



Development Tribunal – Decision Notice

Planning Act 2016, section 255

Appeal number:	23-055
Appellant:	Lori Eaton and Frazer Eaton
Assessment manager:	Matthew Grimmond, Building Certifier A1509347
Co-respondent (concurrence agency):	City of Gold Coast Council
Site address:	15 Grevillea Drive, Varsity Lakes and described as Lot 108 on RP 116760 – the subject site

Appeal

Appeal under schedule 1, section 1(g) of the *Planning Act 2016* (**Planning Act**) against the refusal of a building development application under the *Building Act 1975* (**Building Act**) because of a referral agency response from the City of Gold Coast Council (**Council**) directing the private building certifier as assessment manager to refuse the building development application.

Date and time of hearing:	19 December 2023, 9.30am
Place of hearing:	The subject site
Tribunal:	Stafford Hopewell—Chair Catherine Baudet—Member
Present:	Lori Eaton, Robert Patrick and Alister Daly—Appellant Matthew Grimmond—Respondent Roger Sharpe, Shane Weterings and Sarah Godwin— Co-respondent

Decision:

The Development Tribunal (**Tribunal**), in accordance with section 254(2)(c) of the Planning Act replaces the decision to refuse the building development application with the decision to approve the building development application with conditions as set out in Appendix 1.

Background

1. This is an appeal about the refusal of a development application for building work assessable by a private certifier under the Building Act (building development application)

for a secondary dwelling and detached shed on the subject site which is part of the established residential area of Varsity Lakes on the Gold Coast.

2. The subject site is located within the Low density residential zone of the Gold Coast City Plan (**City Plan**).
3. The subject site has an area of approximately 708m² and is improved by an existing dwelling house.
4. The building development application is for the approval of a two-storey secondary dwelling and a single storey detached shed which are existing structures on the subject site having been commenced and partially constructed at the time of the lodgement of the building development application and hearing of the appeal.
5. The secondary dwelling is in the rear south / western corner of the subject site, has a maximum height of about 6.2m and is setback about 2m from the rear boundary and 1.167m from the side boundary from the wall (and 0.827m from the facia). The secondary dwelling has a total gross floor area of 80m² across the two levels.
6. The detached shed is in the north / western corner of the subject site and has gross floor area of approximately 37.6m². It is rectangular in shape and setback approximately 1m from the side boundary and approximately 1.6m from the rear boundary.
7. Although the prior history of the secondary dwelling and detached shed was not detailed as part of the appeal, the building development application is self-evidently in effect seeking a 'retrospective approval' for building works initially carried out without approval and is necessary for the building works to be lawfully completed and used.
8. To obtain building approval for the secondary dwelling and detached shed, the landowners' engaged Matthew Grimmond of Axis Building Certification as a private building certifier who was the assessment manager for the building development application.
9. In addition to the building development application requiring assessment and approval by the private certifier as the assessment manager against the building assessment provisions of the Building Act, the building development application also triggered referral to Council under the Planning Act for assessment of specified building assessment provision matters that were solely within the jurisdiction of Council as a referral agency to assess.
10. Axis Building Certification on behalf of the appellant caused the building development application to be referred to Council as a referral agency on 16 February 2023 pursuant to section 54 of the Planning Act.
11. Council subsequently issued its referral agency advice directing the assessment manager to refuse the building development application (Referral Response (REFUSAL) dated 18 September 2023 with Council reference RAA/2023/201).
12. Council directed refusal of the building development application and provided a statement of reasons under section 56(6) of the Planning Act. The reasons for the decision were (**Grounds for Refusal**):

"1. The proposal does not achieve overall outcome 6.2.1.2(b)(i) of the Low density residential code as the development will impact on the existing amenity and reduce the sense of openness for the adjoining property because:

- a. The proposed development does not effectively mitigate negative visual and physical impacts of the built form and results in an overbearing*

perception of bulk due to the reduced setbacks and proximity to surrounding buildings, which is not a reasonable amenity expectation of residents in this area.

