

Our reference: COM/2024/133

Decision notice—approval (with conditions)

(Given under section 63(2) of the *Planning Act 2016*)

Date of decision notice: 24 July 2024 **Applicant**

details

Applicant name: Devmcoz Properties Pty Ltd
Applicant contact details: C/ Gassman Development Perspectives
PO BOX 392
BEENLEIGH QLD 4207

Application details

Application number: COM/2024/133
Approval sought: Combined Application
Details of proposed development: Development permit for Operational work for infrastructure
Development permit for Operational work for Vehicle Access Works

Location details

Street address: 1 Homestead Drive, Stapylton Qld 4207
Real property description: Lot 101 SP316137, Lot 102 SP316137

Decision

Date of decision 13 July 2024
Decision details: Under Delegated Authority, the Senior Specialist Civil Engineer -
Operational Works has resolved to approve the development
application in full with conditions

Referral agency(s) for the application

Not applicable – no part of the application required referral.

Details of the approval

Development permit Operational work - infrastructure (water reticulation, construction of
footpath and relocation pram ramp and line-marking)
Operational work – Vehicle Access Works (1 x new VXO)

Conditions

The conditions that have been imposed by Council, as Assessment manager, are enclosed.

Properly made submissions

Not applicable—No part of the application required public notification.

Currency period for the approval (section 85 of the *Planning Act 2016*)

In accordance with section 85 of the *Planning Act 2016*, this approval has a currency period of two years.

Approved plans and drawings

Approved plans and drawings are attached and are identified in the conditions imposed by Council as the Assessment manager.

Appeal rights

Applicant	You have appeal rights in relation to this decision. An appeal may be made against, as applicable: • the refusal of part of the development application; or • a provision of the development approval; or • if a development permit was applied for, the decision to give a preliminary approval. An appeal must be started within 20 business days after this notice is given to you. An appeal may be made to the Planning and Environment Court or, for certain matters which are identified in section 1(2) of Schedule 1 of the <i>Planning Act 2016</i>, to a development tribunal. An appeal is started by lodging a notice of appeal with the registrar of the Planning and Environment Court or a development tribunal, as applicable. The notice of appeal must be in the approved form, succinctly state the grounds of the appeal and be accompanied by the required fee. An appellant to the Planning and Environment Court must give a copy of the notice of appeal, within 10 business days after the appeal is started, to the persons identified in section 230(3) of the <i>Planning Act 2016</i>. A person who is appealing to the Planning and Environment Court must comply with the rules of the court that apply to the appeal. An extract of Chapter 6, Part 1 and Schedule 1 of the <i>Planning Act 2016</i> is attached to this notice, which sets out further information about the appeal rights.
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For further information please contact Ruwangi Samarasekera, Civil Engineer on p: 07 5582 8866 or via email mail@goldcoast.qld.gov.au who will be pleased to assist.

AUTHORISED BY



Nathan Seiler
Senior Specialist Civil Engineer - Operational Works
For the Chief Executive Officer
Council of the City of Gold Coast

Enc:

Conditions imposed by Council as Assessment manager

Attach:

