

Our reference: OPW/2018/1218 & OPW/2018/1219
Your reference: 5738 ENG BEB

Negotiated Decision: Approval (with conditions)

(Given under section 76(3) of the *Planning Act 2016*)

Date of decision notice: 14 February 2019

Applicant details

Applicant name: Ks8 Pty Ltd
Applicant contact details: C/- Mitchell Gassman Gassman Development
PO BOX 392
BEENLEIGH QLD 4207

Application details

Application number: OPW/2018/1218
Details of original approval sought: Development permit for Operational Works
Details of original decision: Change to Ground Level (OPW201801218) & Tree Clearing Works (OPW201801219)
Date of original decision: 12 December 2018

Location details

Street address: 60 Stapylton Jacobs Well Road, STAPYLTON QLD 4207
Real property description: BAL Lot 240 W31320, Lot 1 RP6882 and Jacobs Well Rd Road, Stapylton Road Reserve.

Decision

Date of decision: 14 February 2019
Decision details: Under Delegated Authority, the Executive Coordinator for Engineering and Environmental Assessment has resolved to issue an approval for the development application in full with conditions.

Details of the approval

Development permit: Operational Works – Change to Ground Level & Tree Clearing (Negotiated Decision).

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 <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 Sanjib Bhowmick, Civil Engineering on p: 07 5582 8497 or via email mail@goldcoast.qld.gov.au who will be pleased to assist.

AUTHORISED BY

Sam Hartley
Executive Coordinator Engineering & 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

Condition 3(a) which currently reads:

Amend the location of all batters and basins to be external to the tree protection zone of all vegetation required to be retained within the required 10 metre landscape zone.

Will remain unchanged.

Condition 3(c) which currently reads:

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Remove all ambiguous terminology and replace with enforceable terminology such as will and must.

Is changed to read as follows:

Deleted.

Condition 7 which currently reads:

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	the vegetation performance bond.
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Will remain unchanged.

Condition 11 which currently reads:

	Relocation of active Wedge- tailed eagles nest within Precinct C Prior to any clearing within Precinct C, a relocation program shall be developed by the applicant, lodged with Council and approved by Council for the relocation of the active wedge-tailed eagles nest (<i>Aquila audax</i>) located within the north eastern corner of Precinct C. The program shall detail the specific requirements for the relocation of the nest into the adjoining eastern boundary environmental covenant area. All works shall occur in accordance with the requirements of the relocation program and in liaison with Councils Environmental Planning section. Please note, a relocation pole of similar height and dimension to the existing nesting tree will be required.
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Is changed to read as follows:

	Relocation of active Wedge- tailed eagles nest within Precinct C Prior to any clearing within Precinct C, a relocation program shall be developed by the applicant, lodged with Council and approved by Council for the relocation of the active wedge-tailed eagles nest (<i>Aquila audax</i>). The program shall detail the specific requirements for the location of the nest. All works shall occur in accordance with the requirements of the relocation program and in liaison with Council's Environmental Planning Section. Please note, a relocation pole of similar height and dimension to the existing nesting tree will be required.
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Condition 12 which currently reads:

	Nest boxes to be installed prior to pre-start meeting The applicant must install 20 nest boxes to compensate for the loss of fauna habitat onsite in accordance with the following: a) Nest box quantity, dimensions and design must comply with the following requirements: I. Insert description and quantity to be installed (eg. four standard boxes, three small fauna boxes and one specific glider/parrot box is to be installed); II. Nest boxes must be installed within insert location ; III. Boxes must be designed to prevent the colonisation of pest species such as the Indian Myna (use of baffle on box entrance) or feral bees; IV. Nest boxes must be well-insulated, rainproof (drainage holes if required). b) Boxes are to be attached to the tree in a manner which protects the receiving tree from ringbarking or damage. Specifically, boxes are to be attached to each tree as follows: I. Utilise wire to attach to tree, no nailing or bolting permitted; II. Attaching wire is to consist of a minimum of 3mm plastic coated soft fencing
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	wire; III. Attached wire must allow for the expansion as tree girth increases; IV. A length of wire is to pass through the nest box and around the tree trunk; V. At the sides of the nest box, the wire is to be folded into at least four folds/loops about 60mm tall and 15mm apart. As the tree grows the folds are slowly pulled part and the nest box remains in the tree; and VI. Where the wire passes around the back of the tree trunk, the wire is threaded through a length of garden hose to protect the tree. c) Nest box placement onsite must ensure the following: I. Where possible, boxes are not to be placed within 30m of each other or 30m of an existing hollow bearing tree. Where this is not possible, the location of each nest box is to be determined by the DEHP-approved spotter catcher onsite; II. Nest boxes must be well-insulated, rainproof (drainage holes if required), facing away from prevailing winds, away from direct midday summer sunlight and placed on a southerly aspect for bird species, and on a north, north-westerly aspect for bat species; III. Boxes are to be placed a minimum of 3m-6m from the ground. Requests to install nest boxes lower than 3m must provide justification and obtain approval from Council's Chief Executive Officer prior to installation; IV. Installation of nest boxes for species with higher nesting requirements is to be determined by the DEHP-approved spotter catcher onsite, the relevant Council officer and in accordance with current industry standards and scientific literature; i. Boxes are to be placed at least 3m inwards from the boundary of any pedestrian or recreational activity; and ii. Where possible, boxes are to be placed at least 10m-20m from the nearest forest edge. d) Boxes must be installed prior to the pre-start for vegetation clearing. e) GPS coordinates of each nest box is to be provided to Council within either the Pre-clearing or Post-clearing fauna assessment
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Is changed to read as follows

