

Our reference: OPW/2023/1426

Decision notice— approval (with conditions)

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

Date of decision notice: 23 April 2024

Applicant details

Applicant name: Hb Land Pty Ltd
Applicant contact details: PO BOX 3469
AUSTRALIA FAIR QLD 4215

Application details

Application number: OPW/2023/1426
Approval sought: Operational Works
Details of proposed development: Operational Work for Tree Works Development

Location details

Street address: 79 Courtney Drive, Upper Coomera Qld 4209
Real property description: Lot 188 RP173728, Lot 189 RP173728, Lot 190 RP173728, Lot 191 RP173728, Lot 192 RP173728

Decision

Date of decision 18 April 2024
Decision details: Under Delegated Authority, the Supervisor of Environmental Assessment of the City Development Branch of Council has resolved to Approve the development application for the following with conditions: Tree Works Development

Referral agency(s) for the application

Not applicable – no part of the application required referral.

Details of the approval

Development approval Operational works for Tree Works Development

Conditions

The conditions that have been imposed by Council, as Assessment manager, are enclosed.

Properly made submissions

Not applicable—No part of the application required public notification.

Currency period for the approval (section 85 of the *Planning Act 2016*)

In accordance with section 85 of the *Planning Act 2016*, this approval has a currency period of two years.

Approved plans and drawings

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

Appeal rights

Applicant	You have appeal rights in relation to this decision. An appeal may be made against, as applicable: • the refusal of part of the development application; or • a provision of the development approval; or • if a development permit was applied for, the decision to give a preliminary approval. An appeal must be started within 20 business days after this notice is given to you. An appeal may be made to the Planning and Environment Court or, for certain matters which are identified in section 1(2) of Schedule 1 of the <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 Amelia Cook, Environmental Assessment on p: 07 5582 8866 or via email mail@goldcoast.qld.gov.au who will be pleased to assist.

AUTHORISED BY



Elyse Baker
A/Supervising Environmental Planner
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: <table><tr><th colspan="5">Environmental Assessment</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</td><td>Biome Consulting</td><td>12 April 2024</td><td>VMP-01 VMP-02 VMP-03</td><td>B</td></tr></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.				Environmental Assessment					Drawing Title	Author	Date	Drawing No.	Ver	Vegetation Management Plan	Biome Consulting	12 April 2024	VMP-01 VMP-02 VMP-03	B
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3	Approved Plans Undertake and maintain the development generally in accordance with the following plans including as amended in red by the Council: <table><tr><th colspan="5">Environmental Assessment</th></tr><tr><th>Plan Title</th><th>Author</th><th>Date</th><th>Plan Reference No.</th><th>Ver</th></tr><tr><td>Vegetation Management Plan</td><td>Biome Consulting</td><td>12 April 2024</td><td>BC-22178</td><td>B</td></tr></table>				Environmental Assessment					Plan Title	Author	Date	Plan Reference No.	Ver	Vegetation Management Plan	Biome Consulting	12 April 2024	BC-22178	B
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Environmental and Landscaping																			
4	Vegetation management a Implement the vegetation 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>Vegetation Management Plan</td><td>Biome Consulting</td><td>12 April 2024</td><td>BC-22178</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.	Ver	Vegetation Management Plan	Biome Consulting	12 April 2024	BC-22178	B					
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5	No damage to retained vegetation Ensure all other existing vegetation is retained and not disturbed or damaged during implementation of the approved works.																		
Construction Management																			

6

Certification of works

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

Environmental Assessment				
Certified document	Certification date	Plan/ Drawing	Expert discipline	Requesting Council Section
Vegetation management plan	Within one week of completion of works.	Approved vegetation management plan	AQF Level 5 Arborist	Environmental Assessment

The certification is to confirm:

i

Clearing has been undertaken in accordance with the approved vegetation management plan.

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

7

Erosion and sediment control

a

Undertake works generally in accordance with the Healthy waters code of the City Plan and include in particular:

i

Sediment control structures e.g. sediment fence must be placed at the base of all materials imported on site to mitigate sediment run-off.

ii

A perimeter bund and/or diversion drain must be constructed around the disturbed areas to prevent any outside clean stormwater from mixing with polluted/contaminated stormwater.

iii

All polluted/contaminated water from the site, including dewatering discharge, must be treated to achieve the water quality objectives in Table 8.2.1 of the Queensland Water Quality Guidelines (DERM September 2009) prior to discharging from the site.

Inspections for erosion and sediment control measures are to occur in accordance with the compliance procedures in City Plan Policy SC6.11 – Land development guidelines, section 6.

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
DES approved spotter	a To be present at the prestart

	catcher	- b Ensure identification of all fauna habitat trees prior to commencement of works. - c Ensure wildlife is suitably cared for during clearing work and at any time where damage to the vegetation is possible <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>				
	Minimum AQF Level 3 Arborist	- a To be present at the prestart - b Implementation of all tree works - c Ensure fencing for the demarcation of clearing extent is maintained. - d All works within the TPZ of vegetation to be retained. - e Installation of Tree Protection Zone (TPZ) fencing - f Construction and fencing works within the Tree Protection Zone (TPZ) of subject trees to be retained. - g Boundary of the clearing extent is to be clearly demarcated via fencing that is in general accordance with AS4970-2009 and AS 4687-2007.				
9	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 DES approved Spotter Catcher undertaken no more than 2 weeks prior to commencement of works. - b Fauna management controls.					
10	Pre-start inspection Arrange a pre-start inspection prior to the commencement of works to complete the requirements identified in City Plan Policy SC6. 11 – Land development guidelines for the following: <table><tr><th>Purpose</th><th>Council contact</th></tr><tr><td> - a Undertake a pre-clearing meeting on site to discuss matters related to - i Fauna assessment - ii Tree Protection fencing - b Confirm that the boundary of the clearing extent is clearly demarcated via fencing that is in general accordance with AS4970-2009 and AS 4687-2007 and approved Vegetation management plan with the minimum AQF level 5 Arborist. - c Confirm adequate sediment and erosion control measures are in place in accordance with the approved plan / drawings and the Best Practice </td><td>Environmental Planning 07 5582 8866</td></tr></table>		Purpose	Council contact	- a Undertake a pre-clearing meeting on site to discuss matters related to - i Fauna assessment - ii Tree Protection fencing - b Confirm that the boundary of the clearing extent is clearly demarcated via fencing that is in general accordance with AS4970-2009 and AS 4687-2007 and approved Vegetation management plan with the minimum AQF level 5 Arborist. - c Confirm adequate sediment and erosion control measures are in place in accordance with the approved plan / drawings and the Best Practice	Environmental Planning 07 5582 8866
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	<table border="1" data-bbox="304 107 1410 190"> <tr> <td data-bbox="304 107 1023 190">Erosion & Sediment Control (IECA Australasia, November 2008).</td><td data-bbox="1023 107 1410 190"></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.	Erosion & Sediment Control (IECA Australasia, November 2008).	
Erosion & Sediment Control (IECA Australasia, November 2008).			
Advice Notes			
A	Compliance with current approvals It is the applicant's responsibility to ensure that this decision notice is in accordance with any other decision notices relating to the site.		
B	Species Management Program Where an animal breeding place has been identified and activities will tamper with the breeding place in order to complete the scope of works, a Species Management Program (SMP) is required. Further advice is found on: https://environment.des.qld.gov.au/licences-permits/plants-animals/species-management-program/		