

24 October 2014
Jim Webb
City Development
(07) 5582 8866

PN255413/01/DA1
MCU201300592

Qic Global Real Estate Pty Ltd
C/- Urbis Pty Ltd
Level 7 / 123 Albert Street
BRISBANE QLD 4000

Dear Sir/Madam

DECISION NOTICE TO APPLICANT

Application type: PRELIMINARY APPROVAL (SECTION 242) FOR COOMERA
ACTIVITY CENTRE SOUTH DEVELOPMENT CODE - LOT 16
ON SP131566 AND LOT 102 ON SP245330 - FOXWELL ROAD
COOMERA – DIVISION 3

Property description: Lot 16 on SP131566 , Lot 102 on SP245330

Property location: 64 Foxwell Road, Coomera

I wish to advise that on 14 October 2014 the above application was resolved as outlined in the attached document. The conditions indicate whether the assessment manager or a concurrence agency imposed them.

The name and address of each referral agency is enclosed.

An extract from the *Sustainable Planning Act 2009*, which details your appeal rights, is attached.

You are advised that submissions were received regarding this application. Submitters have appeal rights to the Planning and Environment Court in accordance with section 462 of the *Sustainable Planning Act 2009* and will be notified of this decision on completion of your appeal period.

If you do not appeal the decision, this decision notice may be taken to be the development approval and has effect upon completion of the submitters appeal period, or if the submitter appeals the decision, when the appeal is finally decided. To trigger the commencement of the submitters appeal period, you may wish to notify the City of Gold Coast in writing that the decision is accepted without dispute and that you will not exercise any right of appeal to the Court in respect of this decision

Note: Please refer to the conditions of approval outlined in this decision notice to ensure all related approvals are completed. The applicant may need to gain Council endorsement for additional documents prior to obtaining the above development permits, compliance permits or compliance certificates (for example, endorsement of a management plan or technical report may be required prior to obtaining an approval for operational works). These instances are outlined within the conditions of this approval

Contacting us

Should you wish to clarify any issues contained in this letter, please do not hesitate to contact Planning Assessment on (07) 5582 8866.

Yours faithfully

Jim Webb
Executive Coordinator Major Assessment
For the Chief Executive Officer
Council of the City of Gold Coast

JW:KM

Council of the City of Gold Coast
This is an authorised version of the original document

CHANGED AT COUNCIL 16 OCTOBER 2014
RESOLUTION G14.1016.014

That Committee Recommendation CP14.1014.001 be not adopted, but in lieu thereof the officer's recommendation be adopted, such that it reads as follows:

Real property description	Lot 16 on SP131566 and Lot 102 on SP245330
Address of property	64 Foxwell Road Coomera
Area of property	47.226ha
Decision type	Section 242 Preliminary Approval for Material Change of Use to establish the Coomera Activity Centre South Development Code November 2013
Further development permits	Development Permits for making a Material Change of Use, Operational Works (Change to Ground Level), Operational Works (Works for Infrastructure), Operational Works (Vegetation Clearing), Operational Works (Landscape Works), Operational Works (Advertising Devices) and Reconfiguring a Lot.
Further compliance permits	Water Supply and Plumbing Work, Fire Services Plumbing Work, and Sewerage Works.
Compliance assessment required for documents or works	Not Applicable

NATURE OF DECISION	
A	<p>Council approves the issue of a preliminary approval (s.242) for a material change of use for development in accordance with the Coomera Activity Centre South Development Code.</p> <p>The preliminary approval provides for the following variations to the effect of the planning scheme:</p> <p>a To vary the effect of the Planning Scheme by authorising development in accordance with the Coomera Activity Centre South Development Code to the extent of any inconsistencies between the Code and the Planning Scheme and effectively excludes operation of the Coomera Town Centre Structure Plan as it applies to the subject site and excludes the operation of the Coomera Town Centre Structure Plan Place Code for the land to which the application applies.</p>
B	<p>The conditions that attach to this preliminary approval are as follows:</p> <p>1 Amended Development Code</p> <p>An amended development code must be submitted generally in accordance with the Coomera Activity Centre South Development Code dated November 2013 prepared by Urbis showing the following amendments:</p>

