.10

PROJECT
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MIXED USE
DEVELOPMENT
AT
CNR GOONDOON &
LORD STREETS,
GLADSTONE
FOR
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PTY LTD

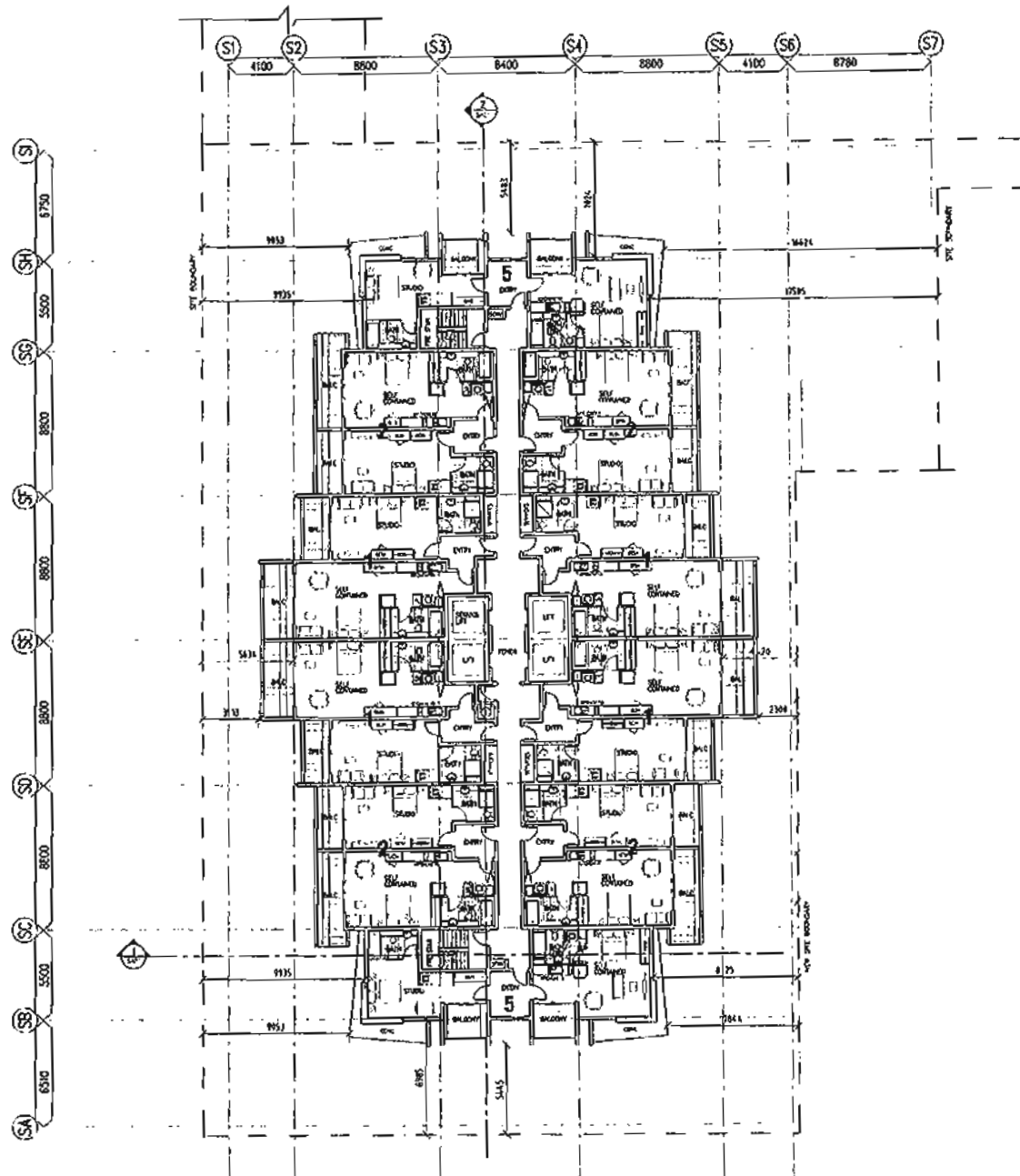


LEVEL 1,
15 WALY ST,
FORTITUDE VALLEY, 4006.
GPO. BOX 600,
FORTITUDE VALLEY, 4006.
PHONE 07 3839 1152
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EMAIL
mo@ferroarch.com

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DA SUBMISSION
SOUTH TOWER
LEVEL 3-6 PLANS

