

Our reference: MIN/2023/689
Your reference: 210388

Decision notice— change application approval including amended suite of development conditions for OPW/2021/1511.

(Given under section 83(1) of the *Planning Act 2016*)

The Council of the City of Gold Coast received your change application made under section 78 of the *Planning Act 2016* on 20 December 2023 for the development approval dated 9 November 2021.

Date of decision notice: 12 February 2024

Applicant details

Applicant name: Edge Consulting Engineers
Applicant contact details: 58 Kingston Dr
HELENSVALE QLD 4212

Application details

Application number: MIN/2023/689
Approval sought: Change to Development Permit for Operational Works
Details of the change:

- Amended stormwater outlet location to avoid services

Original Application number: OPW/2021/1511
Details of original decision: Infrastructure (stormwater connection)
Date of original decision: 9 November 2021

Location details

Street address: 9 Christensen Road South, Stapylton Qld 4207
Real property description: Lot 6 SP274108

Decision

Date of decision: 8 February 2024
Decision details: Under Delegated Authority, the Supervisor of Operational Works has resolved to approve the development application in full with conditions.

Affected Entity(s) for the application

Not applicable – no part of the application required referral to an affected entity.

Details of the approval

Development permit: Operational works – infrastructures

Conditions

New and/or amended conditions of approval for a development permit for an operational works for works for infrastructure are enclosed in this notice.

A full suite of development conditions for the development approval is also enclosed in this notice.

Approved plans and drawings

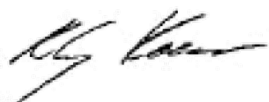
Approved plans and drawings reflecting the approved change(s) are attached and are identified in the conditions imposed by Council in the amended suite of development conditions.

Appeal rights

Applicant	You have appeal rights in relation to this decision. An appeal may be made against a responsible entity's decision for a change application. 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 Wasim Ahmed, 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

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enc:

New and/or amended conditions imposed by Council, as the Responsible Entity

Amended suite of development conditions for development approval OPW/2021/1511

Attach:

Stamped approved plans and drawings for development approval

Appeal rights extracts

New and/or amended conditions imposed by Council as the Responsible Entity

Condition 2 which currently reads

2

Approved drawings
Undertake and maintain the development generally in accordance with the following drawings including as amended in red by the Council:

Operational Works				
Drawing Title	Author	Date	Drawing No.	Ver
Locality Plan & Drawing Index	Edge Consulting Engineers	23.09.21	C001	P1
Specification Notes	Edge Consulting Engineers	23.09.21	C002	P1
Stormwater Layout Plan	Edge Consulting Engineers	23.09.21	C401	P3
Stormwater Longitudinal Sections	Edge Consulting Engineers	23.09.21	C404	P1

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.

Is changed to read

2

Approved drawings
Undertake and maintain the development generally in accordance with the following drawings including as amended in red by the Council:

Operational Works				
Drawing Title	Author	Date	Drawing No.	Ver
Locality Plan & Drawing Index	Edge Consulting Engineers	20.12.23	C001	P2
Specification Notes	Edge Consulting Engineers	20.12.23	C002	P2
Stormwater Layout Plan	Edge Consulting Engineers	19.12.23	C401	P7
Stormwater Section & Details	Edge Consulting Engineers	19.12.23	C402	P6
Stormwater Longitudinal Sections	Edge Consulting Engineers	19.12.23	C404	P4

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.

Amended suite of development conditions for development approval MIN/2023/689

For ease of reference only, a consolidated set of the conditions, incorporating the above changes, of the development permit dated 9 November 2021 for OPW/2021/1511 is set out below:

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>Locality Plan & Drawing Index</td><td>Edge Consulting Engineers</td><td>20.12.23</td><td>C001</td><td>P2</td></tr><tr><td>Specification Notes</td><td>Edge Consulting Engineers</td><td>20.12.23</td><td>C002</td><td>P2</td></tr><tr><td>Stormwater Layout Plan</td><td>Edge Consulting Engineers</td><td>19.12.23</td><td>C401</td><td>P7</td></tr><tr><td>Stormwater Section & Details</td><td>Edge Consulting Engineers</td><td>19.12.23</td><td>C402</td><td>P6</td></tr><tr><td>Stormwater Longitudinal Sections</td><td>Edge Consulting Engineers</td><td>19.12.23</td><td>C404</td><td>P4</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	Locality Plan & Drawing Index	Edge Consulting Engineers	20.12.23	C001	P2	Specification Notes	Edge Consulting Engineers	20.12.23	C002	P2	Stormwater Layout Plan	Edge Consulting Engineers	19.12.23	C401	P7	Stormwater Section & Details	Edge Consulting Engineers	19.12.23	C402	P6	Stormwater Longitudinal Sections	Edge Consulting Engineers	19.12.23	C404	P4
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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 9 November 2023, 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.																																							
Stormwater Drainage																																								
5	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															
6	Stormwater drainage / Legal point of discharge 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.															
Construction Management																
7	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 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.	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
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												
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	Erosion and sediment control a. 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 (e.g. 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. c Inspections for erosion and sediment control measures are to occur in accordance with the compliance procedures in City Planning Policy SC6.11 – Land development guidelines, Section 4.5.17.1.2 – Compliance.						
10	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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Review and discuss this Operational works – infrastructure approval.	Contributed Assets (07) 5582 9034						
11	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
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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					
12	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> 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 commencement of the on maintenance period	Contributed Assets 07 5582 9034
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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					
13	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</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	Contributed Assets (07) 5582 9034
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		period	
	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.		
14	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 Information note: Contact Contributed Assets on 07 5582 9034 for more information on the Bond lodgement.		
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	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.		
C	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.		
D	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 liming 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
E	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
F	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.