- a In Section 1.4 (Time Limit) the Prescribed Period pursuant to section 343 (3)(b) of the SPA is to be amended to read ten (10) years.
- b In Section 4, AS34.1 delete the wording “ Non-residential development provides car parking in accordance with the Table of Acceptable Solutions AS16.1 of the Gold Coast Planning Scheme (Part 7, Division 3, Chapter 4- Car Parking, Access and Transport Integration Constraints Code” and replace with “ Non- residential development provides 1 space per 100sqm of gross floor area.”
- c In Section 4, AS35.1 replace the wording “Queensland Development Code MP4.1 Sustainable Buildings” with “ Table C2 7 and Commentary 9 of Austroads Guide to Traffic Management Part 11: Parking”
- d Amend Map 6- Coomera Activity Centre South Indicative Road Network to show the following:
 - i The road links outside the Coomera Activity Centre South boundary are to align with the Coomera Town Centre Structure Plan Map 10.7 titled Indicative Road Network.

The only exceptions are the on street road link between Creek Road and the Pacific Motorway Service Road and the road links within the Coomera Activity Centre North development site, which are to be retained.
- e Amend Map 7 titled Coomera Activity Centre South Indicative Access and Mobility Network to show the following:
 - i The bicycle and pedestrian links outside the Coomera Activity Centre South boundary are to align with the Coomera Town Centre Structure Plan Map 10.8 titled Indicative Access and Mobility Network.

The only exceptions are the on street bicycle and pedestrian link between Creek Road and the Pacific Motorway Service Road and the road links within the Coomera Activity Centre North development site, which are to be retained.
- f Amend Map 8 titled Coomera Activity Centre South Indicative Public Transport Network to show the following:
 - i Modify the map within the Coomera Activity Centre South boundary to show a public transport link along the full length of Creek Road and urban road type 1 between Creek Road and Railway Road.
 - ii Amend all other public transport links outside the Coomera Activity Centre South boundary to align with the Coomera Town Centre Structure Plan Map 10.9 titled Indicative Public Transport Network.

The only exceptions to point B above are the on street public transport link between Creek Road and the Pacific Motorway Service Road and the public transport links within the Coomera Activity Centre North development site, which are to be maintained.
- g In Appendix B modify Urban Road Type 1 section to include 2 x 4.5m verges, 2 x 3.2m travel lanes, 2 x 2.5m parking lanes and 2 x 1.5m bike lanes.
- h In Appendix B modify Urban Road Type 2 section to include 2 x 4.5m verges, 2 x 3.2m travel lanes, 2 x 2.5m parking lanes and 2 x 1.5m bike lanes.

