

Our reference: COM/2022/13
Your reference: 6098

Decision notice— approval (with conditions)

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

Date of decision notice: 22 April 2022

Applicant details

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

Application details

Application number: COM/2022/13
Approval sought: Development permit for Reconfiguring a lot and Operational works.
Details of proposed development: Three (3) into three (3) lot boundary realignment and Change to ground level

Location details

Street address: 60 Stapylton Jacobs Well Road, Stapylton Qld 4207
Real property description: Lot 122 SP316137, Lot 120 SP316137, Lot 121 SP316137

Decision

Date of decision: 22 April 2022
Decision details: Under Delegated Authority, the Executive Coordinator Planning Assessment of the City Development Branch approves the issue of a 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
Infrastructure related referrals – State transport threshold	Department of State Development, Infrastructure, Planning and Local Government	State Assessment and Referral Agency	PO Box 3290, Australia Fair SOUTHPORT QLD 4215

Details of the approval

Development permit: Reconfiguring a lot three (3) into three (3)
Development permit: Operational works (change to ground level)

Conditions

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

The conditions and/or advice that have been imposed/ provided by referral agency(s) are attached.

Further development permits

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

- Operational works - infrastructure
- 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*, the Reconfiguring a lot component of this approval has a currency period of four years.

In accordance with section 85 of the *Planning Act 2016*, the Operational works component of 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.
-----------	---

For further information please contact Natasha Sidabutar, Planner on p: 07 5582 8866 or via email mail@goldcoast.qld.gov.au who will be pleased to assist.

AUTHORISED BY

A handwritten signature in black ink, appearing to read 'Adam Morris'.

Adam Morris

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*)

Attach:

Referral agency conditions and/or advice

Stamped approved plans and drawings (COM/2022/13)

Development Conditions imposed by Council as Assessment Manager

PART A: Reconfiguring a lot

General

- 1 Timing (specific condition)**
- 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.
 - c Works as required by PART B of this development permit must be undertaken prior to plan sealing.

2 Approved drawings

Undertake and maintain the development generally in accordance with the following drawings:

Drawing Title	Author	Date	Drawing No.	Ver
Proposed Boundary Realignment Plan 3 into 3 Lots	Gassman Development Perspectives	07.12.2021	6098 P ROL 001	Original Issue

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.

3 Approved Plans

Undertake and maintain the development generally in accordance with the following plans:

Hydraulics and Water Quality

Plan Title	Author	Date	Plan Reference No.	Ver
Site Based Stormwater Management Plan – Vantage Yatala Stage 1 Application for Reconfiguring a Lot-Boundary Realignment	Gassman Development Perspectives	27 January 2022	5941	5

Property

4 Restrictions regarding Council easements and infrastructure

- a No building work or deep landscaping is permitted over or within any Council public utility easement.
- b Ensure all proposed buildings, structures and footings are a minimum distance of 1.2 horizontal metres from Council infrastructure.
- c Ensure all proposed buildings, deep landscaping, structures and footings are a minimum 1 metre clear of the property sewer connection.
- d Ensure a minimum 2.4 metres unobstructed vertical clearance from the finished surface level above Council sewerage infrastructure including the property inspection opening (IO).

	e Ensure a minimum 2.4 metres unobstructed vertical clearance from finished surface / slab level above the Council water meter assembly.
Engineering	
5	Rectification of Council's infrastructure - a Rectify any damage caused to Council infrastructure (including kerb, channelling, service pits, footpaths and water and sewer reticulation networks) prior to commencement of the use at no cost to Council. - b Construct and maintain the rectified Council infrastructure at no cost to Council prior to commencement of the use.
Stormwater Drainage	
6	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.
Sewer and Water Works	
7	Sewer connection Obtain an Operational Works approval for the design and construction of a sewer connection to connect each proposed lot to Council's sewer network, prior to a request is made to Council to approve the plan of subdivision 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 The size of the sewer property service connection must be 150mm in accordance with Section 5.5.4 of the WSAA Gravity Sewerage Code of Australia – SEQ Service Providers Edition - iii Where an inspection opening (IO) is to be located in a hardstand area, the inspection opening shall be brought to surface and provided with a trafficable screwtrap lid. - iv Ensure all proposed buildings, deep landscaping, structures and footings are a minimum 1 metre clear of the property sewer connection. - v Remove / seal / cap redundant sewer property services. <i>Note:</i> An "Application Work on the City's infrastructure" form is required for the above works. Construct and maintain the sewer reticulation system 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 6 – Water supply and sewerage reticulation standards, Section 7 – Procedures, Section 8.5 – As-constructed.
8	Water connection Obtain an Operational Works approval for the design and construction of a water connection to connect each proposed lot to Council's water network, prior to a request is made to Council to approve the plan of subdivision 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 Conduits are required to be installed to service the proposed development via trenchless technology (open cutting of the road is not permitted) to connect to