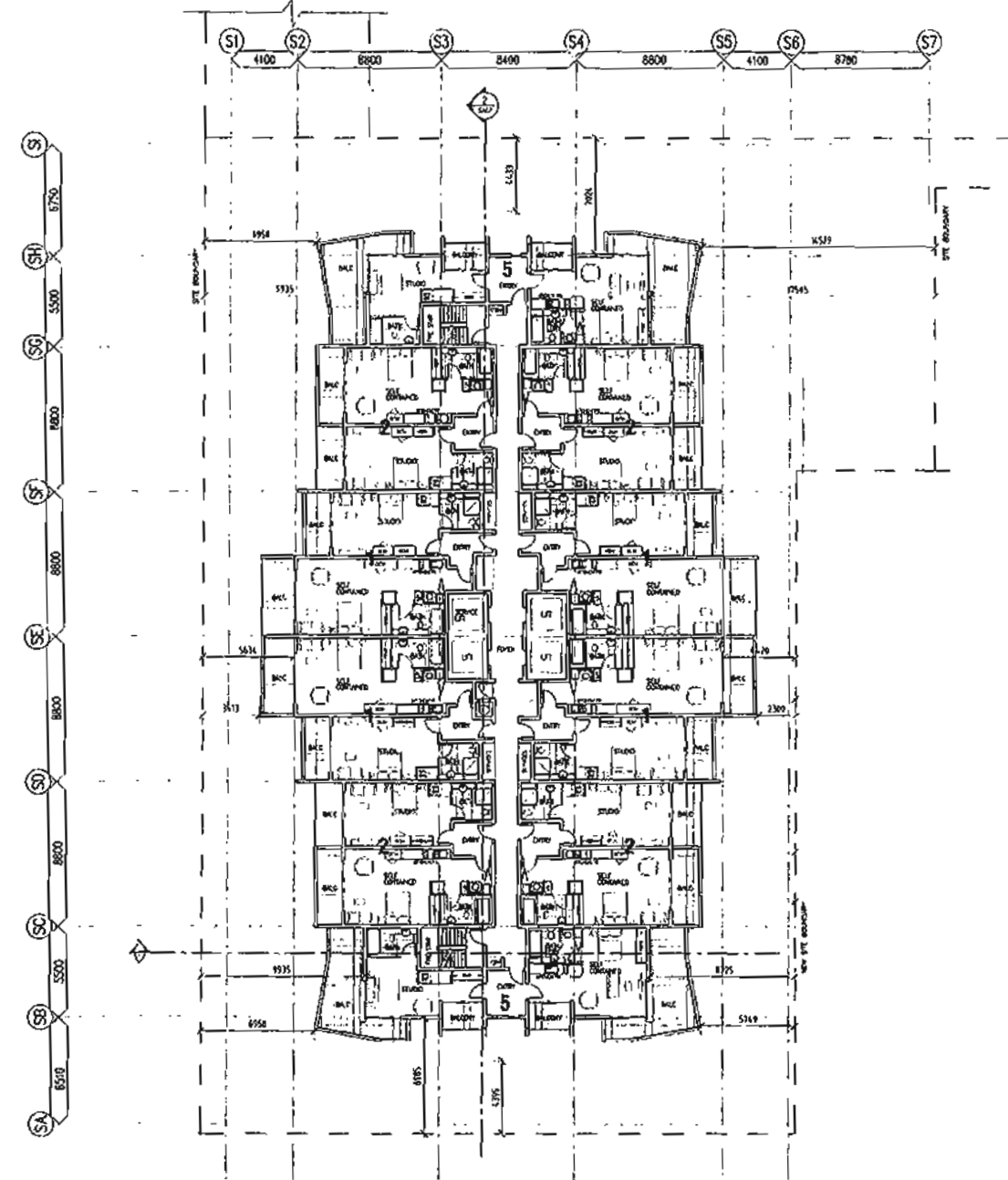
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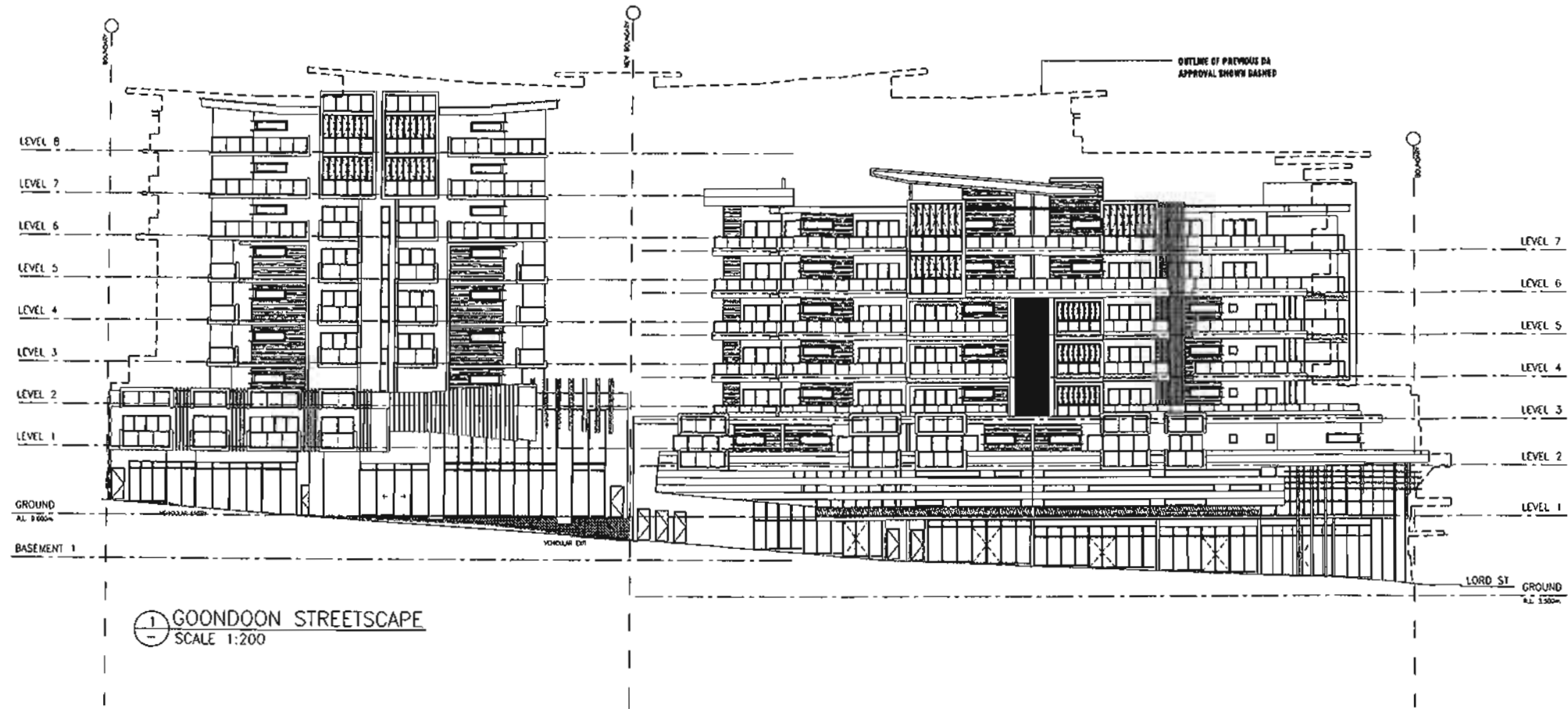
LEVELS 3-5
SCALE 1:200