<p>i</p> <p>j</p> <p>k</p> <p>l</p>	<p>In Appendix B modify Foxwell Road section to show 2 x 6m verges removing references to 4m planting and 2m path.</p> <p>In Appendix B modify the Ring Road section to show 2 x 6m verges, 2 x 2m bike lanes, 4 x 3.5m travel lanes and a 6m central median.</p> <p>Amend 'Table 2: Coomera Activity Centre South: Assessment Table of Development – Material Change of Use' to identify 'Tavern' as impact assessable development when established within Coomera Activity Centre Southern Core (1b) and Coomera Activity Centre Southern Frame (1c).</p> <p>Amend Section 2.2.2.8 (Mixed Use Outcomes) to delete the last sentence that currently reads: 'The delivery of these land uses and infrastructure is not an obligation of the developer of land within the precinct.'</p>
<p>m</p> <p>n</p> <p>o</p>	<p>In Section 4 amend Acceptable Solution AS22.2 to read:</p> <p>Cycle and pedestrian paths are designed and constructed in accordance with CPTED principles that include, but are not limited to:</p> <p>i Visibility through vegetation to be clear between the height of 0.6m and 2.0m adjacent to pedestrian routes, bicycle routes and car parks within the development.</p> <p>ii Clear sightlines along pedestrian connections, from building entrance areas to adjacent car parking areas.</p> <p>iii All bicycle parking facilities provided are to be located in areas which benefit from activity and /or opportunities for casual surveillance.</p> <p>In Section 4 include additional Particular Development (Aged Persons Accommodation) Performance Criteria PC47 and Acceptable Solutions as follows:</p> <p>PC47</p> <p>All aged persons accommodation units are designed and constructed to be adaptable and accessible for aged persons or persons with disabilities.</p> <p>AS47.1</p> <p>All Aged Persons Accommodation units achieve compliance with the Australian Standard for Adaptable Housing AS4299-1995, Class 'A' and in accordance with pertaining standard AS1428.1:2009.</p> <p>AS47.2</p> <p>All Aged Persons Accommodation units in the development incorporate universal design elements in accordance with AS4299-1995 Class A'' as a minimum including Sole-Occupancy Units required to be accessible under the Access Code for buildings to the extent of features not covered by the Code.</p> <p>In Section 2.7 of the Coomera Activity Centre South Development Code the last sentence which reads:</p> <p>"Any crossings of Oakey Creek must be designed so as not to compromise the ecological values of the Oakey Creek Corridor or Sub-precinct 9e downstream, to facilitate efficient Dreamworld operations and pedestrian and vehicular movements, and to provide options for a future road investigation area."</p> <p>must be amended to read:</p> <p>"Any crossings of Oakey Creek must be designed so as not to</p>

compromise the ecological values of the Oakey Creek Corridor or Sub-precinct 9e downstream.”	
<p>p Section 2.6.1 of the Coomera Activity Centre South Development Code shall include the following outcome in support of the Conservation Intent:</p> <p>“Where the Ring Road traverses the sub-precinct, road design shall incorporate both aquatic and terrestrial fauna friendly crossings to allow safe passage through the area.”</p> <p>The amended Development Code, plans/drawings are to be submitted to Council for approval by the Chief Executive Officer prior to the issue of an approved development code.</p> <p>The amended Coomera Activity Centre South Development Code, when approved by the Chief Executive Officer, will be the approved development code forming part of this approval and a stamped copy will be returned to the applicant. The development must be carried out in accordance with the approved development code.</p>	
RELEVANT PERIOD	
<p>2 Relevant Period for Preliminary Approval</p> <p>In accordance with section 341(1)(a) the Preliminary Approval will lapse if the first change of use under the approval does not start within four (4) years, starting the day that Condition 2 (exit 54 Upgrade) of the Department of State Development Infrastructure and Planning Amended Concurrence Agency Response dated 21 August 2014 is satisfied.</p>	<p>Timing</p> <p>At all times.</p>
PRESCRIBED PERIOD	
<p>3 Prescribed period for Preliminary Approval</p> <p>In accordance with section 343(3)(a) of the <i>Sustainable Planning Act 2009</i> a Prescribed Period of ten (10) years is set for the completion of development under the Preliminary Approval, starting the day the approval takes effect.</p>	<p>Timing</p> <p>At all times.</p>
ROADS	
<p>4 Submission of traffic impact assessment</p> <p>Upon reaching a threshold of 750 vehicles in the peak hour and unless otherwise approved by the City, all subsequent Material Change Of Use (MCU) and or Reconfiguring a Lot (ROL) applications submitted to the City for assessment under this preliminary approval must be accompanied with a Traffic Impact Assessment (TIA) for review and endorsement by the Chief Executive Officer. The TIA must provide an assessment of the developments impact to the surrounding intersections and recommend measures to mitigate any intersection capacity impacts. The recommended mitigation measures must be designed and constructed at no cost to the City and to the satisfaction of the Chief Executive Officer unless otherwise agreed by the Chief Executive Officer.</p>	<p>Timing</p> <p>To be lodged at the time of application for MCU and or ROL.</p>

