

OUR REF: 5941 – Stage 3
COUNCIL REF: COM/2023/82

10 July 2023

Chief Executive Officer
Council of the City of Gold Coast
PO Box 5042
GCMC QLD 9729

Via email: NSIDABUTAR@goldcoast.qld.gov.au

Attention: Ms. Natasha Sidabutar

Dear Madam,

RE: RESPONSE TO COUNCIL INFORMATION REQUEST – DEVELOPMENT PERMIT FOR RECONFIGURING A LOT – COMMUNITY TITLE SUBDIVISION (STAGE 3 – TO CREATE FOUR INDUSTRIAL LOTS; COMMON PROPERTY; PUBLIC STORMWATER LOT; PUBLIC OPEN SPACE CONSERVATION LOT AND NEW PUBLIC ROAD); AND OPERATIONAL WORK – CHANGE TO GROUND LEVEL AND VEGETATION CLEARING – COM/2023/82

AT: LOT 504 HOMESTEAD DRIVE, STAPYLTON QLD 4207 - LOT 504 ON SP329485

Gassman Development Perspectives Pty Ltd acts on behalf of the applicant, FPI Queensland Pty Ltd, and provides the following response to Council's Information Request dated 1 June 2023. The Applicant considers this a full response to the information requested, and requests Council to proceed with their assessment of the development application.

A detailed response to each item is provided below.

Planning Assessment

1. Amended ROL drawing – Purpose of public open space lots

The applicant is requested to provide an amended ROL plan that clearly demonstrates the lot purpose for each of the proposed public open space lots (e.g., Drainage Reserve or Conservation).

Applicant response:

In response to item 1, the ROL plan has been amended to include a note for the lot purpose for each of the proposed public open space lots that will be dedicated to Council. A copy of the amended proposal plans is provided within **Attachment A**.

2. **Extent of Stage 3**

With consideration of the proposed Stage 3 ROL plan and the concurrently lodged change to the Stage 2 (MIN/2023/142), it is unclear which stage encompasses the portion of common property located at the Christensen Road and Highlands Street intersection directly adjacent to the Amgrow site (Lot 503). The applicant is requested to amend the stage boundary remaining consistent with the approved Land Use Classification and Staging Plan (MIN/2023/64) and the concurrently lodged Stage 2 ROL plan.

Applicant response:

In response to item 2, no changes are proposed to the submitted proposal plans for Stage 3. The Stage 2 proposal plans (MIN/2023/142) have instead been amended to better illustrate the correct lot layout. To be clear, the small portion of common property located at the Christensen Road and Highlands Street intersection is part of Stage 2. It is acknowledged that the proposed Stage 2 and 3 boundary is slightly different from the Land Use Classification and Staging Plan (MIN/2023/64) due to the inclusion of this common property within Stage 2. This is necessary due to the need to create common property within each Stage and the common property cannot be located elsewhere in Stage 2. Given the very slight deviation from the Land Use Classification and Staging Plan, and the fact that this plan is conceptual in nature, this is considered a reasonable outcome.

Transport Assessment

3. **External Road Upgrades**

This is the third and final stage of the proposed Vantage industrial development. Condition 10 of the overarching preliminary approval (MIN/2023/64) requires various external road upgrades. Some of which are yet to be undertaken. Specifically, the upgrade of Christensen Road and Christensen Road South, the intersection of Christensen Road and the Eastern Service Road as well as the re-prioritisation of the Christensen Road/Christensen Road South intersection. The applicant is therefore requested to submit fully dimensioned functional road layout plans supported by a Traffic Impact Assessment (TIA) demonstrating how condition 10 will be satisfied. If recommended for approval, officers will impose conditions requiring these works be undertaken at no cost to Council prior to the sealing of Stage 3 Vantage subdivision plans.

Applicant response:

In response to item 3, a targeted response to this item has been prepared by Rytenschild Traffic Engineering and is provided within **Attachment B**. Council are advised the required reprioritization of Christensen Road has resulted in a small land dedication requirement take from proposed Lot 302. This change has been reflecting within the updated Reconfiguring a Lot Plan (**Attachment A**), Amended Bulk Earthworks Drawings (**Attachment C**) and Amended Landscape Intent Plan (**Attachment D**).

Open Space, Landscape and Environmental Assessment

4. **Amended earthworks drawings – Lot numbers**

The applicant is requested to update the submitted earthworks drawings to ensure that proposed lot numbers align with the submitted ROL drawings. Currently proposed Lot 304 (as per submitted ROL plan) is identified as Lot 503 on the submitted earthwork drawings.