	Nest boxes to be installed prior to pre-start meeting The applicant must install 20 nest boxes to compensate for the loss of fauna habitat onsite in accordance with the following: a) Nest box quantity, dimensions and design must comply with the following requirements: I. Box type is to be determined through the preclearance report with the spotter catcher and environmental assessment officer. b) Nest boxes must be installed within lot 1RP6882, Lot 4 RP6843 and Lot240 W31320. c) Boxes must be designed to prevent the colonisation of pest species such as the Indian Myna (use of baffle on box entrance) or feral bees; d) Nest boxes must be well insulated, rainproof (drainage holes if required). e) Boxes are to be attached to the tree in a manner which protects the receiving tree f) from ringbarking or damage. Specifically, boxes are to be attached to each tree g) as follows:
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	i. Utilise wire to attach to tree, no nailing or bolting permitted; ii. Attaching wire is to consist of a minimum of 3mm plastic coated soft fencing wire; iii. Attached wire must allow for the expansion as tree girth increases; iv. A length of wire is to pass through the nest box and around the tree trunk; v. At the sides of the nest box, the wire is to be folded into at least four folds/loops about 60mm tall and 15mm apart. As the tree grows the folds are slowly pulled part and the nest box remains in the tree; and where the wire passes around the back of the tree trunk, the wire is threaded through a length of garden hose to protect the tree. h) Nest box placement onsite must ensure the following: i. Where possible, boxes are not to be placed within 30m of each other or 30m of an existing hollow bearing tree. Where this is not possible, the location of each nest box is to be determined by the DEHP approved spotter catcher onsite; ii. Nest boxes must be well insulated, rainproof (drainage holes if required), facing away from prevailing winds, away from direct midday summer sunlight and placed on a southerly aspect for bird species, and on a north, north westerly aspect for bat species; iii. Boxes are to be placed a minimum of 3m- 6m from the ground. Requests to install nest boxes lower than 3m must provide justification and obtain approval from Council's Chief Executive Officer prior to installation; iv. Installation of nest boxes for species with higher nesting requirements is to be determined by the DEHP approved spotter catcher onsite, the relevant Council officer and in accordance with current industry standards and scientific literature; v. Boxes are to be placed at least 3m inwards from the boundary of any pedestrian or recreational activity; and where possible, boxes are to be placed at least 10m - 20m from the nearest forest edge. i) Boxes must be installed prior to the prestart for vegetation clearing. j) GPS coordinates of each nest box is to be provided to Council within either the Preclearing or Post clearing fauna assessment
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Condition 14 which currently reads:

	Pre-clearance report The pre-clearance report must be submitted to Council for review and approval at least one (1) week prior to the pre-start meeting. The fauna spotter should ensure all data and fields of the pre-clearance report are addressed in accordance with schedule 6.8 of City Plan.
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Is changed to read as follows:

	Pre-clearance report The pre-clearance report must be submitted to Council for review prior to booking the pre-start meeting. The fauna spotter should ensure all data and fields of the pre-clearance report are addressed in accordance with schedule 6.8 of City Plan.
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Condition 29 which currently reads:

	Bond a. Provide security to Council in the form of an unconditional and irrevocable bank guarantee or cash in the amount of \$400,000 to secure: i. The conditions of approval (excluding the off maintenance condition) have been satisfied. b. Provide the security prior to the commencement of works. Council will hold the security until: Works are acceptable to proceed to on maintenance.
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Is changed to read as follows:

	Performance Bond Provide security to Council in the form of an unconditional and irrevocable bank guarantee or cash in the amount of \$100,000.00 to secure the Performance Bond for sediment and erosion control purposes prior to the commencement of works. Where a performance bond is in place with Council for previous stages within the development for sediment and erosion control purposes, this bond can be rolled over to Stage 2 so that the total performance bond value over the subject site is maintained at \$100,000.00 whilst operational works for a change to ground level is being undertaken over the subject site. The Performance Bond will not be released until: i. practical completion of the bulk earthworks associated with the development is achieved.
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Full set of updated conditions from Council as Assessment Manager

General					
1.	Timing 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:				
	Operational Works				
	Drawing Title	Author	Date	Drawing No.	Ver
	DRAWING INDEX & LOCALITY PLAN	GASSMAN DEVELOPMENT PERSPECTIVES	25-05-18	001	A
	GENERAL NOTES SHEET 1 OF 2	GASSMAN DEVELOPMENT PERSPECTIVES	25-05-18	002	A
	GENERAL NOTES SHEET 2 OF 2	GASSMAN DEVELOPMENT PERSPECTIVES	25-05-18	003	A
	LEGEND	GASSMAN DEVELOPMENT PERSPECTIVES	25-05-18	004	A
	SEDIMENT AND EROSION TYPICAL DETAILS	GASSMAN DEVELOPMENT PERSPECTIVES	25-05-18	005	A
	EXISTING FEATURES SURVEY PLAN	GASSMAN DEVELOPMENT PERSPECTIVES	25-05-18	010	A
	SEDIMENT AND EROSION CONTROL PLAN SHEET 1 OF 4	GASSMAN DEVELOPMENT PERSPECTIVES	25-05-18	020	A
	SEDIMENT AND EROSION CONTROL PLAN SHEET 2 OF 4	GASSMAN DEVELOPMENT PERSPECTIVES	25-05-18	021	A
	CONSTRUCTION PHASE SEDIMENT BASIN A LAYOUT PLAN AND DETAILS	GASSMAN DEVELOPMENT PERSPECTIVES	25-05-18	024	A
	CONSTRUCTION PHASE SEDIMENT BASIN B LAYOUT PLAN AND DETAILS	GASSMAN DEVELOPMENT PERSPECTIVES	25-05-18	025	A
	BULK EARTHWORKS CUT & FILL	GASSMAN	25-05-18	050	A