- b. The proposed development will result in an undesirable local development pattern to arise when the cumulative effects of the potential redevelopment of other sites are considered.*
 - 2. The proposal does not achieve overall outcome 6.2.1.2(c)(ii) of the Low density residential code and the development cannot protect the privacy and amenity of adjoining residences.*
 - a. The proposed development does not effectively mitigate negative visual and physical impacts of the built form and will promote an overbearing perception of bulk due to the reduced setbacks impacting adjoining amenity, which is not a reasonable amenity expectation of residents in this area.*
 - 3. The proposal does not achieve overall outcome 9.4.4.2(f) of the General development provisions code as the development will cause adverse stormwater drainage impacts on and off the site as:*
 - a. The development has not been designed to mitigate off site stormwater drainage impacts as it will cause adverse impacts on adjacent properties.*
 - b. The proposed development has been built without verifying the proposed lawful point of discharge and did not provided [sic] evidence that it had been lawfully established.*
 - c. There is no confirmed existence of private or public stormwater infrastructure at the rear of the property allowing the proposed point of discharge to achieve the required standard.*
 - 4. The proposal does not achieve the overall outcome 9.3.19.2(2)(b) of the Secondary dwelling code as it does not present as one dwelling from the street frontage:*
 - a. The secondary dwelling is not designed to respect and complement the existing dwelling and does not present as one dwelling to the street.*
 - 5. The detached shed is considered to have an extremely adverse effect on the amenity and locality of the residential character of the area.*
 - 6. In the absence of sufficient information to demonstrate compliance with Queensland Development Code MP1.4 (QDC MP1.4), the building over/close to relevant infrastructure component of the application is refused."*
- 13. The assessment manager subsequently issued a 'decision notice (refusal)' dated 30 October 2023 based on Council's referral agency advice with the appeal against the assessment manager's decision subsequently being filed with the Tribunals Registry on the same date.*
- 14. The appeal is therefore concerned with Council's Grounds for Refusal and the issues can be summarised as relating to compliance with the:*
- (a) Low density residential zone code of the City Plan (Grounds 1 and 2);*
 - (b) General development provisions code of the City Plan (Ground 3);*
 - (c) Secondary dwelling code of the City Plan (Ground 4);*

- (d) Amenity and Aesthetics Policy (Ground 5);
- (e) QDC MP1.4 (Ground 6).

Jurisdiction

- 15. The Tribunal has jurisdiction to hear an appeal about the refusal of a building development application under the Building Act under schedule 1, section (2)(g) of the Planning Act.
- 16. Pursuant to schedule 1, table 1, item 1 of the Planning Act, for appeals about development applications, the applicant is the appellant, the assessment manager is the respondent and for a concurrence agency's referral response—the concurrence agency is a co-respondent.
- 17. As the appeal concerns the decision of the assessment manager to refuse a building development application under the Building Act based on Council's referral agency advice, the Tribunal is satisfied that it has jurisdiction to determine the appeal and the relevant entities are the parties to the appeal.

Decision framework

- 18. This is an appeal against the refusal of a building development application and the appellant has the onus to show that the appeal should be upheld in accordance with section 253(2) of the Planning Act.
- 19. 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 (section 253(4) of the Planning Act).
- 20. 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 Planning Act (pursuant to which the registrar may require information for tribunal proceedings).
- 21. The Tribunal is required to decide the appeal in one of the ways mentioned in section 254(2) of the Planning Act, being:
 - (a) confirming the decision; or
 - (b) changing the decision; or
 - (c) replacing the decision with another decision; or
 - (d) setting the decision aside, and ordering the person who made the decision to remake the decision by a stated time.

Material considered

- 22. The material considered in arriving at this decision was:
 - (a) Form 10 Notice of appeal, grounds for appeal and correspondence accompanying the appeal lodged with the Tribunals registrar on 30 October 2023;
 - (b) Written submission prepared by Tactica Planning and Development dated 18 December 2023 on behalf of the appellant;
 - (c) Email of 26 March 2024 from Tactica Planning and Development on behalf of the appellant providing landscape plan, letter providing in principal support from Department of Housing, and amended engineering drawings and certification;

