

26 October 2026

Chief Executive Officer
City of Gold Coast
PO Box 5042
GCMC 9726

Via Email: mail@goldcoast.qld.gov.au; albrown@goldcoast.qld.gov.au

Council Reference: COM/2024/317
Attention: Alexa Brown

Dear Alexa,

RE: Request for Negotiated Decision Notice – Reconfiguring a Lot (Boundary Realignment and New Road), Multiple Dwelling (72 x Dwellings) and Operational Works (Change to Ground Level and Tree Works) at 202 Baileys Mountain Road, Upper Coomera (Council Ref: COM/2024/317)

We write on behalf of MG Land Pty Ltd in reference to the development approval issued for a Development Permit for Reconfiguring a lot (boundary realignment and new public road), Material Change of Use for Multiple Dwelling (72 x dwellings) and Operational Works (change to ground level and tree works) at 202 Baileys Mountain Road, Upper Coomera (Council Ref: COM/2024/317).

The applicants appeal periods in relation to the decision notice and infrastructure charges notice (ICN) were suspended on 7 October 2026.

As permitted under the *Planning Act 2016*, the applicant now makes representations about the Decision Notice and Infrastructure Charges Notice. In summary, the representations relate to:

- the temporary turning facility at the end of the New Road (Part A, Condition 2 and consequential changes to Part B, Conditions 14, 33 and 36);
- the Reserve Road / Rangeview Road intersection (Part B, Condition 9 and corresponding allowance with the ICN); and
- the footpath along Baileys Mountain Road (Part B, Condition 35 and a consequential change to Part B, Condition 2).

This request is accompanied by the following documents:

- **Attachment A** - Updated Boundary Realignment & New Road Plan prepared by Focus on Surveying;
- **Attachment B** - Concept Temporary Vehicular Movement Plan prepared by Cozens Regan Group;
- **Attachment C** - Updated Site Plan of Layout prepared by Red Door Architecture; and
- **Attachment D** - Traffic Letter prepared by Colliers.

Changes requested to approved conditions

Proposed change (deletions in red, additions in green)	Justification for change
~~Part A – Condition 2: Amended drawings~~ ~~a – Prepare and submit amendments to the drawings for confirmation they constitute the approved drawings for the purposes of this development approval. All amended drawings must be submitted (and confirmed by Council) to a request is made to Council to register the plan of subdivision.~~ ~~Proposed Boundary Realignment & New Road, Focus on Surveying, 17/10/2024, MGH 323 RAL 01, Ver A~~ ~~The following amendments must be included:~~ ~~i – Show proposed land dedication as required to achieve a vehicle turning area facility for Council’s 9.8m long waste collection vehicle at the South Western end of the proposed new road.~~ ~~ii – Provide supporting documentation to demonstrate that any proposed land dedication on the amended subdivision proposal plan is sufficient to achieve the vehicle turning area and minimum 4.5m wide verges. An 18m diameter (kerb to kerb) cul-de-sac head is an acceptable option, or alternatively a “T” shaped turning facility can be considered, subject to provision of RPEQ signed swept path drawings~~	Condition 2 requires the subdivision plan to be amended to show land dedication for a vehicle turning facility for Council’s 9.8m waste collection vehicle at the south-western end of the New Road. The applicant requires more certainty around the approved subdivision outcome – not an amended plan condition. Whilst the need for a turnaround facility is questioned, we understand Council desires a turnaround area for errant road users, secured as public road reserve. On this basis, a ‘T’ shaped turning facility is proposed within an area of future road reserve. To minimise impacts on developable land, the turnaround pavement area is located within future road reserve shown on the adjoining approval ROL/2024/116. The turnaround area is shown on the Concept Temporary Vehicular Movement Plan by Cozens Regan Group (Attachment B). The plan includes an RPEQ signed swept path demonstrating Council’s 9.8m waste collection vehicle can complete a three-point turn. Whilst this area is to be dedicated as road reserve, a temporary surface treatment is proposed to reflect the interim nature of the turnaround. The subdivision plan has been updated by Focus on Surveying to show the land to be dedicated as road (Attachment A). It is noted that the additional area of land to be dedicated as road reserve formed part of the subject site for the

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~~to demonstrate Council's 9.8m long waste collection vehicle can safely and efficiently achieve a turnaround manoeuvre.~~ ~~iii — Ensure land required to facilitate the new road is identified. This is generally shown on Functional Layout — Proposed Left Turn (BAL) and (AUL), Right Turn ban drawing by Colliers, dated 12/03/2026 (reference: 23BRT0507-16B), as amended by conditions of the Material change of use component.~~ ~~b — Undertake and maintain the development generally in accordance with the approved drawings.~~ ~~c — The conditions of this approval are to be read in conjunction with the 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.~~ Part A – Condition 2: Approved drawings a Undertake and maintain the development generally in accordance with the following drawings: Proposed Boundary Realignment & New Road, Focus on Surveying, 22/10/2026, MGH-323 RAL 01, Ver B Concept Temporary Vehicular Movement Plan, Cozens Regan Group, 10/2026, SK40, Ver P1 b The conditions of this approval are to be read in conjunction with the 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.	purposes of a land swap agreement and management subdivision. As the amended drawings are provided with this request, the condition should be replaced with a standard “approved drawings condition” referencing these plans.
Part B – Condition 2: Approved drawings Undertake and maintain the development generally in accordance with the following	Refer Part B Condition 35 discussion below. The Site Plan of Layout has been updated (Attachment C). This is a consequential change to reflect the requested amendment to Condition 35.

