

Our reference: COM/2023/26

Decision notice—approval (with conditions)

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

Date of decision notice: 17 April 2023

Applicant details

Applicant name: McNab Developments (Qld) Pty. Ltd.
Applicant contact details: C/- Gassman Development Perspectives
PO BOX 392
BEENLEIGH QLD 4207

Application details

Application number: COM/2023/26
Approval sought: Combined Application
Details of proposed development: Development Permit for Operational Work for Infrastructure (footpath connections and replace Gullies with trafficable V-Grate)
Development Permit for Operational Work for Vehicle Access Works – (4)

Location details

Street address: Lot 504 Homestead Drive, Stapylton Qld 4207
Real property description: Lot 504 SP329485

Decision

Date of decision 12 April 2023

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.

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

AUTHORISED BY



Sam Hartley

Executive Coordinator Engineering & Environmental Assessment

For the Chief Executive Officer

Council of the City of Gold Coast

Enc:

Conditions imposed by Council as Assessment manager

Attach:

Stamped approved plans and drawings

Appeal rights extracts

Conditions imposed by Council as Assessment manager

General																													
1	Timing a All conditions of this development approval must be complied with at no cost to Council at all times unless otherwise stated in another condition.																												
2	Approved drawings Undertake and maintain the development generally in accordance with the following drawings 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>Site Layout Plan</td><td>Gassman Development Perspective Pty Ltd</td><td>1/25/2023</td><td>6111 ENG VXO 400</td><td>A</td></tr><tr><td>Vehicle Crossing Details Sheet 1 of 2</td><td>Gassman Development Perspective Pty Ltd</td><td>1/25/2023</td><td>6111 ENG VXO 401</td><td>A</td></tr><tr><td>Vehicle Crossing Details Sheet 2 of 2</td><td>Gassman Development Perspective Pty Ltd</td><td>1/25/2023</td><td>6111 ENG VXO 402</td><td>A</td></tr></table> And ensure that: • First transition is 1.5m long having a maximum of 12.5% grade and grade of second transition does not exceed 2.5%, • Grades comply with IPWEAQ standard drawings RS-051, • Standard change in grade requirements are complied with 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	Site Layout Plan	Gassman Development Perspective Pty Ltd	1/25/2023	6111 ENG VXO 400	A	Vehicle Crossing Details Sheet 1 of 2	Gassman Development Perspective Pty Ltd	1/25/2023	6111 ENG VXO 401	A	Vehicle Crossing Details Sheet 2 of 2	Gassman Development Perspective Pty Ltd	1/25/2023	6111 ENG VXO 402	A
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3	When the approval lapses if works is not completed This approval will lapse if the works is not completed by 12 April 2026 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 roads, kerb & channelling, service pits, footpaths and water and sewer reticulation networks) prior to an 'on maintenance' inspection, at no cost to Council. b Maintain the rectified Council infrastructure at no cost to Council until the asset is accepted "off maintenance" by the City in accordance with the procedures in City Planning Policy SC6.11 – Land development guidelines, sections 7 Procedures, 8.5 As-constructed requirements, 9 Specifications and 10 Standard drawings.																												