Stamped approved plans and drawings

Appeal rights extracts

Conditions imposed by Council as Assessment manager

General																								
1	Timing a All conditions of this development approval must be complied with at no cost to Council at all times unless otherwise stated in another condition.																							
2	Approved drawings Undertake and maintain the development generally in accordance with the following drawings including as amended in red by the Council: <table><tr><th colspan="5">Operational Works</th></tr><tr><th>Drawing Title</th><th>Author</th><th>Date</th><th>Drawing No.</th><th>Ver</th></tr><tr><td>DRIVEWAY CROSSOVER SETOUT PLAN</td><td>Gassman Development Perspectives</td><td>01/05/24</td><td>6228 ENG VXO 400</td><td>B</td></tr><tr><td>WATER METER PLAN AND DETAILS</td><td>Gassman Development Perspectives</td><td>11/06/24</td><td>6228 ENG WM 001</td><td>C</td></tr></table> And ensure that: i The vehicular crossing is located clear from all utility services. ii Grades generally comply with IPWEAQ standard drawings RSD-102. iii Standard change in grade requirements in AS2890.1 is complied with. The conditions of this approval are to be read in conjunction with the attached stamped approved drawings. Where a conflict occurs between the conditions of this approval and the stamped approved drawings, the conditions of this approval shall take precedence.				Operational Works					Drawing Title	Author	Date	Drawing No.	Ver	DRIVEWAY CROSSOVER SETOUT PLAN	Gassman Development Perspectives	01/05/24	6228 ENG VXO 400	B	WATER METER PLAN AND DETAILS	Gassman Development Perspectives	11/06/24	6228 ENG WM 001	C
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3	When the approval lapses if works is not completed This approval will lapse if the works is not completed by 15 July 2027 in accordance with section 88 of the Planning Act 2016.																							
Engineering																								
4	Rectification of Council's infrastructure a Rectify any damage caused to Council infrastructure (including roads, kerb & channelling, service pits, footpaths and water and sewer reticulation networks) prior to an 'on maintenance' inspection, at no cost to Council. b Maintain the rectified Council infrastructure at no cost to Council until the asset is accepted "off maintenance" by the City in accordance with the procedures in City Planning Policy SC6.12 – Land development guidelines, sections 7 Procedures, 8.5 As-constructed requirements, 9 Specifications and 10 Standard drawings.																							
5	Footpaths a Construct and maintain the footpath identified in the approved drawings condition at no cost to Council until the asset is accepted "off maintenance" by the City in accordance with the procedures in City Planning Policy SC6.12 – Land development guidelines, sections 2 Transport network standards, 7 Procedures, 8.5 As-constructed requirements, 9 Specifications and 10 Standard drawings. b Ensure that there is a minimum 300mm circumferential separation between any footpath and the outer edge of existing/new power poles. Fill the space with compacted cold-mix asphalt to a minimum depth of 50mm.																							

6	Roadworks Construct and maintain the roadworks identified in the approved drawings condition at no cost to Council until the asset is accepted “off maintenance” by the City in accordance with the procedures in City Planning Policy SC6.12 – Land development guidelines, sections 2 Transport network standards, 7 Procedures, 8.5 As-constructed requirements, 9 Specifications & 10 Standard drawings.															
7	Construction of vehicular crossing Construct the vehicular crossing generally in accordance with the Driveways and vehicular crossing code of the City Plan and include in particular: Requirements of the Manual of Uniform Traffic Control Devices, Part 3 – Works on Roads:															
8	Existing structures and services within close proximity to vehicle crossing - a Modify the level of any nearby services (communication pits, electrical pits, hydrants etc) where construction of the vehicle crossing creates a trip hazard (greater than a 1/4 batter or a sudden level difference greater than 5mm) prior to the post pour inspection at no cost to Council. - b Seek any necessary approvals for the modifications prior to undertaking the work.															
Water Works																
9	Water reticulation Construct and maintain the water reticulation system identified in the approved drawings condition at no cost to Council until the asset is accepted “off maintenance” by the City in accordance with the procedures in City Plan Policy SC6.12 – Land development guidelines, and include in particular: - i Remove redundant water meters / connections. A connection application is required for these works. - ii Water meters must be in accordance with the Metering Technical Specifications and the Water and Sewerage Connections Policy. - iii The maintenance period for these works is twelve (12) months. The maintenance bond requirements to be followed as per the Land Development Guidelines. Notes: - iv An “Application Work on the City’s infrastructure” form is required for the above works. - v The development’s sewerage connection must be completed and approved by Council prior to an application for a Pre-start meeting for the approved water connection.															
Construction management																
10	Certification of works Provide Council with certificates prepared by qualified experts from the disciplines listed below, confirming as follows: <table><tr><th colspan="5">Operational Works</th></tr><tr><th>Certified document</th><th>Certification date</th><th>Plan/ Drawing</th><th>Expert discipline</th><th>Requesting Council Section</th></tr><tr><td>Appendix A Certification from the Land Development Guidelines</td><td>Upon practical completion of works.</td><td>N/A</td><td>Registered Professional Engineer Queensland (RPEQ)</td><td>Contributed Assets</td></tr></table>	Operational Works					Certified document	Certification date	Plan/ Drawing	Expert discipline	Requesting Council Section	Appendix A Certification from the Land Development Guidelines	Upon practical completion of works.	N/A	Registered Professional Engineer Queensland (RPEQ)	Contributed Assets
Operational Works																
Certified document	Certification date	Plan/ Drawing	Expert discipline	Requesting Council Section												
Appendix A Certification from the Land Development Guidelines	Upon practical completion of works.	N/A	Registered Professional Engineer Queensland (RPEQ)	Contributed Assets												