- (d) Email of 30 April 2024 from Tactica Planning and Development on behalf of the appellant providing further written submission in response to the Tribunal's order of 19 December 2023;
 - (e) Email of 5 August 2024 from Axis Building Certification providing a draft decision notice in response to the Tribunal's order and directions of 25 July 2024;
 - (f) Email of 19 August 2024 from Tactica Planning and Development providing Council's 'Pre-Referral Response Notice – Referral Agency – approval (with conditions) in response to the Tribunal's order and directions of 25 July 2024;
 - (g) Gold Coast City Plan;
 - (h) Queensland Development Code;
 - (i) *Planning Act 2016*;
 - (j) *Planning Regulation 2017*;
 - (k) *Building Act 1975*.
23. The Tribunal notes that in relation to the matters within Council's referral agency jurisdiction, the appellant has provided further material that was not before Council at the time it gave its referral agency advice. Similarly, the further material provided was not before the assessment manager when the building development application was decided.
24. In response to orders and directions from the Tribunal, the assessment manager and Council have also provided further information, including draft conditions and a draft decision notice.
25. Pursuant to section 253(5)(a) of the Planning Act, the Tribunal grants leave and accepts the further material provided to the Tribunal by the parties, including in response to the Tribunal's directions and orders.
26. Further, the Tribunal notes that the additional information provided relates to the assessment of the proposed development and was generally in the nature of further or supplementary information as opposed to changes to the proposed development (such as revised plans).

Findings of fact

27. The Tribunal makes the following findings of fact in relation to the matters for Council's referral agency assessment:
- (a) The secondary dwelling and detached shed do not comply with RO1 (Setbacks) of the Low density residential zone code as the relevant side setbacks under Table 6.2.1-2 are 2m for the secondary dwelling (based on its height of 6.2m) and 1.5m for the detached shed (height up to 4.5m) whereas the secondary dwelling has a side setback of about 1.167m and the shed has a side setback of about 1m (to the wall of each structure; the setback is less to the facia of each structure);
 - (b) The secondary dwelling does not comply with RO3 (Neighbourhood character) of the Secondary dwelling code as the secondary dwelling is not constructed using the same materials and elements as the primary dwelling house on the site;
 - (c) The proposed building work does not comply with RO6 (Stormwater drainage) of the General development provisions code as the development will result in an increase in the discharge quantity or decrease in quality of stormwater;

- (d) The detached shed exceeds the maximum size of 36m² for a lot under 800m² under the Amenity and Aesthetics Policy.
28. Having considered all the evidence and submissions of the parties, and with the benefit of the view (site inspection) to contextualise the evidence and submissions of the parties (noting that the view is not itself evidence), the Tribunal makes the following further findings of fact:
- (a) The siting and design of the secondary dwelling and detached shed comply with PO1 and overall outcome 6.2.1.2(b)(i) and 6.2.1.2(c)(ii) of the Low density residential zone code;
 - (b) The building development application can be conditioned to comply with PO3 and overall outcome 9.3.19.2(b) of the Secondary dwelling code;
 - (c) The building development application can be conditioned to comply with overall outcome 9.4.4.2(f) of the General development provisions code;
 - (d) The detached shed does not have an unacceptably adverse effect on the amenity and locality of the residential character of the area;
 - (e) Compliance with QDC MP1.4 has been demonstrated.

Reasons for the decision

29. The building development application required referral to Council as a concurrence agency in relation to the following matters under the *Planning Regulation 2017*:
- (a) Design and siting – schedule 9, part 3, division 2, table 3;
 - (b) Amenity and aesthetics – schedule 9, part 3, division 2, table 1;
 - (c) Building work for particular class 1 buildings relating to material change of use – schedule 9, part 3, division 2, table 8;
 - (d) Build over infrastructure – schedule 9, part 3, division 3, table 7.
30. Council assessed the building development application against the following prescribed matters under section 55(2) of the Planning Act:
- (a) Overall outcome 6.2.1.2(b)(i) of the Low density residential zone code of the City Plan;
 - (b) Overall outcome 6.2.1.2(c)(ii) of the Low density residential zone code of the City Plan;
 - (c) Performance outcome 1 (Setbacks) of the Low density residential zone code of the City Plan;
 - (d) Overall outcome 9.4.4.2(f) of the General provisions code of the City Plan;
 - (e) Performance outcome 10 (Stormwater drainage) of the Healthy waters code of the City Plan;
 - (f) Performance outcome 2 (Stormwater quality and quantity) of the Healthy waters code of the City Plan;
 - (g) Overall outcome 9.3.19.2(2)(b) of the Secondary dwelling code of the City Plan;
 - (h) Performance outcome 3 (Neighbourhood character) of the Secondary dwelling code of the City Plan;