	Councils potable water supply network. iii Water meters must be in accordance with the Metering Technical Specifications and the Water and Sewerage Connections Policy. iv Remove redundant water meters / connections. <i>Note:</i> An “Application Work on the City’s infrastructure” form is required for the above works.															
Construction Management																
9	Certification of works - Hydraulics and Water Quality Provide Council with certificates prepared by qualified expert(s) from the discipline(s) listed below, confirming as follows: <table><tr><th colspan="5">Hydraulics and Water Quality</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>Post construction certification</td><td>Prior to a request is made to Council to approve the plan of subdivision</td><td>Site Based Stormwater Management Plan – Vantage Yatala Stage 1 Application for Reconfiguring a Lot-Boundary Realignment (Gassman Development Perspectives, 27 January 2022)</td><td>Registered Professional Engineer Queensland (RPEQ)</td><td>Hydraulics & Water Quality</td></tr></table> The certification is to confirm: All stormwater drainage systems shown in the approved stormwater management plan for the subject site and associated design drawings have been installed on-site in accordance with Council’s approved stormwater management plan and are functioning as designed.	Hydraulics and Water Quality					Certified document	Certification date	Plan/ Drawing	Expert discipline	Requesting Council Section	Post construction certification	Prior to a request is made to Council to approve the plan of subdivision	Site Based Stormwater Management Plan – Vantage Yatala Stage 1 Application for Reconfiguring a Lot-Boundary Realignment (Gassman Development Perspectives, 27 January 2022)	Registered Professional Engineer Queensland (RPEQ)	Hydraulics & Water Quality
Hydraulics and Water Quality																
Certified document	Certification date	Plan/ Drawing	Expert discipline	Requesting Council Section												
Post construction certification	Prior to a request is made to Council to approve the plan of subdivision	Site Based Stormwater Management Plan – Vantage Yatala Stage 1 Application for Reconfiguring a Lot-Boundary Realignment (Gassman Development Perspectives, 27 January 2022)	Registered Professional Engineer Queensland (RPEQ)	Hydraulics & Water Quality												
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 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.															
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	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><tr><td>Water and Waste</td></tr><tr><td>- Operational works - infrastructure</td></tr><tr><td>- 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. Subsequent development applications (i.e.: Operational works) will be assessed in accordance with the City Plan Version at the time of lodgement (excluding instances where Variation / Preliminary approval exists).	Water and Waste	- Operational works - infrastructure	- Application to work on the City's infrastructure
Water and Waste				
- Operational works - infrastructure				
- Application to work on the City's infrastructure				
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	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.			
E	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			
F	No open trenching of the road pavement for water connections across / in roadways Conduits must be installed to service the proposed development via trenchless technology the road (open cutting of the road is not permitted) to connect to Council's potable water supply network. In certain circumstances approval of open trenching of the road may be allowed, subject to Council approval. Refer to Water and Sewerage Connections Policy, available on Council's website http://www.cityofgoldcoast.com.au			
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	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.
I	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.

J	Access from/works in State-controlled road All access from and works within the State controlled road/reserve must not be carried out without approval from the Department of Transport and Main Roads.
K	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.
L	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.

