

Our reference: COM/2022/74 (OPW/2022/336)
Your reference: 6098-OPW

Decision notice— approval (with conditions)

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

Date of decision notice: 4 August 2022

Applicant details

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

Application details

Application number: COM/2022/74
Approval sought: Development permit for carrying out operational works
Details of proposed development: Operational Works Permit - Infrastructure (roadworks, stormwater, sewer) to facilitate COM/2022/13

Location details

Street address: 24 Homestead Drive, Stapylton Qld 4207
Real property description: Lot 122 SP316137, Lot 121 SP316137

Decision

Date of decision 4 August 2022
Decision details: Under Delegated Authority, the Supervisor Operational Works 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 work - infrastructure (roadworks, stormwater, sewer).

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.

AUTHORISED BY



Sam Hartley

Executive Coordinator Engineering & Environmental Assessment

For the Chief Executive Officer

Council of the City of Gold Coast

mc

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 including as amended in red by the Council: <table><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><tr><td>DRAWING INDEX AND LOCALITY PLAN</td><td>Gassman Development Perspectives</td><td>August 2022</td><td>6098 ENG OPW 001</td><td>B</td></tr><tr><td>GENERAL NOTES SHEET 1 OF 2</td><td>Gassman Development Perspectives</td><td>24.03.2022</td><td>6098 ENG OPW 002</td><td>A</td></tr><tr><td>GENERAL NOTES SHEET 2 OF 2</td><td>Gassman Development Perspectives</td><td>24.03.2022</td><td>6098 ENG OPW 003</td><td>A</td></tr><tr><td>LEGEND</td><td>Gassman Development Perspectives</td><td>24.03.2022</td><td>6098 ENG OPW 004</td><td>A</td></tr><tr><td>EXISTING SURFACE LAYOUT PLAN</td><td>Gassman Development Perspectives</td><td>24.03.2022</td><td>6098 ENG OPW 010</td><td>A</td></tr><tr><td>SEDIMENT AND EROSION CONTROL PLAN AND TYPICAL DETAILS</td><td>Gassman Development Perspectives</td><td>03.08.2022</td><td>6098 ENG OPW 020</td><td>B</td></tr><tr><td>ROADWORKS AND DRAINAGE LAYOUT PLAN AND DETAILS</td><td>Gassman Development Perspectives</td><td>03.08.2022</td><td>6098 ENG OPW 400</td><td>B</td></tr><tr><td>STORMWATER CALCULATIONS TABLE</td><td>Gassman Development Perspectives</td><td>24.03.2022</td><td>6098 ENG OPW 550</td><td>A</td></tr><tr><td>SEWER RETICULATION LAYOUT PLAN AND DETAILS</td><td>Gassmans Development Serspectives</td><td>03.08.2022</td><td>6098 Eng OPW 600</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.					Operational Works					Drawing Title	Author	Date	Drawing No.	Ver	DRAWING INDEX AND LOCALITY PLAN	Gassman Development Perspectives	August 2022	6098 ENG OPW 001	B	GENERAL NOTES SHEET 1 OF 2	Gassman Development Perspectives	24.03.2022	6098 ENG OPW 002	A	GENERAL NOTES SHEET 2 OF 2	Gassman Development Perspectives	24.03.2022	6098 ENG OPW 003	A	LEGEND	Gassman Development Perspectives	24.03.2022	6098 ENG OPW 004	A	EXISTING SURFACE LAYOUT PLAN	Gassman Development Perspectives	24.03.2022	6098 ENG OPW 010	A	SEDIMENT AND EROSION CONTROL PLAN AND TYPICAL DETAILS	Gassman Development Perspectives	03.08.2022	6098 ENG OPW 020	B	ROADWORKS AND DRAINAGE LAYOUT PLAN AND DETAILS	Gassman Development Perspectives	03.08.2022	6098 ENG OPW 400	B	STORMWATER CALCULATIONS TABLE	Gassman Development Perspectives	24.03.2022	6098 ENG OPW 550	A	SEWER RETICULATION LAYOUT PLAN AND DETAILS	Gassmans Development Serspectives	03.08.2022	6098 Eng OPW 600	B
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Property																																																												
3	Restrictions regarding Council infrastructure a Ensure all proposed buildings, structures and footings are a minimum distance of 1.2 horizontal metres from Council infrastructure. b Ensure all proposed buildings, deep landscaping, structures and footings are a minimum 1																																																											

	metre clear of the property sewer connection. c Ensure a minimum 2.4 metres unobstructed vertical clearance from the finished surface level above Council sewerage infrastructure including the property inspection opening (IO).										
4	Requirement to register stormwater easement (private) a Register easements for stormwater drainage at the locations marked on the drawing listed below: <table><tr><th>Drawing Title</th><th>Author</th><th>Date</th><th>Drawing No.</th><th>Ver</th></tr><tr><td>ROADWORKS AND DRAINAGE LAYOUT PLAN AND DETAILS</td><td>Gassman Development Perspectives</td><td>03.08.2022</td><td>6098 ENG OPW 400</td><td>B</td></tr></table> b The terms of the easement must include: i. Standard terms document 707918364 must be referenced on Form 9 – easement document. ii. Easement plans and associated documents (ie: Form 9 – easement document and general consent form 18) must be fully completed and signed by the owner of the burdened land (and any mortgagees, if necessary) and benefitting land before they are submitted to council for endorsement. c Registration of the easement must occur (at the same time as registering the plan of subdivision/ prior to commencement of the use). d Ensure infrastructure (if any) is positioned in the centre of the easement. e This condition attaches to the land the subject of the development approval and binds the owner(s) of the land and the owners’ successors in title (even after the time when the easement is required to be registered). Therefore if this condition is not complied with at the time required by this condition, the owner(s) of the land and the owners’ successors in title continue to be obligated to register the easement in accordance with this condition and must do so within 40 business days of becoming aware on the non-compliance with this condition.	Drawing Title	Author	Date	Drawing No.	Ver	ROADWORKS AND DRAINAGE LAYOUT PLAN AND DETAILS	Gassman Development Perspectives	03.08.2022	6098 ENG OPW 400	B
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5	When the approval lapses if works is not completed This approval will lapse if the works is not completed by 4 August 2025, in accordance with section 88 of the Planning Act 2016.										
Engineering											
6	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 Plan Policy SC6.11 – Land development guidelines, Section 6 – Water supply and sewerage reticulation standards, Section 7 – Procedures, Section 8.5 – As-constructed requirements, Section 9 - Specifications and Section 10 – Standard drawings.										
7	Footpaths Construct and maintain the footpath 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 2 Transport network standards, 7 Procedures, 8.5 As-constructed requirements, 9 Specifications and 10 Standard drawings.										

