Our reference: OPW/2026/317

Decision notice— approval (with conditions)

(Given under section 63(2) of the *Planning Act 2016*)

Date of decision notice: 1 April 2026

Applicant details

Applicant name:	Landowners Entity 122 Marine Parade P/L
Applicant contact details:	C/- Urban Planning Services Pty Ltd (In Care of Amir Hack) PO BOX 2091 SURFERS PARADISE QLD 4217

Application details

Application number:	OPW/2026/317
Approval sought:	Operational Works
Details of proposed development:	Remove Vegetation to Facilitate Approved Development

Location details

Street address:	122 Marine Parade, MIAMI QLD 4220
Real property description:	Lot 122 SP284713, Lot 1 WD810476, Lot 3 WD810476

Decision

Date of decision	26 March 2026
Decision details:	Under Delegated Authority, the Coordinator Environmental Assessment of the Sustainability, Heritage and Compliance Branch of council has resolved to Remove Vegetation to Facilitate Approved Development

Referral agency(s) for the application

Not applicable – no part of the application required referral.

Details of the approval

Development approval	Remove Vegetation to Facilitate Approved 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 Phillip Ware, Arboricultural Planning Officer on p: 07 5582 8866 or via email mail@goldcoast.qld.gov.au who will be pleased to assist.

AUTHORISED BY



Elyse Baker
Coordinator 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 including as amended in red by the Council:

Drawing Title	Author	Date	Drawing No.	Ver
Stamped approved Tree works Plan-*Tree Removal Plan*	LDG Landscape Architecture	20.03.2026	912	B

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 including as amended in red by the Council:

Arboricultural Planning				
Plan Title	**Author**	**Date**	**Plan Reference No.**	**Ver**
Tree Removal Plan	LDG Landscape Architecture	20.03.2026	912	B

Environmental and Landscaping

4 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 in a manner consistent with *Australian Standard AS4373 - 2007 - Pruning of Amenity Trees.*

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 Fauna Management Plan

Implement the Fauna Management Plan generally in accordance with the Environmental significance overlay code of the City Plan, prior to any works commencing and during the vegetation clearing process at no cost to Council.

7 Pre-clearance report

Submit a pre-clearance (fauna assessment) report for review 1 week prior to the pre-start meeting, generally in accordance with the Environmental significance overlay code and City Plan Policy SC6.8 – Environmental management plans and include:

a Detailed pre-clearance survey by a DETSI approved Spotter Catcher undertaken no more than 2 weeks prior to commencement of works.

b Fauna management controls.

8 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**
Minimum AQF Level 3 Arborist	Implementation of all tree works
Minimum AQF Level 5 Arborist	Construction and fencing works within the Tree Protection Zone (TPZ) of subject trees to be retained

Environmental Assessment	
Expertise required of the suitably qualified professional	**Actions to be overseen by the professional**
DETSI approved spotter catcher must be present during: a) The pre-start meeting b) Damage to / removal of vegetation	Ensure identification of all fauna habitat trees prior to commencement of works. Ensure wildlife is suitably cared for during clearing work and at any time where damage to the vegetation is possible

Note: A DETSI 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.

9 Pre-start inspection

Arrange a pre-start inspection prior to the commencement of works to complete the requirements identified in SC.6.13 City Plan Policy – Land development guidelines for the

	following: **Purpose** / **Council contact** Undertake a pre-clearing meeting on site to discuss matters related to fauna assessment and tree protection fencing. / Arboriculture Planning 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.
10	**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.
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	**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.
C	**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: 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 DATSIP’s Cultural Heritage Coordination Unit on (07) 3405 3050 for further information on the responsibilities of developers under the ACHA.

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 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.
E	**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.
F	**Fire ant control** Most of the Gold Coast is located within Biosecurity zone 2 and must remain vigilant for the presence of fire ants. Under the *Biosecurity Act 2014* all Queenslanders have a general obligation to take all reasonable steps to prevent the spread of fire ants. This obligation applies to individuals and organisations whose activities involve the movement or storage of

	fire ant carriers. The *Biosecurity Regulation 2016* specifies how fire ant carriers such as soil, mulch, turf, potted plants, machinery, equipment, quarry, and mining materials originating from fire ant biosecurity zones must be managed throughout all stages of development. Other fire ant-safe practices include: a reporting suspect fire ant activity within 24 hours, by calling 132 ANT (13 22 68) or using our online form; b cleaning machinery, vehicles, and equipment before arriving at or leaving sites; c complying with treatment requirements where a site falls within a suppression treatment area; d ensuring contractors and workers are aware of their General Biosecurity Obligation and apply fire ant safe practices; and e reviewing fire ant biosecurity zones monthly. If you are unable to meet these requirements, you must apply for a biosecurity instrument permit. For more information visit https://www.fireants.org.au
G	**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.