PLUMBING AND DRAINAGE		
5	<p>Application for compliance permit for water supply plumbing work required</p> <p>The applicant must make an application to Council (Plumbing and Drainage Services) for a compliance permit for any compliance assessable water supply plumbing work within the property. Without limiting the requirements of the <i>Plumbing and Drainage Act 2002</i> with which the works must comply, the application must:</p> <ul style="list-style-type: none"> a be accompanied by a hydraulic design for all water services within the property; and b comply with Section 7 of Council's <i>Land Development Guidelines</i>. <p><i>Information note:</i></p> <p><i>Water supply plumbing works must not be carried out until a compliance permit under the Plumbing and Drainage Act 2002 has been issued by Council for the works.</i></p>	<p>Timing</p> <p>Prior to works occurring.</p>
6	<p>Application for compliance permit for fire services plumbing work required</p> <p>The applicant must make an application to Council (Plumbing and Drainage Services) for a compliance permit for all fire services plumbing work within the property. Without limiting the requirements of the <i>Plumbing and Drainage Act 2002</i> with which the works must comply, the application must be accompanied by a hydraulic design for all fire services within the property.</p> <p><i>Information note:</i></p> <p><i>Plumbing works for fire services must not be carried out until a compliance permit under the Plumbing and Drainage Act 2002 has been issued by Council for the works.</i></p>	<p>Timing</p> <p>Prior to works occurring.</p>
7	<p>Application for compliance permit for sewerage works required</p> <p>The applicant must make an application to Council (Plumbing and Drainage Services) for a compliance permit for any compliance assessable sewerage works within the property. Without limiting the requirements of the <i>Plumbing and Drainage Act 2002</i> with which the works must comply, the application must:</p> <ul style="list-style-type: none"> a be accompanied by a hydraulic design for all sewerage works within the property; b comply with Council's: <ul style="list-style-type: none"> i <i>Trade Waste Policy</i>; and ii <i>Trade Waste Pre-treatment Policy and Guidelines</i>); and c comply with Council's <i>Waste Management Policy Relating to Refuse Requirements for Proposed and</i> 	<p>Timing</p> <p>Prior to any on-site sewerage works occurring on site.</p>

<p>Existing Building Developments Within the City of Gold Coast dated January 1995.</p> <p>Information note:</p> <p>(i) <i>Sewerage works must not be carried out until a compliance permit under the Plumbing and Drainage Act 2002 has been issued by Council for the works.</i></p> <p>(ii) <i>Plumbing and drainage approval is not an approval to discharge trade waste to Council's sewerage system. The generator of trade must complete an Application for Approval to Discharge Trade Waste to Council's sewerage system (available on Council's website) prior to discharging any trade waste.</i></p>	
GOLD COAST WATER CONDITIONS	
SEWERAGE	
<p>8 Sewer reticulation</p> <p>The development must be connected to Council's sewer reticulation system at the applicant's cost.</p>	<p>Timing</p> <p>Prior to commencement of the use of the premises.</p>
<p>9 Design, construction and standard of sewer reticulation</p> <p>The design, construction and standard of the required sewer reticulation infrastructure to be carried out by the applicant (including all sewer reticulation and sewage pump station infrastructure to be dedicated to Council) must be in accordance with Gold Coast City Council <i>Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings</i>.</p> <p>Information note:</p> <p><i>Internal sewer reticulation works within the site must be designed and constructed in accordance with the requirements of the Plumbing and Drainage Act 2002.</i></p>	<p>Timing</p> <p>At all times.</p>
<p>10 No building work over or within Council easements and minimum distance from Council infrastructure</p> <p>a No building work is permitted over or within any Council public utility easements.</p> <p>b All proposed buildings and structures must be located a minimum distance of 5 metres from Council trunk infrastructure (i.e. Water or sewerage infrastructure that become contributed assets) and comply with Gold Coast City Council <i>Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings</i>.</p>	<p>Timing</p> <p>At all times during works and then maintain.</p>