5	Footpaths a 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. b Ensure that there is a minimum 300mm circumferential separation between any footpath and the outer edge of existing/new power poles. Fill the space with compacted cold-mix asphalt to a minimum depth of 50mm.								
6	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.								
7	Construction of vehicular crossing Construct the vehicular crossing generally in accordance with the Driveways and vehicular crossing code of the City Plan and include in particular: • Requirements of the Manual of Uniform Traffic Control Devices, Part 3 – Works on Roads.								
Stormwater Drainage									
8	Stormwater drainage (external to the site) Construct and maintain the stormwater drainage system identified in the approved drawings condition at no cost to Council until the asset is accepted “off maintenance” by the City in accordance with the procedures in City Planning Policy SC6.11 – Land development guidelines, sections 4 Stormwater drainage and water sensitive urban design standards, 7 Procedures, 8.5 As-constructed requirements, 9 Specifications and 10 Standard drawings.								
Sewer and Water Works									
9	Driveway construction around sewer and water infrastructure The driveway must be constructed as per Council’s standard drawing 11-161 (part of the standard water meter arrangement drawing set.) A concrete breakout is required around the sewer/water infrastructure. Ensure the cross section shown in the standard drawing is complied with at construction of driveway. The owner/applicant must change the cover/lid of sewer maintenance hole to Class D (Trafficable lid) in accordance with standard drawing No.SEQ-SEW-1308-1 B, at no cost to Council.								
Construction Management									
10	Certification of works Provide Council with certificates prepared by qualified experts from the disciplines listed below, confirming as follows: <table><tr><td>Certified document</td><td>Certification date</td><td>Expert discipline</td><td>Requesting Council Section</td></tr><tr><td>Appendix A Certification from the Land Development Guidelines</td><td>Upon practical completion of works.</td><td>Registered Professional Engineer Queensland (RPEQ)</td><td>Contributed Assets</td></tr></table>	Certified document	Certification date	Expert discipline	Requesting Council Section	Appendix A Certification from the Land Development Guidelines	Upon practical completion of works.	Registered Professional Engineer Queensland (RPEQ)	Contributed Assets
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11	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></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						
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12	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.												
13	Erosion and sediment control Erosion, sediment and dust control measures must be implemented in accordance with the Best Practice Erosion & Sediment Control (IECA Australasia, November 2008).												
14	Pre-start inspection Arrange a pre-start inspection prior to the commencement of works to complete the requirements identified in SC.6.11 City Plan Policy – Land development guidelines for the following: <table><tr><th>Purpose</th><th>Council contact</th></tr><tr><td>Review and discuss this Operational works – infrastructure approval.</td><td>Contributed Assets (07) 5582 9034</td></tr></table> Copies of applicable material including this decision notice and stamped approved plans, drawings and reports are to be available for the meeting and kept on site during construction.	Purpose	Council contact	Review and discuss this Operational works – infrastructure approval.	Contributed Assets (07) 5582 9034								
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15	Hold point inspection Arrange a hold point inspection to complete the requirements identified in SC.6.11 City Plan Policy – Land development guidelines/Landscape work code of the City Plan for the following: <table><tr><th>Purpose</th><th>Hold Point</th><th>Council contact</th></tr><tr><td>Confirm works have been undertaken in accordance with the operational works approval and associated hold point requirements identified in SC6.11 City Plan Policy – Land development guidelines</td><td>As indicated in SC6.11 City Plan Policy – Land development guidelines</td><td>Contributed Assets (07) 5582 9034</td></tr><tr><td>Undertake a vehicular crossing pre-pour inspection to ensure work is in accordance with the Operational works approval</td><td>Prior to placement of concrete</td><td>Development Compliance 07 5582 8184</td></tr><tr><td>Undertake a vehicular crossing post-pour inspection to ensure work is in accordance with the Operational works approval</td><td>After placement of concrete</td><td>Development Compliance 07 5582 8184</td></tr></table>	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	Undertake a vehicular crossing pre-pour inspection to ensure work is in accordance with the Operational works approval	Prior to placement of concrete	Development Compliance 07 5582 8184	Undertake a vehicular crossing post-pour inspection to ensure work is in accordance with the Operational works approval	After placement of concrete	Development Compliance 07 5582 8184
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16	On maintenance Arrange an on maintenance meeting to complete the requirements identified in SC.6.11 City Plan Policy – Land development guidelines for the following:								
	<table><tr><th>Purpose</th><th>Hold Point</th><th>Council contact</th></tr><tr><td>Confirm completion of works have been undertaken in accordance with this approval</td><td>Prior to commencement of the on maintenance period</td><td>Contributed Assets 07 5582 9034</td></tr></table>	Purpose	Hold Point	Council contact	Confirm completion of works have been undertaken in accordance with this approval	Prior to commencement of the on maintenance period	Contributed Assets 07 5582 9034		
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17	Off maintenance Arrange an off maintenance meeting to complete the requirements identified in SC.6.11 City Plan Policy – Land development guidelines for the following:								
	<table><tr><th>Purpose</th><th>Hold Point</th><th>Council contact</th></tr><tr><td>Confirmation works have been undertaken in accordance with the Operational works, Works for infrastructure approval</td><td>Prior to Asset handover / conclusion of on maintenance period</td><td>Contributed Assets (07) 5582 9034</td></tr></table>	Purpose	Hold Point	Council contact	Confirmation works have been undertaken in accordance with the Operational works, Works for infrastructure approval	Prior to Asset handover / conclusion of on maintenance period	Contributed Assets (07) 5582 9034		
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18	Bond a. Provide security to Council in the form of an unconditional and irrevocable bank guarantee or cash in the amount of \$5000 to secure: i. Compliance with all conditions of this approval (excluding the off-maintenance condition) 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 <i>Information note: Contact Contributed Assets on 07 5582 9034 for more information on the Bond lodgement.</i>								
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 MCU/2022/242 dated 09 August 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	Scope of approval This application endorses the VXO (Crossing from the kerb to the property boundary) and does not include the driveway or any other work shown on the drawings.
D	Restoration works for Council activities Where Council is required to perform work to any asset located within the VXO, reinstatement may only be with plain concrete.
E	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.
F	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.
G	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
H	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
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 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.