

Our reference: OPW/2019/1217

Your reference: -

Decision notice— approval (with conditions)

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

Date of decision notice: 24 January 2020

Applicant details

Applicant name: Ms Projects Pty Ltd

Applicant contact details: C/- Icubed Consulting
PO BOX 878
TOOWONG QLD 4066

Application details

Application number: OPW/2019/1217

Approval sought: Operational Works - Public Landscape / Tree Works

Details of proposed development: Development Permit for Operational work
(ROL201800026, dated 2 November 2018).

Location details

Street address: 84-160 Christensen Road South, Stapylton Qld 4207

Real property description: Lot 334 SP193431

Decision

Date of decision 24 January 2020

Decision details: Under Delegated Authority, the Senior Landscape Planner 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

Development permit Operational work – public landscape works / Tree Works

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

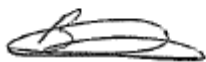
Approved plans and drawings are attached and are identified in the conditions imposed by Council as the Assessment manager.

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 Ben Doughty, Open Space Design Officer, on p: 07 5582 8866 or via email mail@goldcoast.qld.gov.au who will be pleased to assist.

AUTHORISED BY



Bree Bisset
Supervisor Open Space and Landscape Assessment
For the Chief Executive Officer
Council of the City of Gold Coast
BD

Enc:
Conditions imposed by Council as Assessment manager

Attach:
Stamped approved plans and drawings
Appeal rights extract

Conditions imposed by Council as Assessment manager

Operational work – landscape work (public)																																													
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: <table border="1"><thead><tr><th colspan="5">Open Space Assessment (Public works)</th></tr><tr><th>Drawing Title</th><th>Author</th><th>Date</th><th>Drawing No.</th><th>Ver</th></tr></thead><tbody><tr><td>REHABILITATION MANAGEMENT PLAN SHEET 1</td><td>i3 CONSULTING</td><td>30.09.2019</td><td>V100</td><td>E</td></tr><tr><td>REHABILITATION MANAGEMENT PLAN SHEET 2</td><td>i3 CONSULTING</td><td>30.09.2019</td><td>V101</td><td>C</td></tr><tr><td>LANDSCAPE SITE AND LOCALITY PLAN</td><td>i3 CONSULTING</td><td>10.12.2019</td><td>L00</td><td>B</td></tr><tr><td>LANDSCAPE DETAILS</td><td>i3 CONSULTING</td><td>10.12.2019</td><td>L06</td><td>D</td></tr><tr><td>STAGE TWO i3 MARKUP SUBDIVISION PROPOSAL PLAN</td><td>i3 CONSULTING</td><td>9.10.2019</td><td>S0204-P5(B)</td><td>D</td></tr><tr><td>CONCEPTUAL OSMS SCHEMATIC</td><td>GASSMAN</td><td>14.11.2014</td><td>1396 E OSMP 01</td><td>-</td></tr></tbody></table> The conditions of this approval are to be read in conjunction with the attached stamped approved drawings. Where a conflict occurs between the conditions of this approval and the stamped approved drawings, the conditions of this approval shall take precedence.					Open Space Assessment (Public works)					Drawing Title	Author	Date	Drawing No.	Ver	REHABILITATION MANAGEMENT PLAN SHEET 1	i3 CONSULTING	30.09.2019	V100	E	REHABILITATION MANAGEMENT PLAN SHEET 2	i3 CONSULTING	30.09.2019	V101	C	LANDSCAPE SITE AND LOCALITY PLAN	i3 CONSULTING	10.12.2019	L00	B	LANDSCAPE DETAILS	i3 CONSULTING	10.12.2019	L06	D	STAGE TWO i3 MARKUP SUBDIVISION PROPOSAL PLAN	i3 CONSULTING	9.10.2019	S0204-P5(B)	D	CONCEPTUAL OSMS SCHEMATIC	GASSMAN	14.11.2014	1396 E OSMP 01	-
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3	Pre-start inspection Arrange a pre-start inspection prior to the commencement of works to complete the requirements identified in SC.6.11.7.3 City Plan Policy – Land development guidelines for the following: <table border="1"><thead><tr><th>Purpose</th><th>Council contact</th></tr></thead><tbody><tr><td>Review and discuss approved detailed landscape plans for public open space</td><td>Contributed Assets (07) 5582 9034</td></tr></tbody></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 approved detailed landscape plans for public open space	Contributed Assets (07) 5582 9034																																				
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4	Hold point inspection Arrange a hold point inspection to complete the requirements identified in SC.6.11.7.3 City Plan Policy – Land development guidelines and SC.6.12.3.4 City Plan Policy – Landscape work of the City Plan for the following:																																												

