



Development Tribunal – Decision Notice

Planning Act 2016, section 255

Appeal number:	24-003
Appellant:	Brendan and Kezia Dover
Respondent (Assessment manager):	Council of the City of Gold Coast
Site address:	15 Appel Street, Coolangatta Qld 4225 described as Lots 0 - 6 SP331037

Appeal

Appeal under section 229(1)(a)(i) and Schedule 1, Section 1, Table 1, Item 2(a) of the *Planning Act 2016 (PA)* against the responsible entity's decision to approve a change application (**the application**) to a material change of use approval for multiple dwellings (6 units) (MCU/2020/1) subject to amended and additional conditions.

Date and time of hearing:	Not held
Tribunal:	Kim Calio – Chair Julie Brook - Member

Decision:

The Development Tribunal (**Tribunal**) in accordance with section 254(2)(c) of the *Planning Act 2016*, replaces the decision of the Respondent to approve the Change Application on conditions with a decision to approve the Change Application as shown on the Revised Plans and consolidated condition package set out in *Appendix 1* of this Decision Notice.

Background

1. The City of Gold Coast (**Council**) approved a Material Change of Use application for multiple dwellings (6) over the site 20 May 2020.
2. Council's Delegate Assessment report dated 15 May 2020 (MCU/2020/1) identified that a total of 12 car parking spaces (9 resident and 3 visitor) would have been required to meet Acceptable Outcome 1 of the City Plan Transport Code and further that the development proposed to provide 13 car parking spaces (11 resident and 2 visitor).
3. Council issued a Decision Notice dated 22 May 2020 approving the Material Change of Use application for 6 Units subject to conditions (MCU/2020/1).
4. A summary of the main reasons for the decision stated in the Decision Notice contained seven dot points. Dot five stated:

"Sufficient car parking spaces are provided within the site;"

5. The original material change of use approval provided for double enclosed garages for Units 2 – 6 and a single carport for Unit 1 together with two visitor car parks.
6. The multiple dwelling (six units) complex was ultimately constructed and provided a total of 13 car parking spaces. The Tribunal notes that this is one extra space above the total number of spaces required by the City Plan Transport Code.
7. A Show Cause Notice (CE BOA/2022/645) dated 13 April 2022 was issued by Council. It is understood the Show Cause Notice related to non-compliance with the approved plans with regard to the enclosure of one of the visitor spaces. The change application was submitted in response to the Show Cause Notice.
8. The appellant proposed to change the material change of use approval decided by the City of Gold Coast delegate on 20 May 2020 by amending conditions and the approved plans of development. The changes substantially related to the reduction in onsite visitor parking for the multiple dwelling complex from two to one and the enclosure and allocation of this visitor space for the exclusive use of Unit 1.
9. The Minor Change Application was submitted to Council and was deemed properly made on 12 December 2022.
10. The Planning Report prepared by Tactica Planning and Development dated 28 July 2023 made the following assertion with regard to the proposed change to resident and visitor car parking allocation:

“this matter has been assessed by Modus Transport and Traffic Engineering who have prepared a Technical Memorandum providing support for the change. The findings of the assessment conclude that there is sufficient parking capacity in the locality to support the proposed outcome, ensuring compliance is achieved with the outcomes of the Transport Code.”
11. Council’s Delegate Assessment report dated November 2023 (MIN/2022/611) noted the Modus Transport and Traffic Engineering Technical Memorandum but stated that *“Council officers are not supportive of the removal of the visitor car parking space”*.
12. On 8 December 2023, Council's delegate decided the development application and while the application was approved, a condition was included to require the reinstatement of the visitor car park that had been enclosed.
13. Council issued a Decision Notice dated 14 December 2023.
14. The owners of the Land, Brendan and Kezia Dover, lodged this appeal on or about 19 January 2024 in response to the approval of the Application subject to conditions.
15. Following the filing of this appeal the Appellants and the Respondent continued to engage in further discussions seeking a resolution of the matters in dispute.

Jurisdiction

16. Section 229(1) of the Act identifies that schedule 1 states the matters that may be appealed to the Tribunal.
17. Table 1 of schedule 1 of the Act states the matters that may be appealed to the Planning and Environment Court or the Tribunal subject to (in the case of the Tribunal) the pre-conditions stated in section 1(2) of schedule 1.

18. The Tribunal has jurisdiction to determine this appeal under section 229 and schedule 1, section 1(2)(f) and schedule 1, section 1, table 1, item 2(a) of the Act.

Decision framework

19. The onus rests on the Appellants to establish that the appeal should be upheld.¹
20. The Tribunal is required to hear and decide the appeal by way of a reconsideration of the evidence that was before the person who made the decision appealed against.²
21. The Tribunal may nevertheless (but need not) consider other evidence presented by a party with leave of the Tribunal or any information provided under section 246 of the Act.
22. The Tribunal is required to decide the appeal in one of the ways mentioned in section 254(2) of the Act.

Material considered

23. The material considered by the Tribunal pursuant to section 253(4) and section 253(5) of the Act in arriving at this decision comprises:
- (a) Council Delegate Assessment Report dated 15 May 2020 (MCU/2020/1);
 - (b) Council Decision Notice dated 22 May 2020 approving the original Material Change of Use application for Multiple Dwelling (6 Units) subject to conditions (MCU/2020/1);
 - (c) Form 10 – Appeal Notice against the assessment manager’s decision to approve the Change Application with a condition requiring reinstatement of the visitor car park and correspondence accompanying the Appeal lodged with the Registrar on or about 19 January 2024.

The following is an excerpt of statements made in the grounds of Appeal with regard to the requirement to reinstate the visitor car park:

- (a) *is not relevant to, and is an unreasonable imposition upon the development and the use of the Land as a consequence of the development;*
- (b) *is not reasonably required in relation to the development or the use of the Land as a consequence of the development;*
- (c) *fails to take account of the number of parking spaces provided within the development and the availability of on-street parking spaces in the surrounding area;*
- (d) *will result in an unacceptable development outcome for Unit 1 of the development; and*
- (e) *is not required for the Proposed Development to achieve compliance with the relevant assessment benchmarks.”*

¹ Section 253(2) of the Act.

² Section 253(4) of the Act

- (d) Planning Report prepared by Tactica Planning and Development dated 28 July 2023;
- (e) Modus Transport and Traffic Engineering Technical Memorandum dated 20 June 2023;
- (f) Council Delegate Assessment Report for the Minor Change Application dated November 2023 (MIN/2022/611);
- (g) Council Decision Notice for the Minor Change Application dated 14 December 2023
- (h) Email from Council to the Registrar 19 July 2024 providing the changes to the conditions and amendments to the plans agreed between the parties;
- (i) Email from the Appellant to the Registrar 22 July 2024 confirming agreement of the updated amendments and conditions;
- (j) City of Gold Coast City Plan 2024.

Findings of fact

The Tribunal makes the following finding of fact:

- 24. The Land is contained within the Medium density zone of the City of Gold Coast planning scheme City Plan Version 11 (19 February 2024).

The Land and surrounding area

- 25. The Land is generally level and approximately 1012m² in area. It is generally rectangular in shape with a frontage of approximately 20.5m to Appel Street.
- 26. The Land contains six, two storey units each with two enclosed carparks. In addition, one visitor car park is provided.
- 27. On street car parking is provided in the vicinity of the Land in Appel Street and Stapylton Street.
- 28. Coolangatta State School is located on the opposite side of Appel Street.
- 29. There are several parks within walking distance of the Land, the closest is Len Peak Oval (part of Kirra Sports Club), located approximately 90 metres south of the Land.

Reasons for the decision

- 30. The Appellants and Respondent have worked through the issues in dispute to arrive at and agreed solution acceptable to both parties.
- 31. The agreed solution essentially changes the decision of the responsible entity by accepting the Appellants' proposed plans dated 13 November 2023, removing the requirement to reinstate the visitor car park and requiring a building approval to be obtained for the enclosure of the garage area of Unit 1.