Applicant response:

In response to item 4, Amended Bulk Earthworks Drawings have been provided within **Attachment C** to ensure the proposed lot numbers align with the submitted ROL drawings.

5. Bio-retention basin within proposed Lot 304

Officers have identified a bio-retention/detention basin proposed within proposed Lot 304.

- a) *The applicant is requested to clarify if the intent for this basin is to be public or private given that the remainder of the stormwater infrastructure is proposed to be dedicated to Council as Drainage Reserve (proposed Lots 902 and 903); and*
- b) *The basin is requested to be identified on an amended Statement of Landscape Intent.*

Applicant response:

Item a

In response to item 5a, it is confirmed that the bio-retention/detention basin proposed within Lot 304 is a private basin given its separation from the main estate. This is referenced as such within the supplied SWMP.

Item b

In response to item 5b, it is noted the private basin is shown on the Statement of Landscape Intent.

6. Boundary line of dedicated Public Open Space

A review of the submitted ROL drawings has identified that the boundary of the conservation area to be dedicated (proposed Lot 904) does not completely align with the stamped approved Land Use Classification and Staging Plan, prepared by Gassman Development Perspectives, dated 21 January 2023 of the preliminary approval. Officers will not accept any variation to that previous approved.

The applicant is requested to prepare and submit amended ROL plans ensuring that the boundary line of the dedicated open space area is in accordance with the preliminary approval, and amended earthworks drawings that show no earthworks in the open space area and ensure no earthworks occur in the Tree Protection Zone (TPZ) of trees to be retained.

The applicant is requested to ensure that the boundary line of the dedicated open space area on the following submitted plans align with each other and are in accordance with the preliminary approval:

- a) *Operational Works Application for Change to Ground Level Plans, prepared by Gassman Development Perspectives, dated 3 February 2023*
- b) *Proposed Staged, Community Title Scheme Reconfiguration of Land Lots 301-304, 904, Common Property, Drainage Reserves (Lots 902, 903) & New Road plan, prepared by Gassman Development Perspectives, dated 13 March 2023*
- c) *Rehabilitation Management Plan, prepared by Gassman Development Perspectives, dated 21 April 2023*

Applicant response:

The submitted ROL drawings have proposed a boundary line between the industrial and conservation areas which differs slightly from the Land Use Classification and Staging Plan. In particular, the boundary line has been straightened to better cater for future industrial development and ease of works (which would otherwise be more difficult and costly if an irregular boundary were enforced).

The Land Use Classification and Staging Plan is conceptual in nature, with detailed design meaning that adjustments must be made in some case (such as this). Despite the small variation, the proposed boundary nonetheless aligns with the intent of the Land Use Classification and Staging Plan and maintains all defined buffer distances prescribed by the preliminary approval. To aid Council's review of this matter, please find within **Attachment E** Conservation Extent Discussion Plan, reflecting the conceptual land use classification line and the proposed Lot 304 and 904 extents. Further, it is confirmed the Land Use Classification and Staging Plan represented a conceptual conservation lot area of 1.91 hectares. Once properly

surveyed and calculated, this actual area was actually 1.90 hectares. The proposed Lot 904 area is 1.893 hectares, represents a reduction of only 0.007 hectares from the surveyed area. Given the very small difference in actual area, the proposed conservation lot extent is considered to be generally in accordance with the intent of the approved Land Use Classification and Staging Plan extent.

Further to the above, the correct boundary line has been reflected within the amended Rehabilitation Management Plan, provided within **Attachment F**.

7. Amended earthworks drawings – 20 metre buffer to the eastern boundary

Acceptable outcome AS25.7 of the M38 Industrial Estate Place Code requires a “minimum of twenty (20) metre wide north south landscape buffer is provided along the eastern boundary of the site (consisting of 10 metre wide ‘undisturbed corridor’, and 10 metre wide ‘works corridor’ including earthworks and landscape treatment”. This requirement is reinforced by Condition 15 of the preliminary approval (MIN/2020/659) which requires that 10m of the buffer is undisturbed by earthworks and that all earthworks/batters within the remaining 10 metres do not exceed a maximum grade of 1V:2H where in fill and 1V:3H when in fill. Where a batter of 1V:2H is proposed in cut within the remaining buffer area, the batter was required to be over-excavated, micro-benched and incorporates a minimum 400mm top soil depth.

A review of the submitted drawings indicates that earthworks are not proposed to encroach within the 10 metre undisturbed buffer area. However, there are a number of instances where the batter grade within the remaining 10 metre buffer is labelled as ‘varies’.

