

Our reference: COM/2024/13

Decision notice — approval (with conditions)
(Given under section 63(2) of the *Planning Act 2016*)

Date of decision notice: 28 May 2024

Applicant details

Applicant name: Hb QLD Pty Ltd
Applicant contact details: C/- Zone Planning Group
PO BOX 3805
BURLEIGH QLD 4220

Application details

Application number: COM/2024/13
Approval sought: Combined Application
Details of proposed development: Development Permit for Operational work – landscape works associated with a residential development (COM/2019/82).

Location details

Street address: 79 Courtney Drive, Upper Coomera Qld 4209
Real property description: Lot 188 RP173728, Lot 189 RP173728, Lot 190 RP173728, Lot 191 RP173728, Lot 192 RP173728

Decision

Date of decision: 28 May 2024
Decision details: Under Delegated Authority, the Supervisor of Open Space and Landscape Assessment of the City Development Branch of Council has resolved to approve the development application in full with conditions
Further development permits: Building Approval (Shade Structure)
Water Connection

Referral agency(s) for the application

Not applicable—No part of the application required referral.

Details of the approval

Development permit: Operational work – landscape work

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

APPROVAL	
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.

For further information please contact Ben Doughty, Landscape Planner on p: 07 5582 8866 or via email mail@goldcoast.qld.gov.au who will be pleased to assist.

AUTHORISED BY



Cameron Taylor
Supervisor Open Space and Landscape 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 extract

Private Landscape																																																																											
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. b Where the timing in a condition is prior to commencement of the use and a Building Format Plan is lodged for approval, the timing in the condition changes from being prior to commencement of the use to being prior to the earlier of the commencement of the use and approval of the plan of subdivision. This timing requirement prevails despite any inconsistency with the timing requirement 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">Landscape Assessment (Private works)</th></tr><tr><th>Drawing Title</th><th>Author</th><th>Date</th><th>Drawing No.</th><th>Ver</th></tr><tr><td>TITLE PAGE AND SHEET LIST</td><td>ZONE</td><td>16.04.2024</td><td>100</td><td>E</td></tr><tr><td>LEGENDS, DATE REGISTRY AND PLANT SCHEDULES</td><td>ZONE</td><td>16.04.2024</td><td>101</td><td>E</td></tr><tr><td>STAGING AND EXTENT OF WORKS</td><td>ZONE</td><td>16.04.2024</td><td>200</td><td>E</td></tr><tr><td>FENCING PLAN</td><td>ZONE</td><td>16.04.2024</td><td>201</td><td>E</td></tr><tr><td>TREATMENT AREAS</td><td>ZONE</td><td>16.04.2024</td><td>202</td><td>E</td></tr><tr><td>PLANTING PLAN ZONE 1</td><td>ZONE</td><td>16.04.2024</td><td>203</td><td>E</td></tr><tr><td>PLANTING PLAN ZONE 2</td><td>ZONE</td><td>16.04.2024</td><td>204</td><td>E</td></tr><tr><td>REHABILITATION MANAGEMENT PLAN (PRIVATE)</td><td>ZONE</td><td>16.04.2024</td><td>206</td><td>E</td></tr><tr><td>ENTRY STATEMENT SETOUT</td><td>ZONE</td><td>16.04.2024</td><td>207</td><td>E</td></tr><tr><td>LANDSCAPE SECTIONS</td><td>ZONE</td><td>16.04.2024</td><td>300</td><td>E</td></tr><tr><td>DETAIL DRAWINGS</td><td>ZONE</td><td>16.04.2024</td><td>301</td><td>E</td></tr><tr><td>LANDSCAPE SPECIFICATION</td><td>ZONE</td><td>16.04.2024</td><td>400</td><td>E</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.					Landscape Assessment (Private works)					Drawing Title	Author	Date	Drawing No.	Ver	TITLE PAGE AND SHEET LIST	ZONE	16.04.2024	100	E	LEGENDS, DATE REGISTRY AND PLANT SCHEDULES	ZONE	16.04.2024	101	E	STAGING AND EXTENT OF WORKS	ZONE	16.04.2024	200	E	FENCING PLAN	ZONE	16.04.2024	201	E	TREATMENT AREAS	ZONE	16.04.2024	202	E	PLANTING PLAN ZONE 1	ZONE	16.04.2024	203	E	PLANTING PLAN ZONE 2	ZONE	16.04.2024	204	E	REHABILITATION MANAGEMENT PLAN (PRIVATE)	ZONE	16.04.2024	206	E	ENTRY STATEMENT SETOUT	ZONE	16.04.2024	207	E	LANDSCAPE SECTIONS	ZONE	16.04.2024	300	E	DETAIL DRAWINGS	ZONE	16.04.2024	301	E	LANDSCAPE SPECIFICATION	ZONE	16.04.2024	400	E
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3.	Tree pruning and work a Topping, lopping, spur or spike climbing of any tree must not occur. b Pruning may only occur in a manner consistent with the <i>Australian Standard AS4373 -2007 – Pruning of Amenity Trees</i> . c Undertake all other work on the trunk, foliage or root systems of the trees marked on the drawings listed below in a manner consistent with <i>Australian Standard AS4373 - 2007 - Pruning of Amenity Trees</i> .																																																																										
4.	Landscape installation and maintenance Ensure all plants, materials, hardscape and watering systems identified on the approved drawings are installed in a manner consistent with <i>Australian Standard AS2303 - 2015 – Tree Stock for Landscape Use</i> and <i>AS4419 - 2003 – Soils for Landscaping and Garden Use</i> and maintained at all times.																																																																										
Construction Management																																																																											