32. The Tribunal notes that the existing 13 carparking spaces will be maintained on site and the conclusions of the Technical Note prepared by Modus Transport and Traffic Engineering providing support for the proposed change in car parking allocation on site.
33. The Tribunal is satisfied that the agreed solution satisfies the relevant assessment bench mark for this matter, being City Plan 9.4.13 Transport Code and in particular, overall outcome 9.4.13.2(2)(a) which states:

“(a) Development ensures that:

- (i) on-site access, parking and facilities, manoeuvring and servicing areas are designed to:*
 - (A) meet the needs of the development;*
 - (B) result in a functional and efficient site layout that minimises impacts on surrounding areas and traffic movement;*
 - (C) create a safe pedestrian and cyclist focussed environment; and*
 - (D) promote a high quality public realm.*
- (ii) the function and capacity of the road network is not compromised and impacts on amenity, safety and operation of existing and planned roads are appropriately mitigated.”*

34. The Tribunal has determined to replace the decision of the responsible entity made on 8 December 2023 with a new decision as set out in *Appendix 1* to this Decision Notice.

Kim Calio

Development Tribunal Chair
Date: 31 July 2024

Appeal rights

Schedule 1, Table 2 (1) of the *Planning Act 2016* provides that an Appeal may be made against a decision of a Tribunal to the Planning and Environment Court, other than a decision under section 252, on the ground of -

- (a) an error or mistake in law on the part of the Tribunal; or
- (b) jurisdictional error.

The Appeal must be started within 20 business days after the day notice of the Tribunal decision is given to the party.

The following link outlines the steps required to lodge an Appeal with the Court:

<http://www.courts.qld.gov.au/courts/planning-and-environment-court/going-to-planning-and-environment-court/starting-proceedings-in-the-court>

Enquiries

All correspondence should be addressed to:

The Registrar of Development Tribunals
Department of Housing, Local Government, Planning and Public Works
GPO Box 2457
Brisbane Qld 4001

Telephone (07) 1800 804 833

Email: registrar@epw.qld.gov.au

Appendix 1

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::~~

<u>Drawing Title</u>	<u>Author</u>	<u>Date</u>	<u>Drawing No.</u>	<u>Ver</u>
<u>Site Plan</u>	<u>Summerland Design</u>	<u>13.11.23</u>	<u>A2</u>	<u>0</u>
<u>Survey</u>	<u>Summerland Design</u>	<u>13.11.23</u>	<u>A3</u>	<u>0</u>
<u>Proposed floor plans – Building 1</u>	<u>Summerland Design</u>	<u>13.11.23</u>	<u>A4</u>	<u>0</u>
<u>Proposed floor plans – Buildings 2 & 3</u>	<u>Summerland Design</u>	<u>13.11.23</u>	<u>A5</u>	<u>0</u>
<u>Proposed floor plan & roof plan</u>	<u>Summerland Design</u>	<u>13.11.23</u>	<u>A6</u>	<u>0</u>
<u>Proposed elevations</u>	<u>Summerland Design</u>	<u>13.11.23</u>	<u>A7</u>	<u>0</u>
<u>Proposed elevations</u>	<u>Summerland Design</u>	<u>13.11.23</u>	<u>A8</u>	<u>0</u>
<u>Buildings 1 – Unit 1 – Section A-A</u>	<u>Summerland Design</u>	<u>13.11.23</u>	<u>A9</u>	<u>0</u>
<u>Buildings 2 & 3, Section B-B & Section C-C</u>	<u>Summerland Design</u>	<u>13.11.23</u>	<u>A11</u>	<u>0</u>

Drawing Title	Author	Date	Drawing No.	Ver
Site Plan	Summerland Design	11 May 2020	A2	0
Survey	Summerland Design	11 May 2020	A3	0
Proposed Floor Plans	Summerland Design	11 May 2020	A4	0
Proposed First Floor Plan &	Summerland	11 May 2020	A5	0

	Roof Plan	Design																							
	Proposed Elevations	Summerland Design	11 May 2020	A6	⊖																				
	Proposed Elevations	Summerland Design	11 May 2020	A7	⊖																				
	Colour Palette	Summerland Design	11 May 2020	A7	⊖																				
	Stage Development Plan	Summerland Design	11 May 2020	A10	⊖																				
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.																									
2a	Ground floor space (<i>specific condition</i>) The ground floor space of each unit is not permitted to be rented or leased separately from the upper floor level at any given time																								
2b	<u>Amended Building Approval</u> a. <u>By 11 October 2024, obtain a Building Approval or a changed Building Approval reflecting the design and the enclosure of the Unit 1 garage area as shown on the stamped approved plans, at no cost to Council.</u> b. <u>Submit a copy of the Building Approval or amended Building Approval to Council within 14 days of its creation.</u>																								
3	Approved Plans Undertake and maintain the development generally in accordance with the following plans: <table><tr><th>Plan Title</th><th>Author</th><th>Date</th><th>Plan Reference No.</th><th>Ver</th></tr><tr><td>Odour Impact Assessment Report</td><td>MRA Environmental</td><td>March 2020</td><td>MRA20-015</td><td>V.1</td></tr><tr><td>Noise Impact Assessment</td><td>ATP Consulting Engineers</td><td>May 2020</td><td>ATP200210-R-NIA-02</td><td>1</td></tr><tr><td>R001 – G19154 – Stormwater Management Plan</td><td>Michael Bale and Associates Pty Ltd</td><td>02/04/2020</td><td>R001 – G19154</td><td>02</td></tr></table>					Plan Title	Author	Date	Plan Reference No.	Ver	Odour Impact Assessment Report	MRA Environmental	March 2020	MRA20-015	V.1	Noise Impact Assessment	ATP Consulting Engineers	May 2020	ATP200210-R-NIA-02	1	R001 – G19154 – Stormwater Management Plan	Michael Bale and Associates Pty Ltd	02/04/2020	R001 – G19154	02
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R001 – G19154 – Stormwater Management Plan	Michael Bale and Associates Pty Ltd	02/04/2020	R001 – G19154	02																					
4	Mechanical Ventilation – Air Conditioning Mechanical ventilation - air conditioning must be installed in each unit. The mechanical ventilation system must be appropriately sized to ensure sufficient air circulation as per the requirements of AS1668.2-2012. The ventilation should be designed so that the acoustic performance of the building envelope is not compromised.																								
Property																									
5	Private infrastructure a Ownership, operation and maintenance of the following private infrastructure is to vest at all times with land owner / Body Corporate and/or legal authority): <ul style="list-style-type: none">i Stormwater treatment device (bio-retention basin) monitored and managed in accordance with the approved site based maintenance management planii Rainwater tanks (3 x 4KL) maintained functional for the entire life of the development.iii Vegetated swale along the northern boundary maintained functional for the entire																								

	life of the development.										
b	At any time the Council's corresponding infrastructure network is altered, the private infrastructure must be altered to be commensurate with Council's network, at no cost to Council.										
Amenity											
6	<p>Screening of visually offensive components</p> <p>Locate and screen the following components of the development so that they are not visible from any road to which the site has frontage, adjoining premises or otherwise on display from any public thoroughfare or vantage point:</p> <ul style="list-style-type: none">a Refuse storage areasb Service equipmentc Mechanical ventilationd Refrigeration unitse Storage areas for machinery, materials, vehicles or the like.										
Environmental and Landscaping											
7	<p>Landscaping works</p> <p>a. Obtain an operational works approval to landscape the site and the adjoining road verge generally in accordance with the Statement of Landscape Intent listed below, prior to commencement of the use at no cost to Council:</p> <table><tr><th>Drawing Title</th><th>Author</th><th>Date</th><th>Drawing No.</th><th>Ver</th></tr><tr><td>Landscape Concept Plan</td><td>The Landscape Plan Company</td><td>10.3.20</td><td>L1 of 1</td><td>B</td></tr></table> <p>and include in particular:</p> <ul style="list-style-type: none">i Unless otherwise specified in these conditions, tree species must be a minimum bag size of 100L at the time of planting.ii Palm species must be a minimum 3 metres in height at the time of planting.iii Unless otherwise specified in these conditions, shrub species must be a minimum 200mm pot size at the time of planting.iv Screening shrubs must be able to achieve a minimum height of 3 metres at maturity and must be a minimum 300mm pot size at the time of planting.v Tree species planted with root zones adjacent to structures must have root control barriers and/or structure strengthening systems installed. Full demonstration of these systems is required.vi Install a minimum two (2) canopy tree specimens within the frontage setback area at a minimum 200L bag size.vii Install a row of screening shrubs at 1 metre centres along the front boundary.viii Install a row of screening shrubs at 1 metre centres along the southern side boundary, where garden area is proposed.ix Install a row of screening shrubs where sufficient space is available along the northern side boundary.x Install a row of screening shrubs at 1 metre centres along the rear boundary (excluding the bin storage location).xi Install a minimum one (1) palm within the rear setback area adjacent the driveway.xii The locations and cross section of all proposed bio-retention systems as required	Drawing Title	Author	Date	Drawing No.	Ver	Landscape Concept Plan	The Landscape Plan Company	10.3.20	L1 of 1	B
Drawing Title	Author	Date	Drawing No.	Ver							
Landscape Concept Plan	The Landscape Plan Company	10.3.20	L1 of 1	B							