	Purpose	Hold Point	Council contact
	Confirm street tree planting holes are the correct size and in correct locations.	Prior to commencement of the establishment period.	Contributed Assets (07) 5582 9034
	Confirm weed control is undertaken in accordance with Public open space standards SC.6.11	Prior to commencement of the establishment period. Maintain weed control to off maintenance.	Contributed Assets (07) 5582 9034
	Confirm works have been undertaken in accordance with an Operational works approval for Landscaping works. When confirmed commence 12 month establishment period, as per SC.6.11.	Prior to commencement of 12 month establishment period.	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.			
5	On maintenance Arrange an on maintenance meeting to complete the requirements identified in SC.6.11.7.3 City Plan Policy – Land development guidelines of the City Plan for the following:		
	Purpose	Hold Point	Council contact
	Confirm landscaping has been established in accordance with an Operational works approval for Landscape works. When confirmed commence 12 month maintenance period, as per SC.6.11	Prior to commencement of the 12 month maintenance period.	Contributed Assets (07) 5582 9034
	Submit as constructed drawings as identified in SC.6.11 City Plan Policy – Land Development Guidelines	Prior to commencement of the on maintenance period.	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.			
6	Off maintenance Arrange an off maintenance meeting to complete the requirements identified in SC.6.11.7.3 City Plan Policy – Land development guidelines for the following:		
	Purpose	Hold Point	Council contact
	Confirm satisfactory completion of 12 month maintenance period for landscaping in accordance with an Operational works approval for Landscape works and commence Asset handover	Prior to Asset handover/ conclusion of 12 month maintenance period.	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.			
Operational work – vegetation clearing			
General			
7	Approved drawings Undertake and maintain the development generally in accordance with the following drawings including as amended in red by the Council:		

	Environmental Assessment																								
	Drawing Title	Author	Date	Drawing No.	Rev																				
	Proposed subdivision Proposal Plan (i3 Markup 9/10/2019	AJS Surveys	19/7/2018	S0204-P5(B)	B																				
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8	Approved Plans Undertake and maintain the development generally in accordance with the following plans: <table><tr><td colspan="5">Environmental Assessment</td></tr><tr><td>Plan Title</td><td>Author</td><td>Date</td><td>Plan Reference No.</td><td>Rev</td></tr><tr><td>Vegetation management plan</td><td>I3 consulting pty ltd</td><td>03/06/2019</td><td>V200</td><td>B</td></tr><tr><td>Fauna management plan</td><td>I3 Consulting pty ltd</td><td>30/09/2019</td><td>V300</td><td>C</td></tr></table>					Environmental Assessment					Plan Title	Author	Date	Plan Reference No.	Rev	Vegetation management plan	I3 consulting pty ltd	03/06/2019	V200	B	Fauna management plan	I3 Consulting pty ltd	30/09/2019	V300	C
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9	Vegetation management a Implement the vegetation management measures identified in the plan listed below at no cost to Council: <table><tr><td>Plan Title</td><td>Author</td><td>Date</td><td>Plan Reference No.</td><td>Rev</td></tr><tr><td>Vegetation management plan</td><td>I3 consulting pty ltd</td><td>03/06/2019</td><td>V200</td><td>B</td></tr></table> b Undertake works generally in accordance with an operational works approval and City Plan Policy SC6.8 – Environmental management plans and the Vegetation management code.					Plan Title	Author	Date	Plan Reference No.	Rev	Vegetation management plan	I3 consulting pty ltd	03/06/2019	V200	B										
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10	Fauna management a Implement the fauna management measures identified in the plan listed below at no cost to Council: <table><tr><td>Plan Title</td><td>Author</td><td>Date</td><td>Plan Reference No.</td><td>Rev</td></tr><tr><td>Fauna management plan</td><td>I3 Consulting pty ltd</td><td>06/04/19</td><td>V300</td><td>C</td></tr></table> b Undertake the fauna management works generally in accordance with an operational works tree works approval and City Plan policy SC6.8 – Environmental management plans;					Plan Title	Author	Date	Plan Reference No.	Rev	Fauna management plan	I3 Consulting pty ltd	06/04/19	V300	C										
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11	Tree pruning and work a Topping, lopping, spur or spike climbing of any tree must not occur. b Pruning may only occur in a manner consistent with the <i>Australian Standard AS4373 -2007 – Pruning of Amenity Trees</i> . c Undertake all other work on the trunk, foliage or root systems of the trees marked on the drawings listed below in a manner consistent with <i>Australian Standard AS4373 - 2007 - Pruning of Amenity Trees</i> .																								
12	Root pruning and barriers a Ensure root pruning utilises a high pressure, needle point water jet prior to insertion of proprietary root barriers. b Ensure root barriers are installed to a minimum depth of 900mm along the side closest to the																								