5.

Hold point inspection

Arrange a hold point inspection to complete the requirements identified in City Plan Policy SC6.12.7.3 – Land development guidelines / City Plan Policy SC6.13.3.4 – Landscape work of the City Plan for the following:

Purpose	Hold Point	Council contact
Confirm works have been undertaken in accordance with the Operational works - landscape works approval	Prior to sealing of survey plans	Environmental and Landscape assessment 07 55828866

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.

6.

Establishment period

Following the successful hold point inspection on completion of landscape works, the landscape works must be subject to an establishment period of 1 year. Arrange a hold point inspection following completion of the establishment period:

Purpose	Hold Point	Council contact
Confirm landscaping has been established in accordance with the Operational works - Landscape works approval	Prior to sealing of survey plans (unless otherwise covered by a maintenance bond)	Environmental and Landscape assessment 07 55828866

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.

Public Landscape

7.

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.

b

Where the timing in a condition is prior to commencement of the use and a Building Format Plan is lodged for approval, the timing in the condition changes from being prior to commencement of the use to being prior to the earlier of the commencement of the use and approval of the plan of subdivision. This timing requirement prevails despite any inconsistency with the timing requirement in another condition.

8.

Approved drawings

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

Open Space Assessment (Public works)				
Drawing Title	Author	Date	Drawing No.	Ver
TITLE PAGE AND SHEET LIST	ZONE	16.04.2024	100	F
LEGENDS AND PLANT SCHEDULES	ZONE	16.04.2024	101	F
STAGING AND EXTENT OF WORKS	ZONE	16.04.2024	200	F
FENCING PLAN	ZONE	16.04.2024	201	F
TREATMENT AREAS	ZONE	16.04.2024	202	F
PLANTING PLAN – ZONE 1	ZONE	16.04.2024	203	F
PLANTING PLAN – ZONE 2	ZONE	16.04.2024	204	F
PARK LAYOUT PLAN	ZONE	16.04.2024	205	F

