

Our reference: MCU/2021/169
Your reference: 21-00822

Decision notice—approval (with conditions)

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

Date of decision notice: 21 July 2021

Applicant details

Applicant name: Burnside Developments P/L & Yellowstone Investment
Applicant contact details: C/- Iplan Town Planning Pty Ltd
PO BOX 242
ANNERLEY QLD 4103

Application details

Application number: MCU/2021/169
Approval sought: Material Change of Use (Code assessment – Accepted subject to requirements)
Details of proposed development: Warehouse

Location details

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

Decision

Date of decision: 20 July 2021
Decision details: Under Delegated Authority the Executive Coordinator Planning Assessment of the City Development Branch of Council has resolved to Approved 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: Material change of use for Warehouse

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:

- Connections / disconnection: Application to work on the City's infrastructure

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

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 six 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 Thomas Eaton, Planner on p: 07 5582 8866 or via email mail@goldcoast.qld.gov.au who will be pleased to assist.

AUTHORISED BY

Lara Dawes

Supervising Planner (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*)

Appeal rights extract

Attach:

Stamped approved plans and drawings

Infrastructure charges notice for the approved development

Appeal rights extract

Conditions imposed by Council as Assessment manager

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

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 including as amended in red by the Council: <table><tr><th>Drawing Title</th><th>Author</th><th>Date</th><th>Drawing No.</th><th>Ver</th></tr><tr><td>Lot 1 Master Plan</td><td>Multi Span Australia</td><td>15.04.2021</td><td>- AR – 1000</td><td>D</td></tr><tr><td>Site Plan</td><td>Multi Span Australia</td><td>24.05.2021</td><td>- AR – 1001</td><td>J</td></tr><tr><td>Ground Floor Plan</td><td>Multi Span Australia</td><td>24.05.2021</td><td>- AR – 2001</td><td>D</td></tr><tr><td>Elevations</td><td>Multi Span Australia</td><td>22.04.2021</td><td>- AR – 3001</td><td>C</td></tr><tr><td>Sections</td><td>Multi Span Australia</td><td>22.04.2021</td><td>- AR – 4001</td><td>B</td></tr><tr><td>Roof Plan</td><td>Multi Span Australia</td><td>22.04.2021</td><td>- AR – 2005</td><td>B</td></tr></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.				Drawing Title	Author	Date	Drawing No.	Ver	Lot 1 Master Plan	Multi Span Australia	15.04.2021	- AR – 1000	D	Site Plan	Multi Span Australia	24.05.2021	- AR – 1001	J	Ground Floor Plan	Multi Span Australia	24.05.2021	- AR – 2001	D	Elevations	Multi Span Australia	22.04.2021	- AR – 3001	C	Sections	Multi Span Australia	22.04.2021	- AR – 4001	B	Roof Plan	Multi Span Australia	22.04.2021	- AR – 2005	B
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4	Scope of approval The development must comply with all required outcomes of the following codes: i High impact industry zone code ii Airport environs overlay code																																						

	- iii Bushfire hazard overlay code - iv Environmental significance overlay code, other than: - RO2 of the Environmental significance overlay code - v Flood overlay code - vi Landslide hazard overlay code - vii General development provisions code - viii Healthy waters code - ix Industrial design code - x Transport code, other than: - RO6 of the Transport Code Information note: This condition reflects the rules outlined in section 5.3.3(4)(b)(ii) of the City Plan.
Property	
5	Private infrastructure - a Ownership, operation, and maintenance of the following private infrastructure is to vest at, all times with the Principal Body Corporate. - i Private internal water and sewer reticulation - b At any time the Council's corresponding infrastructure network is altered, the private infrastructure must be altered to be commensurate with Council's network, at no cost to Council.
Transport	
6	Off street bicycle parking facilities - a Design and construct off street bicycle parking at no cost to Council generally in accordance with the Transport code of the City Plan and include in particular: - i A total of 8 security level C (visitor) bicycle parking spaces. - ii Provide a bicycle parking position sign in accordance with figure 2.5(b) of AS2890.3 at a location internal to the tenancy that can accommodate staff bicycle parking, and in line of sight to the tenancy entrance. - iii Signs and line marking to give direction to visitor bicycle parking to be visible to cyclists upon entering the site in accordance with AS2890.3. Signage and line marking is to be provided along the route and where bicycle parking is provided. - b Undertake and maintain all works prior to commencement of the use at no cost to Council at all times.
Sewer and Water Works	
7	Sewer Connection - a Connect the proposal to Council's sewer network via private reticulation internal to the site, prior to commencement of the use at no cost to Council and include in particular: - i Be in accordance with the WSAA Gravity Sewerage Code of Australia – SEQ Service Providers Edition and the Water and Sewerage Connections Policy. - ii Remove / seal / cap redundant sewer property services.
8	Water Connection - a Connect the proposal to Council's water network via private reticulation internal to the site, prior to the commencement of the use at no cost to Council and include in particular: - i Be in accordance with the Water Supply Code of Australia – SEQ Service Providers Edition, and the Water and Sewerage Connections Policy. - ii Remove redundant water meters / connections.