- (i) Performance Requirements 1 and 2 of the QDC MP1.4 Building over or near relevant infrastructure;
 - (j) Amenity and Aesthetics Policy.
31. At the Tribunal hearing and in subsequent written submissions to the Tribunal, Council changed its position that the building development application should be refused due to the asserted non-compliances and did not oppose the appeal being allowed and the building work being approved subject to conditions.
32. This was on the basis that Council considered that given the substantial completion of the building work, despite the asserted non-compliance with the prescribed matters, it was not in the public interest to refuse the building development application which would result in the building work being unable to be lawfully completed and used. Council was however concerned that approval of the building development application not be used as a precedent for other developments to seek similar reduced setbacks and other 'relaxation' of relevant requirements.
33. Council support was also subject to the appellant demonstrating the stormwater drainage and building over sewer issues could be satisfactorily resolved.
34. While the Tribunal notes that Council did not press for the refusal of the building development application, the Tribunal considers that it is nonetheless required to re-assess and decide the building development application in accordance with the law and must form its own opinion as to the merits of the proposed development, noting that the appellant has the onus to show that the appeal should be upheld.
35. The Tribunal has accordingly considered each of the Grounds for Refusal having regard to the appellant's grounds of appeal and further evidence accepted with the leave of the Tribunal to determine whether the appellant has discharged its onus to show that the appeal should be allowed.
36. In this case, while the appeal concerns building work that has been commenced partially completed, the Tribunal notes that the fact that the secondary dwelling and detached shed are existing structures has little significance in terms of whether the building development application should be approved.
37. The Tribunal is required to assess the building development application on its merits and the assessment does not start from any presumption that the building works ought to be approved or refused.¹

Low density residential zone code – Grounds 1 and 2

38. Whilst the Tribunal finds that the proposed development does not comply with the side boundary setbacks (RO1) of the Low density residential zone code, the Tribunal is satisfied that the proposed development complies with overall outcome 6.2.1.2(2)(b)(i) being the character consists of low intensity, locally serviced suburban neighbourhoods that offer a high level of amenity and a sense of openness, with buildings that present well to the street and are set amongst generous landscaping (Ground 1).
39. This is on the following basis:

¹ *WAW Developments Pty Ltd v Brisbane City Council* [2015] QPEC 39 at [5].

- (a) The secondary dwelling and detached shed are located to the rear of the subject site and substantially set back from the street frontage with the existing primary dwelling defining the streetscape;
 - (b) Given the land slopes down from the street frontage, the two-storey secondary dwelling is not dominant, and the detached shed is not prominent from the street frontage;
 - (c) The proposed development maintains an acceptable site cover and as the secondary dwelling and detached shed are set well back from the street there is not a significant adverse impact on the streetscape or character of the locality;
 - (d) While the side boundary setbacks are less than those prescribed in RO1, this does not materially impact the character and streetscape and the overall scale of the proposed development is compatible with the local area;
 - (e) The impact of the secondary dwelling and detached shed on the streetscape is therefore modest and the impact of the secondary dwelling can be further mitigated with landscaping to maintain an acceptable character.
40. The Tribunal is also satisfied that the proposed development complies with overall outcome 6.2.1.2(2)(c)(ii) of the Low density residential zone code, being built form is setback from property boundaries to protect the privacy and amenity of adjoining residences (Ground 2).
41. This is based on the following matters:
- (a) The secondary dwelling is located on the south-west corner of the subject site whilst two-storey in height presents a solid wall to the adjoining lot to the south which avoids any overlooking or other impacts on privacy;
 - (b) The adjoining lot to the south is screened by substantial trees and contains outdoor space associated with a swimming pool that is screened by the vegetation on that lot;
 - (c) The owner of the adjoining lot to the south (13 Grevillea Drive) has provided a written submission noting the location and design of the secondary dwelling and stating that this does not adversely impact the adjoining owner and they have no objection to the secondary dwelling;
 - (d) The secondary dwelling opens onto the subject site with only an elevated window on the second storey facing the adjoining lot to the rear;
 - (e) The detached shed located on the north-western corner of the subject site is one-storey in height and has two doors opening onto the side boundary and a window opening internally onto the subject site;
 - (f) The detached shed does not have any window opening to the rear or side boundary.
42. Ultimately, while the secondary dwelling and detached shed are built closer to the side boundaries than the prescribed standards and this does affect the ability to mitigate the impacts of the development (eg. the reduced side setbacks adversely affect the ability to provide a landscaped buffer within the subject site to the adjoining lots), the Tribunal is satisfied that in the circumstances the development nonetheless complies with the overall outcomes of the Low density residential zone code.
43. In the appellant's written submissions, it was submitted that non-compliance with the RO1 only triggered assessment against the relevant performance outcome being PO1 and no

