Our reference: OPW/2024/734

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

**Date of decision notice:** 7 August 2024

**Applicant details**

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| Applicant name: | McNab Development (Qld Pty Ltd |
| Applicant contact details: | C/ Gassman Development Perspectives<br>PO BOX 392<br>BEENLEIGH QLD 4207 |

**Application details**

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| Application number: | OPW/2024/734 |
| Approval sought: | Operational Works – Landscape Work (Private) |
| Details of proposed development: | Development Permit for Operational work – private landscape works associated with a warehouse development (COM/2023/162) |

**Location details**

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| Street address: | 10 Homestead Drive, Stapylton Qld 4207 |
| Real property description: | Lot 122 SP329476 |

**Decision**

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| Date of decision | 2 August 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 |

**Referral agency(s) for the application**

Not applicable – no part of the application required referral.

**Details of the approval**

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| 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** | |
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| Applicant | You have appeal rights in relation to this decision. An appeal may be made against, as applicable:<br>• the refusal of part of the development application; or<br>• a provision of the development approval; or<br>• if a development permit was applied for, the decision to give a preliminary approval.<br>An appeal must be started within 20 business days after this notice is given to you.<br>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.<br>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.<br>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.<br>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 David Ellison, 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 extracts

**Conditions imposed by Council as Assessment Manager**

**Operational work – landscape work (private)**

**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 including as amended in red by the Council:

| **Landscape Assessment (Private works)** | | | | |
|---|---|---|---|---|
| **Drawing Title** | **Author** | **Date** | **Drawing No.** | **Ver** |
| Landscape Operational Works | Gassman Development Perspectives | 16.05.2024 | 6182-L-PRI-CP00 | A |
| Locality Plan | Gassman Development Perspectives | 16.05.2024 | 6182-L-OW-PRI-CP01 | A |
| Specifications & Planting Schedule | Gassman Development Perspectives | 16.05.2024 | 6182-L-OW-PRI-SP01 | A |
| Detail Drawings | Gassman Development Perspectives | 16.05.2024 | 6182-L-OW-PRI-DT01 | A |
| Surface Treatment Plan | Gassman Development Perspectives | 16.05.2024 | 6182-L-OW-PRI-ST01 | A |
| Surface Treatment Plan | Gassman Development Perspectives | 16.05.2024 | 6182-L-OW-PRI-ST02 | A |
| Surface Treatment Plan | Gassman Development Perspectives | 16.05.2024 | 6182-L-OW-PRI-ST03 | A |
| Surface Treatment Plan | Gassman Development Perspectives | 16.05.2024 | 6182-L-OW-PRI-ST04 | A |
| Planting Plan | Gassman Development Perspectives | 16.05.2024 | 6182-L-OW-PRI-PP01 | A |
| Planting Plan | Gassman Development Perspectives | 16.05.2024 | 6182-L-OW-PRI-PP02 | A |
| Planting Plan | Gassman Development Perspectives | 16.05.2024 | 6182-L-OW-PRI-PP03 | A |
| Planting Plan | Gassman Development Perspectives | 16.05.2024 | 6182-L-OW-PRI-PP04 | A |
| Locality Plan | Gassman Development Perspectives | 16.05.2024 | 6182-L-OW-PRI-CP01 | A |
| Specifications & Planting Schedule | Gassman Development Perspectives | 16.05.2024 | 6182-L-OW-PRI-SP01 | A |
| Detail Drawings | Gassman Development Perspectives | 16.05.2024 | 6182-L-OW-PRI-DT01 | A |

Post approval changes to structures and service infrastructure illustrated in the stamped approved drawings, that result in the inability to support the mature morphology of approved plant specimens equal to or greater than an installation size of 45L or with a mature height greater than 2 metres will constitute non-compliance with this condition.

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**

**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 *Australian Standard AS4373 - 2007 – Pruning of Amenity Trees.*

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 *Australian Standard AS4373 - 2007 - Pruning of Amenity Trees.*

**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 *Australian Standard AS2303 - 2015 – Tree Stock for Landscape Use* and *AS4419 - 2003 – Soils for Landscaping and Garden Use* and maintained at all times**.**

**Construction Management**

**5** **Certification of works – Landscape Assessment**

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

**Operational Works – Landscape Assessment**

| Certified document | Certification date | Plan/ Drawing | Expert discipline | Requesting Council Section |
|---|---|---|---|---|
| Certificates and evidence of planter box construction | Prior to commencement of landscape works | - | Suitably qualified person | Landscape Assessment |

The certification must include photographs and is to confirm:

The waterproofing and drainage cell has been installed for all landscape areas/planter boxes generally in accordance with the *Australian Standard AS4654.2 – 2012 - Waterproofing Membranes for External Above-Ground Use, Section 2.13 Planter Boxes* and the Landscape Architect specifications.

**6** **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 |
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| Confirm structural soil cells have been installed adjacent the frontage and side of the office area hardstand as per the Operational works - landscape works approval. | Prior to the 'City Green' Strata Vault structural soil cell systems being covered. | Environmental and Landscape assessment<br>(07) 5582 8866 |
| Confirm works have been undertaken in accordance with the Operational works - landscape works approval | Prior to commencement of the use | Environmental and Landscape assessment<br>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.

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| **Advice Notes** | |
| **A** | **Consistency with other related approvals**<br>The assessment and approval of the operational work the subject of this permit, has been attended to having regard to the conditions of<br>COM/2023/162 as at 28 November 2023.<br>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**<br>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**<br>The *Aboriginal Cultural Heritage Act 2003* ('**ACHA**') is administered by the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (DSDSATSIP). 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:<br>a Is not negated by the issuing of this development approval;<br>b Applies on all land and water, including freehold land;<br>c Lies with the person or entity conducting an activity; and<br>d If breached, is subject to criminal offence penalties.<br>Those proposing an activity involving surface disturbance beyond that which has already occurred at the proposed site must observe this duty of care.<br>Details of how to fulfil this duty of care are outlined in the duty of care guidelines gazetted with the ACHA.<br>The applicant should contact DSDSATSIP's Cultural Heritage Coordination Unit on 1300 378 401 for further information on the responsibilities of developers under the ACHA. |
| **D** | **Applicant responsibilities**<br>The applicant is responsible for securing all necessary approvals and tenure, providing statutory notifications and complying with all relevant laws.<br>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:<br>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.<br>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').<br>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).<br>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 |

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| | 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.*<br>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.<br>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.<br>g Making payment of any outstanding Council rates and charges applicable to the development site prior to the lodgement of subdivision plans.<br>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. |
| **E** | **Weeds, pest animals and ants**<br>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.<br>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. |
| **F** | **Fire ant control**<br>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 Department of Agriculture and Fisheries website www.daf.qld.gov.au/plants/weeds-pest-animals-ants/invasive-ants/fire-ants. |
| **G** | **Landscape**<br>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. |
| **Property Notifications** | |
| **A** | **Landscaping**<br>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 OPW/2024/734. A copy of Council's Decision Notice is available for viewing on Council's website www.cityofgoldcoast.com.au/pdonline |