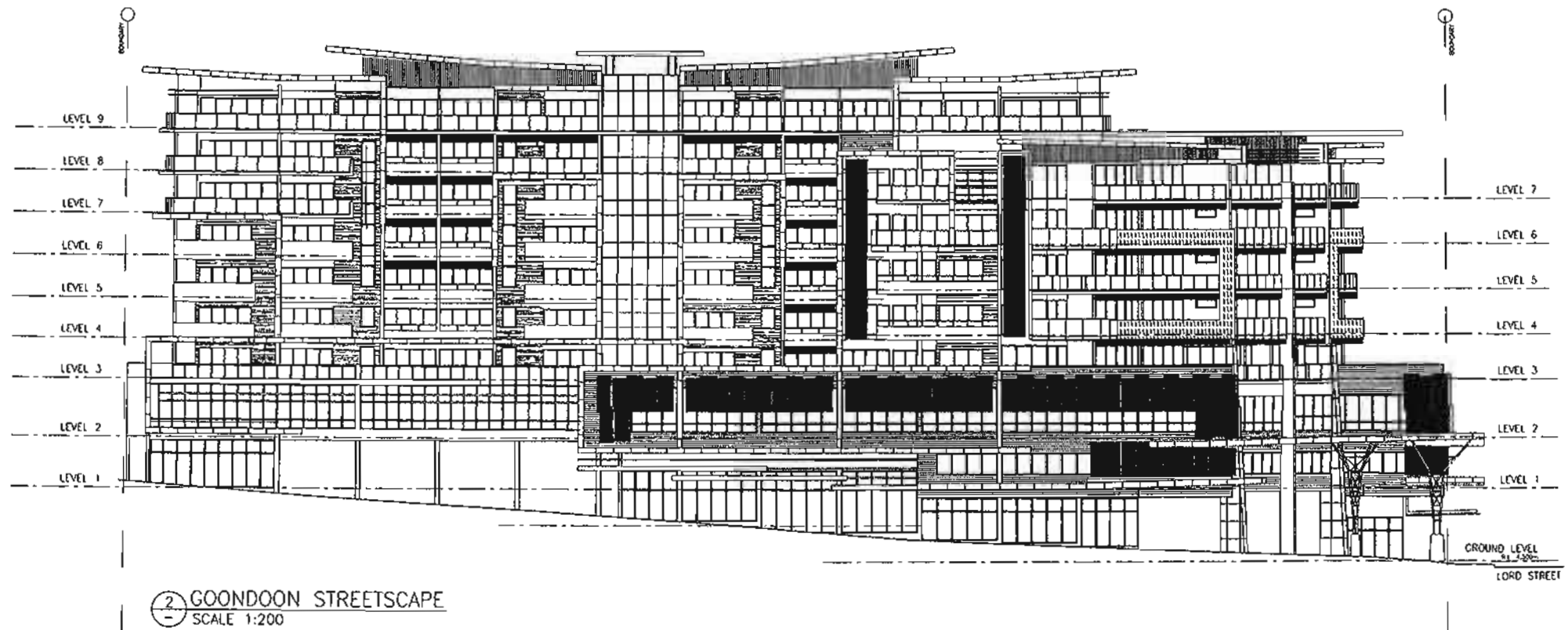
GOONDOON STREET

LEVELS 6
SCALE 1:200

CURRENT DA



PREVIOUS DA



GLADSTONE REGIONAL COUNCIL
GLADSTONE OFFICE

This Plan is approved subject to the attached

Decision Notice No. **DA/154/2010**

Per *[Signature]* Date **21.12.10**
ASSESSMENT MANAGER

ISS.	AMENDMENT	INT.	DATE
A	COUNCIL INFO REQUEST	GM	24.03.10

PROJECT PROXIMA

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DEVELOPMENT

AT
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GLADSTONE

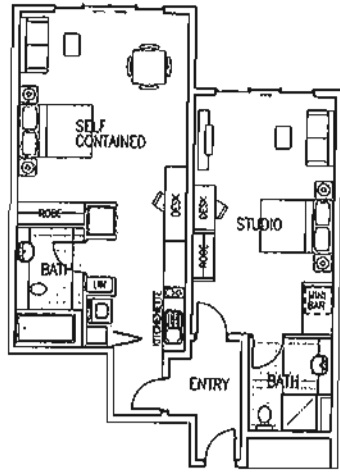
FOR
QUARTERBACK GROUP
PTY LTD

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15 MALE ST,
FORTITUDE VALLEY, 4006.
GPO BOX 600
FORTITUDE VALLEY, 4006.
PHONE 07 3839 1152
FAX 07 3835 1149
EMAIL
mail@ferroarch.com