	LAYOUT PLAN SHEET 1 OF 4	DEVELOPMENT PERSPECTIVES																												
	BULK EARTHWORKS CUT & FILL LAYOUT PLAN SHEET 2 OF 4	GASSMAN DEVELOPMENT PERSPECTIVES	25-05-18	051	A																									
	FINISHED BULK EARTHWORKS SURFACE LEVEL PLAN SHEET 1 OF 4	GASSMAN DEVELOPMENT PERSPECTIVES	25-05-18	100	A																									
	FINISHED BULK EARTHWORKS SURFACE LEVEL PLAN SHEET 2 OF 4	GASSMAN DEVELOPMENT PERSPECTIVES	25-05-18	101	A																									
	FINISHED BULK EARTHWORKS SURFACE LEVEL PLAN SHEET 3 OF 4	GASSMAN DEVELOPMENT PERSPECTIVES	25-05-18	102	A																									
	FINISHED BULK EARTHWORKS SURFACE LEVEL PLAN SHEET 4 OF 4	GASSMAN DEVELOPMENT PERSPECTIVES	25-05-18	103	A																									
	FINISHED EARTHWORKS SURFACE CROSS-SECTION SHEET 2 OF 4	GASSMAN DEVELOPMENT PERSPECTIVES	25-05-18	151	A																									
	FINISHED EARTHWORKS SURFACE CROSS-SECTION SHEET 3 OF 4	GASSMAN DEVELOPMENT PERSPECTIVES	25-05-18	152	A																									
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.	Amended drawings Prepare and submit amendments to the drawings for confirmation they constitute the approved drawings for the purposes of this development approval. All amended drawings must be submitted (and confirmed by Council) prior to commencement of any works on site.																													
<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>VEGETATION MANAGEMENT PLAN 2</td><td>GASSMAN DEVELOPMEN T PERSPECTIVE S</td><td>AUGUST 2018</td><td></td><td>2</td></tr><tr><td>SEDIMENT AND EROSION CONTROL PLAN SHEET 3 OF 4</td><td>GASSMAN DEVELOPMEN T PERSPECTIVE S</td><td>25.05.18</td><td>5738 ENG BEB 022</td><td>A</td></tr><tr><td>SEDIMENT AND EROSION</td><td>GASSMAN</td><td>25.05.18</td><td>5738 ENG</td><td>A</td></tr></table>						Operational Works					Drawing Title	Author	Date	Drawing No.	Ver	VEGETATION MANAGEMENT PLAN 2	GASSMAN DEVELOPMEN T PERSPECTIVE S	AUGUST 2018		2	SEDIMENT AND EROSION CONTROL PLAN SHEET 3 OF 4	GASSMAN DEVELOPMEN T PERSPECTIVE S	25.05.18	5738 ENG BEB 022	A	SEDIMENT AND EROSION	GASSMAN	25.05.18	5738 ENG	A
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	CONTROL PLAN SHEET 4 OF 4	DEVELOPMENT PERSPECTIVES		BEB 023	
	CONSTRUCTION PHASE SEDIMENT BASIN C LAYOUT PLAN AND DETAILS	GASSMAN DEVELOPMENT PERSPECTIVES	25.05.18	5738 ENG BEB 026	A
	SEDIMENT BASINS CATCHMENTS LAYOUT PLAN	GASSMAN DEVELOPMENT PERSPECTIVES	25.05.18	5738 ENG BEB 027	A
	BULK EARTHWORKS CUT AND FILL LAYOUT PLAN SHEET 3 OF 4	GASSMAN DEVELOPMENT PERSPECTIVES	25.05.18	5738 ENG BEB 052	A
	BULK EARTHWORKS CUT AND FILL LAYOUT PLAN SHEET 4 OF 4	GASSMAN DEVELOPMENT PERSPECTIVES	25.05.18	5738 ENG BEB 053	A
	FINISHED BULK EARTHWORKS SURFACE LEVEL PLAN SHEET 1 OF 4	GASSMAN DEVELOPMENT PERSPECTIVES	25.05.18	5738 ENG BEB 100	A
	FINISHED BULK EARTHWORKS SURFACE LEVEL PLAN SHEET 4 OF 4	GASSMAN DEVELOPMENT PERSPECTIVES	25.05.18	5738 ENG BEB 103	A
The following amendments must be included: a. Amend the location of all batters and basins to be external to the tree protection zone of all vegetation required to be retained within the required 10 metre landscape zone. b. Detail the 10 metre retained vegetation area along the eastern boundary on all plans.					
Environmental and Landscaping					
4.	Staged Clearing All clearing onsite must be staged in accordance with the approved vegetation management plan.				
5.	Vegetation management - a Implement the vegetation management measures identified in the approved vegetation at no cost to Council: - b Undertake works generally in accordance with an operational works approval and Vegetation management code and Schedule 6.8 of city plan; and include in particular: - i Erect a fence around the drip zone of the vegetation to be retained. - ii No construction related activities (such as construction vehicle parking, liquid disposal, stockpiling (etc. as Council considers appropriate) are to occur within the				

	fenced area. iii Property Notifications All existing retained trees within the area identified on the plan are to be managed in accordance with Australian Standard AS4970-2009 - Protection of Trees on Development Sites.										
6.	No damage to retained vegetation Ensure all other existing vegetation is retained and not disturbed or damaged during implementation of the approved works.										
7.	Fauna management c Implement the fauna management measures identified in the plan listed below at no cost to Council: <table><tr><th>Plan Title</th><th>Author</th><th>Date</th><th>Plan Reference No.</th><th>Ver</th></tr><tr><td>Fauna Management Plan</td><td>Ecosure</td><td>August 2018</td><td>PR3595</td><td>0</td></tr></table> d Undertake the fauna management works generally in accordance with an operational works approval and the Environmental significance overlay code, the Vegetation management code and SC6.9 – Land development guidelines policy of the City Plan; and ensure the following: iii. All felled timber piles left to rest for greater than 24 hours must be reinspected for fauna by a DEHP approved spotter-catcher prior to mulching/milling/chipping. iv. The applicant must ensure that a DEHP-approved spotter-catcher is engaged for the works associated with dewatering any waterbodies / dams. The spotter-catcher must: • Net the dam and relocate fauna prior to works; and • Must be present for the dewatering activity. vi. Fauna exclusion fencing to be installed along the site boundary and road confluence to contain fauna during works and prevent vehicle strike. As a guide: • Exclusion fencing is to consist of steel barrier mesh, minimum 1.8 metres high with shade cloth or similar attached to block line of sight. • The shade cloth should be extended down to the ground or mesh extensions attached to ensure there is no gap under the fence which fauna can escape through. vii. The currency period of the approved fauna management plan (FMP) is six months from the date this approval takes effect. A fresh FMP must be submitted to Council for approval if works are not substantially started within the six-month period. viii. Any native bee hives identified during clearing operations are preserved without damage, whether the hives are located in limbs or tree trunks. ix. Native bee hives are to be relocated by a DEHP approved spotter catcher from areas to be cleared, prior to any works commencing on site, to those areas where vegetation is to be retained and/or rehabilitated. x. The new location of the native bee hive is to be submitted to Council (with GPS coordinates) and included within the post clearing fauna summary, prior to the release of the vegetation performance bond.	Plan Title	Author	Date	Plan Reference No.	Ver	Fauna Management Plan	Ecosure	August 2018	PR3595	0
Plan Title	Author	Date	Plan Reference No.	Ver							
Fauna Management Plan	Ecosure	August 2018	PR3595	0							
8.	Native Bees a Any native bee hives identified during clearing operations are to be preserved without damage, whether the hives are located in limbs or tree trunks. b Native bee hives are to be relocated by a DEHP approved spotter catcher from areas to be cleared, prior to any works commencing on site, to those areas identified within the approved Fauna Management Plan as suitable, or where vegetation is to be retained and/or rehabilitated. c The new location of the native bee hive is to be submitted to Council (with GPS coordinates) and included within the post clearing fauna summary, prior to the release of the vegetation										