assessment against the overall outcomes was needed. Council did not respond to this submission and, to the extent that PO1 of the Low density residential code is the relevant benchmark, the Tribunal is satisfied that the secondary dwelling and detached shed:

- (a) Assist in the protection of adjacent amenity for the reasons set out above;
- (b) Allow for access around the buildings as there is sufficient distance to walk between the buildings and adjoining side and rear boundaries;
- (c) Contribute to streetscape character in that they are located to the rear and downslope of the subject lot and do not dominate or substantially impact the streetscape;
- (d) Allow for off-street car parking in that they are located at the rear of the subject site and do not affect the ability to accommodate on-site car parking elsewhere on the subject site.

44. The Tribunal is therefore satisfied that the building development application complies with PO1 of the Low density residential zone code.

General development provisions code – Ground 3

45. Council's referral agency advice asserted the proposed development does not comply with overall outcome 9.4.4.2(2)(f) of the General development provisions code in that the development failed to not cause adverse stormwater drainage impacts on or off the site.
46. This is on the basis that Council considered the development has not been designed to mitigate off site stormwater drainage impacts as it will cause adverse impacts on adjacent properties, including not providing a lawful point of discharge.
47. The appellant has responded to this ground by nominating a lawful point of discharge via a proposed 1.5m wide drainage easement and 150mm diameter pipe located along the western side boundary of the adjacent downstream property at 18 Willow Street, Varsity Lakes (Lot 92 RP116760).
48. By written submission dated 30 April 2024 from Tactica Planning and Development on behalf of the appellant, a letter of in principle support dated 22 December 2023 was provided to the proposed easement and stormwater pipe from the Department of Housing as the owner of 18 Willow Street, Varsity Lakes.
49. The Tribunal is satisfied that the further information provided by the appellant with the leave of the Tribunal has demonstrated that the building development application complies with overall outcome 9.4.4.2(2)(f) of the General development provisions code.

Secondary dwelling code – Ground 4

50. Council's referral agency advice submitted the proposed development does not comply with overall outcome 9.3.19.2(2)(b) of the Secondary dwelling code as it does not present as one dwelling to the street.
51. In the appellant's written submissions of 18 December 2023 provided by Tactica Planning and Development, it is submitted the following outcomes of the Secondary dwelling code are relevant:
- (a) RO3 – The secondary dwelling is constructed and designed using the same materials and elements as the primary dwelling house on the site;
 - (b) PO3 – The primary dwelling and the secondary dwelling are designed to present as one dwelling when viewed from the street frontage.

