

Our reference: COM/2022/386

Decision notice—approval (with conditions)

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

Date of decision notice: 5 May 2023

Applicant details

Applicant name: HCA Queensland Pty Ltd

Applicant contact details: C/- Gassman Development Perspectives
PO BOX 392
BEENLEIGH QLD 4207

Application details

Application number: COM/2022/386

Approval sought: Development Permit for Operational Works

Details of proposed development: Operational works – vehicle access works (x3)
Operational works – Infrastructure (minor civil works, footpath)

Location details

Street address: Lot 504 Homestead Drive, Stapylton Qld 4207

Real property description: Lot 504 SP329485

Decision

Date of decision: 5 May 2023

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 works – vehicle access works (x3)
Operational works – Infrastructure (minor civil works, footpath)

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

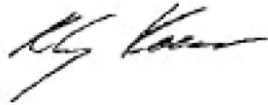
Approved plans and drawings are attached and are identified in the conditions imposed by Council as the Assessment manager.

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

AUTHORISED BY



Antony Kocsmar
Supervisor Operational Works
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																								
<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>VEHICLE CROSSINGS & FOOTPATH CONNECTION</td><td>GASSMAN DEVELOPMENT ERSPECTIVES</td><td>12/12/22</td><td>400</td><td>A</td></tr><tr><td>VEHICLE CROSSOVER CROSS SECTIONS</td><td>GASSMAN DEVELOPMENT ERSPECTIVES</td><td>12/12/22</td><td>401</td><td>A</td></tr></table>						Operational Works					Drawing Title	Author	Date	Drawing No.	Ver	VEHICLE CROSSINGS & FOOTPATH CONNECTION	GASSMAN DEVELOPMENT ERSPECTIVES	12/12/22	400	A	VEHICLE CROSSOVER CROSS SECTIONS	GASSMAN DEVELOPMENT ERSPECTIVES	12/12/22	401	A
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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	When the approval lapses if works is not completed This approval will lapse if the works is not completed by 5 May 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.																								

Construction Management**6 Certification of works**

Provide Council with certificates prepared by qualified experts from the disciplines listed below, confirming as follows:

Operational Works

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

The certification is to confirm:

- All works have been undertaken generally in accordance with the approval.

7 Supervision of works

During construction of any works the following professionals must be appointed to supervise the below described actions:

All works approved by this permit

Expertise required of the suitably qualified professional	Actions to be overseen by the professional
RPEQ	All supply, installation, construction, testing and commissioning of works

8 Availability of approved plans, drawings and reports

Retain a copy of this decision notice and stamped approved plans, drawings and reports on site at all times during construction. Any contractors undertaking approved work (including tree removal or relocations) must be directly provided with a copy of these conditions and instructed as to the need to comply with them.

9 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

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.

10 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
	Undertake a vehicular crossing pre-pour inspection to ensure work is in accordance with the Operational works approval inclusive of any necessary footpath tie ins.	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
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.			
11	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:		
	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
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.			
12	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.			
13	Bond a. Provide security to Council in the form of an unconditional 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/2021/638 dated 7 March 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	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.
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 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
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 & 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 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.