

Our reference: OPW/2020/1583

Decision notice—approval (with conditions)

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

Date of decision notice: 9 February 2021

Applicant details

Applicant name: Ms Projects Pty Ltd
Applicant contact details: C/- Icubed Consulting
PO BOX 878
TOOWONG QLD 4066

Application details

Application number: OPW/2020/1583
Approval sought: Development Permit for Operational Works
Details of proposed development: Operational works – Change to ground level
Operational works – Infrastructure (stormwater connection)

Location details

Street address: 84-160 Christensen Road South, Stapylton Qld 4207
Real property description: Lot 334 SP193431

Decision

Date of decision 9 February 2021

Decision details: Under Delegated Authority, the Executive Coordinator for Engineering and Environmental Assessment 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 works – change to ground level
Operational works – infrastructure (stormwater connection)

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 Liza Teo, Civil Engineer on p: 07 5582 8866 or via email mail@goldcoast.qld.gov.au who will be pleased to assist.

AUTHORISED BY



Sam Hartley

Executive Coordinator Engineering & Environmental Assessment

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				
	Operational Works				
	Drawing Title	Author	Date	Drawing No.	Ver
	SEDIMENT AND EROSION CONTROL PLAN	i ³ Consulting Pty Ltd	04.02.21	C101	D
	SEDIMENT AND EROSION CONTROL DETAILS	i ³ Consulting Pty Ltd	04.02.21	C102	D
	BULK EARTHWORKS PLAN	i ³ Consulting Pty Ltd	04.02.21	C111	E
	BULK EARTHWORKS SECTIONS	i ³ Consulting Pty Ltd	04.02.21	C112	E
	BULK EARTHWORKS DETAILS	i ³ Consulting Pty Ltd	04.02.21	C113	C
	FINISHED SURFACE PLAN	i ³ Consulting Pty Ltd	04.02.21	C121	E
	EXISTING SERVICES PLAN	i ³ Consulting Pty Ltd	04.02.21	C125	D
	STORMWATER PLAN	i ³ Consulting Pty Ltd	04.02.21	C131	F
STORMWATER DETAILS SHEET 1	i ³ Consulting Pty Ltd	04.02.21	C132	E	
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.					
Engineering					
3	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 SC6.11 – Land development guidelines, sections 7 Procedures, 8.5 As-constructed requirements, 9 Specifications and 10 Standard drawings.				
4	Earthworks				
	a Construct the earthworks identified in the approved drawings condition at no cost to Council in accordance with the standards and procedures in City Planning Policy SC6.11 – Land development guidelines, sections 3 Change to Ground level standards, 7				

	Procedures, 8.5 As-constructed requirements and 9 Specifications and 10 Standard drawings. b Maintain the earthworks identified above at no cost to Council at all times. c Retaining walls shown in drawings are considered building works and not part of this change to ground level approval.																																								
Stormwater Drainage																																									
5	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																																								
6	Stormwater drainage / Legal point of discharge Construct and maintain the stormwater drainage 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 Planning Policy SC6.11 – Land development guidelines, sections 4 Stormwater drainage and water sensitive urban design standards, 7 Procedures, 8.5 As-constructed requirements, 9 Specifications and 10 Standard drawings.																																								
Construction Management																																									
7	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><tr><td colspan="5">The certification is to confirm: All works have been undertaken generally in accordance with the approval. </td></tr></table> <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>Stormwater certification.</td><td>Upon practical completion of works.</td><td>N/A</td><td>RPEQ</td><td>Contributed Assets</td></tr><tr><td colspan="5">The certification is to confirm:</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	The certification is to confirm: All works have been undertaken generally in accordance with the approval.					Operational Works					Certified document	Certification date	Plan/ Drawing	Expert discipline	Requesting Council Section	Stormwater certification.	Upon practical completion of works.	N/A	RPEQ	Contributed Assets	The certification is to confirm:				
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- No adverse impact to council's infrastructure or property external to the proposed Lot 1 as a result of the proposed stormwater connections.

Geotechnical

Certified document	Certification date	Plan/ Drawing	Expert discipline	Requesting Council Section
Geotech certification for stability	Upon practical completion of works.	N/A	RPEQ	Contributed Assets

The certification is to confirm:

- Cut/fill batters and retaining structures associated with the proposed development have been adequately designed based on existing geotechnical conditions of the site taking into account all predicted surcharge loadings; and they will achieve a long-term factor of safety greater than or equal to 1.5 against geotechnical failure.
- Constructed cut/fill batters and retaining structures on the site have achieved adequate stability with a long-term factor of safety greater than or equal to 1.5 against geotechnical failure.

Geotechnical

Certified document	Certification date	Plan/ Drawing	Expert discipline	Requesting Council Section
Geotech certification for level 1	Upon practical completion of works.	N/A	Registered Professional Engineer Queensland (RPEQ)	Contributed Assets

The certification is to confirm:

- Earthworks have been carried out in accordance with AS 3798-2007: *Guidelines on earthworks for commercial and residential developments*.
- Supervision of bulk earthworks was completed to Level 1 and the frequency of field density testing must be in accordance with Table 8.1 of AS 3798-2007.
- Fill materials were placed in layers, watered if required and compacted to achieve the specified density ratio as specified in Table 5.1 - Minimum Relative Compaction of AS 3798-2007.