The certification is to confirm: All works have been undertaken generally in accordance with the approval.										
Water and Waste										
Certified document	Certification date	Plan/ Drawing	Expert discipline	Requesting Council Section						
Requirements of Council Water and Sewerage acceptance testing guideline	Prior to a request to accept on maintenance Or connect to existing mains and the use of the connection		Registered Professional Engineer of Queensland (RPEQ)	Water and Waste						
A Survey Plan with the required easements shown on the listed plan over the on-lot water arrangement / sewer	Prior to commence of the use		Registered Surveyor	Development Compliance Section						
The certification is to confirm: i. Constructed works comply with necessary standards and confirm level and location details. ii. Installed components meet specifications and standards for materials and design and installation specifications and acceptance testing requirements. iii. Easements are correctly located over the infrastructure and meet the requirements specified in the SEQ Water Supply and Sewerage Design and Construction Code for sewerage infrastructure.										
11 Supervision of works During construction of any works the following professionals must be appointed to supervise the below described actions: <table><tr><td colspan="2">All works approved by this permit</td></tr><tr><td>Expertise required of the suitably qualified professional</td><td>Actions to be overseen by the professional</td></tr><tr><td>Registered Professional Engineer of Queensland (RPEQ)</td><td>All supply, installation, construction, testing and commissioning of works</td></tr></table>					All works approved by this permit		Expertise required of the suitably qualified professional	Actions to be overseen by the professional	Registered Professional Engineer of Queensland (RPEQ)	All supply, installation, construction, testing and commissioning of works
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Expertise required of the suitably qualified professional	Actions to be overseen by the professional									
Registered Professional Engineer of Queensland (RPEQ)	All supply, installation, construction, testing and commissioning of works									
12 Availability of approved plans, drawings and reports Retain a copy of this decision notice and stamped approved plans, drawings and reports on site at all times during construction. Any contractors undertaking approved work (including tree removal or relocations) must be directly provided with a copy of these conditions and instructed as to the need to comply with them.										

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Pre-start inspection

Arrange a pre-start inspection prior to the commencement of works to complete the requirements identified in SC.6.12 City Plan Policy – Land development guidelines for the following:

Purpose	Council contact
Review and discuss this Operational works – infrastructure approval.	Contributed Assets (07) 5582 9034
Prior to requesting a Pre-start meeting, provide “for construction issue design drawings”, including amendments, following potholing undertaken as part of the preliminary site works. All design changes must be included in the drawing set. <i>Note:</i> <i>Changes made to the drawings may necessitate the submission of a Minor or Other Change development application, in accordance with the Planning Act 2016.</i>	GCWDA@goldcoast.qld.gov.au

Copies of applicable material including this decision notice and stamped approved plans, drawings and reports are to be available for the meeting and kept on site during construction.

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Hold point inspection

Arrange a hold point inspection to complete the requirements identified in SC.6.12 City Plan Policy – Land development guidelines/Landscape work code of the City Plan for the following:

Purpose	Hold Point	Council contact
Confirm works have been undertaken in accordance with the operational works approval and associated hold point requirements identified in SC6.12 City Plan Policy – Land development guidelines	As indicated in SC6.12 City Plan Policy – Land development guidelines	Contributed Assets (07) 5582 9034
Undertake a vehicular crossing pre-pour inspection to ensure work is in accordance with the Operational works approval inclusive of any necessary footpath tie ins.	Prior to placement of concrete	Development Compliance 07 5582 8184
Undertake a vehicular crossing post-pour inspection to ensure work is in accordance with the Operational works approval	After placement of concrete	Development Compliance 07 5582 8184

Copies of applicable material including this decision notice and stamped approved plans, drawings and reports are to be available for the meeting and kept on site during construction.

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On maintenance

Arrange an on maintenance meeting to complete the requirements identified in SC.6.12 City Plan Policy – Land development guidelines for the following:

Purpose	Hold Point	Council contact
Confirm completion of works have been undertaken in accordance with this approval	Prior to commencement of the on maintenance period	Contributed Assets 07 5582 9034