	PARK PLANTING PLAN	ZONE	16.04.2024	206	F
	PARK LEVELS PLAN	ZONE	16.04.2024	207	F
	PARK SETOUT PLAN	ZONE	16.04.2024	208	F
	BIO-RETENTION BASIN C	ZONE	16.04.2024	209	F
	BIO-RETENTION BASIN D	ZONE	16.04.2024	210	F
	REHABILITATION MANAGEMENT PLAN	ZONE	16.04.2024	211	F
	LANDSCAPE SECTIONS 01	ZONE	16.04.2024	300	F
	LANDSCAPE SECTIONS 02	ZONE	16.04.2024	301	F
	LANDSCAPE SECTIONS 03	ZONE	16.04.2024	302	F
	DETAIL DRAWINGS 01	ZONE	16.04.2024	303	F
	DETAIL DRAWINGS 02	ZONE	16.04.2024	304	F
	DETAIL DRAWINGS 03	ZONE	16.04.2024	305	F
	LANDSCAPE SPECIFICATIONS	ZONE	16.04.2024	400	F
	MAINTENANCE MANAGEMENT COSTING	ZONE	16.04.2024	500	F
	DRINKING FOUNTAIN SPECIFICATION	ZONE	16.04.2024	501	F
	FINISHES SCHEDULE	ZONE	5.04.2024	SHEETS 1-7	C
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.					

Environmental and Landscaping

9. Playground and playground equipment

- a Design and construct the playground and playground equipment generally in accordance with City Plan Policy SC6.12.5.4.3.17 – Land development guidelines.
- b Construct and maintain the playground and playground equipment identified above until the asset is accepted “off maintenance” by the City in accordance with the procedures in City Plan Policy SC6.12.7.3 – Land development guidelines.

Plumbing and Drainage

10. Plumbing and drainage works

Obtain a permit for all plumbing and drainage work for drinking fountain prior to any compliance assessable work commencing.

Note:

A permit for plumbing and drainage works does not approve the discharge of trade waste to Council's sewerage system. The generator of trade waste must complete an application for approval to discharge trade waste to Council's Sewerage System (available on Council's website).

Park Signage

11. Park signage – Park Lot 1004

- a Submit and obtain approval from Open Space Community Infrastructure Planning for park signage in Park Lot 1004 of the estate.
- b The detailed signage plans must show content proposed for each sign and be generally