52. The secondary dwelling is constructed of vertical cladding whereas the dwelling house is constructed of horizontal timber. The secondary dwelling is also dark coloured whereas the primary dwelling is light coloured. Accordingly, RO3 is not satisfied as the secondary dwelling is not constructed and designed using the same materials and elements as the primary dwelling house.
53. The appellant has submitted compliance with the PO3 can be achieved by conditioning the development to either restrict the visibility of the secondary dwelling or paint the façade of the secondary dwelling to match the primary dwelling (or vice versa).
54. The Tribunal is satisfied that compliance with PO3 and overall outcome 9.3.19.2(2)(b) of the Secondary dwelling code can be achieved by conditioning the proposed development to comply with the landscape plan prepared by Landscape Design and Planning Pty Ltd submitted by the appellant as part of the appellant's written submissions provided on 30 April 2023 and accepted with leave of the Tribunal.
55. The landscape plan incorporates a screen of dense landscaping along the street frontage to screen the southern side of the subject site, including the secondary dwelling which as previously noted is set back at the rear of the subject site and downslope of the street. The Tribunal is satisfied that this will adequately screen the secondary dwelling.
56. Further, while the secondary dwelling has a materially different appearance to the primary dwelling house, the Tribunal considers that it does not present as a separate dwelling from the street frontage.
57. The secondary dwelling is located well to the rear of the subject site and behind the rear end of the primary dwelling. It is also located downslope of the street frontage. While it is a visible structure from the street frontage, it does not appear as a separate dwelling.
58. The Tribunal finds that the proposed development achieves overall outcome 9.3.19.2(2)(b) of the Secondary dwelling code. Further, even if the Tribunal found that the secondary dwelling and primary dwelling did not present as one dwelling from the street, the Tribunal does not consider that this is a sufficient reason to refuse the building development application.

Amenity and Aesthetics Policy - Ground 5

59. The Tribunal notes that the detached shed an area of 37.6m² which exceeds the maximum area based on lot size of 36m².
60. This represents a quantitative exceedance of 1.7m² which is less than 5%. Whilst this is considered a relatively minor exceedance, it is well accepted that quantitative measures of are usually limited assistance in assessing impacts.
61. While the size of the exceedance is relatively minor, this still constitutes a relatively large detached shed built in close proximity to the side boundary (less than the prescribed standard) and rear boundary. The siting close to the side boundary also limits the ability to utilise landscaping to screen the detached shed.
62. The amenity and aesthetic impacts are however mitigated by the location of the detached shed in the north-west corner of the subject land. Being a single storey in height, it is not considered to be visually imposing.
63. From the street frontage, it is considered that the detached shed does not have any adverse amenity or aesthetic impact given the sloping nature of the land away from the street frontage and that the driveway and vehicle parking is located in front of the detached shed.

64. In terms of the adjoining lot to the north-east, the detached shed is partially screened by the boundary fence and only has two doors opening onto the common boundary (and no windows). The adjoining lot to the north has also has a (smaller) shed along the common boundary and another large structure in its backyard.
65. Whilst not an ideal outcome, the reality is that a detached shed of very similar size and location could have been lawfully constructed without approval in compliance with the City Plan and Amenity and Aesthetics Policy and the non-compliance has not materially increased or changed the nature or scale of impacts.
66. Overall, the detached shed is considered to have a fairly typical amenity and aesthetic impact that is consistent with the character of the local residential area and does not have an extremely adverse effect on amenity and residential character of the area.

QDC MP1.4 – Ground 6

67. Council's final Grounds for Refusal was that the appellant had failed to demonstrate compliance with Queensland Development Code MP1.4 (QDC MP1.4) in relation to building work over or near to relevant infrastructure.
68. In response, in the appellant's written submissions of 30 April 2024, further information was provided and accepted by leave of the Tribunal comprising:
 - (a) Letter from Council dated 29 April 2024 providing in principal support for building work over or near relevant infrastructure (sewer);
 - (b) Engineering plans prepared by Stratum Engineering dated 26 March 2023;
 - (c) Form 15 compliance certificate for building design or specification dated 15 April 2024 for design of underpinning footing to comply with QDC MP1.4 P1 & P2;
 - (d) Amended services report prepared by AT&L dated 20 November 2022;
 - (e) Post-construction CCTV footage;
 - (f) Email correspondence.
69. Council further provided a referral agency response dated 13 August 2024 approving the building work in full with conditions in respect of building work over or near to relevant infrastructure.
70. The Tribunal is accordingly satisfied that the appellant has demonstrated compliance with the QDC MP1.4

Summary

71. Having considered the appeal, including the written submissions of the parties accepted by leave of the Tribunal, the Tribunal is satisfied that the appellant has established the building development application complies with the prescribed matters within Council's referral agency jurisdiction and ought to be approved.
72. As the assessment manager refused the building development application only because of Council's referral agency advice, the decision of the assessment manager to refuse the development should be set aside.
73. By email of 25 July 2024, the Tribunals registry notified the parties that the Tribunal had determined that the appeal should be allowed and noted that while Council in its capacity as referral agency and co-respondent, had provided recommended conditions to be attached to any approval, the assessment manager as respondent had not had the

opportunity to provide any recommended conditions to be attached to the approval of the building development application.

