Our reference: OPW/2024/625
Your reference:

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

Date of decision notice: 27 June 2024

Applicant details

Applicant name:	Ying Yuan
Applicant contact details:	C/- Biome Consulting PO BOX 3469 AUSTRALIA FAIR QLD 4215

Application details

Application number:	OPW/2024/625
Approval sought:	Operational Works
Details of proposed development:	Operational Work for Tree Works Development

Location details

Street address:	17 Courtney Drive, Upper Coomera Qld 4209
Real property description:	Lot 182 RP156422

Decision

Date of decision	25 June 2024
Decision details:	Under Delegated Authority, the Supervisor of Environmental Assessment of the City Development Branch of Council has resolved to Approve the development application for the following with conditions: Tree Works Development

Referral agency(s) for the application

Not applicable – no part of the application required referral.

Details of the approval

Development approval	Operational works for Tree Works Development

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 *Planning Act 2016*, 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 *Planning Act 2016.* 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 *Planning Act 2016* is attached to this notice, which sets out further information about the appeal rights.

For further information please contact Amelia Cook, Environmental Assessment on p: 07 5582 8866 or via email mail@goldcoast.qld.gov.au who will be pleased to assist.

AUTHORISED BY

M. Spears

Mark Spears
Supervisor 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.

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:

Environmental Assessment				
Drawing Title	**Author**	**Date**	**Drawing No.**	**Ver**
Vegetation Management Plan	Biome	May 2024	VMP-01 VMP-02	-

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 Approved Plans

Undertake and maintain the development generally in accordance with the following plans:

Environmental Assessment				
Drawing Title	**Author**	**Date**	**Drawing No.**	**Ver**
Vegetation Management Plan	Biome	May 2024	BC-24005	-

Environmental and Landscaping

4 Vegetation management

a Implement the vegetation management measures identified in the plan listed below at no cost to Council:

Environmental Assessment				
Drawing Title	**Author**	**Date**	**Drawing No.**	**Ver**
Vegetation Management Plan	Biome	May 2024	BC-24005	-

a Undertake works generally in accordance with an operational works approval and City Plan Policy SC6.8 – Environmental management plans and the Vegetation management code.

5 No damage to retained vegetation

Ensure all other existing vegetation is retained and not disturbed or damaged during implementation of the approved works.

Construction Management

6 **Certification of works**

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

Environmental Assessment				
Certified document	**Certification date**	**Plan/ Drawing**	**Expert discipline**	**Requesting Council Section**
Vegetation management plan	Within one week of completion of works.	Approved vegetation management plan	AQF Level 5 Arborist	Environmental Assessment
The certification is to confirm: i Clearing has been undertaken in accordance with the approved vegetation management plan as amended in red.				

Environmental Assessment				
Certified document	**Certification date**	**Plan/ Drawing**	**Expert discipline**	**Requesting Council Section**
Post clearing spotter catcher report	Within one week of completion of works.	Approved vegetation management plan	DES approved spotter catcher	Environmental Assessment

7 **Supervision of works**

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

Environmental Assessment	
Expertise required of the suitably qualified professional	**Actions to be overseen by the professional**
DES approved spotter catcher	a To be present at the prestart b Ensure identification of all fauna habitat trees prior to commencement of works. c Ensure wildlife is suitably cared for during clearing work and at any time where damage to the vegetation is possible *Note: A DES approved spotter catcher is a person who holds a rehabilitation permit with an extended authority issued by the Department of Environment and Science specifying the holder may take, keep or use an animal who habitat is about to be destroyed by human activity.*
Minimum AQF Level 3 Arborist	a To be present at the prestart b Implementation of all tree works

8 **Pre-start inspection**

Arrange a pre-start inspection prior to the commencement of works to complete the requirements identified in City Plan Policy SC6. 11 – Land development guidelines for the following:

	Purpose	**Council contact**
	a Undertake a pre-clearing meeting on site to discuss matters related to i Fauna assessment b Confirm that tress to be removed have been clearly marked.	Environmental Planning 07 5582 8866
	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.	
Advice Notes		
A	**Compliance with current approvals** It is the applicant's responsibility to ensure that this decision notice is in accordance with any other decision notices relating to the site.	
B	**Species Management Program** Where an animal breeding place has been identified and activities will tamper with the breeding place in order to complete the scope of works, a Species Management Program (SMP) is required. Further advice is found on: https://environment.des.qld.gov.au/licences-permits/plants-animals/species-management-program/	
C	**Listing of Koala under EPBC Act** Koala populations in South East Queensland are listed under the Environment Protection and Biodiversity Conservation Act 1999 (*EPBC Act*) as a matter of national significance. All necessary approvals must be obtained prior to any works commencing on the site.	
D	**Vegetation maintenance** Regular inspections conducted by a qualified Arborist are essential to monitor tree health. Vegetation maintenance must be regularly undertaken to monitor any adverse effects from pests, extreme weather conditions, or human activity. Trees are dynamic organisms that undergo continuous growth and development throughout their lifetime. They increase in size, complexity, and ecological significance as they age. This natural progression emphasises the importance of regular inspections and maintenance to support their health and vitality, ensuring they continue to contribute positively to the urban environment. Any changes to trees over time may warrant a new application to manage potential risks.	
E	**Effects of development on trees** As specified within *Australian Standard AS4970 - 2007 – Protection of trees on development sites,* all parts of the tree may be damaged by development. Damage to any one part of the tree will affect its functioning as a whole. **Crown damage** The canopy of trees can be directly damaged in the following ways; Foliage may be lost or damage on development sites by pruning or mechanical injury by trucks, cranes, excavators, and so on. The removal of leaves reduces the level of photosynthesis and thus the production of sugars. This in turn reduces the tree's capacity	

to function normally and to withstand stresses imposed by a change in its environment.

Incorrect pruning techniques such as lopping or flush cutting may produce wounds that are susceptible to infection by wood decay organisms. Similarly, mechanical damage to branches by machinery, etc will create wounds. Trees automatically respond to wounding and in doing so use stored sugars. Any wound places an additional load on trees that will inevitably be stressed during construction.

Trees can be indirectly damaged as a result of trunk or root damage.

Trunk damage

Trunks of trees may be wounded mechanically during demolition and construction work. This not only predisposes a tree to potential decay, but it also interferes with the transport of water, nutrients, and sugars throughout the tree. Serious impacts may structurally weaken the tree.

Root damage

Root damage is the most common cause of damage to trees on development sites and can be caused in various ways;

a Removed during grading, excavation and trenching for foundations services, etc;

b Mechanically wounded, crushed, or torn;

c Compaction by machinery, storage of materials, and installation of work sheds;

d Soil build-up;

e Laying of pavements;

f Chemical contamination of the soil by solvents, fuel, oil, diesel, herbicides, cement waste, etc;

g Changes in air levels through changes in drainage patterns;

h Changes in available water

Soil compaction is one of the major causes of root damage on development sites. Compaction is defined as the loss of large pore spaces (macropores) within the soil with a net loss of total pore space. Macropores are essential for the exchange of gases between the soil air and the atmosphere (aeration) and the removal of excess water from the soil (drainage).

The effects of compaction include;

a Reduced aeration;

b Low oxygen levels discourage root growth and thus the uptake of water and nutrients;

c Reduced infiltration of water into the soil and more run-off;

d Increased run-off increases soil losses by erosion;

e Low oxygen levels also lead to chemical changes in the soil which can reduce the availability of some plant nutrients;

f The reduction in the number and diversity of beneficial soil organisms (including mycorrhizal fungi).

It is commonly observed that trees may take many years to decline and eventually die from root damage.

F	**Indigenous cultural heritage legislation and duty of care requirement** The *Aboriginal Cultural Heritage Act 2003* ('**ACHA**') is administered by the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP). 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: i Is not negated by the issuing of this development approval; j Applies on all land and water, including freehold land; k Lies with the person or entity conducting an activity; and l 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 DATSIP's Cultural Heritage Coordination Unit on (07) 3405 3050 for further information on the responsibilities of developers under the ACHA.
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 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 commended 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 *Environment Protection Act 1994* 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 existing survey marks, including cadastral marks at property corners, i.e pegs or cadastral reference marks in the road reserve (permanent surveys marks, buried iron pins, and various marks in concrete or bitumen structure) are not interfered with. A Consulting Cadastral Surveyor must be contacted if survey marks are disturbed or destroyed during any works in relation to this or related approvals, to investigate and determine if any further action is required. More information on interference with survey marks is available under Section 42 of the *Survey and Mapping Infrastructure Act 2003.* e 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. f 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.

	g Making payment of any outstanding Council rates and charges applicable to the development site prior to the lodgement of subdivision plans. h 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	**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.
I	**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 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 National Fire Ant Eradication Program website www.fireants.org.au
J	**Protected plants framework** The Protected Plants Regulatory Framework establishes the triggers and process for clearing of protected plants in Queensland. Only if your site is identified as part of a ' High Risk Area' on the Protected Plants Flora Survey Trigger Map. The Protected Plants Flora Survey Trigger Map shows areas where particular provisions of the Nature Conservation Act 1992 apply to the clearing of protected plants, and is used to determine flora survey and clearing permit requirements. Areas shown as high risk are subject to particular requirements under legislation. For further information about clearing of protected plants please email palm@des.qld.gov.au.