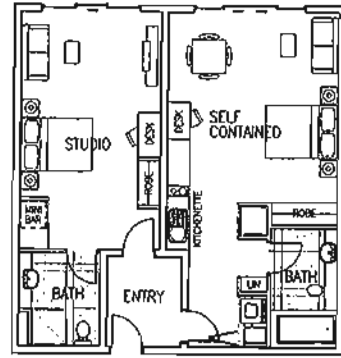
DRAWING TITLE
DA SUBMISSION
NORTH TOWER
ELEVATION COMPARISON

DATE	MAY'09
SCALE	
DRAWN	GM
JOB NO.	0907
DWG NO.	DD.NA04c
ISSUE	A

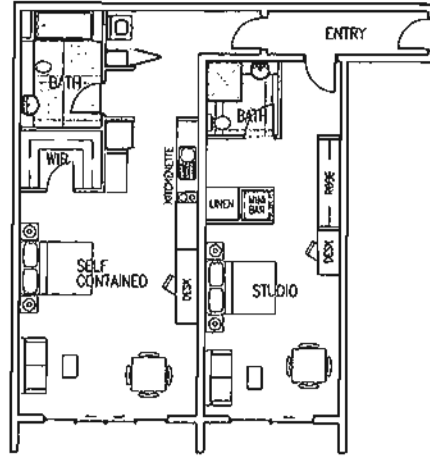
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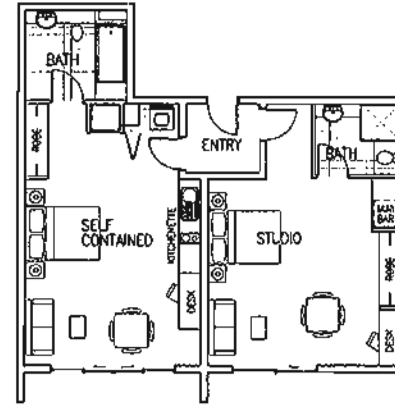
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MOTEL DUAL KEY
INTERNAL AREA: 82 SQM



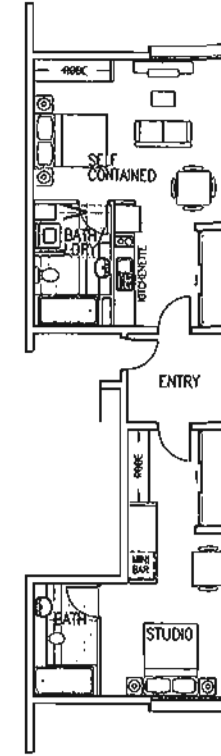
UNIT TYPE 2
MOTEL DUAL KEY
INTERNAL AREA: 75 SQM



UNIT TYPE 3
MOTEL DUAL KEY
INTERNAL AREA: 97 SQM



UNIT TYPE 4
MOTEL DUAL KEY
INTERNAL AREA: 78 SQM



UNIT TYPE 5
MOTEL DUAL KEY
INTERNAL AREA: 68 SQM

GLADSTONE REGIONAL COUNCIL
GLADSTONE OFFICE

This Plan is approved subject to the attached

Decision Notice No. DA/154/2010

Per [Signature] Date 21.12.10
ASSESSMENT MANAGER

ISS.	AMENDMENT	INT.	DATE
P1	PRELIMINARY ISSUE	GM	11.06.09
P2	REVISED PRELIMINARY ISSUE	GM	17.07.09
P3	REVISED PRELIMINARY ISSUE	GM	09.10.09
P4	PRELIMINARY ISSUE - CLIENT REVIEW	GM	10.02.10
P5	REVISED PRELIMINARY ISSUE	GM	04.03.10
A	DA LODGEMENT ISSUE	GM	09.03.10

PROJECT
PROXIMA

PROPOSED
MIXED USE
DEVELOPMENT
AT

CNR GOONDOON &
LORD STREETS,
GLADSTONE

FOR
QUARTERBACK GROUP
PTY LTD

DEVELOPMENT SUMMARY

PROPOSED SITE AREA: 2379 Sqm

UNIT SUMMARY

SOUTH TOWER

MOTEL	
TYPE 1 (DUAL KEY):	31 UNITS
TYPE 2 (DUAL KEY):	31 UNITS
TYPE 3 (DUAL KEY):	1 UNITS
TYPE 4 (DUAL KEY):	1 UNITS
TYPE 5 (DUAL KEY):	15 UNITS
TOTAL:	79 UNITS

GFA & PARKING CALCULATION

SOUTH TOWER

MOTEL	
NO. of UNITS:	79
PARKING REQUIRED:	81
PARKING PROVIDED:	86

RETAIL:	
PARKING REQUIRED:	42 Sq.m
PARKING PROVIDED:	2

TOTAL SPACES REQUIRED:	83
TOTAL SPACES PROVIDED:	88

SITE COVER CALCULATION

PODIUM G-2(AVERAGE)	
EXCLUDING BALC:	56% / 1346 Sq.m
INCLUDING BALC:	68% / 1622 Sq.m

TOWER L3-L7 (AVERAGE)	
EXCLUDING BALC:	40% / 968 Sq.m
INCLUDING BALC:	50% / 1200 Sq.m

OPEN SPACE CALCULATION

COMMUNAL	
PODIUM TERRACE:	318 Sq.m
GROUND FLOOR PLAZA:	193 Sq.m
TOTAL:	511 Sq.m

PRIVATE	
(BALCONIES & TERRACES):	1908 Sq.m

ferro arch
LEVEL 1,
15 MAULT ST.,
FORTITUDE VALLEY, 4006.
GPO. BOX 600,
FORTITUDE VALLEY, 4006.
PHONE 07 3839 1152
FAX: 07 3839 1148
EMAIL
mail@ferroorch.com