	performance bond.
9.	Koala conservation requirements All tree clearing must be undertaken in accordance with Part 3 of the Nature Conservation (Koala) Conservation Plan 2017 (Qld) (the 'Koala Plan') which includes but is not limited to obligations in relation to: ▪ Sequential clearing conditions in accordance with section 10 of the Koala Plan; and ▪ The need for a Koala Spotter in accordance with section 11 of the Koala Plan. <i>Information note:</i> <i>The Koala Plan is available at:</i> https://www.legislation.qld.gov.au/view/html/asmade/sl-2017-0152#pt.3
10.	Fauna Exclusion Fencing Prior to any commencement of works, fauna exclusion fencing must be construction along Stapylton Jacobs Well Road and the western and northern boundary of the lot to funnel fauna toward the creek corridor.
11.	Relocation of active Wedge- tailed eagles nest within Precinct C Prior to any clearing within Precinct C, a relocation program shall be developed by the applicant, lodged with Council and approved by Council for the relocation of the active wedge-tailed eagles nest (<i>Aquila audax</i>). The program shall detail the specific requirements for the location of the nest. All works shall occur in accordance with the requirements of the relocation program and in liaison with Council's Environmental Planning Section. Please note, a relocation pole of similar height and dimension to the existing nesting tree will be required.
12.	Nest boxes to be installed prior to pre-start meeting The applicant must install 20 nest boxes to compensate for the loss of fauna habitat onsite in accordance with the following: a) Nest box quantity, dimensions and design must comply with the following requirements: i. Box type is to be determined through the preclearance report with the spotter catcher and environmental assessment officer. b) Nest boxes must be installed within lot 1RP6882, Lot 4 RP6843 and Lot240 W31320. c) Boxes must be designed to prevent the colonisation of pest species such as the Indian Myna (use of baffle on box entrance) or feral bees; d) Nest boxes must be well insulated, rainproof (drainage holes if required). e) Boxes are to be attached to the tree in a manner which protects the receiving tree f) from ringbarking or damage. Specifically, boxes are to be attached to each tree g) as follows: i. Utilise wire to attach to tree, no nailing or bolting permitted; ii. Attaching wire is to consist of a minimum of 3mm plastic coated soft fencing wire; iii. Attached wire must allow for the expansion as tree girth increases; iv. A length of wire is to pass through the nest box and around the tree trunk; v. At the sides of the nest box, the wire is to be folded into at least four folds/loops about 60mm tall and 15mm apart. As the tree grows the folds are slowly pulled part and the nest box remains in the tree; and where the wire passes around the back of the tree trunk, the wire is threaded through a length of garden hose to protect the