8 Supervision of works

During construction of any works the following professionals must be appointed to supervise the below described actions:

All works approved by this permit

Expertise required of the suitably qualified professional	Actions to be overseen by the professional
RPEQ	All supply, installation, construction, testing and commissioning of works

Operational works

Expertise required of the suitably qualified professional	Actions to be overseen by the professional

	RPEQ	Bulk earthworks inspected to level 1 in accordance with AS3798-2007
9	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.	
10	Haulage access/site management plan a Prepare and implement a Haulage access/site management plan generally in accordance with the Change to ground level and creation of new waterways code of the City Plan prior to any works commencing. b The Haulage access/site management plan must be prepared by a suitably qualified professional and include in particular. i Address the provision of vehicle barrier(s) along the frontages of the land to ensure vehicles use approved crossovers ii Provide Loading/unloading operations. iii Address nuisance from dust, noise, vibration, smoke and material tracked onto public roads as a result of hauling and filling operations and how complaints will be addressed. iv Identify measures and work practices to ensure the site will be maintained in a clean and tidy state at all times including collection, storage and disposal of all waste materials. v Identify measures and work practices to ensure non- recyclable debris transported from the site is disposed of at an approved waste facility. Combustion of any material is not permitted on the subject site without prior approval of Council. vi Identify measures and work procedures to ensure gravel access areas to the site, transport dust covers and shake (hose) down areas are in place to control both on-site dust nuisance and contamination of external properties, roadways and receiving waterways. c Comply with the Haulage access/site management plan during all construction works at no cost to Council.	
11	Transport of soil/fill/excavated material During the transportation of soil and other fill/excavated material: a All trucks hauling soil, or fill/excavated material must have their loads secure and covered. b Any spillage that falls from the trucks or their wheels must be collected and removed from the site and streets along which the trucks travel on a daily basis. c Prior to vehicles exiting the site, measures must be taken to remove the soil from the wheels of the vehicles to prevent soil and mud being deposited on public roads.	
12	Earthworks as-constructed data Prepare and submit for approval as-constructed data for the constructed earthworks generally in accordance with City Plan Policy SC6.11 – Land development guidelines, section 8.5 prior to request for practical completion of the works.	
13	Erosion and sediment control a. Implement the erosion, sediment and dust control measures identified in the approved drawings at no cost to Council. b. Undertake works generally in accordance with the operational works approval and include in particular: i. Sediment controls must be maintained and amended as necessary to ensure that	

	the measures implemented conform to the Construction Phase stormwater management design objectives of the State Planning Policy 2017 (Appendix 2 Table A). ii. Erosion, sediment and dust control measures must be implemented in accordance with the approved plan / drawings and the Best Practice Erosion & Sediment Control (IECA Australasia, November 2008). iii. Sediment control structures (e.g. sediment fence) must be placed at the base of all materials imported on-site to mitigate any sediment runoff. iv. A perimeter bund and/or diversion drain must be constructed around the disturbed area to prevent any outside clean stormwater from mixing with polluted / contaminated stormwater. v. All polluted / contaminated water from the site, including dewatering discharge, must be treated to achieve the water quality objectives in Table 8.2.1 of the Queensland Water Quality Guidelines (DERM, September 2009) prior to discharging from the site. c Inspections for erosion and sediment control measures are to occur in accordance with the compliance procedures in City Planning Policy SC6.11 – Land development guidelines, Section 4.5.17.1.2 – Compliance.						
14	Pre-start inspection Arrange a pre-start inspection prior to the commencement of works to complete the requirements identified in SC.6.11 City Plan Policy – Land development guidelines for the following: <table><tr><th>Purpose</th><th>Council contact</th></tr><tr><td>Review and discuss this Operational works – infrastructure approval.</td><td>Contributed Assets (07) 5582 9034</td></tr></table> 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.	Purpose	Council contact	Review and discuss this Operational works – infrastructure approval.	Contributed Assets (07) 5582 9034		
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15	Hold point inspection Arrange a hold point inspection to complete the requirements identified in SC.6.11 City Plan Policy – Land development guidelines/Landscape work code of the City Plan for the following: <table><tr><th>Purpose</th><th>Hold Point</th><th>Council contact</th></tr><tr><td>Confirm works have been undertaken in accordance with the operational works approval and associated hold point requirements identified in SC6.11 City Plan Policy – Land development guidelines</td><td>As indicated in SC6.11 City Plan Policy – Land development guidelines</td><td>Contributed Assets (07) 5582 9034</td></tr></table> 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.	Purpose	Hold Point	Council contact	Confirm works have been undertaken in accordance with the operational works approval and associated hold point requirements identified in SC6.11 City Plan Policy – Land development guidelines	As indicated in SC6.11 City Plan Policy – Land development guidelines	Contributed Assets (07) 5582 9034
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16	On maintenance Arrange an on maintenance meeting to complete the requirements identified in SC.6.11 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>Confirm completion of works have been undertaken in accordance with this approval</td><td>Prior to commencement of the on maintenance period</td><td>Contributed Assets 07 5582 9034</td></tr></table>	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
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	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	Off maintenance Arrange an off maintenance meeting to complete the requirements identified in SC.6.11 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
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18	Bond a. Provide security to Council in the form of an unconditional and irrevocable bank guarantee or cash in the amount of \$10,000.00 to secure: i. Compliance with all conditions of this approval (excluding the off maintenance condition). b. Provide the security prior to the commencement of works. Council will hold the security until: i. Works are acceptable to proceed to on maintenance.								
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 ROL201800026 dated 2 November 2018. 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	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.								
C	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.								

D	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.
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 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
F	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
G	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.