9	Fire loading Fire loading must not exceed 30 L/s for 4 hours.
Construction Management	
10	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.
11	Notice of works timetable Provide a Notice of works timetable for Commencement of work/Commencement of use/Retropective development approval to Council's Development Compliance section prior to commencement of any works. A copy of Council's Notice of works timetable is available on Council website http://www.goldcoast.qld.gov.au/documents/fa/fm579_notice-of-works.pdf
Plumbing and Drainage Act 2018	
12	Plumbing and drainage works Obtain a permit for all plumbing and drainage work prior to any compliance assessable work commencing. <i>Note:</i> <i>A permit for plumbing and drainage works does not approve the discharge of trade waste to Council's sewerage system. The generator of trade waste must complete an application for approval to discharge trade waste to Council's Sewerage System (available on Council's website).</i>
Advice Notes	
A	Development infrastructure Development infrastructure required to be provided in implementing this development approval is non-trunk development infrastructure unless otherwise stated in a condition of the approval.
B	Bushfire management A property notification will be applied to the lot / subsequent lots stating a bushfire management plan exists for the site and must be complied with at all times.
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 Partnerships (DATSIP). 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 DATSIP's Cultural Heritage Coordination Unit on (07) 3405 3050 for further information on the responsibilities of developers under the ACHA.
E	Infrastructure charges Infrastructure charges are now levied under a Charges Resolution by way of an Infrastructure Charges Notice, which accompanies this decision notice.
F	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 existing survey marks, including cadastral marks at property corners, i.e pegs or cadastral reference marks in the road reserve (permanent surveys marks, buried iron pins, and various marks in concrete or bitumen structure) are not interfered with. A Consulting Cadastral Surveyor must be contacted if survey marks are disturbed or destroyed during any works in relation to this or related approvals, to investigate and determine if any further action is required. More information on interference with survey marks is available under Section 42 of the <i>Survey and Mapping Infrastructure Act 2003</i>. - e 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. - f Providing Council with proof of payment of the Portable Long Service Leave building construction levy (or proof of appropriate exemption) where the total value of the building and construction works exceeds \$150,000 (excluding GST). 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. - g Making payment of any outstanding Council rates and charges applicable to the development site prior to the lodgement of subdivision plans. - h 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.
G	Weeds, pest animals and ants Biosecurity Queensland of the Department of Agriculture and Fisheries leads the Government's efforts to prevent, respond to and recover from pests and diseases threatening agricultural prosperity, the environment, social amenity and human health. All landscape materials, including but not limited to, soils, mulch, grass, gravel, potted or ex-ground plants, pavers and timber used in landscape treatments must be free from weeds,

	pest animals and ants.		
H	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 <i>Biosecurity Act 2014</i> 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.		
I	Incorporation of Equitable Access at the Detailed Design Stage All public spaces and facilities within the development must provide equitable access, including continuous accessible paths of travel, in compliance with the <i>Commonwealth Disability Discrimination Act (1992)</i> and the Disability (Access to Premises – Buildings) Standards 2010.		
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, principle contractor or other relevant party. If further more permanent repairs are required, such as replacement of water and sewer mains, the landowner, principle 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, principle 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 Water and Waste. 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>Water and Waste</td></tr><tr><td>Connections / disconnections: Application to work on the City’s Infrastructure</td></tr></table> A copy of this decision notice and accompanying stamped drawings / plans must be submitted with any subsequent application identified above.	Water and Waste	Connections / disconnections: Application to work on the City’s Infrastructure
Water and Waste			
Connections / disconnections: Application to work on the City’s Infrastructure			
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. Water and Waste are 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.
Property Notifications	
A	Bushfire management There are development approval conditions applicable in relation to bushfire management on this lot / subsequent lots. All property owner(s) must ensure compliance with these conditions. Refer to Council of the City of Gold Coast's Decision Notice MCU/2021/169 A copy of Council's Decision Notice is available for viewing on Council's website www.goldcoastcity.com.au/pdonline

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

Details of proposed development	The proposed development is for a Warehouse.
Assessment benchmarks	The following assessment benchmarks applied to the proposed development: • High impact industry zone code • Airport environs overlay code • Bushfire hazard overlay code • Environmental significance overlay code • Flood overlay code • Landslide hazard overlay code • General development provisions code • Healthy waters code • Industrial design code • Transport code
Relevant matters	Not applicable – Code assessment
Matters raised in submissions	Not applicable – Code assessment
Reasons for decision	An assessment of the development application was carried out against the assessment benchmarks listed above and was determined to comply. A summary of the main reasons for the decision are as follows: • The proposed development is envisaged within the zone and locality. • The proposed development provides an appropriate number of carpark and bicycle parks. • The proposal adequately protects matters of environmental significance, in particular the nearby waterway.
Compliance with assessment benchmarks	The proposed development complies with the assessment benchmarks listed above.
Matters prescribed by a regulation	Not applicable