WATER SUPPLY RETICULATION		
11	<p>Dual water supply reticulation (potable and recycled)</p> <p>The development must be connected to Council's dual water reticulation system prior to commencement of use, at the applicant's cost.</p>	<p>Timing</p> <p>Prior to commencement of use.</p>
12	<p>Design, construction and standard of water supply reticulation</p> <p>The design, construction and standard of the required water supply reticulation infrastructure to be carried out by the applicant (including all water supply reticulation infrastructure to be dedicated to Council) must be in accordance with Gold Coast City Council <i>Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings</i>.</p> <p><i>Information note:</i></p> <p><i>Internal water reticulation works within the site must be designed and constructed in accordance with the requirements of the Plumbing and Drainage Act 2002.</i></p>	<p>Timing</p> <p>At all times.</p>
13	<p>Connection point</p> <p>a The existing 375mm main in Foxwell Road must be used as the potable water supply connection point, unless otherwise approved by Gold Coast Water.</p> <p>b The existing 300mm main in Foxwell Road must be used as the recycled water supply connection point, unless otherwise approved by Gold Coast Water.</p> <p>c Where mains exist on the opposite side of the street, conduits are required to be installed to service the proposed development by thrust boring the road (open cutting of the road is not permitted).</p>	<p>Timing</p> <p>Prior to the commencement of the use of the premises.</p>
14	<p>Water reticulation schematic plan and network analysis</p> <p>a The applicant must submit to Gold Coast Water and obtain approval of a potable and recycled water reticulation network analysis of the overall development and identify any additional augmentation or other acceptable solutions that may be required to Council's reticulation system as a result of the additional demand.</p> <p>b In preparing the plan/analysis, the applicant must liaise with Gold Coast Water to ensure appropriate allowance is made for connectivity with external mains and external demands.</p> <p>c The applicant shall submit a detail calculations using Infrastructure Charges Temporary Local Planning Instrument Water Supply and Wastewater Land Use Category Demand Table for Priority Infrastructure Plan to establish the total number of equivalent Tenement (ET's) for the development.</p>	<p>Timing</p> <p>Prior to approval of any development applications for Material Change of Use Stage.</p>

15	<p>Operational work (works for infrastructure) application required</p> <p>The applicant must obtain a development permit for operational work (works for infrastructure) for any works (including augmentations) where the water infrastructure assets are to be owned and/or maintained by Council.</p>	<p>Timing</p> <p>Prior to works occurring.</p>
16	<p>Installation of property service, dual water meter box and meters</p> <p>The applicant must:</p> <ul style="list-style-type: none"> a Provide, for new recycled and potable water reticulation mains, property service and water meter boxes at the boundary of each lot in accordance with Gold Coast City Council <i>Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings</i>; and b A complete property service connection that includes the meter installation and tapping of the main shall be installed by the Council at the time of the building application and at the cost of the applicant. c All development shall comply with Clause 4.2.7 of Gold Coast City Council <i>Planning Scheme Policy 11 – Land Development Guidelines</i>. 	<p>Timing</p> <p>Prior to Commencement of Use of the premises.</p> <p>Timing</p> <p>Compliance with (b) to occur prior to commencement of use of the premises.</p> <p>Timing</p> <p>At all times.</p>
17	<p>Completion of external connections</p> <p>All external water connections must be completed and approved by Gold Coast Water.</p>	<p>Timing</p> <p>Prior to commencement of the use of the premises.</p>
18	<p>Connections – arrangements with Gold Coast Water</p> <p>All live connections to the existing water main are to be at the applicant's cost. The applicant must liaise with Gold Coast Water's Asset Audit and Handover Section (phone 1300 694 222) to make arrangements for the connection.</p>	<p>Timing</p> <p>Prior to connection to existing infrastructure.</p>
19	<p>Fire loading</p> <p>Fire loading must not exceed 30L/s for commercial uses, unless otherwise approved by Gold Coast Water.</p>	<p>Timing</p> <p>At all times.</p>
20	<p>Supply standard</p> <p>The applicant must provide water supply to the standard specified in Section 4 and 7 of Gold Coast City Council's <i>Land Development Guidelines</i>.</p>	<p>Timing</p> <p>At all times.</p>

