

Our reference: OPW/2021/1398
Your reference: S1301568 & S1301569

Decision notice— approval (with conditions)

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

Date of decision notice: 16 November 2021

Applicant details

Applicant name: Australand Industrial No.89 Pty Limited
Applicant contact details: C/- Peter Eustace and Associates
PO BOX 2835
NERANG DC QLD 4211

Application details

Application number: OPW/2021/1398
Approval sought: Development permit for carrying out operational work
Details of proposed development: Infrastructure (Street Lighting and Electrical reticulation) to facilitate COM/2020/262

Location details

Street address: 60 Stapylton Jacobs Well Road, Stapylton Qld 4207
Real property description: Lot 501 SP295994

Decision

Date of decision: 16 November 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 Infrastructure (Street Lighting and Electrical reticulation)

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 Mike Carter, Senior Engineer Operational Works on p: 07 5582 8866 or via email mail@goldcoast.qld.gov.au who will be pleased to assist.

Yours faithfully



Sam Hartley

Executive Coordinator Engineering & Environmental Assessment

For the Chief Executive Officer

Council of the City of Gold Coast

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Enc:

Conditions imposed by Council as Assessment manager

Attach:

Stamped approved plans and drawings

Appeal rights extracts

**Conditions imposed by Council as Assessment Manager - Electricity OPW Development
Decision Notice**

General					
1	Timing 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:				
Operational Works					
Drawing Title		Author	Date	Drawing No.	Ver
INSTALL CONDUITS, CABLES, POLES, PILLARS EARLY WORKS HESTER STAGE 2 -YATALA STAPYLTON JACOBS WELL ROAD CHRISTENSEN RD YATALA		Peter Eustace & Associates	30.08.21	S1301569 Sheet 1 of 3	A
INSTALL CONDUITS, CABLES, POLES, PILLARS EARLY WORKS HESTER STAGE 2 -YATALA STAPYLTON JACOBS WELL ROAD CHRISTENSEN RD YATALA		Peter Eustace & Associates	30.08.21	S1301569 Sheet 2 of 3	A
INSTALL CONDUITS, CABLES, POLES, PILLARS EARLY WORKS HESTER STAGE 2 -YATALA STAPYLTON JACOBS WELL ROAD CHRISTENSEN RD YATALA		Peter Eustace & Associates	30.08.21	S1301569 Sheet 3 of 3	A
INSTALL CONDUITS, CABLES, TRANSFORMER, STREETLIGHTS, PILLARS HESTER STAGE 2 -YATALA STAPYLTON JACOBS WELL ROAD YATALA		Peter Eustace & Associates	31.08.21	S1301568 Sheet 1 of 5	A
INSTALL CONDUITS, CABLES, TRANSFORMER, STREETLIGHTS, PILLARS HESTER STAGE 2 -YATALA STAPYLTON JACOBS WELL ROAD YATALA		Peter Eustace & Associates	31.08.21	S1301568 Sheet 2 of 5	A
INSTALL CONDUITS, CABLES, TRANSFORMER, STREETLIGHTS, PILLARS 7 LOT SUBDIVISION HESTER STAGE 2 -YATALA STAPYLTON JACOBS WELL ROAD YATALA		Peter Eustace & Associates	31.08.21	S1301568 Sheet 3 of 5	A
INSTALL CONDUITS, CABLES, TRANSFORMER, STREETLIGHTS, PILLARS 7 LOT SUBDIVISION HESTER		Peter Eustace & Associates	31.08.21	S1301568 Sheet 4 of 5	A

	STAGE 2 -YATALA STAPYLTON JACOBS WELL ROAD YATALA				
	INSTALL CONDUITS, CABLES, TRANSFORMER, STREETLIGHTS, PILLARS 7 LOT SUBDIVISION HESTER STAGE 2 -YATALA STAPYLTON JACOBS WELL ROAD YATALA	Peter Eustace & Associates	31.08.21	S1301568 Sheet 5 of 5	A
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. <i>Note:</i> <i>The above referenced Electrical drawings only approve the location/installation of the identified electrical supply. Approval must be obtained from an authorised electricity supplier (eg: ENERGEX) for the electrical reticulation. A copy of this Decision Notice and stamped approved plans must accompany any application to the authorised electricity supplier.</i>					
Engineering					
3	Rectification of Council's infrastructure Rectify and maintain any damage caused to Council infrastructure (including kerb, channelling, service pits, footpaths and water and sewer reticulation networks), at no cost to Council.				
4	Existing services a Locate all existing underground services prior to commencement of works. b Conduits must be installed by thrust boring the road. Open cutting of the road is not permitted at any time.				
5	Conflict between services Ensure any proposed water service connection points do not conflict with electrical distribution pillars at common boundaries at any time.				
6	Street lighting Construct and maintain the street lighting 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 SC6.11 – Land development guidelines, section 2.6.				
7	Electrical reticulation Design, construct and connect an electrical reticulation system at no cost to Council and in include in particular: a No additional poles and pole-mounted transformers are to be erected within public roads. b Meet the requirements of the electricity supplier (e.g. Energex).				
8	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.				
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	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: COM/2020/262 as at 27 April 2021. 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).
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	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.
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 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 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. 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.
G	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.
H	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.
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 <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.