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<i>drawings including as amended in red by the Council: [...]</i> <i>Site Plan of Layout (as amended in red), Red Door Architecture, ~~01-04-26~~ 13.10.26, DA-0-010, Ver ~~P~~ T</i> <i>[Remainder of condition unchanged.]</i>	
~~Part B – Condition 9: Necessary Trunk Infrastructure (Not LGIP identified) Reserve Road and Rangeview Road Intersection~~ ~~<i>a. — Obtain an Operational Works approval for design and construction of the necessary trunk traffic signal infrastructure and associated upgrade works at the intersection of Reserve Road and Rangeview Road (not identified in the LGIP) prior to commencement of use and generally in accordance with the drawings listed below: [...]</i>~~ ~~<i>b. — e. [...]</i>~~ To be removed.	Condition 9 requires the applicant to design and construct the signalisation of the Reserve Road / Rangeview Road intersection, including pedestrian crossings and a pair of bus stops, prior to the commencement of use. The condition is requested to be removed because: ▪ Colliers has reviewed the condition (Attachment D), including traffic surveys of the intersection undertaken in February 2026. Colliers' initial SIDRA assessment indicates the intersection has significant available capacity for all movements, with minimal queuing. ▪ Colliers advises that no significant level of traffic from the development is expected to use Rangeview Road and any impact on the intersection will be negligible. Colliers concludes the condition is not relevant or reasonably attributable to the development. ▪ The intersection is well removed from the subject site. Traffic from other developments nearby (i.e. ROL/2024/116) is more likely to place demand on the Rangeview Road intersection. While the works are identified as trunk infrastructure, they are not reasonably required to service the development. The required upgrade is disconnected from the approved development, being located approximately 1.2 km from the site access, and is disproportionate to the impacts generated by a 72-dwelling development. Under the <i>Planning Act 2016</i>, infrastructure conditions must remain necessary to service the development and must not impose an unreasonable burden on the applicant. Accordingly, the condition should be removed and the Infrastructure Charges Notice amended to reflect that outcome.

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Part B – Condition 14: Land dedication – New Road a Dedicate at no cost to Council, the land identified below: Land for a vehicle turning area facility at the South-Western end of the new road [...] – New Road – “Proposed Boundary Realignment & New Road”, drawing number MGH-323 RAL 01 ~~(as required to be amended by Condition 2 of Part A: Reconfiguring a lot)~~ (as approved under Condition 2 of Part A: Reconfiguring a lot), Focus on Surveying, 17/10/2024 22/10/2026, Ver A B [Remainder of condition unchanged.]	Consequential change to reflect the replacement of Part A, Condition 2 with an approved drawings condition.
Part B – Condition 33: New roads/ intersections a Obtain an operational works approval for the design and construction of the proposed new road, including the vehicle turning area facility shown within the ~~drawings provided to satisfy the ‘Amended Drawings’ condition~~ approved drawings within the ROL component of this decision notice prior to commencement of the use of the first stage at no cost to Council and include in particular: i. Road geometry (Cross-section profile) to a “Residential Collector Street” classification for the length of road fronting “proposed lot 58” on drawing ‘Proposed Boundary Realignment & New Road MGH-323 RAL 01 Issue B’ by Focus on Surveying ii. The road described in (i) is required to have ‘barrier’ kerb and channel. ~~iii. The pavement (and surfacing) of the turning area must be the same as the adjacent residential street. The turning area must not be a driveway type, it must be constructed to form part of the road system.~~ iii. in addition, provide a temporary manoeuvring area (2-coat seal flexible pavement or similar) suitable for service	Consequential change to reflect the replacement of Part A, Condition 2 with an approved drawings condition. Further, consistent with recent discussions with Council officers, the condition is proposed to be updated to reflect that the temporary turnaround area can be constructed to a lesser pavement standard than the ultimate residential collector street. Constructing the temporary turnaround to its ultimate standard would not be reasonably required and would be an unreasonable imposition on development. In particular, each adjoining lot has frontage to a constructed road, and the only legitimate reason to drive down the “New Road” (in an interim sense) would be to access the approved MCU on the subject site. The design allows for full circulation by a service vehicle within the approved MCU component of the application.