- a) The applicant is requested to submit amended change to ground level drawings that demonstrate batter grades within the 10 metre ‘works corridor’/remaining buffer area that demonstrate compliance with Condition 15 of MIN/2020/659 as described above.

Note – The applicant is requested to refer to extensive notations which were included on the stamped approved drawings for Stage 2 earthworks (refer to stamped approved drawings of COM/2020/262).

Applicant response:

In response to item 7, the earthworks drawings have been amended to clearly demonstrate the proposed batter grades. A maximum grade is shown on the plans given the grade is not uniform. A copy of the amended earthworks plans is provided within **Attachment C**.

8. Fencing and delineation of public and private open space

The Statement of Landscape Intent currently identifies a 1.8 metre high chain wire fencing along the western boundaries of proposed Public Open Space Drainage Lots 902 and 903. While officers are supportive of the proposed fencing along this public private interface, the fencing is shown to follow the bottom of the proposed earthworks batters which results in the fencing segmenting the inner 10 metres of the required 20 metre landscape buffer. This is not supported by officers, and it is requested that the applicant provide an amended Statement of Landscape Intent demonstrating the following:

- a) Ensure that any fencing provided between the required 20 metre eastern landscape buffer and the industrial use areas of proposed Lots 301 and 302 is located a minimum 20 metres from the eastern property boundary to ensure that the full 20 metre buffer area remains available for landscaping and that industrial uses cannot encroach within this buffer area.
- b) The applicant is requested to demonstrate where convenient maintenance access to the full length of the 20 metre buffer is intended to be provided to facilitate maintenance of the buffer by the Body Corporate or future owners of the lot. Any necessary features associated with the ongoing maintenance access such as gates are requested to be clearly identified.
- c) Provide timber bollards (as per City Plan Policy SC6.11 – Land development guidelines – Open space infrastructure Drawing No. 05 -716; Bushland bollard) along the interface where the boundaries of proposed lots 902 and 903 interface with the 20 metre wide eastern landscape buffer to ensure clear delineation between public and private land.

Applicant response:

Item a

The Statement of Landscape Intent has been amended to ensure proposed fencing is located completely outside the 20m eastern buffer. A copy of the amended plan is provided within **Attachment D**.

Item b

The Statement of Landscape Intent has been amended to include a notation (see notation 13 on page 5) for access gates which are subject to future detail design. A copy of the amended plan is provided within **Attachment D**.

Item c

In response to item c, no bollards are proposed along the interface of the 20 m eastern buffer with proposed Lots 902 and 903. Instead, fencing is proposed along this interface to ensure restricted access to the adjoining stormwater basins.

9. Amended earthworks drawings – Interface with Christensen Road South, Coastline Court, and Highlands Street

In a number of instances 1V:1H and 1V:2H batters are proposed immediately adjoining the street frontages of Christensen Road South, Coastline Court (including the proposed new road), and Highlands Street.

To ensure that future industrial developments on the proposed lots will be able to achieve compliance with AS25.1/PC25 of the M38 Place Code and facilitate landscaping consistent with Stage 2, the applicant is requested to:

- a) Incorporate an earthworks and batter offset from frontage boundaries that will facilitate a 3.0 metre wide landscape area at grade with the adjacent road verges;*

Note – Officers' intention is not to require this landscaping within the private lots to be undertaken as part of the ROL/OPW, but rather to ensure the works do not prevent future development from providing effective frontage landscape buffers.

Applicant response:

In response to item 9, the bulk earthworks plans within **Attachment C** have been amended to ensure 3.0m on grade strip is provided at the interface with current and proposed Council road reserve to achieve compliance and be consistent with Stage 2.

10. Amended earthworks drawings – Common property landscaping

It is noted that there are some substantial 1V:1H and 1V:2H cut batters within the common property that will be highly visible from public roads; while the Statement of Landscape Intent nominates dense landscape planting to some of these batters. Officers are not confident that this outcome will be possible due to the batter being cut into rock and of a grade which does not facilitate topsoil placement. The applicant is requested to provide further information as to how the batter landscaping will be facilitated. It is suggested the proposed micro-benching and 400mm topsoil placement approved in Stage 2 within the development be also applied to these batters (excluding batters located within the 20 metre landscape buffer to the eastern boundary).

Applicant response:

In response to item 10, it is agreed that the existing approach of micro-benching with 400mm topsoil placement approved within Stage 2 is appropriate and as such additional notations have been added to the amended bulk earthworks plans provided with this response within **Attachment C**.