	tree. h) Nest box placement onsite must ensure the following: i. Where possible, boxes are not to be placed within 30m of each other or 30m of an existing hollow bearing tree. Where this is not possible, the location of each nest box is to be determined by the DEHP approved spotter catcher onsite; ii. Nest boxes must be well insulated, rainproof (drainage holes if required), facing away from prevailing winds, away from direct midday summer sunlight and placed on a southerly aspect for bird species, and on a north, north westerly aspect for bat species; iii. Boxes are to be placed a minimum of 3m- 6m from the ground. Requests to install nest boxes lower than 3m must provide justification and obtain approval from Council's Chief Executive Officer prior to installation; iv. Installation of nest boxes for species with higher nesting requirements is to of be determined by the DEHP approved spotter catcher onsite, the relevant Council officer and in accordance with current industry standards and scientific literature; v. Boxes are to be placed at least 3m inwards from the boundary of any pedestrian or recreational activity; and where possible, boxes are to be placed at least 10m - 20m from the nearest forest edge. i) Boxes must be installed prior to the prestart for vegetation clearing. j) GPS coordinates of each nest box is to be provided to Council within either the Preclearing or Post clearing fauna assessment
13.	Acid Sulfate Soils All works must be undertaken with due regard to the possibility of encountering acid sulfate soils. The applicant must comply with the approved acid sulfate soil management plan, being Acid Sulfate Soil investigation, Lot 1 on RP 6882 and Lot 240 on W31320 Stapylton Jacobs Well Road and Christensen Road, Stapylton, prepared by ADG consulting and dated August 2011, in the carrying out of works and in the testing, treatment and management of acid sulfate soils
14.	Pre-clearance report The pre-clearance report must be submitted to Council for review prior to booking the pre-start meeting. The fauna spotter should ensure all data and fields of the pre-clearance report are addressed in accordance with schedule 6.8 of City Plan.
15.	Spotter Catcher Services If the contracting fauna spotter catcher is replaced mid construction, Council must be notified.
16.	Hollow Bearing Trees In accordance with Schedule 6.8 Environmental Management Plans of City Plan 6 the correct machinery must be utilised to clear hollow bearing trees. Soft Felling must not occur, an excavator with appropriate attachment to lift and lower the tree slowly or tree climbers to dismantle the tree must be utilised.
Engineering	
17.	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.																														
18.	Earthworks a Construct the earthworks identified in the approved drawings condition at no cost to Council in accordance with the standards and procedures in City Planning Policy SC6.11 – Land development guidelines, sections 3 Change to Ground level standards, 7 Procedures, 8.5 As-constructed requirements and 9 Specifications and 10 Standard drawings. b Maintain the earthworks and identified above at no cost to Council at all times.																														
19.	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 Increase duration of inundation external to the site that could cause loss or damage																														
20.	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. <table><tr><th colspan="5">Geotechnical</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>Geotech certification for stability</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: • Cut/fill batters and retaining structures associated with the proposed development have been adequately designed based on existing geotechnical conditions of the site taking into account all predicted surcharge loadings; and they will achieve a long-term factor of safety greater than or equal to 1.5 against geotechnical failure. • Constructed cut/fill batters and retaining structures on the site have achieved adequate	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	Geotechnical					Certified document	Certification date	Plan/ Drawing	Expert discipline	Requesting Council Section	Geotech certification for stability	Upon practical completion of works.	N/A	Registered Professional Engineer Queensland (RPEQ)	Contributed Assets
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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																											
Geotechnical																															
Certified document	Certification date	Plan/ Drawing	Expert discipline	Requesting Council Section																											
Geotech certification for stability	Upon practical completion of works.	N/A	Registered Professional Engineer Queensland (RPEQ)	Contributed Assets																											

stability with a long-term factor of safety greater than or equal to 1.5 against geotechnical failure.

Geotechnical

Certified document	Certification date	Plan/ Drawing	Expert discipline	Requesting Council Section
Geotech certification for level 1	Upon practical completion of works.	N/A	Registered Professional Engineer Queensland (RPEQ)	Contributed Assets

The certification is to confirm:

- Earthworks have been carried out in accordance with AS 3798-2007: *Guidelines on earthworks for commercial and residential developments*.
- Supervision of bulk earthworks was completed to Level 1 and the frequency of field density testing must be in accordance with Table 8.1 of AS 3798-2007.
- Fill materials were placed in layers, watered if required and compacted to achieve the specified density ratio as specified in Table 5.1 - Minimum Relative Compaction of AS 3798-2007.

Approved Vegetation Management Plan

The certification is to confirm:

Clearing works occurred in accordance with the vegetation management plan and no damage has occurred to the required retained vegetation. .

Environmental Assessment

Certified document	Certification date	Plan/ Drawing	Expert discipline	Requesting Council Section
Fauna Management Plan	Prior to sealing of survey plans	PR3595	Spotter Catcher	Environmental Assessment

The certification is to confirm:

Works were undertaken in accordance with the fauna management plan and preclearance report.

Environmental Assessment

Certified document	Certification date	Plan/ Drawing	Expert discipline	Requesting Council Section
Acid Sulfate Soil Investigation	Prior to Sealing Survey Plans	Acid Sulfate Soil investigation, prepared by ADG dated	Qualified professional with experience in soils	Environmental Assessment