DRAWING TITLE
DA SUBMISSION

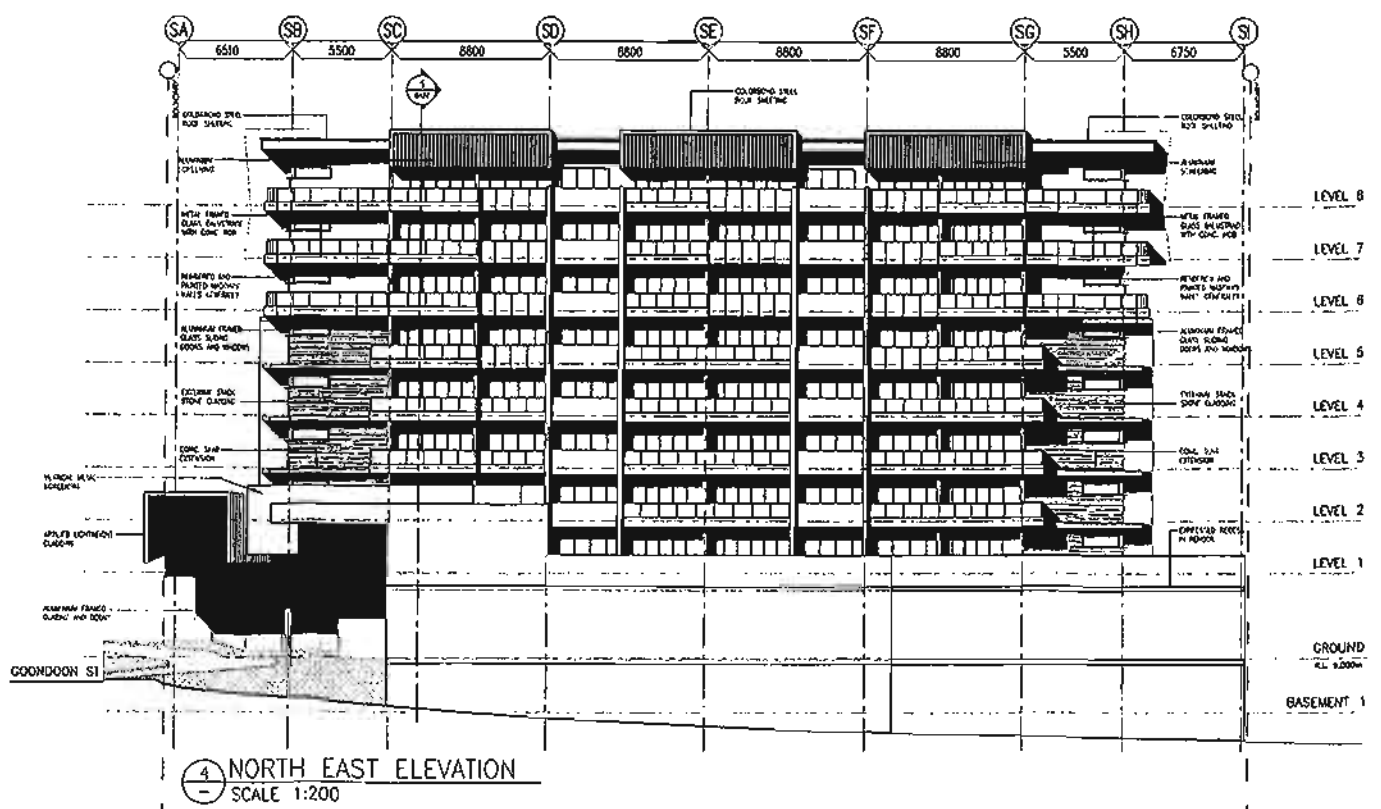
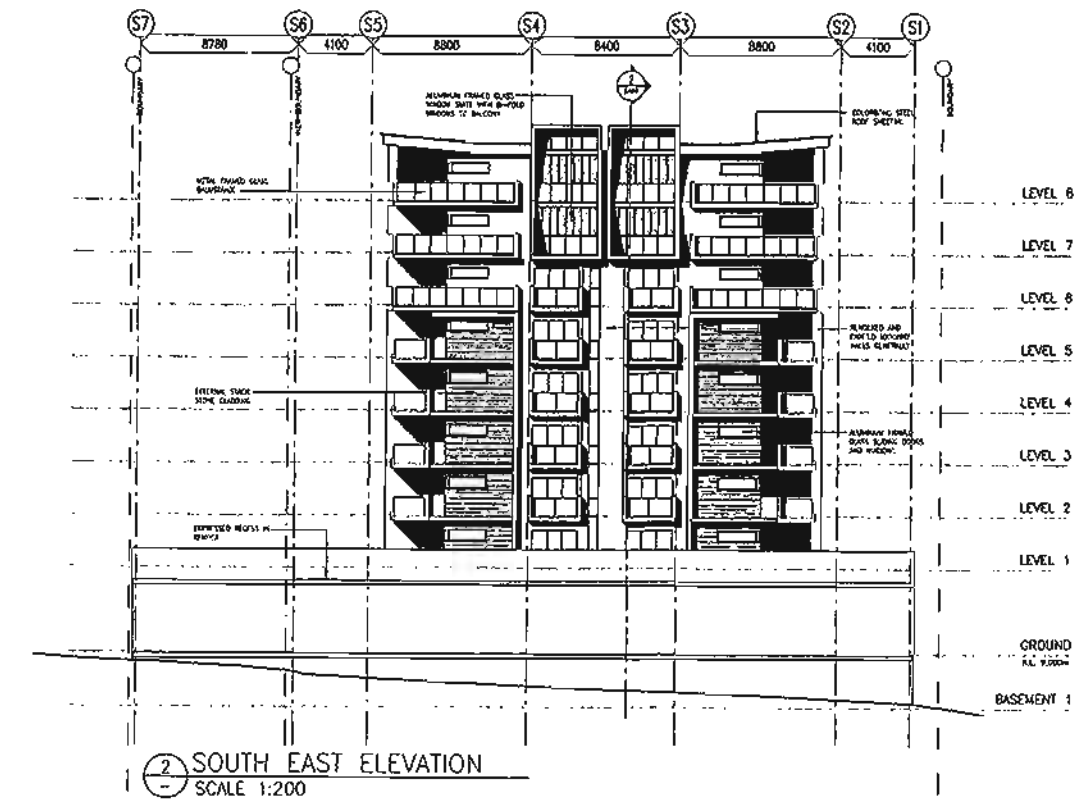