	<p>by the sites approved Stormwater Management Plan and identify:</p> <ul style="list-style-type: none"> ○ Proposed filter media depths and surface treatments. ○ A combination of <i>Lomandra sp.</i> and <i>Banksia robur</i> specimens must be incorporated within the proposed bio-retention within the frontage. ○ Planting densities within the proposed bio-retention must comply with the densities recommend in SC6.11 City Plan Policy – Land development guidelines. <p>xiii Any frontage fencing must not be proposed forward of the building line.</p> <p>xiv Street tree planting must be incorporated.</p> <p>xv All road reserve turf must be repaired and replaced if damaged.</p> <p>b. Construct and maintain the private landscaping identified above at no cost to Council at all times.</p>
Transport	
8	<p>Off street vehicle and car parking facilities</p> <p>a Design and construct off street vehicle facilities at no cost to Council prior to the commencement of the use, generally in accordance with the Transport code of the City Plan and include in particular:</p> <ul style="list-style-type: none"> i A total of 13 car parking spaces, comprising: <ul style="list-style-type: none"> – 142 resident spaces; and – 21 freely accessible visitor spaces. ii All spaces are drained and sealed. Visitor spaces are also line marked. iii Clearly identified signage and directional markings including: <ul style="list-style-type: none"> – Signage and line marking indicating 'visitor parking' for visitor spaces. – Signage denoting 'Reverse In' for both visitor car parking spaces. <p>b Undertake and maintain the off street vehicle and parking facilities at no cost to Council at all times.</p>
8a	<p>Rectification of visitor car parking space (specific condition)</p> <p>The amended in red Site plan (Drawing No. A2) requires the reinstatement of the visitor car parking space that has been enclosed. The visitor car parking space must be reinstated within a period of 6 months from the date of this decision notice.</p>
9	<p>Off street bicycle parking and end of trip facilities</p> <p>a Design and construct off street bicycle parking and end of trip facilities at no cost to Council generally in accordance with the Transport code of the City Plan and include in particular:</p> <ul style="list-style-type: none"> i A minimum of 5 security level C (visitor) bicycle parking spaces. ii Signs and line marking to give direction to visitor bicycle parking to be visible to cyclists upon entering the site in accordance with AS2890.3. Signage and line marking is to be provided along the route and where bicycle parking is provided. <p>b Undertake and maintain all works prior to commencement of the use at no cost to Council at all times.</p>
Engineering	
10	<p>Rectification of Council's infrastructure</p> <p>a. Rectify any damage caused to Council infrastructure (including kerb, channelling, service pits, footpaths and water and sewer reticulation networks) prior to commencement of the use at no cost to Council.</p> <p>b. Construct and maintain the rectified Council infrastructure at no cost to Council prior to</p>

	commencement of the use.
11	<p>Existing infrastructure, structures and services</p> <p>a. Obtain an operational works approval for the removal/ relocation of existing infrastructure, structures and services identified on the drawings prior to commencement of the use at no cost to Council and include in particular:</p> <ul style="list-style-type: none"> i. Remove redundant vehicular crossing. ii. Remove any redundant stormwater kerb adaptors and disused service pits from the kerb and channel (including any associated pipework across the footpath).
12	<p>Construction of vehicular crossing</p> <p>Design and construct the vehicular crossing generally in accordance with the Driveways and vehicular crossing code of the City Plan.</p>
13	<p>Electrical reticulation</p> <p>Design, construct and connect an electrical reticulation system at no cost to Council and include in particular:</p> <ul style="list-style-type: none"> a Provide underground electricity to the subject site and building/s. b No additional poles are to be erected within public roads. c Meet the requirements of the electricity supplier (e.g. Energex).
14	<p>Telecommunications network</p> <p>Design, construct and connect a telecommunications services network at no cost to Council and include in particular:</p> <ul style="list-style-type: none"> a Provide underground telecommunications to the subject site and building/s, lead-in conduits and equipment space/s in a suitable location within the building/s, to suit the carrier of choice. b All new pit and pipe infrastructure required to be installed along public road(s), must be suitably sized to cater for future installation of fibre optic cables. c Meet the telecommunications industry standards (e.g. Telstra/NBN Co standards).
Stormwater Drainage	
15	<p>Overland flow paths and hydraulic alterations</p> <p>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.</p> <p>b The development must not:</p> <ul style="list-style-type: none"> i Increase peak flow rates downstream from the site. ii Increase flood levels external to the site. iii Increase duration of inundation external to the site that could cause loss or damage.
16	<p>Bioretention basin maintenance management plan (<i>specific condition</i>)</p> <p>a Prepare and implement a bioretention basin maintenance management plan (MMP) prior to the commencement of the use. The MMP must be prepared by a Registered Professional Engineer Queensland (RPEQ) specialising in stormwater management in accordance with City Plan Policy SC6.11 Land Development Guidelines and with reference to the Water by Design document Maintaining Vegetated Stormwater Assets, Version 1 February 2012.</p> <p>b The MMP must include, but not necessarily be limited to, the following key information:</p> <ul style="list-style-type: none"> i Design intent and description of the device(s). ii The location and specific dimensions of the device(s). iii Approved / designed water quality objectives.

	<ul style="list-style-type: none"> iv Water quality monitoring procedures. v Monitoring frequency. vi Specifications and procedures for device(s) maintenance. vii Plant and equipment access details for maintenance activities. viii Maintenance activity schedule defining frequency, area (m2) per maintenance zone, hours, staff, plant and equipment, approximate costs per rotation, and per annum. ix Performance indicators / intervention levels / triggers for reactive maintenance. x Any necessary preventative maintenance measures. xi Acceptable solutions for specific items, i.e. acceptable plant species substitutions based on availability, hydraulic conductivity, water quality objectives, etc. xii Approximate lifecycle maintenance costs.
Sewer and Water Works	
17	<p>Requirement to register easement/s</p> <ul style="list-style-type: none"> a Register a minimum 3.0m wide easement for the purposes of “Sewerage” for access and maintenance purposes in favour of Council over all Council sewer infrastructure within private property in accordance with WSAA Gravity Sewerage Code of Australia – SEQ Edition. b The terms of the easement must include: <ul style="list-style-type: none"> i The responsibilities of the Grantor / Grantee for ongoing maintenance. ii Standard terms document 707918364 must be referenced on Form 9 – easement document. iii Easement plans and associated documents (i.e.: Form 9 – easement document and general consent form 18) must be fully completed and signed by the owner of the burdened land (and any mortgagees, if necessary) and benefitting land before they are submitted to council for endorsement. c Registration of the easement must occur prior to commencement of the use. d Where a maintenance structure (maintenance hole, maintenance shaft or terminal entry point) is located in private property, a minimum 1 m wide easement along the side boundary from the front boundary to the maintenance structure, for sewerage purposes, is to be provided to facilitate access to the structure in accordance with the SEQ Water Supply and Sewerage Design and Construction Code. This is to occur at the same time as registering the plan of subdivision. e This condition attaches to the land the subject of the development approval and binds the owner(s) of the land and the owners’ successors in title (even after the time when the easement is required to be registered). Therefore if this condition is not complied with at the time required by this condition, the owner(s) of the land and the owners’ successors in title continue to be obligated to register the easement in accordance with this condition and must do so within 40 business days of becoming aware of the non-compliance with this condition.
18	<p>Sewer reticulation</p> <ul style="list-style-type: none"> a Design, construct and connect the proposal to Council’s sewer network at the existing sewer main in the property rear of the site (15 Appel Street, Coolangatta), prior to commencement of the use at no cost to Council and include in particular: <ul style="list-style-type: none"> i Be in accordance with the WSAA Gravity Sewerage Code of Australia – SEQ Edition and the Water and Sewerage Connections Policy. ii The size of the sewer property service connection must be a minimum of 150 mm. iii Remove/seal/cap redundant sewer property services.
19	<p>Water reticulation</p> <p>Design, construct and connect a water connection for the proposal to Council’s potable water supply network at the existing main in Appel Street, prior to commencement of the use at no</p>