			August 2011	management.	
The certification is to confirm: All soils have been treated onsite in accordance with the approved acid sulfate soils plan.					
21.	Supervision of works During construction of any works the following professionals must be appointed to supervise the below described actions:				
Operational works					
Expertise required of the suitably qualified professional			Actions to be overseen by the professional		
Registered Professional Engineer of Queensland (RPEQ)			Bulk earthworks inspected to level 1 in accordance with AS3798-2007		
Environmental Assessment					
Expertise required of the suitably qualified professional			Actions to be overseen by the professional		
DEHP approved spotter catcher a. The pre-start meeting b. Damage to/removal of vegetation c. Mulching of felled tree piles; where identified in the approved fauna management plan d. Any dewatering of any dams			Ensure wildlife is suitably cared for during clearing work and at any time where damage to the vegetation is possible. • Submit a pre-clearing fauna assessment report prior to the undertaking of the pre-start meeting. The pre-clearing fauna assessment is to be undertaken within two weeks of the start of the operational works; • Ensure identification of all fauna habitat trees prior to commencement of works; • Where an animal breeding place has been identified and activities are required to tamper with the breeding place in order to complete the scope of works, a Species Management Program (SMP) is required. Further advice can be found in the following link: https://www.ehp.qld.gov.au/licences-permits/plants-animals/species-management-program/ • Ensure wildlife is suitably cared for during clearing work and at any time where damage to the vegetation is possible; • Ensure netting and relocating of aquatic fauna prior to works; • Implement recommendations as per the approved Fauna Management Plan.		

	Supervising Project Arborist The applicant must ensure a suitably experienced and qualified Project Arborist (Minimum AQF Level 5 Arborist) is appointed. The Project Arborist will be responsible for completing certification of tree protection through the various stages of development.	Ensure that vegetation is managed during the clearing process: • Ensure works are undertaken in accordance with Australian Standards 4970, 4373, approved plans, and conditions of approval. • Trees to be retained as per the vegetation management plan
	Appointment of acid sulfate treatment professional A suitably qualified and experienced professional with relevant experience in this field	The treatment of all acid sulfate soils; Stock piling; Monitoring; Verification testing of the soil; and Other items as appropriate in accordance with the approved Acid Sulfate Management Plan.
22.	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.	
23.	Haulage access/site management plan a. A Haulage access/site management plan must be prepared by a suitably qualified professional generally in accordance with the Change to ground level code, prior to any works commencing. b. The Haulage access/site management plan must include in particular: - i Address the provision of vehicle barrier(s) along the frontages of the land to ensure vehicles use approved crossovers - ii Provide Loading/unloading operations. - iii Address nuisance from dust, noise, vibration, smoke and material tracked onto public roads as a result of hauling and filling operations and how complaints will be addressed. - iv Identify measures and work practices to ensure the site will be maintained in a clean and tidy state at all times including collection, storage and disposal of all waste materials. - v Identify measures and work practices to ensure non- recyclable debris transported from the site is disposed of at an approved waste facility. Combustion of any material is not permitted on the subject site without prior approval of Council. - vi Identify measures and work procedures to ensure gravel access areas to the site, transport dust covers and shake (hose) down areas are in place to control both on-site dust nuisance and contamination of external properties, roadways and receiving waterways	
24.	Transport of soil/fill/excavated material During the transportation of soil and other fill/excavated material: a All trucks hauling soil, or fill/excavated material must have their loads secure and covered. b Any spillage that falls from the trucks or their wheels must be collected and removed from the site and streets along which the trucks travel on a daily basis. Prior to vehicles exiting the site, measures must be taken to remove the soil from the wheels of	

	the vehicles to prevent soil and mud being deposited on public roads.								
25.	Erosion and sediment control a. Obtain a Management Plan approval for an Erosion and sediment control plan generally in accordance with the <i>Best Practice Erosion & Sediment Control</i> (IECA Australasia, November 2008) and in consistent with the State Planning Policy (SPP 2017) prior to any works commencing. b. The Erosion and sediment control plan must be prepared by a suitably qualified professional (Certified Practitioner in Erosion and Sediment Control or Registered Professional Engineer Queensland with experience and training in erosion and sediment control) and include in particular: i. ensure that all reasonable and practicable measures are implemented to minimise short and long-term erosion and adverse effects of sediment transport. Also ensure that the proposed control measures will achieve 80% hydraulic effectiveness as required by the SPP (Refer to SPP 2017 Appendix 2 Table A); ii. relate to each phase of works (including clearing, earthworks, civil construction, services installation and landscaping/rehabilitation) and detail the type, location, sequence and timing of measures and action to effectively minimise erosion, manage flows and capture sediment; iii. the results of all soil investigations undertaken for the site and on which the ESCP is based; iv. be consistent with current best practice standards taking into account of all environmental constraints including erosion hazard, season, climate, soil and proximity to waterways; v. monitoring requirements, and clearly outline the need to adjust or maintain erosion and sediment control and site management practices to achieve the above requirements; and vi. contingency measures in case of failure to achieve the water quality objectives. c. Implement the Erosion and sediment control plan prior to any works commencing at no cost to Council.								
26.	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 approval</td><td>Contributed Assets (07) 5582 9034</td></tr><tr><td>Undertake a pre-clearing fauna assessment including confirmation of wildlife spotter qualifications</td><td>Teharne Bowen 0755828866</td></tr><tr><td>Confirm on-site acid sulfate soil requirements for approved works</td><td>Teharne Bowen 0755828866</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 approval	Contributed Assets (07) 5582 9034	Undertake a pre-clearing fauna assessment including confirmation of wildlife spotter qualifications	Teharne Bowen 0755828866	Confirm on-site acid sulfate soil requirements for approved works	Teharne Bowen 0755828866
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Confirm on-site acid sulfate soil requirements for approved works	Teharne Bowen 0755828866								
27.	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</td><td>As indicated in SC6.11 City Plan</td><td>Contributed Assets (07) 5582 9034</td></tr></table>	Purpose	Hold Point	Council contact	Confirm works have been undertaken in accordance with the operational works	As indicated in SC6.11 City Plan	Contributed Assets (07) 5582 9034		
Purpose	Hold Point	Council contact							
Confirm works have been undertaken in accordance with the operational works	As indicated in SC6.11 City Plan	Contributed Assets (07) 5582 9034							