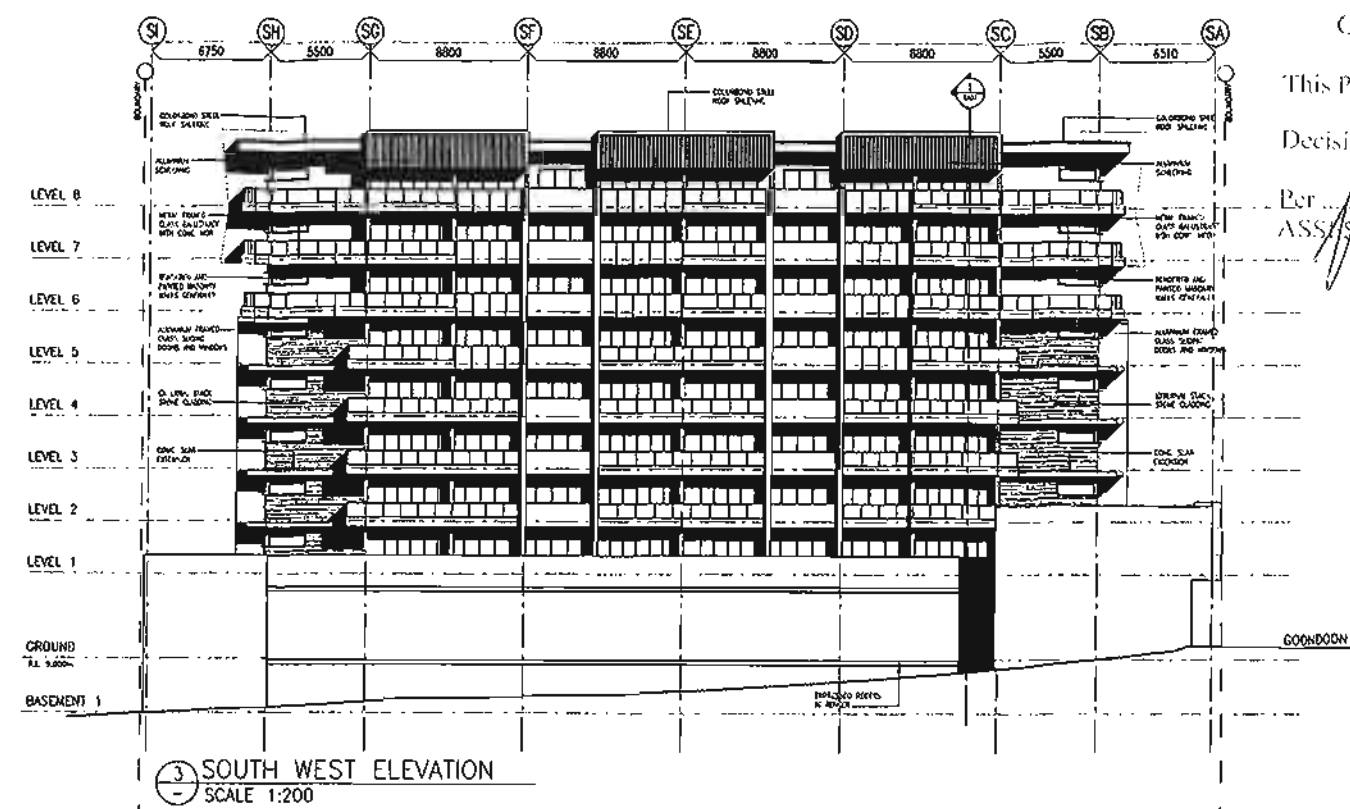
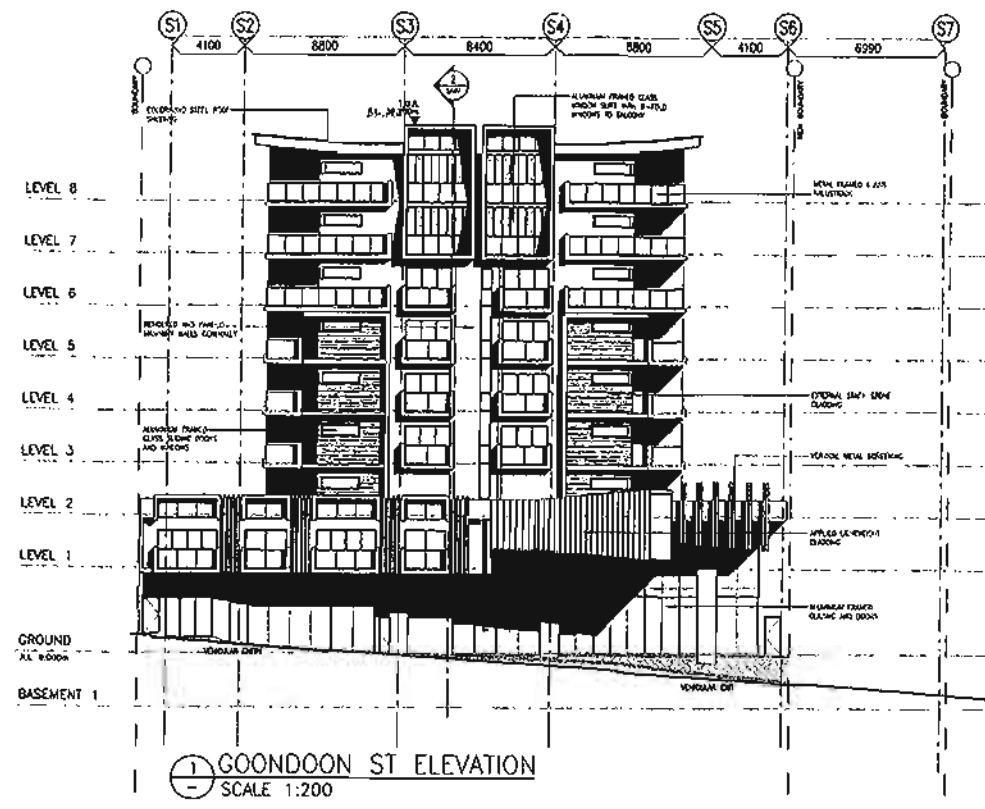
UNIT TYPES &
DEVELOPMENT SUM (SOUTH TOWER)