	<p>cost to Council and include in particular:</p> <ul style="list-style-type: none"> i Be in accordance with the Water Supply Code of Australia – SEQ Service Providers Edition, and the Water and Sewerage Connections Policy ii The property service, water meter box and water meter must be provided at the boundary of the development site. A connection application is required for these works. iii Remove redundant water meters / connections.
20	<p>Sub-metering</p> <p>Provide individual sub-metering for each unit including common property generally in accordance with the Metering Technical Specifications and the Water and Sewerage Connections Policy.</p>
21	<p>Fire loading</p> <p>Fire loading must not exceed 30 L/s for 4 hours duration.</p>

Construction Management**22 Certification of works - Hydraulics and Water Quality**

Provide Council with certificates prepared by qualified expert(s) from the discipline(s) listed below, confirming as follows:

Hydraulics and Water Quality

Certified document	Certification date	Plan/ Drawing	Expert discipline	Requesting Council Section
Post construction certification	Prior to commencement of the use/ a request is made to Council to approve the plan of subdivision	"R001-G19154-Stormwater Management Plan, Revision 02", dated 02 April 2020 prepared by Michael Bale and Associates Pty Ltd	Registered Professional Engineer Queensland (RPEQ)	Hydraulics & Water Quality

The certification is to confirm:

All stormwater devices (quantity and quality) shown in the approved stormwater management plan (as amended) and associated design drawings have been installed on-site in accordance with Council's approved stormwater management plan and are functioning as designed.

Health and Regulatory Services

Certified document	Certification date	Plan/ Drawing	Expert discipline	Requesting Council Section
Acoustic compliance report	Prior to commencement of the use	Approved acoustic report: Noise impact Assessment prepared by ATP Consulting Engineers, dated May 2020 (ATP200210-R-NIA-02)	Acoustic Engineer	Health and Regulatory Services

The certification is to confirm:

The development has been designed in accordance with the established noise criteria and recommendations outlined in an approved Acoustic Report.

Subdivision Engineering

Certified document	Certification date	Plan/ Drawing	Expert discipline	Requesting Council Section
Certificate for electricity supply	Prior to commencement of the use	-	An authorised supplier (e.g. Energex)	Development Compliance

The certification is to confirm:

Underground electricity supply is available to the development site and all proposed dwellings.

	Subdivision Engineering				
	Certified document	Certification date	Plan/ Drawing	Expert discipline	Requesting Council Section
	Contractual agreement (e.g. Agreement Advice or Completion Letter from Telstra. Alternatively, a copy of Master Development Agreement or Small Development Agreement from NBN Co).	Prior to commencement of the use	-	The authorised telecommunication carrier (e.g. Telstra, NBN Co)	Development Compliance
	The certification is to confirm: Underground telecommunication infrastructure will be undertaken and installed in accordance with telecommunications industry standards (e.g. Telstra / NBN Co standards).				
23	Erosion and sediment control a Undertake works generally in accordance with the Healthy Waters code of the City Plan; and include in particular: <ul style="list-style-type: none">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.iv 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 4.5.17.1.2-Compliance.				
24	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.				
Plumbing and Drainage Act 2018					
25	Plumbing and drainage works Obtain a permit for all plumbing and drainage work prior to any permit work commencing. <i>Note:</i> <i>A permit for plumbing and drainage works cannot approve the discharge of trade waste to Council’s sewerage system. The generator of trade waste must complete an application for approval to discharge trade waste to Council’s Sewerage System (available on Council’s website).</i>				

Advice Notes									
A	<p>Development infrastructure</p> <p>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.</p>								
B	<p>Further development permits / compliance permits</p> <p>Further development permits and/or compliance permits from Council are required to facilitate the development of the approved works identified in this decision notice. These include:</p> <table><tr><td>City Assets</td></tr><tr><td>- Operational works – removal/ relocation of infrastructure.</td></tr></table> <table><tr><td>Landscape Assessment</td></tr><tr><td>- Operational works - landscape works</td></tr></table> <table><tr><td>Plumbing and Drainage</td></tr><tr><td>- Permit for plumbing and drainage work</td></tr></table> <table><tr><td>Water and Waste</td></tr><tr><td>- Application to work on the City's infrastructure</td></tr></table> <p>A copy of this decision notice and accompanying stamped drawings / plans must be submitted with any subsequent application identified above.</p> <p>Subsequent development applications (i.e.: Operational works) will be assessed in accordance with the City Plan Version at the time of lodgement (excluding instances where Variation / Preliminary approval exists).</p>	City Assets	- Operational works – removal/ relocation of infrastructure.	Landscape Assessment	- Operational works - landscape works	Plumbing and Drainage	- Permit for plumbing and drainage work	Water and Waste	- Application to work on the City's infrastructure
City Assets									
- Operational works – removal/ relocation of infrastructure.									
Landscape Assessment									
- Operational works - landscape works									
Plumbing and Drainage									
- Permit for plumbing and drainage work									
Water and Waste									
- Application to work on the City's infrastructure									
C	<p>Compliance with conditions</p> <p>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.</p>								
D	<p>Connections and disconnections</p> <p>Any connection/disconnection to the existing water and sewerage networks will be at the applicant's cost. Prior to the connection/disconnection taking place, the applicant must obtain written approval from Water and Waste.</p> <p>Refer to the Water and Sewerage Connections Policy, available on Council's websitehttp://www.cityofgoldcoast.com.au</p>								
E	<p>Indigenous cultural heritage legislation and duty of care requirement</p> <p>The <i>Aboriginal Cultural Heritage Act 2003</i> ('ACHA') is administered by the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP). The ACHA establishes a duty of care to take all reasonable and practicable measures to ensure any activity does not harm Aboriginal cultural heritage. This duty of care:</p> <ul style="list-style-type: none">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; andd If breached, is subject to criminal offence penalties. <p>Those proposing an activity involving surface disturbance beyond that which has already</p>								