ADVISORY NOTES TO APPLICANT

A Referral agencies

The referral agencies (and their addresses) for the application are listed below.

Any referral agency conditions are identified in the conditions of approval.

SARA

Department of State Development Infrastructure and Planning

(Department of Natural Resources and Mines)

PO Box 3290 Australia Fair

SOUTHPORT QLD 4215

Concurrency Agency – clearing of native vegetation

SARA (Department of Environment and Heritage Protection)

Department of State Development Infrastructure and Planning

(Department of Environment and Heritage Protection)

PO Box 3290 Australia Fair

SOUTHPORT QLD 4215

Concurrence Agency – Coastal Management District

SARA

Department of State Development Infrastructure and Planning

(Department of State Development Infrastructure and Planning)

PO Box 3290 Australia Fair

SOUTHPORT QLD 4215

Concurrence Agency – Regional Plan

SARA

Department of State Development Infrastructure and Planning

(Department of Transport and Main Roads)

PO Box 3290 Australia Fair

SOUTHPORT QLD 4215

Concurrence Agency – State Transport Infrastructure, Public Passenger Transport and Railways.

B Properly made submissions

There were properly made submissions about the application. The name and address of the principal submitter for each properly made submission is attached to the decision notice.

C Rights of appeal

The applicant has a right of appeal to the Planning and Environment Court regarding this decision, pursuant to section 461 of the *Sustainable Planning Act 2009*. A copy of that section is attached to the decision notice.

Submitters who made properly made submissions have a right of appeal to the Planning and Environment Court regarding this decision, pursuant to section 462 of the *Sustainable Planning Act 2009*. A copy of that section is attached to the decision notice.

D Infrastructure Agreement

The Applicant may enter into an Infrastructure Agreement with Council prior to Council giving any related development approvals. The Infrastructure Agree may include, but not be limited to infrastructure delivery, infrastructure charges, and applicable offsets and credits.

Items E to N are advisory requirements to meet the intent of the Commonwealth Disability Discrimination Act 1992 and the Queensland Anti-Discrimination Act 1991.

E Incorporation of Equitable Access at the Detailed Design Stage

All public spaces and facilities within the development must provide equitable access, including continuous accessible paths of travel, in compliance with the Commonwealth Disability Discrimination Act (1992) and the Disability (Access to Premises – Buildings) Standards 2010.

F Ramps

To facilitate universal access and best practice, ramps are preferred at gradients of 1:20 which exceed the minimum requirement of 1:14 wherever possible to assist all demographics.

G Accessible Car Parking

Designated accessible car parking numbers should exceed the number allocated within the Building Code of Australia /Disability (Access to Premises-Buildings) Standards 2009, Clause D3.5. Accordingly, 6% should be provided for a Shopping Centre Development, which is as stipulated in international standards. Designated accessible car parking for staff with disabilities should also be provided in addition to this number.

Accessible car parking and setting down areas should be provided for members of staff with a disability.

A continuous accessible path of travel should be provided to the front of accessible car parking spaces to negate the need for wheelchair users and people with ambulant disabilities having to travel behind parked vehicles.

H Warning Tactile Ground Surface Indicators (TGSIs)

Warning Tactile Ground Surface Indicators (TGSIs) are required to warn people with a vision impairment that a hazard exists from vehicles on a roadway. The Warning TGSIs are required when the roadway is not separated from a pedestrian access by way of a tactile cue, such as a change of grade in accordance with A1428.4.1:2009. Clause 2.5.