11. Amended Statement of Landscape Intent

The applicant is requested to submit an amended Statement of Landscape Intent that clearly reflects any changes to the site layout that occur as a result of items within this Information Request.

Applicant response:

In response to item 11, a copy of the amended plan is provided within **Attachment D**.

12. Amended Rehabilitation Management Plan

To adequately enhance the open space area, the applicant is requested to amend the submitted Rehabilitation Management Plan, prepared by Gassman Development Perspectives, dated 21 April 2023. The plan is requested to include the following:

- a) In Rehabilitation Zone 2 include planting requirements for areas with more than 5m² of open canopy at a planting density of one canopy species per 5m².*

Applicant response:

In response to item 12, the Rehabilitation Management Plan has been amended to include provisions for contingency plantings. Contingency planting will be required only if natural recruitment/regeneration does not achieve the desired outcome. In this case, planting, in accordance with that prescribed within the document, is to occur where areas exceed 5m² of open canopy. Further detail and specifications can be found in the relevant sections of the attached RMP (**Appendix F**).

OPW and Geotechnical Assessment

13. Portable Long Service Levy (QLeave)

QLeave has advised that the \$150,000 threshold includes all work associated with the project and is not only limited to the work subject to this OPW. Therefore, under section 73 of the Building and Construction Industry (Portable Long Service Leave) Act 1991, the applicant may be required to pay the portable long service levy for the site.

In accordance with section 77(2) of the abovementioned act, Council cannot issue a development permit for Operational Works unless it has sighted –

- a) An approved form issued by the Authority that clearly shows –
 - (i) That the levy or the first instalment of the levy has been paid; or*
 - (ii) That an exemption from payment of the levy exists in relation to the work; or*
 - (iii) That an exemption from immediate payment of the levy exists in relation to the work;**
or- b) Written advice from the Authority stating something mentioned in paragraph (a).*

Please provide evidence that section 75 of the Act with respect to payment of the levy has been complied with.

If the applicant believes this to be incorrect, please contact QLeave directly on levies@qleave.qld.gov.au or compliance@qleave.qld.gov.au or 1300 753 283.

Applicant response:

In response to item 13, please find the Notification and Payment Confirmation form for the project within Attachment G.

14. Cut and fill batters design

Condition 51 of the preliminary approval requires benching to be provided where any proposed freestanding batter height exceeds 2.5 metres. The proposed change to ground level drawings show more than a 7 metre deep cut batter and fill batters exceeding 6 metres without the required benching. As such it is requested that the applicant amends the proposed finished surface level to achieve compliance with the benching requirements identified within condition 51 for Cut and fill batters design of the preliminary approval.

Applicant response:

In response to item 14, we note that batters provided within Stage 3 between interfacing adjacent lots are provided as a temporary measure until the users over the lots are determined and subsequent detailed earthworks and retaining wall requirements are determined. This has been a consistent approach to the project with Council for Stage 1 and 2 of the Vantage development and as such this approach has been adopted for Stage 3.

15. Earthworks

The applicant must provide additional information/amendments to comply with the following:

- a) Council's City Plan SC6.11, Section 3, Table 3.3 – Batters within private property and Batters within road reserve.*
- b) Council's City Plan SC6.11, Section 3.8 – offsets from adjoining properties.*
- c) The applicant must confirm no works are encroaching into neighbouring properties.*

Applicant response:

In response to item 15, the bulk earthworks plans provided within **Attachment B** comply with the above requirements.

Summary

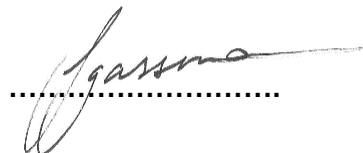
The above information satisfactorily responds and addresses all the matters raised as part of the Information Request dated 1 June 2023 pursuant to section 13.2 and 13.3 of the Development Assessment Rules under the *Planning Act 2016*.

We look forward to a timely and favourable determination of the application.

If you require any further information or have any queries, please contact the undersigned.

Yours faithfully,

GASSMAN DEVELOPMENT PERSPECTIVES



FRASER GASSMAN
SENIOR TOWN PLANNER

Enclosed:

- Attachment A – Amended Proposal Plans
- Attachment B – Amended Traffic Impact Assessment
- Attachment C – Amended Bulk Earthworks Plans
- Attachment D – Amended Landscape Intent Plan
- Attachment E – Conservation Extent Discussion Plan
- Attachment F – Amended Rehabilitation management Plan
- Attachment G – QLeave Notification of Payment