	<p>occurred at the proposed site must observe this duty of care.</p> <p>Details of how to fulfil this duty of care are outlined in the duty of care guidelines gazetted with the ACHA.</p> <p>The applicant should contact DATSIP's Cultural Heritage Coordination Unit on (07) 3405 3050 for further information on the responsibilities of developers under the ACHA.</p>
F	<p>Infrastructure charges</p> <p>Infrastructure charges are now levied under a Charges Resolution by way of an Infrastructure Charges Notice, which accompanies this decision notice.</p>
G	<p>Applicant responsibilities</p> <p>The applicant is responsible for securing all necessary approvals and tenure, providing statutory notifications and complying with all relevant laws.</p> <p>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:</p> <ul style="list-style-type: none"> a Obtaining all other/further necessary approvals, licences, permits, resource entitlements etc. by whatever name called required by law before the development the subject of this approval can be lawfully commenced and to carry out the activity for its duration. b Providing any notifications required by law (by way of example only, to notify the administering authority pursuant to the <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'). c Securing tenure/permission from the relevant owner to use private or public land not owned by the applicant (including for access required by conditions of approval). d Ensuring existing survey marks, including cadastral marks at property corners, i.e pegs or cadastral reference marks in the road reserve (permanent surveys marks, buried iron pins, and various marks in concrete or bitumen structure) are not interfered with. A Consulting Cadastral Surveyor must be contacted if survey marks are disturbed or destroyed during any works in relation to this or related approvals, to investigate and determine if any further action is required. More information on interference with survey marks is available under Section 42 of the <i>Survey and Mapping Infrastructure Act 2003</i>. e Ensuring the correct siting of structures on the land. An identification survey demonstrating correct siting and setbacks of structures may be requested of the applicant to ensure compliance with this decision notice and applicable codes. f Providing Council with proof of payment of the Portable Long Service Leave building construction levy (or proof of appropriate exemption) where the total value of the building and construction works exceeds \$150,000 (excluding GST). Acceptable proof of payment is a Q.Leave –Notification and Payment Form approved by the Authority. Proof of payment must be provided before Council can issue a development permit for the Operational works. This is a requirement of section 77(1) of the Building and Construction Industry (Portable Long Service Leave) Act 1991. g Making payment of any outstanding Council rates and charges applicable to the development site prior to the lodgement of subdivision plans. h Obtaining any necessary local government/state approvals where works require the installation of temporary ground anchoring into adjacent Road Reserves. Where ground anchoring is proposed into an adjacent private property, approval from the relevant property owners(s) is required.
H	<p>Water meter sizing</p> <p>All water meters 50 mm in diameter or larger must be installed aboveground and on lot and will require an operation works approval.</p> <p>An unrestricted access to the water service (including meters) must be provided at all times. Refer to Water and Sewer Metering Technical Specifications, available on Council's website:</p>

	http://www.cityofgoldcoast.com.au
I	<p>Weeds, pest animals and ants</p> <p>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.</p> <p>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.</p>
J	<p>Incorporation of Equitable Access at the Detailed Design Stage</p> <p>All public spaces and facilities within the development must provide equitable access, including continuous accessible paths of travel, in compliance with the <i>Commonwealth Disability Discrimination Act (1992)</i> and the Disability (Access to Premises – Buildings) Standards 2010.</p>
K	<p>Stormwater</p> <p>A property notification will be applied to the lot / subsequent lots stating a stormwater management plan exists for the site and must be complied with at all times.</p>
L	<p>Connections to, alteration or realignment of Council infrastructure</p> <p>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.</p> <p>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.</p>
Property Notifications	
A	<p>Stormwater</p> <p>There are development approval conditions applicable in relation to stormwater management on this lot / subsequent lots. All property owner(s) must ensure compliance with these conditions. Refer to Council of the City of Gold Coast's Decision Notice MCU/2020/1. A copy of Council's Decision Notice is available for viewing on Council's website www.goldcoastcity.com.au/pdonline</p>

SITE AREA: 1012m² - (APPROX.)
PROPOSED SITE COVERAGE: 489.87m² (APPROX.)
48.38% (APPROX.)

ALL EXISTING LEVELS, PAD, AND FLOOR LEVELS & FFL LEVELS MUST BE CONFIRMED & NOMINATED ON SITE BY BUILDING CONTRACTOR - PRIOR TO ANY COMMENCEMENT OF WORKS.
EXACT BUILDING PAD LEVELS & FFL'S ARE TO BE DETERMINED

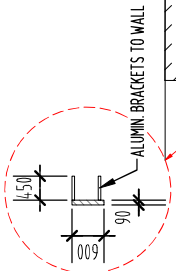
BY BUILDING CONTRACTOR AND A REGISTERED SURVEYOR ON SITE PRIOR TO ANY CONSTRUCTION WORKS.

STORMWATER DP'S TO CONNECT TO RAINWATER TANKS OVERFLOW TO BIO-RETENTION SYSTEM

NOTE:
DOWNPIPE LOCATIONS ARE TO BE IN ACCORDANCE WITH AISC STANDARDS, BCA REQUIREMENTS & LOCAL COUNCIL REGULATIONS.
(DP'S INDICATED ON THE PLANS / ELEVATIONS ARE A APPROX. GUIDE ONLY)
BUILDER MUST REFER TO HYDRAULIC ENGINEERS DETAILS FOR EXACT LOCATIONS OF ALL DP'S



SITE AREA 1011.87m²
SITE COVER IS 48.38% 489.57m²
PROPOSED - SIX x THREE BEDROOM UNITS



NCC BUILDING CODE - 1000000000 MINIMUM BUILDING SEPARATION... KIRRA SINGLE...

CONCEPTUAL CONTENT PLAN
10m2 ABOVE GROUND
BIO-RETENTION BASIN - RL. 5.05m
REFER TO STORMWATER REPORT

[illegible]

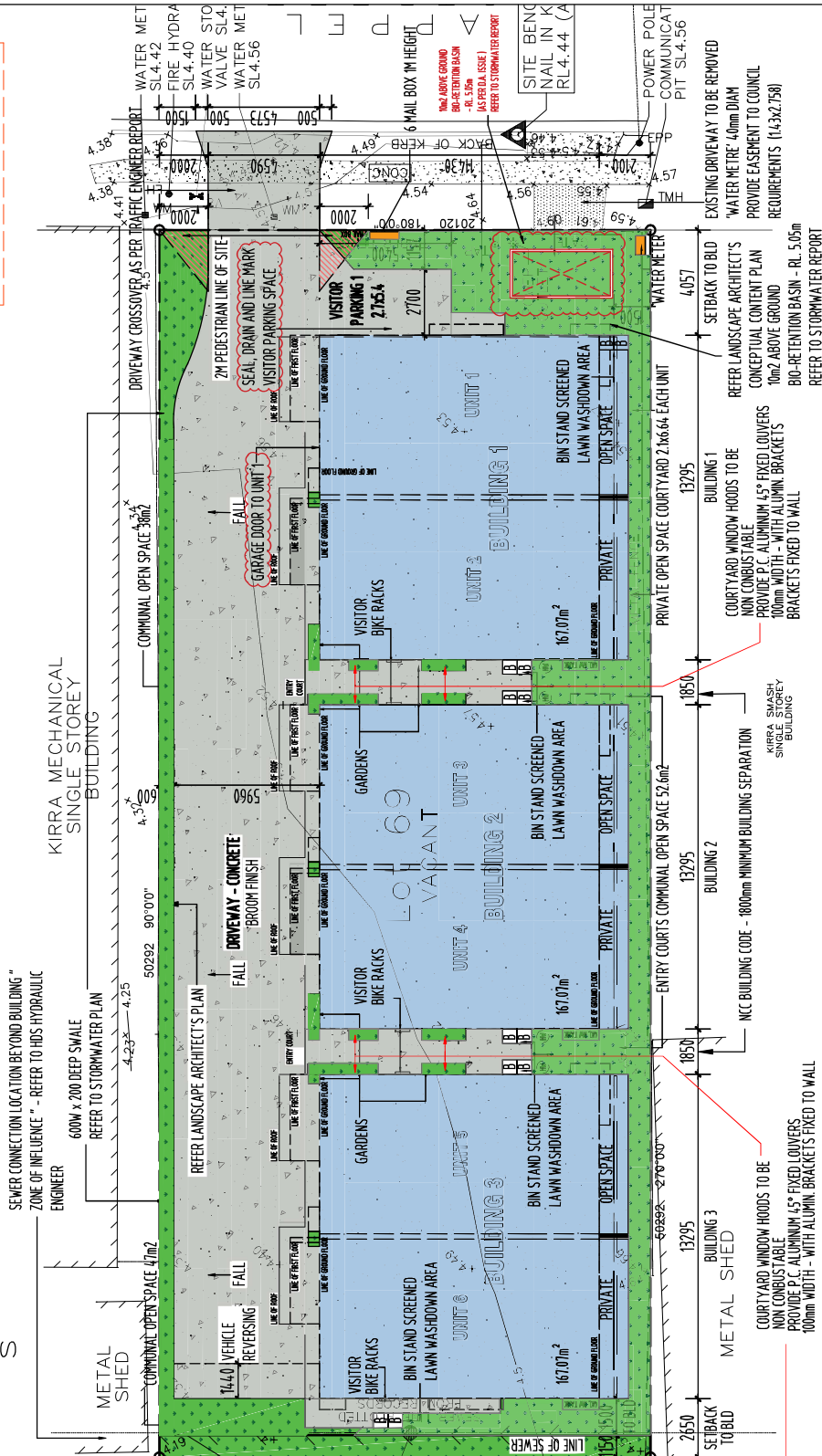
FOR CERTIFICATION

DATE: 13.11.23

ATTACHED DWELLING
LOT 69 ON RP32025
15 APPEL STREET
COOLANGATTA, GOLD COAST

Development shall comply with the conditions of approval as detailed in the Decision Notice and Council's Planning Scheme, Local Laws and Planning Policies