8	Roadworks Construct and maintain the roadworks 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 2 Transport network standards, 7 Procedures, 8.5 As-constructed requirements, 9 Specifications & 10 Standard drawings.															
Stormwater Drainage																
9	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															
10	Stormwater drainage / Legal point of discharge (Private) Construct and maintain the private stormwater drainage system identified in the approved drawings condition at no cost to Council.															
Sewer and Water Works																
11	Sewer reticulation Construct and maintain the sewer reticulation 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 Plan Policy SC6.11 – Land development guidelines, and include in particular: i The sizing of the sewer reticulation system must be in accordance with the WSAA Sewerage Code of Australia – SEQ Service Providers Edition ii Remove / seal / cap redundant sewer property services. <i>Note:</i> <i>An “Application Work on the City’s infrastructure” form is required for the above works.</i> <i>The development’s sewerage connection must be completed and approved by Council prior to an application for a Pre-start meeting for the approved water connection.</i>															
Construction Management																
12	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</td><td>Upon practical completion of works.</td><td>N/A</td><td>Registered Professional Engineer Queensland</td><td>Contributed Assets</td></tr></table>	Operational Works					Certified document	Certification date	Plan/ Drawing	Expert discipline	Requesting Council Section	Appendix A Certification from the Land Development	Upon practical completion of works.	N/A	Registered Professional Engineer Queensland	Contributed Assets
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	Guidelines		(RPEQ)																
The certification is to confirm: All works have been undertaken generally in accordance with the approval.																			
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The certification is to confirm: i. Constructed works comply with necessary standards and confirm level and location details. ii. Installed components meet specifications and standards for materials and design and installation specifications and acceptance testing requirements.																			
13	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">All works approved by this permit</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>All supply, installation, construction, testing and commissioning of works</td></tr><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>				All works approved by this permit		Expertise required of the suitably qualified professional	Actions to be overseen by the professional	Registered Professional Engineer of Queensland (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	Registered Professional Engineer of Queensland (RPEQ)	Bulk earthworks inspected to level 1 in accordance with AS3798-2007			
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14	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.

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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 (eg. 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.

vi.

The following inspection program must be carried out before the site is fully rehabilitated:

a.

Regular inspections to ensure that adequate erosion control measures are in place and in good condition both during and after construction; and

b.

Inspections after each storm event to assess the adequacy of the erosion control measures. The applicant must rectify any damage or non-performing erosion control devices and clean up any sediment that has left the site or is on the roads within and external to the site.

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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:

Purpose	Council contact
Review and discuss this Operational works – infrastructure approval.	Contributed Assets (07) 5582 9034
Discuss Water and Waste and Council approval requirements and expectations through the construction phase	Contributed Assets 07 55829034
Prior to requesting a Pre-start meeting, provide “for construction issue design drawings”, including amendments, following potholing undertaken as part of the preliminary site works. All design changes must be included in the drawing set. Note: Changes made to the drawings may necessitate the submission of a Minor or Other Change development application, in accordance with the Planning Act 2016.	GCWDA@goldcoast.qld.gov.au

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	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:		
	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
	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.		
18	On maintenance Arrange an on maintenance meeting to complete the requirements identified in SC.6.9 City Plan Policy – Land development guidelines for the following:		
	Purpose	Hold Point	Council contact
	Confirm satisfactory completion of works have been undertaken in accordance with this approval	Prior to commencement of the on maintenance period	Contributed Assets 07 5582 9034
	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.		
19	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:		
	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
	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.		
20	Bond a. Provide security to Council in the form of an unconditional and irrevocable bank guarantee or cash in the amount of \$5,000 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 COM/2022/13 dated 22 April 2022 . 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	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.		
D	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 Sewer Connections Policy Procedure, available on Council's website http://www.cityofgoldcoast.com.au		
E	No open trenching of the road pavement for water connections across/in roadways Conduits must be installed to service the proposed development by thrust boring 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 Sewer Connections Policy Procedure, available on Council's website: http://www.cityofgoldcoast.com.au		
F	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			
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 will not be liable for any design or constructability issues experienced on-site. Therefore it is advised that all necessary steps are to be taken prior to construction to validate the information in the designs. These items must be discussed with the relevant Water and Waste Inspector at the Pre-start Meeting and during the construction process. Before any changes from the design can be constructed, an "In Principle Approval" must be obtained in		

	writing from Council for the changes. A final set of drawings must be submitted with an associated Minor Change Application, capturing all the changes as discussed and agreed with Council and approved by Water and Waste prior to formally accepting the asset on-maintenance, at no cost to Council.
I	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.
J	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.
K	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
L	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
M	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.