PART B: Operational works – Change to Ground Level																																																											
General																																																											
1	Approved drawings Undertake and maintain the development generally in accordance with the following drawings: <table border="1"> <thead> <tr> <th colspan="5">Operational Works</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>DRAWING INDEX AND LOCALITY PLAN</td><td>GASSMAN</td><td>MARCH 2022</td><td>6098ENGBE001</td><td>B</td></tr> <tr> <td>GENERAL NOTES SHEET 1 OF 2</td><td>GASSMAN</td><td>21-12-2021</td><td>6098ENGBE002</td><td>A</td></tr> <tr> <td>GENERAL NOTES SHEET 2 OF 2</td><td>GASSMAN</td><td>21-12-2021</td><td>6098ENGBE003</td><td>A</td></tr> <tr> <td>LEGEND</td><td>GASSMAN</td><td>21-12-2021</td><td>6098ENGBE004</td><td>A</td></tr> <tr> <td>KEY PLAN LAYOUT</td><td>GASSMAN</td><td>03-03-2022</td><td>6098ENGBE005</td><td>B</td></tr> <tr> <td>EXISTING SURFACE LAYOUT PLAN SHEET 1 OF 2</td><td>GASSMAN</td><td>03-03-2022</td><td>6098ENGBE010</td><td>B</td></tr> <tr> <td>EXISTING SURFACE LAYOUT PLAN SHEET 2 OF 2</td><td>GASSMAN</td><td>03-03-2022</td><td>6098ENGBE011</td><td>B</td></tr> <tr> <td>SEDIMENT AND EROSION CONTROL PLAN SHEET 1 OF 2</td><td>GASSMAN</td><td>03-03-2022</td><td>6098ENGBE020</td><td>B</td></tr> <tr> <td>SEDIMENT AND EROSION CONTROL PLAN SHEET 2</td><td>GASSMAN</td><td>03-03-2022</td><td>6098ENGBE021</td><td>B</td></tr> </tbody> </table>	Operational Works					Drawing Title	Author	Date	Drawing No.	Ver	DRAWING INDEX AND LOCALITY PLAN	GASSMAN	MARCH 2022	6098ENGBE001	B	GENERAL NOTES SHEET 1 OF 2	GASSMAN	21-12-2021	6098ENGBE002	A	GENERAL NOTES SHEET 2 OF 2	GASSMAN	21-12-2021	6098ENGBE003	A	LEGEND	GASSMAN	21-12-2021	6098ENGBE004	A	KEY PLAN LAYOUT	GASSMAN	03-03-2022	6098ENGBE005	B	EXISTING SURFACE LAYOUT PLAN SHEET 1 OF 2	GASSMAN	03-03-2022	6098ENGBE010	B	EXISTING SURFACE LAYOUT PLAN SHEET 2 OF 2	GASSMAN	03-03-2022	6098ENGBE011	B	SEDIMENT AND EROSION CONTROL PLAN SHEET 1 OF 2	GASSMAN	03-03-2022	6098ENGBE020	B	SEDIMENT AND EROSION CONTROL PLAN SHEET 2	GASSMAN	03-03-2022	6098ENGBE021	B			
Operational Works																																																											
Drawing Title	Author	Date	Drawing No.	Ver																																																							
DRAWING INDEX AND LOCALITY PLAN	GASSMAN	MARCH 2022	6098ENGBE001	B																																																							
GENERAL NOTES SHEET 1 OF 2	GASSMAN	21-12-2021	6098ENGBE002	A																																																							
GENERAL NOTES SHEET 2 OF 2	GASSMAN	21-12-2021	6098ENGBE003	A																																																							
LEGEND	GASSMAN	21-12-2021	6098ENGBE004	A																																																							
KEY PLAN LAYOUT	GASSMAN	03-03-2022	6098ENGBE005	B																																																							
EXISTING SURFACE LAYOUT PLAN SHEET 1 OF 2	GASSMAN	03-03-2022	6098ENGBE010	B																																																							
EXISTING SURFACE LAYOUT PLAN SHEET 2 OF 2	GASSMAN	03-03-2022	6098ENGBE011	B																																																							
SEDIMENT AND EROSION CONTROL PLAN SHEET 1 OF 2	GASSMAN	03-03-2022	6098ENGBE020	B																																																							
SEDIMENT AND EROSION CONTROL PLAN SHEET 2	GASSMAN	03-03-2022	6098ENGBE021	B																																																							