IMPORTANT TO ALL DISCUSSIONS THE BUILDING CO
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DO NOT SCALE





NOTES

THIS PLAN HAS BEEN PREPARED FROM FIELD SURVEY AND DATA. IT IS NOT TO BE USED FOR CONSTRUCTION OF STRUCTURES ON THIS SITE AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE OR BY ANY OTHER PERSONS OR CORPORATIONS WITHOUT WRITTEN APPROVAL FROM ALAN DUBIN & ASSOCIATES. THESE SERVICES HAVE LIMITED LIABILITY BUT ARE NOT GUARANTEED. THE AUTHORITY OR AGENT WHICH HAVE LIMITED AND VARED ACCURACY, IT IS THE PLANS USER'S RESPONSIBILITY TO ACCURATELY LOCATE AND/OR EXPOSE ANY NON-VISIBLE OBSTACLES. THERE WILL BE NO LIABILITY FOR THE PLANS WILL PREVENT OR LIMIT DEFINITION OF NATURAL GROUND. THE LOCAL AUTHORITY'S DEFINITION OF NATURAL GROUND LEVEL PRIOR TO CONSTRUCTION COMMENCING. (SEE WARNING NOTES ON THE FACE OF PLAN FOR MORE DETAILS)

[SEE WARNING NOTES ON THE FACE OF PLAN FOR MORE DETAILS]

16 Tomewin Street Currumbin
Ph: 07 5598 1110 Fax: 04 1298 5777
summerland design

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NO. ANTENNIDULAE

SERVICES WARNING

[illegible]

TITLE SEARCH WARNING
ALAN SULLIVAN & ASSOCIATES P/L HAS NOT CARRIED OUT A TITLE SEARCH FOR THIS SURVEY. CHECK DNRM&E FOR EASEMENTS AND ENCUMBRANCES.

SERVICE:
SEWERAGE:
STORMWATER:
WATER:
ELECTRICITY:
TELEPHONE:
GAS:
ROAD:
KERB:
FOOTPATH:
FLOOD LEVEL:

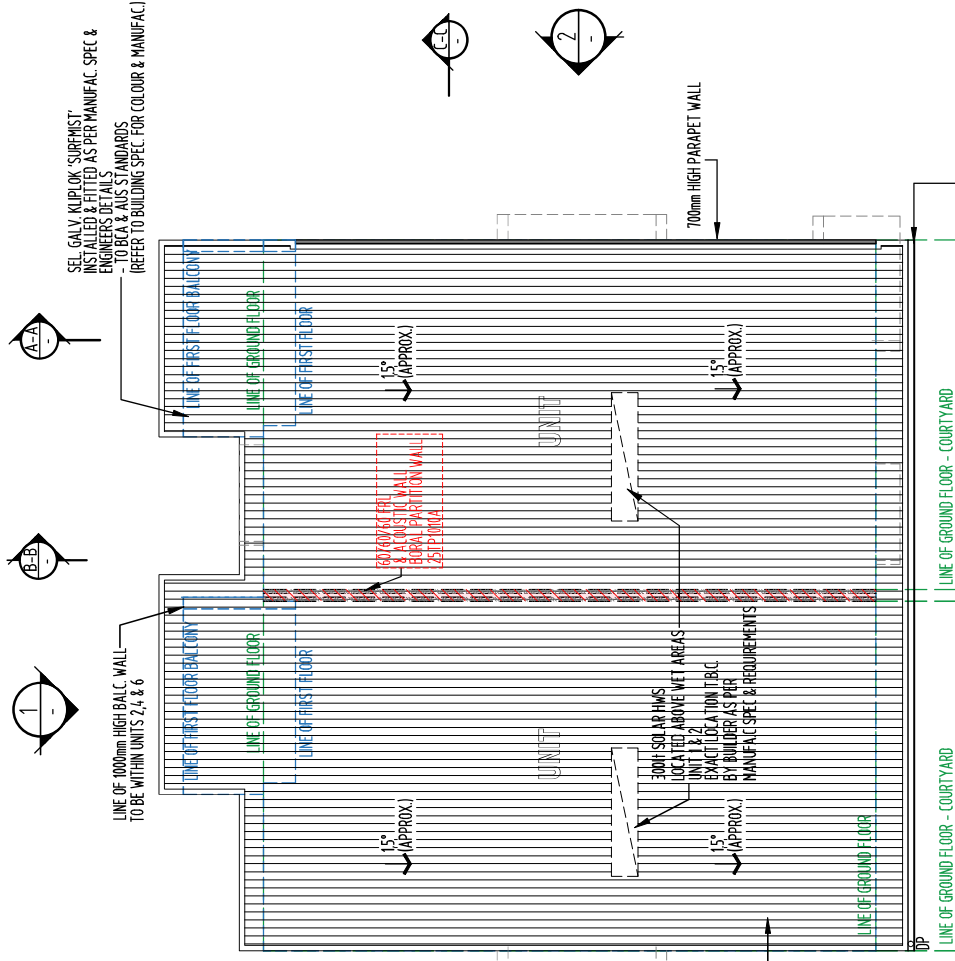
SITE
LOT: 69 ON RP/SP: RP32025
STREET/ROAD: #15 APEL STREE
LOCALITY: COOLANGATTA
LOCAL AUTHORITY: GOLD COAST CITY
AREA: 1012SQM