	in accordance with the Parks Signage Guidelines. The location of park signage is to be determined on site with Open Space Community Infrastructure Planning prior the works going on maintenance for the hardscape elements under City Plan Policy SC6.11.7.3 – Land development guidelines.															
Construction Management																
12.	Submission of constructing drawings (<i>Unique Condition</i>) a Submit construction drawings for Park Lot 1004 to Open Space Community Infrastructure Planning prior to a pre-start inspection is carried out to commence the works. The construction drawings must include any amendments requested from conditions within this decision notice.															
Construction Management																
13.	Certification of works - Open Space Assessment Provide Council with certificates prepared by qualified expert(s) from the discipline(s) listed below, confirming as follows: <table><tr><th colspan="5">Open Space Assessment</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>Post construction certification of playground equipment, shade sails concrete retaining wall and pedestrian paths</td><td>Prior to acceptance of on Maintenance</td><td>Park Layout Plan: drawing 205</td><td>Independent Level 3 Australian Playground Inspector and hold a \$20,000,000 valid and current Professional Indemnity Insurance</td><td>Contributed Assets 07 5582 9034</td></tr></table> The certification is to confirm: Design and construction of all playground and playground equipment has been undertaken generally in accordance with the Operational works approval for Landscape works. The certification is to also provide: - i Playground equipment manufacturer’s Compliance Certificates. - ii Playground equipment and auxiliary items (e.g.: shade structures) Structural Design Compliance Certificates. - iii Impact attenuating surface Compliance Certificate. - iv Warranty / guarantee for each separate item of playground equipment and the associated impact attenuating surface. - v Recommended age group. - vi Date(s) of installation, expiry, replacement and write-off. - vii Playground equipment manufacturer and supplier contact details. - viii Serial and model number for each separate item of playground equipment. - ix Playground equipment manufacturer and supplier operations and maintenance manuals. - x Playground equipment manufacturer and supplier spare part catalogue including expected frequency of replacement, pricing and availability. Engineering Certification;	Open Space Assessment					Certified document	Certification date	Plan/ Drawing	Expert discipline	Requesting Council Section	Post construction certification of playground equipment, shade sails concrete retaining wall and pedestrian paths	Prior to acceptance of on Maintenance	Park Layout Plan: drawing 205	Independent Level 3 Australian Playground Inspector and hold a \$20,000,000 valid and current Professional Indemnity Insurance	Contributed Assets 07 5582 9034
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	Confirm playground and playground equipment has been constructed and installed in accordance with the Operational works - landscape works approval	Prior to commencement of the on maintenance period	Contributed Assets 07 5582 9034									
	Plumbing and drainage final inspection certificate presented for all potable water connections e.g. amenities blocks, water bubbler, maintenance taps etc.	Prior to commencement of the on maintenance period	Contributed Assets 07 5582 9034									
b The City will not formally accept the hardscape works on-maintenance until: i. the maintenance security deposit has been lodged for the hardscape elements; ii. a maintenance agreement has been entered into for the hardscape elements; iii. as-constructed data has been lodged and approved for the hardscape elements; and iv. all required test results and certificates are submitted and approved by the City. c The inspected works will be placed “on-maintenance for a period of twelve (12) months from the date of the formal notification by the City, or as otherwise advised by the City. d During this period, responsibility and liability for rectification of defects and for any damage that may occur lies with the applicant, unless the defect may be directly related to City activities. All reasonable steps are to be taken to prevent damage occurring. e In an emergency situation, the City may, under duty of care, complete such work as necessary to ensure the public safety is maintained. Where such works are required due to defective works or materials, the City will duly apply a charge to the applicant or draw on the security deposit (bond) held by the City. Advice note to applicant <i>The hardscape on-maintenance inspection (practical completion) can be carried out at the same time as the softscape on-establishment inspection</i> 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.	Off maintenance Arrange an off maintenance meeting to complete the requirements identified in City Plan Policy SC6.12.7.3 – Land development guidelines for the following: <table><tr><th>Purpose</th><th>Hold Point</th><th>Council contact</th></tr><tr><td>Confirm satisfactory completion of on - maintenance requirements for street trees in accordance with the Operational works - landscape works approval and commence Asset handover.</td><td>Prior to Asset handover / conclusion of on maintenance period</td><td>Contributed Assets 07 55829034</td></tr><tr><td>Confirm satisfactory completion of playground and playground equipment construction and installation in accordance with Operational works - landscape works approval</td><td>Prior to Asset handover / conclusion of 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 satisfactory completion of on - maintenance requirements for street trees in accordance with the Operational works - landscape works approval and commence Asset handover.	Prior to Asset handover / conclusion of on maintenance period	Contributed Assets 07 55829034	Confirm satisfactory completion of playground and playground equipment construction and installation in accordance with Operational works - landscape works approval	Prior to Asset handover / conclusion of on maintenance period	Contributed Assets 07 5582 9034
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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/2019/82, as at 15 June 2023. 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.	Landscape A property notification will be applied to the lot/subsequent lots stating an approved landscape plan exists for the site and must be complied with at all times
D.	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.
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 total value of the building and construction works exceeds \$150,000 (excluding GST). 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. 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.	Weeds, pest animals and ants Biosecurity Queensland of the Department of Agriculture and Fisheries leads the Government's efforts to prevent, respond to and recover from pests and diseases threatening agricultural prosperity, the environment, social amenity and human health. All landscape materials, including but not limited to, soils, mulch, grass, gravel, potted or ex-ground plants, pavers and timber used in landscape treatments must be free from weeds, pest animals and ants.
G.	Fire ant control A significant portion of the Gold Coast is within Fire Ant Biosecurity zone 2 and must remain vigilant for the presence of fire ants. Under the <i>Biosecurity Act 2014</i> 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.
H.	Pavement treatment and hardstand areas Any pavement areas and hardstand elements within the road reserve will require a separate development application (i.e. Operational works - civil) and will be assessed in accordance with the City Plan Version at the time of lodgement (excluding instances where Variation/Preliminary approval exists). The approved Operational Works Public Landscape plan/s excludes all pavement areas and hardstand elements within the road reserve unless expressly identified on landscape plans and within a certification of works condition.
Property Notifications	
I.	Landscaping There are development approval conditions applicable in relation to landscaping on this lot/subsequent lots. All property owner(s) must ensure compliance with these conditions. Refer to Council of the City of Gold Coast's Decision Notice COM/2024/13. A copy of Council's Decision Notice is available for viewing on Council's website www.cityofgoldcoast.com.au/pdonline.