	OF 2																			
	SEDIMENT AND EROSION TYPICAL DETAILS	GASSMAN	21-12-2021	6098ENGBE035	A															
	BULK EARTHWORKS CUT AND FILL PLAN SHEET 1 OF 2	GASSMAN	03-03-2022	6098ENGBE050	B															
	BULK EARTHWORKS CUT AND FILL PLAN SHEET 2 OF 2	GASSMAN	03-03-2022	6098ENGBE051	B															
	FINISHED BULK EARTHWORKS SURFACE LEVEL PLAN SHEET 1 OF 2	GASSMAN	03-03-2022	6098ENGBE100	B															
	FINISHED BULK EARTHWORKS SURFACE LEVEL PLAN SHEET 1 OF 2	GASSMAN	03-03-2022	6098ENGBE101	B															
	FINISHED BULK EARTHWORKS SURFACE LEVEL CROSS SECTIONS	GASSMAN	03-03-2022	6098ENGBE150	B															
	RETAINING WALL CONTROL LINE LAYOUT PLAN	GASSMAN	03-03-2022	6098ENGBE400	B															
	RETAINING WALL LONGITUDINAL SECTION, TYPICAL DETAIL & SETOUT	GASSMAN	03-03-2022	6098ENGBE401	B															
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.																				
2	Approved Plans Undertake and maintain the development generally in accordance with the following plans: <table><tr><th colspan="5">Hydraulics and Water Quality</th></tr><tr><th>Plan Title</th><th>Author</th><th>Date</th><th>Plan Reference No.</th><th>Ver</th></tr><tr><td>Site Based Stormwater Management Plan – Vantage Yatala Stage 1 Application for Reconfiguring a Lot-Boundary Realignment</td><td>Gassman Development Perspectives</td><td>27 January 2022</td><td>5941</td><td>5</td></tr></table>					Hydraulics and Water Quality					Plan Title	Author	Date	Plan Reference No.	Ver	Site Based Stormwater Management Plan – Vantage Yatala Stage 1 Application for Reconfiguring a Lot-Boundary Realignment	Gassman Development Perspectives	27 January 2022	5941	5
Hydraulics and Water Quality																				
Plan Title	Author	Date	Plan Reference No.	Ver																
Site Based Stormwater Management Plan – Vantage Yatala Stage 1 Application for Reconfiguring a Lot-Boundary Realignment	Gassman Development Perspectives	27 January 2022	5941	5																
3	When the approval lapses if works is not completed This approval will lapse if the works is not completed by 22 April 2024, in accordance with section 88 of the Planning Act 2016.																			
Engineering																				
4	Rectification of Council’s infrastructure a Rectify any damage caused to Council infrastructure (including 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 at all times.
5	Earthworks and private retaining walls a Construct the earthworks and private retaining walls 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 and private retaining walls (inclusive of any associated drainage) identified above at no cost to Council at all times.
Stormwater Drainage	
6	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
7	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 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 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 sediment run-off. iv A perimeter bund and/or diversion drain must be constructed around the disturbed areas 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. vi Inspections for erosion and sediment control measures are to occur in accordance with the compliance procedures in City Plan Policy SC6.11 – Land development guidelines, section 4.5.17.1.2 - Compliance.
Construction Management	
8	Certification of works Provide Council with certificates prepared by qualified experts from the disciplines listed below, confirming as follows: Operational Works