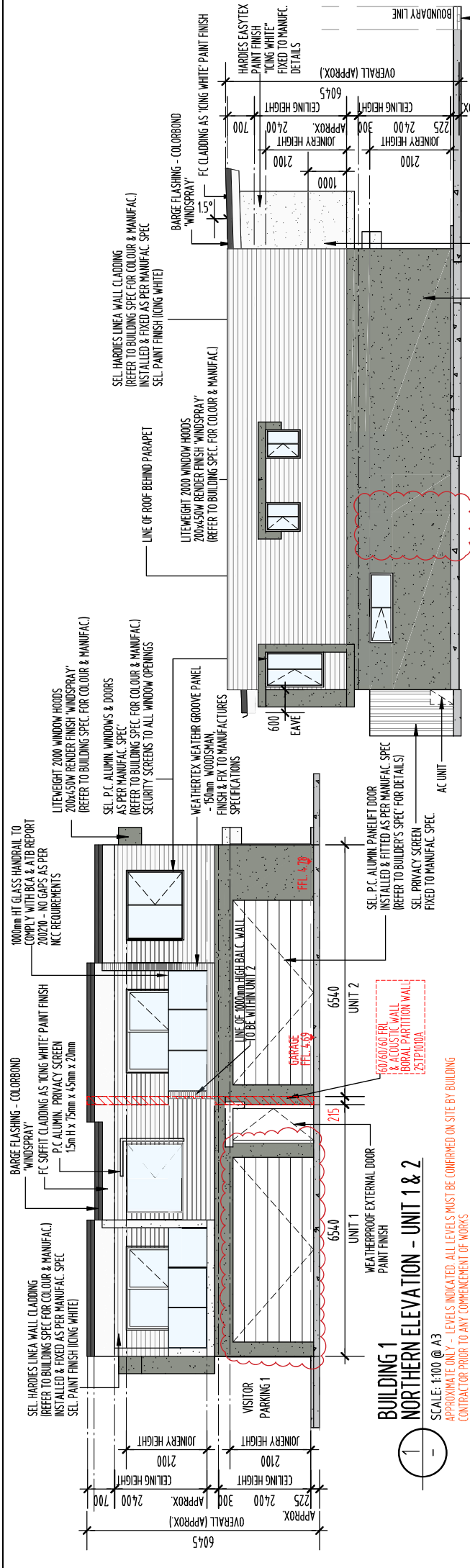
CONTOUR & DETAIL SURVEY

CLIENT
BRENDAN DOVER

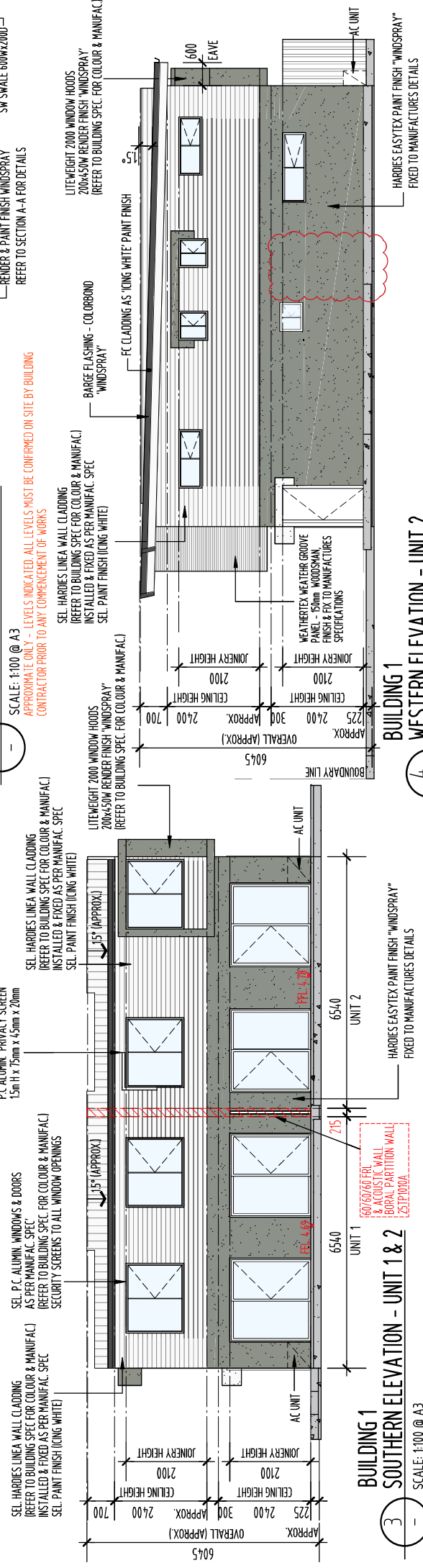
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© COPYRIGHT ALAN SULLIVAN & ASSOCIATES PTY LTD, 2019						
				AUSTRALIAN HEIGHT DATUM (AHD) CODE PM03653 RL4.67m		

CLIENT: MR. BRENDAN DOVER
TITLE: SURVEY
DATE: 13.11.23 SCALE: 1:1
PROJECT:
ATTACHED DWELLING
LOT 49 ON RP32025
15 APPEL STREET
COOLANGATTA, GOLD COAST





2 BUILDING 1
EASTERN ELEVATION - UNIT 1



SCALE: 1:100 @ A3

THE

PLANS AND DOCUMENTS referred to in the
DEVELOPMENT APPROVAL

SCALE: 1:100 @ A3

APPROXIMATE ONLY - LEVELS INDICATED. ALL LEVELS MUST BE CONFIRMED ON SITE BY BUILDING
CONTRACTOR PRIOR TO ANY COMMENCEMENT OF WORKS

Dated: 13 May 2024
Development shall comply with the conditions of approval as detailed in the Decision Notice and Council's Planning Scheme, Local Laws and Planning Policies

This drawing is prepared in accordance with the provisions of the International Standards Organization (ISO) 15926-1:2013, which specifies the requirements for the data exchange between different software applications used in the oil and gas industry.		DATE
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16 Tomewin Street Currumbin
Ph: 07 5598 1110 Fax: 04 1298 5777
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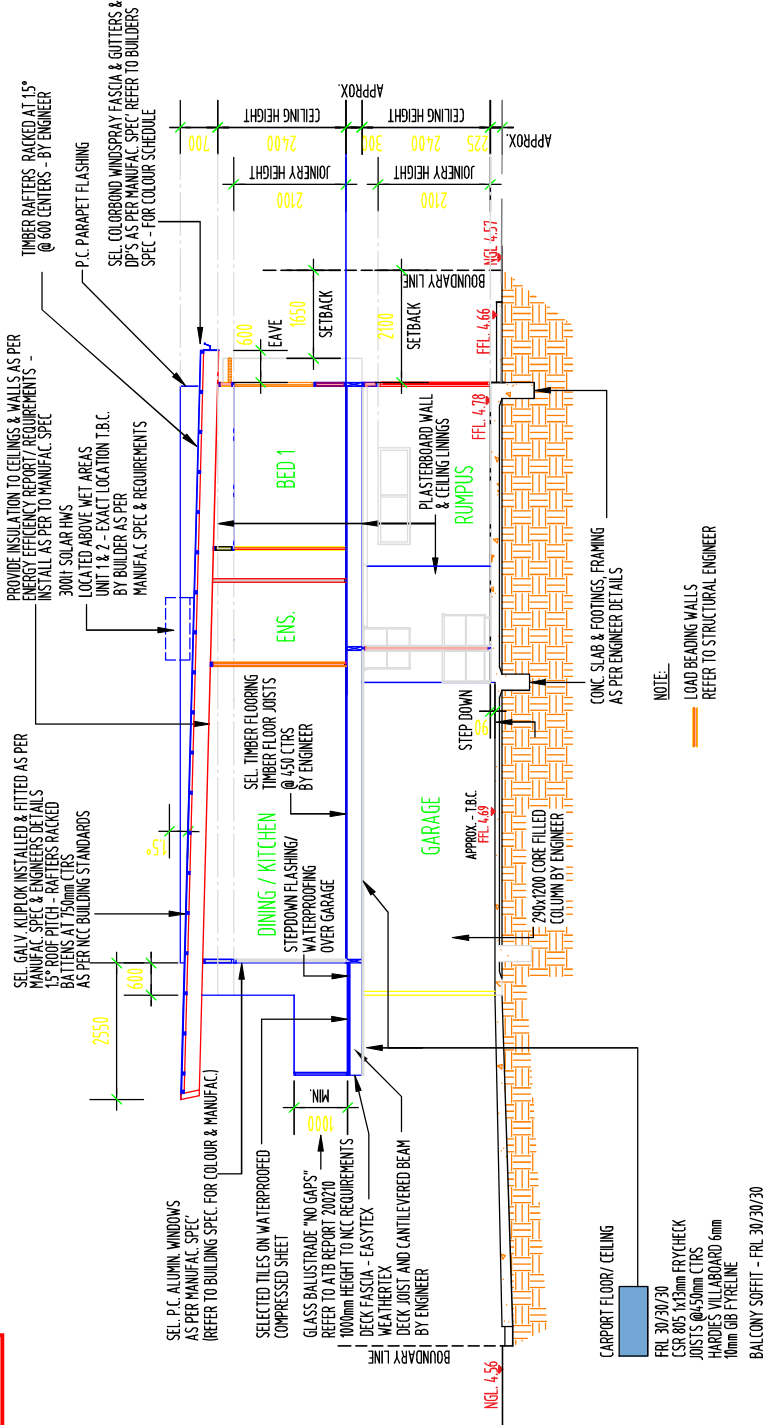
CONSTRUCTED

PLANS AND DOCUMENTS referred to in the
DEVELOPMENT APPROVAL

Application No: MIN/2022/611

Dated: 13 May 2024

Development shall comply with the
conditions of approval as detailed in the
Decision Notice and Council's Planning
Scheme, Local Laws and Planning Policies



A-A BUILDING 1 - UNIT 1 - SECTION

SCALE: 1:100 @ A3
APPROXIMATE ONLY - LEVELS INDICATED. ALL LEVELS MUST BE CONFIRMED ON SITE BY BUILDING
CONTRACTOR PRIOR TO ANY COMMENCEMENT OF WORKS