	structure specified in the approved scope of works condition to prohibit or deter growth of roots towards the structure.												
13	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													
14	Pre-start inspection Arrange a pre-start inspection prior to the commencement of works to complete the requirements identified in SC.6.9 City Plan Policy – Land development guidelines for the following: <table><tr><th>Purpose</th><th>Council contact</th></tr><tr><td>Undertake a pre-clearing meeting on site to discuss matters related to fauna assessment.</td><td>Environmental Planning (07) 5582 8938</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	Undertake a pre-clearing meeting on site to discuss matters related to fauna assessment.	Environmental Planning (07) 5582 8938								
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15	Supervision of works During construction of any works the following professionals must be appointed to supervise the below described actions: <table><tr><th colspan="2">Environmental Assessment</th></tr><tr><th>Expertise required of the suitably qualified professional</th><th>Actions to be overseen by the professional</th></tr><tr><td>Minimum AQF Level 3 Arborist</td><td>Implementation of all tree works</td></tr></table> <table><tr><th colspan="2">Environmental Assessment</th></tr><tr><th>Expertise required of the suitably qualified professional</th><th>Actions to be overseen by the professional</th></tr><tr><td>DES approved spotter catcher must be present during: a The pre-start meeting b Damage to / removal of vegetation</td><td>Ensure wildlife is suitably cared for during clearing work and at any time where damage to the vegetation is possible Ensure actions / recommendations within the Fauna Management Plan are undertaken. Ensure actions / recommendations from the pre-clearance (fauna assessment) report are undertaken.</td></tr></table> <i>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.</i>	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	Environmental Assessment		Expertise required of the suitably qualified professional	Actions to be overseen by the professional	DES approved spotter catcher must be present during: a The pre-start meeting b Damage to / removal of vegetation	Ensure wildlife is suitably cared for during clearing work and at any time where damage to the vegetation is possible Ensure actions / recommendations within the Fauna Management Plan are undertaken. Ensure actions / recommendations from the pre-clearance (fauna assessment) report are undertaken.
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16	Hold point inspection Arrange a hold point inspection to complete the requirements identified in SC.6.8 & 11 City Plan Policy – of the City Plan for the following: <table><tr><th>Purpose</th><th>Hold Point</th><th>Council contact</th></tr><tr><td>Provide a brief report/summary of mitigation measures implemented during works and impacts to fauna.</td><td>Within 5 business days of tree works being finalised</td><td>Environmental Planning (07) 5582 8938</td></tr></table>	Purpose	Hold Point	Council contact	Provide a brief report/summary of mitigation measures implemented during works and impacts to fauna.	Within 5 business days of tree works being finalised	Environmental Planning (07) 5582 8938						
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	Copies of applicable material including this decision notice and stamped approved plans, drawings and reports are to be available for the meeting and kept on site during construction.
17	Acid sulfate soils management plan - a Obtain a Management Plan approval for an Acid sulfate soils management plan generally in accordance with the Acid sulfate soils overlay code of the City Plan and City Plan Policy SC6.2 – Acid sulfate soils management, to implement acid sulfate soils control measures at no cost to Council, prior to commencement of change to ground level works. - b The Acid sulphate soils management plan must be prepared by a suitably qualified professional. - c Implement the Acid sulphate soils management plan during construction works at no cost to Council.
Advice Notes	
A	Development infrastructure Development infrastructure required to be provided in implementing this development approval is non-trunk development infrastructure unless otherwise stated in a condition of the approval.
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: ROL201800026, dated 2 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	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.
D	Indigenous cultural heritage legislation and duty of care requirement The <i>Aboriginal Cultural Heritage Act 2003</i> ('ACHA') is administered by the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs (DATSIMA). The ACHA establishes a duty of care to take all reasonable and practicable measures to ensure any activity does not harm Aboriginal cultural heritage. This duty of care: - a Is not negated by the issuing of this development approval; - b Applies on all land and water, including freehold land; - c Lies with the person or entity conducting an activity; and - d If breached, is subject to criminal offence penalties. Those proposing an activity involving surface disturbance beyond that which has already occurred at the proposed site must observe this duty of care. Details of how to fulfil this duty of care are outlined in the duty of care guidelines gazetted with the ACHA. The applicant should contact DATSIMA's Cultural Heritage Coordination Unit on (07) 3405 3050 for further information on the responsibilities of developers under the ACHA.
E	Vegetation protection A property notification will be applied to the lot / subsequent lots stating the property includes protection and management of vegetation and/or associated habitat.
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	Environmental Covenant A property notification will be applied to the lot / subsequent lots relating to the establishment and management of a covenant area for the site and must be complied with at all times.
H	Riverine Protection Permit A Riverine Protection Permit under the Water Act 2000 may be required prior to any works commencing in the watercourse traversing / adjoining the site.
I	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/
J	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 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; - 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. - 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.

K	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.
L	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 <i>Biosecurity Act 2014</i> individuals and organisations whose activities involve the movement or storage of fire ant carriers have a general biosecurity obligation to take all reasonable steps to ensure they do not spread fire ants. Movement of a fire ant carrier from within the fire ant biosecurity zone may need a biosecurity instrument permit. More information is available on the Department of Agriculture and Fisheries website www.daf.qld.gov.au/plants/weeds-pest-animals-ants/invasive-ants/fire-ants.