	<table><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></table> The certification is to confirm: All works have been undertaken generally in accordance with the approval.	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					
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												
	<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>Design and inspection intent certificate for retaining walls</td><td>Upon practical completion of works.</td><td>N/A</td><td>Registered Professional Engineer Queensland (RPEQ)</td><td>Contributed Assets</td></tr></table> The certification is to confirm: - The retaining walls have been designed in accordance with relevant standards (i.e AS4678). - Retaining walls have been adequately completed with inspections completed at the following stages: - Footing (including excavation and reinforcement); - Drainage behind the wall (including geo-fabric, backfill and perforated pipe) and completion (including point of stormwater discharge)	Operational Works					Certified document	Certification date	Plan/ Drawing	Expert discipline	Requesting Council Section	Design and inspection intent certificate for retaining walls	Upon practical completion of works.	N/A	Registered Professional Engineer Queensland (RPEQ)	Contributed Assets
Operational Works																
Certified document	Certification date	Plan/ Drawing	Expert discipline	Requesting Council Section												
Design and inspection intent certificate for retaining walls	Upon practical completion of works.	N/A	Registered Professional Engineer Queensland (RPEQ)	Contributed Assets												
9	Supervision of works During construction of any works the following professionals must be appointed to supervise the below described actions: <table><tr><th colspan="2">Operational Works</th></tr><tr><th>Expertise required of the suitably qualified professional</th><th>Actions to be overseen by the professional</th></tr><tr><td>Registered Professional Engineer of Queensland (RPEQ)</td><td>Bulk earthworks inspected to level 1 in accordance with AS3798-2007</td></tr></table>	Operational Works		Expertise required of the suitably qualified professional	Actions to be overseen by the professional	Registered Professional Engineer of Queensland (RPEQ)	Bulk earthworks inspected to level 1 in accordance with AS3798-2007									
Operational Works																
Expertise required of the suitably qualified professional	Actions to be overseen by the professional															
Registered Professional Engineer of Queensland (RPEQ)	Bulk earthworks inspected to level 1 in accordance with AS3798-2007															
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	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	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 Operational works – change to ground level 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 Operational works – change to ground level approval	Contributed Assets (07) 5582 9034		
Purpose	Council contact						
Review and discuss Operational works – change to ground level approval	Contributed Assets (07) 5582 9034						
13	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
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					
14	Practical Completion Arrange a practical completion meeting to complete the requirements identified in City Plan Policy SC6.11 – Land development guidelines, section 7.3.1 City civil engineering inspections 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 receiving a practical completion letter</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 completion of works have been undertaken in accordance with this approval	Prior to receiving a practical completion letter	Contributed Assets 07 5582 9034
Purpose	Hold Point	Council contact					
Confirm completion of works have been undertaken in accordance with this approval	Prior to receiving a practical completion letter	Contributed Assets 07 5582 9034					
15	Bond a Provide security to Council in the form of an unconditional and irrevocable bank guarantee or cash in the amount of \$50,000 to secure: i Compliance with all conditions of this approval. b Provide the security prior to arranging a Pre-start inspection. Council will hold the security until: i Works are acceptable to proceed to on maintenance/practical completion. <i>Information note: Contact Contributed Assets on 07 5582 9034 for more information on the Bond lodgement.</i>						
Advice Notes							
A	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.
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 MIN/2019/762 dated 25 June 2020. 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	Indigenous cultural heritage legislation and duty of care requirement The <i>Aboriginal Cultural Heritage Act 2003</i> ('ACHA') is administered by the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (DSDSATSIP). 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 DSDSATSIP's Cultural Heritage Coordination Unit on 1300 378 401 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 correcting 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.
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 and 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 <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.

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

Details of proposed development	The proposed development is for Reconfiguring a lot three (3) into (3) boundary realignment and Operational works for a Change to ground level.
Assessment benchmarks	The following assessment benchmarks applied to the proposed development: • M38 Industrial Estate Place Code; • Bushfire management areas Constraint Code; • Canals and waterways Constraint Code; • Car parking, access and transport integration Constraint Code; • Cultural heritage (historic) Constraint Code; • Cultural heritage (indigenous) Constraint Code; • Flood affected areas Constraint Code; • Natural wetland areas and natural waterways Constraint Code; • Nature conservation Constraint Code; • Rail corridor environs Constraint Code; • Road traffic noise management Constraint Code; • Sediment and erosion control Constraint Code; • Steep slopes or unstable soils Constraint Code; • Unsewered land Constraint Code; • Landscape work Development Code; • Reconfiguring a lot Development Code; • Changes to ground level and creation of new water bodies Development Code; • Vegetation management Development Code; and • Works for infrastructure Development Code
Relevant matters	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 proposal provides a development consistent with the intent of the M38 Industrial Estate Place Code, being the overarching categorising instrument for the site. • The proposed development provides lots with a configuration and ground level supportive of industrial uses as intended within the General impact business and industry area of the M38 Industrial Park Yatala.
Matters prescribed by a regulation	Not applicable