DATE	MAY'09
SCALE	1:100 @ A1
DRAWN	GM
JOB NO.	0907
DWG. NO.	DD.SA05
ISSUE	A

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Decision Notice No. **DA/154/2010**
Per *[Signature]* Date **21.12.10**
ASSESSMENT MANAGER



ISS.	AMENDMENT	INT.	DATE
P1	PRELIMINARY ISSUE - CLIENT REVIEW	GM	10.07.10
P2	REVISED PRELIMINARY ISSUE	GM	04.03.10
A	DA LODGEMENT ISSUE	GM	09.03.10

PROJECT
PROXIMA
PROPOSED
MIXED USE
DEVELOPMENT
AT
CNR GOONDOON &
LORD STREETS,
GLADSTONE

FOR
QUARTERBACK GROUP
PTY LTD

ferro
arch
architects

LEVEL 1,
15 MAIT ST,
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FORTITUDE VALLEY, 4006.
PHONE 07 3839 1152
FAX 07 3839 1149
EMAIL
mail@ferroarch.com

DRAWING TITLE
**DA SUBMISSION
SOUTH TOWER
ELEVATIONS**

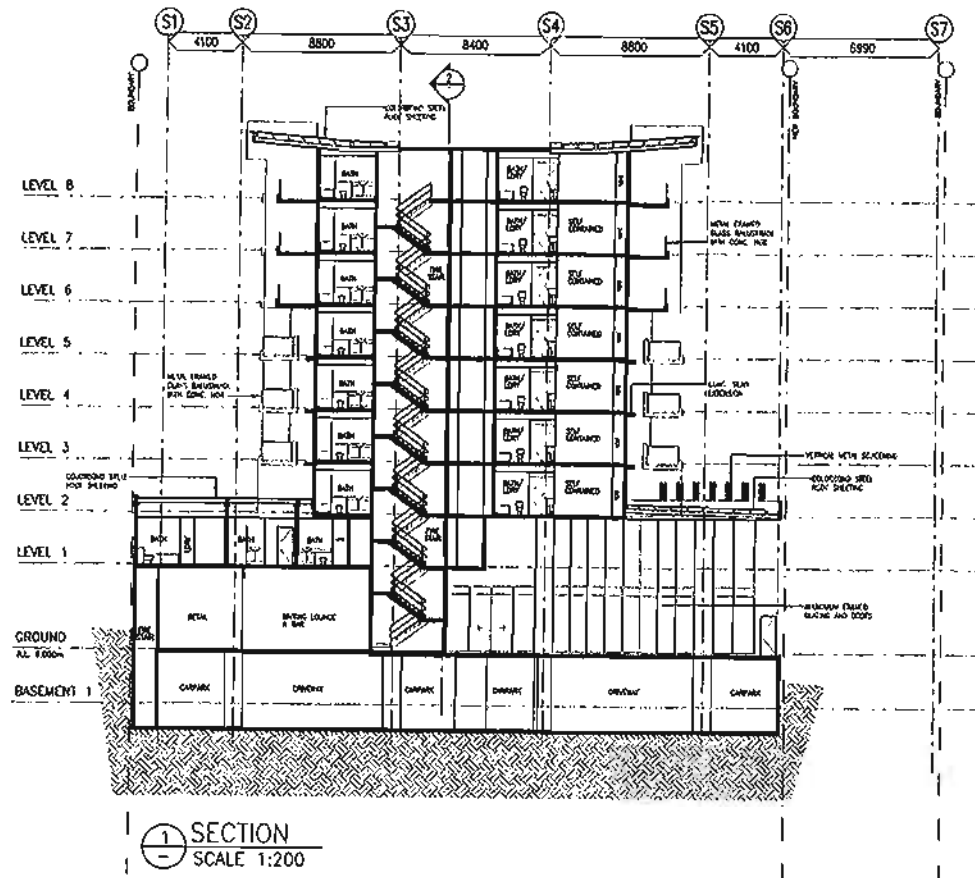
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ISSUE	A

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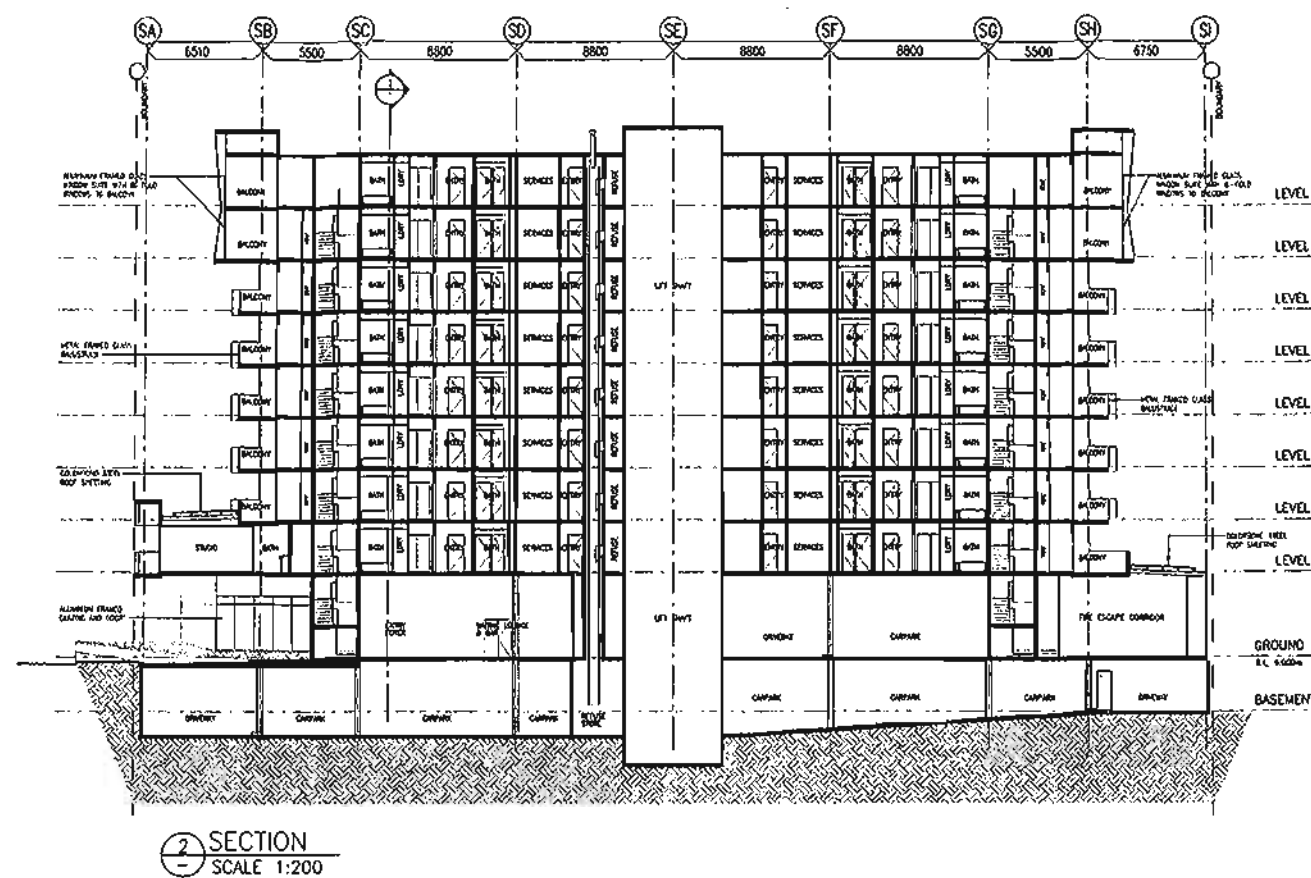
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Per *[Signature]* Date **21.12.10**
ASSESSMENT MANAGER