	Copies of applicable material including this decision notice and stamped approved plans, drawings and reports are to be available for the meeting and kept on site during construction.								
16	Off maintenance Arrange an off maintenance meeting to complete the requirements identified in SC.6.12 City Plan Policy – Land development guidelines for the following:								
	<table><tr><th>Purpose</th><th>Hold Point</th><th>Council contact</th></tr><tr><td>Confirmation works have been undertaken in accordance with the Operational works, Works for infrastructure approval</td><td>Prior to Asset handover / conclusion of on maintenance period</td><td>Contributed Assets (07) 5582 9034</td></tr></table>	Purpose	Hold Point	Council contact	Confirmation works have been undertaken in accordance with the Operational works, Works for infrastructure approval	Prior to Asset handover / conclusion of on maintenance period	Contributed Assets (07) 5582 9034		
Purpose	Hold Point	Council contact							
Confirmation works have been undertaken in accordance with the Operational works, Works for infrastructure approval	Prior to Asset handover / conclusion of on maintenance period	Contributed Assets (07) 5582 9034							
	Copies of applicable material including this decision notice and stamped approved plans, drawings and reports are to be available for the meeting and kept on site during construction.								
17	Bond a. Provide security to Council in the amount of \$5000 to secure: i. Compliance with all conditions of this approval (excluding the off-maintenance condition) b. Provide the security prior to arranging a Pre-start inspection. Council will hold the security until i. Works are acceptable to proceed to on maintenance <i>Information note: Contact Contributed Assets on 07 5582 9034 for more information on the Bond lodgement.</i>								
Advice Notes									
A	Consistency with other related approvals The assessment and approval of the operational work the subject of this permit, has been attended to having regard to the conditions of MCU/2023/471 dated 29 April 2024. Should any change to any of these approvals be sought and achieved, consideration by the applicant should also be had to the consequences on the related approvals (and the potential need to make subsequent changes to these related approvals).								
B	Scope of VXO approval The approval endorses the VXO (Crossing from the kerb to the property boundary) and does not include the driveway or any other work shown on the drawings.								
C	Restoration works for Council activities Where Council is required to perform work to any asset located within the VXO, reinstatement may only be with plain concrete.								
D	Compliance with conditions Once this development approval takes effect, the conditions attach to the land and are applicable in perpetuity. It is a development offence to contravene a development approval, including any of its conditions.								
E	Indigenous cultural heritage legislation and duty of care requirement The <i>Aboriginal Cultural Heritage Act 2003</i> ('ACHA') is administered by the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs (DATSIMA). The ACHA establishes a duty of care to take all reasonable and practicable measures to ensure any activity does not harm Aboriginal cultural heritage. This duty of care: a Is not negated by the issuing of this development approval; b Applies on all land and water, including freehold land;								

	c Lies with the person or entity conducting an activity; and d If breached, is subject to criminal offence penalties. Those proposing an activity involving surface disturbance beyond that which has already occurred at the proposed site must observe this duty of care. Details of how to fulfil this duty of care are outlined in the duty of care guidelines gazetted with the ACHA. The applicant should contact DATSIMA's Cultural Heritage Coordination Unit on 07 3405 3050 for further information on the responsibilities of developers under the ACHA.
F	Encroachment of works If any operational works, the subject of this approval encroaches on adjoining land, a letter from the adjoining owner must be submitted to Council consenting to the carrying out of these works.
G	Applicant responsibilities The applicant is responsible for securing all necessary approvals and tenure, providing statutory notifications and complying with all relevant laws. Nothing in this decision notice alleviates the need for the applicant to comply with all relevant local, State and Commonwealth laws and to ensure appropriate tenure arrangements have been made where the use of/reliance upon land other than that owned by the applicant is involved. Without limiting this obligation, the applicant is responsible for: - a Obtaining all other/further necessary approvals, licences, permits, resource entitlements etc. by whatever name called required by law before the development the subject of this approval can be lawfully commenced and to carry out the activity for its duration; - b Providing any notifications required by law (by way of example only, to notify the administering authority pursuant to the <i>Environment Protection Act 1994</i> of environmental harm being caused/threatened by the activity, and upon becoming aware the premises is being used for a 'notifiable activity'); - c Securing tenure/permission from the relevant owner to use private or public land not owned by the applicant (including for access required by conditions of approval); - d Ensuring the correct siting of structures on the land. An identification survey demonstrating correct siting and setbacks of structures may be requested of the applicant to ensure compliance with this decision notice and applicable codes; - e Providing Council with proof of payment of the Portable Long Service Leave building construction levy (or proof of appropriate exemption) where the value of the Operational Works exceed \$150,000. Acceptable proof of payment is a Q.Leave –Notification and Payment Form approved by the Authority. Proof of payment must be provided before Council can issue a development permit for the Operational works. This is a requirement of section 77(1) of the Building and Construction Industry (Portable Long Service Leave) Act 1991; and - f Making payment of any outstanding Council rates and charges applicable to the development site prior to the lodgement of subdivision plans. - g Obtaining any necessary local government/state approvals where works require the installation of temporary ground anchoring into adjacent Road Reserves. Where ground anchoring is proposed into an adjacent private property, approval from the relevant property owners(s) is required
H	Water usage The use of potable water is not permitted in activities associated with road and pavement construction, the compaction of fill material or dust suppression. The use of recycled water is encouraged, especially where other alternative sources do not exist. Where recycled water is proposed to be used, contact the Water & Waste Recycled Water Management Team. More information is available for viewing on Council's website http://www.goldcoast.qld.gov.au/environment/recycled-water-for-industry-7900.html

