

Our reference: PN163842/02/DA2
ROL201800030

Decision notice — approval (with conditions)
(Given under section 63(2) of the *Planning Act 2016*)

Date of decision notice: 27 April 2018

Applicant details

Applicant name: KS8 PTY LTD

Applicant contact details: KS8 Pty Ltd
C/- Gassman Development Perspectives
PO BOX 392
BEENLEIGH QLD 4207

Application details

Application number: ROL 201800030

Approval sought: Development permit for Reconfiguring a lot

Details of proposed development: Boundary realignment

Location details

Street address: 60 Staplyton Jacobs Well Road and 82 Christensen Road, Staplyton

Real property description: Lot 1 on RP6882, Lot 240 on W31320

Decision

Date of decision: 23 April 2018

Decision details: Under Delegated Authority, the Manager of the City Development Branch of Council has resolved to approve the development application in full with conditions.

Referral agency(s) for the application

The referral agencies for this application are:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 Infrastructure - state transport infrastructure	Department of State Development, Manufacturing, Infrastructure and Planning	Concurrence agency	Level 13, 1 William Street, Brisbane, QLD 4002

Details of the approval

Development permit Reconfiguring a Lot – Boundary realignment (2 lots into 2 lots)

Conditions

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

Further development permits

The following development permits are required to be obtained before the development can be carried out:

- Plan sealing

Notwithstanding the above, other approvals/development permits may be required.

Properly made submissions

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

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 a responsible entity's decision for a change application. 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 Shailendra Singh, Planner on p: 07 5582 8866 or via email mail@goldcoast.qld.gov.au who will be pleased to assist.

AUTHORISED BY

Broc Smith
Supervisor North
For the Chief Executive Officer
Council of the City of Gold Coast

Enc:
Conditions imposed by Council as Assessment manager
Statement of reasons (given under section 63(4) of *Planning Act 2016*)

Attach:
Referral agency conditions and/or advice
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. b Where the timing in a condition is prior to commencement of the use and a Building Format Plan is lodged for approval, the timing in the condition changes from being prior to commencement of the use to being prior to the earlier of the commencement of the use and approval of the plan of subdivision. This timing requirement prevails despite any inconsistency with the timing requirement in another condition.																		
2	Approved drawings Undertake and maintain the development generally in accordance with the following drawings <table border="1" style="width: 100%;"> <thead> <tr> <th colspan="5">Planning</th> </tr> <tr> <th>Drawing Title</th> <th>Author</th> <th>Date</th> <th>Drawing No.</th> <th>Ver</th> </tr> </thead> <tbody> <tr> <td>Proposed Reconfiguration of a lot (Boundary Realignment)</td> <td>Gassman development Perspectives</td> <td>19-01-18</td> <td>5738 P ROL 00A</td> <td>A</td> </tr> </tbody> </table> 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.				Planning					Drawing Title	Author	Date	Drawing No.	Ver	Proposed Reconfiguration of a lot (Boundary Realignment)	Gassman development Perspectives	19-01-18	5738 P ROL 00A	A
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Stormwater Drainage																			
3	Overland flow paths and hydraulic alterations a. Leave unaltered the overland flow paths on the site, such that the characteristics of existing overland flows on other properties remain uninhibited and unchanged. b. The development must not: i. Increase peak flow rates downstream from the site ii. Increase flood levels external to the site iii. Increase duration of inundation external to the site that could cause loss or damage																		
Advice Notes																			
A	Bushfire Management For any future development on Lot 2 a Bushfire Management Plan may be required in accordance with Council's planning scheme.																		
B	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" style="width: 100%;"> <thead> <tr> <th>Planning</th> </tr> </thead> <tbody> <tr> <td>- Plan sealing</td> </tr> </tbody> </table> A copy of this decision notice and accompanying stamped drawings/plans must be submitted with any subsequent application identified above.				Planning	- Plan sealing													
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- Plan sealing																			
C	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.
D	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.
E	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 exceeds \$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

Statement of reasons (given under section 63(4) of the *Planning Act 2016*)

Details of proposed development	The proposed development is for Development Permit for Reconfiguring a Lot – Boundary Realignment
Assessment benchmarks	The following assessment benchmarks applied to the proposed development: • Low impact industry (Future low impact industry precinct) zone • Medium impact industry (Future medium impact industry precinct) zone • High impact industry zone • Acid sulfate soils overlay • Bushfire hazard overlay • Environmental significance overlay • Extractive resources overlay • Flood overlay • Industry, community infrastructure and agriculture land interface area overlay • Landslide hazard overlay • Regional infrastructure overlay • Reconfiguring a lot code • General development provisions code • Healthy waters code • Vegetation management code
Reasons for decision	Following an assessment of the development application against all of the assessment benchmarks listed above, it was determined the development complies with the relevant benchmarks. The proposal does not affect the ability of the realigned lots from operating in keeping with the intent of underlying City Plan zones.