I Public Areas

Public areas should incorporate accessible play components for people of all physical, cognitive and sensory abilities. Tables and seating should be accessible and allow for circulation and seating space for mobility devices such as wheelchairs and mobility scooters.

J Accessible Amenities at Shopping Centre Development

Accessible amenities, such as designated unisex accessible toilets, should be provided at each bank of toilets in accordance with best practice.

K Mobility Devices at Shopping Centre Development

Recharge points are recommended for mobility scooters in accordance with best practice and should be signed accordingly.

L Streetscape

It is recommended that The Australian Human Rights Commission publication titled the Advisory Note on Streetscape, public outdoor areas, fixture, fittings and furniture is read in conjunction with these advice notes.

M Pathways

In accordance with best practice, path widths should be at least 1800mm wide in order for two wheelchair users, mobility scooter users or people with prams to pass each other in opposite directions and to meet the expected level of service. If a 1200mm width is provided then passing spaces 2000mm long x 1800mm wide should be provided at 6m intervals along the pathway in accordance with AS:1428.2.1992 Clause 6.4.

N Pedestrian Resting Points for Shopping Centre development

Resting points for pedestrians should be provided along paths of travel throughout the shopping centre where the walking distance between facilities and services exceeds 60 metres. Seating furniture should comply with AS:1428.2 (1992) Clause 27. Accordingly seating should be provided with shade and water bubbles wherever possible.

O Business Safety Audits

The Gold Coast Police District Crime Prevention Unit offer business security audits to help identify potential areas of vulnerability and to provide suggestions for adapting security to reduce the risk of crime against businesses. To request a business security audit or obtain further information on education, awareness and preventative strategies for businesses, the applicant is advised to contact the Gold Coast District Crime Prevention Unit on dcpc.GoldCoast@police.qld.gov.au

P Indigenous cultural heritage legislation and duty of care requirement

The *Aboriginal Cultural Heritage Act 2003* ('AHCA') is administered by the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs (DATSIMA). The AHCA 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 AHCA.

The applicant should contact DATSIMA's Cultural Heritage Coordination Unit on (07) 3405 3050 for further information on the responsibilities of developers under the AHCA.

Q Greenhouse gas emissions

As part of Council's commitment to reducing greenhouse gas emissions Council is encouraging the expansion of the natural gas reticulation network. In particular, the use of natural gas hot water systems will result in significantly less greenhouse gas emissions than equivalent electric storage hot water systems.

The applicant should contact the local natural gas reticulator (APA Group) to arrange an assessment of the suitability of the proposed development for connection to the existing gas reticulation network. Please contact Ramon O'Keefe on 0438708798 or email: ramon.o'keefe@apa.com.au.

R Obligation to ensure electrical safety

Under the *Electrical Safety Act 2002* you have an obligation to ensure your business or undertaking is conducted in an electrically safe way, whether or not it is electrical work.

If there is a reasonable likelihood that your work may cause a person, vehicle, operating plant or equipment to come into contact with an overhead electric line, you must consult with the person in control of powerlines.

Persons, vehicles, operating plant or equipment must stay outside the defined exclusion zone applicable to the powerline.

Information note:

An exclusion zone sets the minimum safe approach distance to the powerline. Guidance on exclusion zones can be found in the Code of Practice - Working Near Exposed Live Parts issued by the Electrical Safety Office.

For further information, including codes of practice and legislation, either check the Department of Employment and Industrial Relations' web site – www.deir.qld.gov.au, or contact the Electrical Safety Office Info line – 1300 650 662.