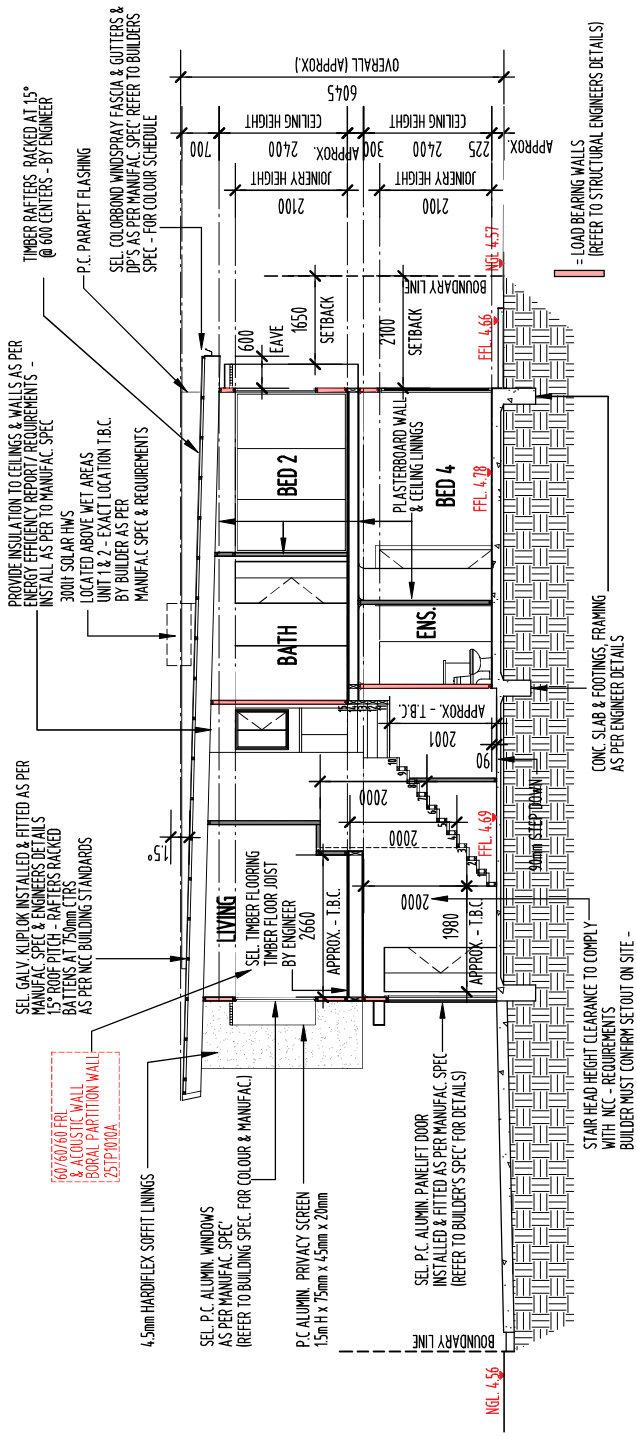
16 Tonewin Street Currumbin
Ph: 07 5598 1110 Fax: 04 1298 5777
summerland design

DO NOT SCALE THIS DRAWING		DATE
1. This drawing is the property of the author and is not to be used for any other purpose without the written consent of the author.		
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3. The author is not responsible for any changes or modifications to this drawing.		
4. The author is not responsible for any use of this drawing for any purpose other than that for which it was prepared.		
5. The author is not responsible for any loss or damage resulting from the use of this drawing.		
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9. The author is not responsible for any other matter in connection with this drawing.		
10. The author is not responsible for any other matter in connection with this drawing.		

AS CONSTRUCTED
FOR CERTIFICATION

CLIENT: MR. BRENDAN DOVER
TITLE: BUILDING 1 - UNIT 1 - SECTION A-A
DATE: 13/11/23
SCALE: 1:100 @ A3
PROJECT: SUMMERLAND
LOT 16 ON RP22023
15 APPEL STREET
COOLANGATTA, GOLD COAST

PAGE: A9
0433 85 24 85
kelly@summerlanddesign.com.au
15/11/23
CBCC Lic. No. 118602



BUILDING 2 & 3 - TYPICAL SECTION

SCALE: 1:100 @ A3

APPROXIMATE ONLY - LEVELS INDICATED. ALL LEVELS MUST BE CONFIRMED ON SITE BY BUILDING CONTRACTOR PRIOR TO ANY COMMENCEMENT OF WORKS

NOTE:
FLOOR LEVELS ARE NOMINAL ONLY.
HABITABLE FFL IS TO BE GENERALLY 250mm ABOVE FGL.
EACH BUILDING FFL MAY VARY ACCORDING TO FGL.
BUILDER TO VARY AND CONFIRM ON SITE

ACOUSTIC DESIGN SPECIFICATIONS

- REFER ATP 2002-10-R-NA-02 PAGE 22, 23
- EXTERNAL WALLS
- ROOF / CEILINGS
- WINDOWS
- ENTRY DOORS
- VENTILATION

BUILDING CONTRACTOR MUST - REFER TO ATP REPORT IN FULL PRIOR TO ANY COMMENCEMENT OF CONSTRUCTION WORKS ON SITE.

IMPORTANT NOTE - THERE ARE DIFFERENT BUILDING REQUIREMENTS BETWEEN BUILDING 1 AND 2&3

PLANS AND DOCUMENTS referred to in the DEVELOPMENT APPROVAL

Application No: MIN/2022/611

Dated: 13 May 2024

Development shall comply with the conditions of approval as detailed in the Decision Notice and Council's Planning Scheme, Local Laws and Planning Policies

BUILDING 2 & 3 - TYPICAL SECTION

SCALE: 1:100 @ A3

APPROXIMATE ONLY - LEVELS INDICATED. ALL LEVELS MUST BE CONFIRMED ON SITE BY BUILDING CONTRACTOR PRIOR TO ANY COMMENCEMENT OF WORKS

PROVIDE INSULATION TO CEILINGS & WALLS AS PER ENERGY EFFICIENCY REPORT REQUIREMENTS - INSTALL AS PER TO MANUFAC. SPEC

SEL. GALV. KLIPLOK INSTALLED & FITTED AS PER MANUFAC. SPEC & ENGINEERS DETAILS - TO B&A & AUS STANDARDS (REFER TO BUILDING SPEC. FOR COLOUR & MANUFAC.)

TIMBER RAFTERS RACKED AT 15° @ 600 CENTERS - BY ENGINEER

SEL. P.C. ALUMIN. WINDOWS AS PER MANUFAC. SPEC (REFER TO BUILDING SPEC. FOR COLOUR & MANUFAC.)

TIMBER FLOOR JOISTS AT 450mm CTS BY ENGINEER

LOAD BEARING TIMBER WALL BY ENGINEER

SEL. P.C. ALUMIN. PANELIFT DOOR INSTALLED & FITTED AS PER MANUFAC. SPEC (REFER TO BUILDER'S SPEC. FOR DETAILS)

PROVIDE INSULATION TO CEILINGS & WALLS AS PER ENERGY EFFICIENCY REPORT REQUIREMENTS - INSTALL AS PER TO MANUFAC. SPEC

60/60/60 FFL & ACOUSTIC WALL BURAL PARTITION WALL 251P/000A

ROOF PARAPET

CEILING HEIGHT 2400

JOINERY HEIGHT 2100

CEILING HEIGHT 2400

JOINERY HEIGHT 2100

CEILING HEIGHT 2400

JOINERY HEIGHT 2100

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NOTE:
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HABITABLE FFL IS TO BE GENERALLY 250mm ABOVE FGL.
EACH BUILDING FFL MAY VARY ACCORDING TO FGL.
BUILDER TO VARY AND CONFIRM ON SITE

CONC. SLAB & FOOTINGS FRAMING AS PER ENGINEER DETAILS



AS CONSTRUCTED

FOR CERTIFICATION

NO.	DESCRIPTION	DATE
1	CONSTRUCTION	2024
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