I	Fire ant control Northern suburbs of the Gold Coast are within Fire Ant Biosecurity zone 2 and must remain vigilant for the presence of fire ants. Under the Biosecurity Act 2014 individuals and organisations whose activities involve the movement or storage of fire ant carriers have a general biosecurity obligation to take all reasonable steps to ensure they do not spread fire ants. Movement of a fire ant carrier from within the fire ant biosecurity zone may need a biosecurity instrument permit. More information is available on the Department of Agriculture and Fisheries website www.daf.qld.gov.au/plants/weeds-pest-animals-ants/invasive-ants/fire-ants.			
J	Council water and sewer mains to be protected during site works The developer is responsible at all times for ensuring that Council's water and sewerage infrastructure is protected during construction activities on site. This may require physical protection measures to be put in place during works such as deliveries, moving heavy equipment into and out of the site, or when doing works in close proximity to water and sewer assets. Where Council water and sewer infrastructure is damaged during construction, Council will undertake immediate repairs and any costs associated with these repairs will be charged to the landowner, principal contractor or other relevant party. If further, more permanent repairs are required, such as replacement of water and sewer mains, the landowner, principal contractor or other relevant party will first be given an opportunity to complete these works (other approvals may be required), or Council will undertake these works and pass the costs on to the landowner, principal contractor or other relevant party..			
K	Connections and disconnections Any connection / disconnection to the existing water and sewerage networks will be at the applicant's cost. Prior to the connection / disconnection taking place, the applicant must obtain written approval from Contributed Assets. Refer to Water and Sewerage Connections Policy, available on Council's website http://www.cityofgoldcoast.com.au			
L	Further development permits / compliance permits Further development permits and/or compliance permits from Council are required to facilitate the development of the approved works identified in this decision notice. These include: <table border="1"><tr><td>Contributed Assets</td></tr><tr><td>Connections / disconnections: Application to work on the City's Infrastructure</td></tr><tr><td>Temporary Road Closure and Works Zone Permit Application</td></tr></table> A copy of this decision notice and accompanying stamped drawings / plans must be submitted with any subsequent application identified above.	Contributed Assets	Connections / disconnections: Application to work on the City's Infrastructure	Temporary Road Closure and Works Zone Permit Application
Contributed Assets				
Connections / disconnections: Application to work on the City's Infrastructure				
Temporary Road Closure and Works Zone Permit Application				
M	Connections to, alteration or realignment of Council infrastructure Where development works require the connection to, alteration, removal or realignment of Council infrastructure or impact on other public utility infrastructure (e.g. telecommunications, electricity and gas), the applicant must obtain the necessary approvals from the relevant public utility authority prior to works commencing. Connection to, alteration, removal or realignment of Council infrastructure includes (but is not limited to) fire hydrants, water service meters, sewer maintenance hole covers, stormwater drainage infrastructure, reinstatement of maintenance hole covers, stormwater drainage infrastructure, crossovers, footpaths, road pavement, kerb and channel, kerb ramps, medians, traffic islands, road furniture, signage and line-marking.			

N	Design, Constructability and Minor change applications The application has been approved based on the information provided by the consultant. Council is not liable for any design or constructability issues experienced on-site. All necessary steps must be taken prior to construction to validate the information in the designs, including locating services. Should any changes be required to the design to ensure it can be constructed in compliance with relevant engineering standards; a Minor Change application (Section 78 of the <i>Planning Act 2016</i>) must be submitted and approved by Council prior to lodging a request for a Pre-Start meeting.
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