1 SECTION
SCALE 1:200



2 SECTION
SCALE 1:200

ISS. AMENDMENT	INT.	DATE
P1 PRELIMINARY ISSUE - CLIENT REVIEW	GM	10.07.10
P2 REVISED PRELIMINARY ISSUE	GM	04.03.10
A DA LODGEMENT ISSUE	GM	09.03.10

PROJECT

PROXIMA

PROPOSED
MIXED USE
DEVELOPMENT

AT

CNR GOONDOON &
LORD STREETS,
GLADSTONE

FOR

QUARTERBACK GROUP
PTY LTD

LEVEL 1
15 WALT ST.
FORTITUDE VALLEY, 4006.
C/O. BOX 600,
FORTITUDE VALLEY, 4006.
PHONE 07 3839 1137
FAX 07 3839 1149
EMAIL
mail@ferroarch.com

DRAWING TITLE
DA SUBMISSION
SOUTH TOWER
SECTIONS

DATE	MAY'09
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Advice Agency Response

This notice is issued by the Department of Environment and Resource Management pursuant to section 292 (advice agency response) of the Sustainable Planning Act 2009 ("the Act").

Chief Executive Officer
Gladstone Regional Council
PO Box 29
GLADSTONE QLD 4680
Attn: Kym Bannerman

cc. Ms Amanda Kipniak
Quarterback Group
Care PLACE Design Group
PO Box 419
FORTITUDE VALLEY QLD 4001

Our reference: 349245, IA0670ROK0010

Re: Advice Agency Response

1. Application Details

Assessment Manager ref.: DA/154/2010
Date application referred to DERM: 3 June 2010
Development approval applied for: Development permit
Aspect of development:

Various aspects of development - Acid sulfate soils	<i>Sustainable Planning Regulation 2009</i> - Schedule 7, table 3, item 3	DERM ref. no. - SPAR00552610
--	--	---------------------------------

Development description: Material Change of Use Motel (79 Units)
Property/Location description: 7 Goondoon Street, 8 Central Lane, Gladstone
Lot 27 G1410, Lot 1 RP618019, Lot 8 RP836412

2. The Chief Executive, Department of Environment and Resource Management (DERM) advice agency response for the advice agency referral jurisdiction for the aspect of development involved with the application the subject of this Notice is to recommend to the assessment manager as follows.

Advice Agency Response – Acid Sulfate Soils (ASS)

In the absence of an investigation or report with respect to acid sulfate soils, as required by State Planning Policy 2/02 *Planning and Managing Development Involving Acid Sulfate Soils* (SPP 2/02), DERM cannot currently advise further on this issue.

In accordance with SPP 2/02 all proposed disturbances should be investigated for the presence of ASS prior to any operational works. Should these studies identify that ASS will be excavated or disturbed by construction, then a suitable ASS management plan will need to be developed. Adequate management strategies should be determined and assessed prior to construction commencing.

Recommendation

DERM recommend Council request sufficient information is provided to demonstrate that the proposed development has regard to achieving Outcome 1 of SPP 2/02, particularly:

- Whether ASS will be disturbed through any proposed excavation or fill (identify the depth, amount and location of excavation or fill); and
- What management practices are to be adopted to minimise environmental harm as a result of disturbance of ASS, should the investigation show that ASS will be disturbed as a result of the proposal.

This evidence should include an ASS investigation of the subject land by a suitably qualified person and a report prepared according to sections 6, 8 and 9 of the Guideline that accompanies SPP 2/02.

DERM would be pleased to receive a copy of any investigation or proposed management practices for review.

3. 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 DERM as a referral agency for the relevant application at PO Box 1762, Rockhampton, QLD, 4700 and an electronic copy to eco.access@derm.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, DERM as a referral agency for the relevant application has not provided notification to native title parties.

Aboriginal Cultural Heritage

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 \$750,000 for a corporation and \$75,000 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 DERM 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 Cultural Heritage Coordination Unit, DERM. Application forms to undertake a free search of the Cultural Heritage Register and the Database may be obtained by contacting the Cultural Heritage Coordination Unit on (07) 3239 3647 or on the DERM website www.derm.qld.gov.au/cultural_heritage



Delegate
Gus Gonzo
Principal Natural Resource Officer
Department of Environment and Resource
Management

Date: 7 July 2010

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