S Listing of koala under EPBC Act 1999

a Koala populations in South East Queensland are now listed (since May 2012) under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) as a matter of national environmental significance. You should consider whether the works (including but not limited to any damage to or removal of koala habitat trees) are likely to have a significant impact on koala (or any other matter of national environmental significance) and should be referred to the Department of Sustainability, Environment, Water, Population and Communities (SEWPAC). Some guidance is provided in the document available at the following link, but you should secure your own advice:
<http://www.environment.gov.au/epbc/publications/pubs/bio240-0612-interim-koala-referral-advice.pdf>

b It is an offence under the EPBC Act to take an action that has a significant impact on a matter of national environmental significance unless you have approval under the EPBC Act. It is also an offence under s.74AA of the EPBC Act to take an action while you are waiting on a referral or approval decision from SEWPAC under the EPBC Act.

- c The giving of a development approval by Council and authorisations under it (e.g. an authorisation following a pre-start inspection) does not override, remove or otherwise affect the need for you to comply with other approval requirements under local, State or Commonwealth laws (e.g. the EPBC Act). You are responsible for ensuring you have obtained all other necessary approvals before the work the subject of this approval/authorisation can be lawfully commenced.

Council of the City of Gold Coast
This is an authorised version of the original document

Sustainable Planning Act 2009

APPEAL RIGHTS FOR APPROVAL OR REFUSAL OF DEVELOPMENT APPLICATIONS FOR MATERIAL CHANGE OF USE, RECONFIGURATION OF A LOT OR OPERATIONAL WORKS APPLICATIONS.

461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following:
- (a) the refusal, or the refusal in part, of the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application;
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the applicant's appeal period) after:
- (a) if a decision notice or negotiated decision notice is given - the day the decision notice or negotiated decision notice is given to the applicant;
 - (b) otherwise, the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day of a decision on the matter should have been made.

Sustainable Planning Act 2009

APPEAL RIGHTS TO A BUILDING AND DEVELOPMENT COMMITTEE FOR PARTICULAR MATERIAL CHANGES OF USE.

PLEASE REFER TO THE PREREQUISITES IN SECTIONS 519 AND 522 TO DETERMINE WHETHER YOU HAVE APPEAL RIGHTS TO A BUILDING AND DEVELOPMENT COMMITTEE.

519 Appeal by applicant—particular development application for material change of use of premises

- (1) This section applies to a development application if the application is only for a material change of use of premises that involves the use of a prescribed building.
- (2) However, this section does not apply to the development application if any part of the application required impact assessment and any properly made submissions were received by the assessment manager for the application.
- (3) The applicant for the development application may appeal to a building and development committee against any of the following—
 - (a) the refusal, or the refusal in part, of the application;
 - (b) any condition of the development approval and another matter, other than the identification or inclusion of a code under section 242, stated in the development approval;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the application.
- (4) An appeal under subsection (3)(a), (b), (c) or (d) must be started within 20 business days (the applicant's appeal period) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (5) An appeal under subsection (3)(e) may be started at any time after the last day a decision on the matter should have been made.

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- (1) This section applies to a development application if—
 - (a) the application is only for a material change of use that involves the use of a building classified under the BCA as a class 2 building; and
 - (b) the proposed development is for premises of not more than 3 storeys; and
 - (c) the proposed development is for not more than 60 sole-occupancy units.

- (2) However, this section does not apply to the development application if any part of the application required impact assessment and any properly made submissions were received by the assessment manager for the application.
- (3) The applicant for the development application may appeal to a building and development committee against a condition of the development approval.
- (4) The appeal must be started within 20 business days (the applicant's appeal period) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (5) In this section—

sole-occupancy unit, in relation to a class 2 building, means a room or other part of the building used as a dwelling by a person to the exclusion of any other person.

storey means a space within a building between 2 floor levels, or a floor level and a ceiling or roof, other than—

- (a) a space containing only—
 - (i) a lift shaft, stairway or meter room; or
 - (ii) a bathroom, shower room, laundry, water closet or other sanitary compartment; or
 - (iii) accommodation for not more than 3 motor vehicles; or
 - (iv) a combination of any things mentioned in subparagraph (i), (ii) or (iii); or
- (b) a mezzanine.