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vehicles in the area shown as “proposed temporary vehicular movement pavement area” on drawing ‘Concept Temporary Vehicular Movement Plan SK40 P1’ by Cozens Regan. [Remainder of condition unchanged.]	
Part B – Condition 35: Footpaths a Obtain an operational works approval for the design and construction of all footpaths as generally shown on the drawings listed below, prior to commencement of the use, at no cost to Council: Site Plan of Layout (as amended in red), Red Door Architecture, ~~01.04.26~~ 13.10.26, DA-0-010, Ver ~~P~~ T and include in particular: i A minimum 2m wide footpath, located within the verge of the ‘New Road’, connecting the development’s pedestrian access point to the new public pathway located along the ‘New Road’, at the property boundary. ~~ii A minimum 2m wide footpath along Baileys Mountain Road (from the Courtney Drive intersection) to Reserve Road, ensuring connection is provided to the external footpath network.~~ ~~iii~~ ii A minimum 2m wide footpath connection from either Baileys Mountain Road or Reserve Road to the recreational linkage (REC_LR_0021). This will be through land dedicated to council. [Remainder of condition unchanged.]	The applicant contends that condition 35 (ii) is not a permitted development condition as it is not reasonably required and is an unreasonable imposition on the development. Part (ii) is requested to be deleted because: - Constructing a footpath along the Baileys Mountain Road verge between the new intersection and Reserve Road is problematic due to the existing terrain. It would require road shoulder widening and pavement rectification works, resulting in significant expenditure on infrastructure that would be temporary until the ultimate Baileys Mountain Road upgrade is constructed. Further, extending the embankment of Baileys Mountain Road in this location may have considerations for flood conveyance. Requiring this level of temporary or sacrificial infrastructure is neither reasonable to, nor a proportionate imposition on, the development. - In any event, part (ii) refers to provision of a 2m wide footpath all the way to the Courtney Drive intersection. While the broader landholding includes land within this area for the purpose of a land swap agreement and management subdivision, the approved MCU site has no direct connection to, or frontage within, that section of Baileys Mountain Road. The relevant frontage instead serves future development parcels directly associated with that land, including developments such as ROL/2024/116 and ROL/2026/54. Accordingly, the delivery of footpath infrastructure in this part of Baileys Mountain Road should properly be attributable to those future developments rather than the current application. Notwithstanding the above, to ensure safe pedestrian movement is available between

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	Reserve Road and the “New Road” being delivered by this approval, a temporary public access easement over Driveway 1 is proposed, as shown on the updated Site Plan of Layout (Attachment C). This allows the public to travel safely from Reserve Road / Old Coach Road, via the footpath in (iii), through the site’s shared zone to the “New Road” and back to the Baileys Mountain Road footpath network. This is to be reflected in a new condition below. The drawing reference is updated to Rev T accordingly.
Requirement to Register Temporary Easement for Public Thoroughfare a. Register a temporary easement for the purpose of providing public thoroughfare to facilitate continuous pedestrian access. The easement is to be located over the proposed footpath and shared zone internal driveway as illustrated on “SITE PLAN OF LAYOUT RED DOOR ARCHITECTURE 13.10.26 – DA-0-010 REV T” to achieve interim connection from Reserve Road through the recreation link to the “New Road”. i. The responsibilities of the Grantor/Grantee for ongoing maintenance. ii. Standard terms document 709956730 must be referenced on Form 9 – easement document (use for easements in gross only where Council is the benefitting entity) except as amended to establish the temporary nature of the easement. iii. Easement plans and associated documents (i.e., Form 9 – easement document) must be fully completed and signed by the owner of the burdened land and benefitting land and submitted with the plan when the plan is submitted to Council for endorsement. b. Registration of the easement must occur prior to commencement of the use of	A new condition to enable public pedestrian access from Reserve Road to the “New Road”, avoiding substantial sacrificial footpath work along Baileys Mountain Road.

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Stage 1 and is to remain until an alternative pedestrian footpath is available along Baileys Mountain Road, at which time the easement is to be surrendered. This condition attaches to the land the subject of the development approval and binds the owner(s) of the land and the owners' successors in title (even after the time when the easement is required to be registered). Therefore, if this condition is not complied with at the time required by this condition, the owner(s) of the land and the owners' successors in title continue to be obligated to register the easement in accordance with this condition and must do so within 40 business days of becoming aware on the non-compliance with this condition.	
Part B – Condition 36: Public street lighting <i>a Install a street lighting system, including connections and energising to the proposed new public road classification for the length of road fronting “proposed lot 58” on approved drawing ‘Proposed Boundary Realignment & New Road MGH-323 RAL 01 Issue B’ by Focus on Surveying, including the vehicle turning area facility shown within the drawings provided to satisfy the ‘Amended Drawings’ condition within the ROL component of this decision notice [...]</i> <i>[Remainder of condition unchanged.]</i>	This is a consequential change to reflect the replacement of Part A, Condition 2 with an approved drawings condition. Further, it is requested to remove the requirement for a street lighting system to the temporary turnaround area, as that is best managed as part of the ultimate road construction.
Consequential updates to the Infrastructure Charges Notice	Accounting for the above changes (including the removal of Part B Condition 9), a revised infrastructure charges notice (ICN) should be issued .

Thank you for your consideration of this request. The applicant would welcome the opportunity to meet with Council officers to discuss these representations.

Should you require any further clarification or information, please contact our office on (07) 3360 4200.

Yours faithfully

URBAN STRATEGIES PTY LTD



Hayden Gianarakis
DIRECTOR