	approval and associated hold point requirements identified in SC6.11 City Plan Policy – Land development guidelines	Policy – Land development guidelines							
	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.								
28.	On/off maintenance (Practical Completion) Arrange a practical completion 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 receiving a practical completion letter</td><td>Contributed Assets 07 5582 9034</td></tr></table>	Purpose	Hold Point	Council contact	Confirm completion of works have been undertaken in accordance with this approval	Prior to receiving a practical completion letter	Contributed Assets 07 5582 9034		
Purpose	Hold Point	Council contact							
Confirm completion of works have been undertaken in accordance with this approval	Prior to receiving a practical completion letter	Contributed Assets 07 5582 9034							
	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.								
29.	Performance Bond Provide security to Council in the form of an unconditional and irrevocable bank guarantee or cash in the amount of \$100,000.00 to secure the Performance Bond for sediment and erosion control purposes prior to the commencement of works. Where a performance bond is in place with Council for previous stages within the development for sediment and erosion control purposes, this bond can be rolled over to Stage 2 so that the total performance bond value over the subject site is maintained at \$100,000.00 whilst operational works for a change to ground level is being undertaken over the subject site. The Performance Bond will not be released until: i. practical completion of the bulk earthworks associated with the development is achieved.								
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.	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 MCU201800656 dated 27 November 2018. 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).								
C.	Connections to, alteration or realignment of Council infrastructure Where development works require the connection to, alteration, removal or realignment of Council infrastructure or impact on other public utility infrastructure (e.g. telecommunications, electricity and gas), the applicant must obtain the necessary approvals from the relevant public utility authority prior to works commencing. Connection to, alteration, removal or realignment of Council infrastructure includes (but is not limited to) fire hydrants, water service meters, sewer maintenance hole covers, stormwater drainage infrastructure, reinstatement of maintenance hole covers, stormwater drainage infrastructure, crossovers, footpaths, road pavement, kerb and channel, kerb ramps, medians, traffic islands, road furniture, signage and line-marking.								

D.	Location (Alignment and Depth) The applicant must locate the alignment and depth of existing water and sewer infrastructure correctly on site to avoid any damages during the construction works. No vibrating of heavy machinery to be used in the vicinity of Water & Waste mains. If any excavation goes within 500mm (vertical distance) the applicant must look for treatment options prior to construction services instigating their work at all times.
E.	Protection All the WW assets (water, sewer and its fittings) must be protected during the course of construction at all times.
F.	Listing of Koala under EPBC Act Koala populations in South East Queensland are listed under the Environment Protection and Biodiversity Conservation Act 1999 (<i>EPBC Act</i>) as a matter of national significance. All necessary approvals must be obtained prior to any works commencing on the site.
G.	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.
H.	Species Management Program A species management program is required where an animal breeding place has been identified and activities are required to tamper with the breeding place in order to complete the scope of works. Animal breeding places include obvious structures such as bird nests and tree hollows, as well as more cryptic places such as amphibian or reptile habitat where breeding takes place. The applicant is advised to contact the Department of Environment and Science regarding the requirements for a species management program.
I.	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.
J.	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.
K.	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: - 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; - 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'); - 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); - Ensuring the correcting 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; - 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 - Making payment of any outstanding Council rates and charges applicable to the development site prior to the lodgement of subdivision plans.
L.	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 Water 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
M.	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.