74. The Tribunal ordered the respondent to provide to the Tribunals registry a draft decision notice, including any conditions or other requirements, in a form able to be attached to the decision of the Tribunal. The parties were also given the opportunity to provide written submissions to the Tribunal if any party objected to the form of the Tribunal's decision.
75. No party objected to the Tribunal's approach although some correspondence ensued as to the necessary form and content of the material to be provided to the Tribunal.
76. By email of 5 August 2024 to the Tribunals registry, a draft decision notice was provided by the respondent for approval with conditions of the building development application.
77. By email of 21 August 2024 to the Tribunals registry, Council's referral agency – approval (with conditions) for building over or near relevant infrastructure dated 13 August 2024 was provided.
78. The Tribunal having found that the appeal should be allowed and the decision under appeal replaced with the decision to approve the building development application subject to conditions, orders that the building development application be approved in accordance with Appendix 1, comprising:
 - (a) Decision of Matthew Grimmond, Building Certifier dated 2 August 2024;
 - (b) Council's Pre-referral agency response notice – referral agency – approval (with conditions) dated 13 August 2024 (Council reference RAA/2024/1215);
 - (c) Council's Recommended conditions – referral agency – tribunal order 23-055 dated 29 April 2024 (Council reference RAA/2023/201).

Stafford Hopewell
Development Tribunal Chair

Date: 1 October 2024

Appeal rights

Schedule 1, Table 2, item 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 1800 804 833

Email: registrar@epw.qld.gov.au

DECISION NOTICE – (DRAFT APPROVAL) – 14348

Planning Act 2016 section 63

Applicant:	Lori Eaton	Owner:	Frazer and Lori Eaton
Address:	15 Grevillea Drive, Varsity Lakes QLD 4227	Address:	15 Grevillea Drive, Varsity Lakes QLD 4227
Phone:	0448 877 866	Phone:	0427048733
Address of development:	15 Grevillea Drive, Varsity Lakes QLD 4227		
Lot/DP:	108 RP116760		
Local Government Area:	Council of the City of Gold Coast		
Details of proposed development:	"As Constructed" Secondary Dwelling & Shed		
Building Classification:	1a, 10a		
Type of Construction:	N/A		

I wish to advise that, on 02/08/2024, the above development application was:

☐ **APPROVED IN FULL**

☒ **DRAFT APPROVED WITH CONDITIONS**

The conditions of this approval are listed under item 4 and standard conditions on last page. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

☐ **REFUSED** for the following reasons
Not applicable.

1. Details of the Approval

Type of approval	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Carrying out building work (assessable under the Building Act 1975)	Schedule 9, part 1	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. The relevant period for the approval (lapse of development approval) – this development approval will lapse if building work is not substantially completed within **24 months**

3. The approved plans

the approved plans and/or documents for this development approval are listed in the following table:

Plan/Document number	Revision	Prepared by	Date
Architectural Plans			

4. Conditions of Building Approval

- To comply with all standard conditions attached.
- To comply with the Tribunal Order Appeal No. 23-055.
- To comply with GCCC RAA/2023/201 and all conditions imposed by GCCC.
- To comply with GCCC Build Over Sewer Approval documentation including all imposed conditions.
- To comply with Geotechnical Report 220266 prepared by Cyber Soil Testing on 27/01/2022.
- Stairs to comply with BCA Part 3.9.1.
- Balustrades & handrails to comply with BCA Part 3.9.2.
- Swimming pools are not covered in this development permit for building work.

5. Other necessary development permits and/or compliance permits

Listed below are other development permits and/or compliance permits that are necessary to allow the development to be carried out:

Permit

GCCC Plumbing & Drainage Permit



6. Codes for self-assessable development

Not applicable.

7. Referral Agencies

For an application involving	Name of referral agency	Status (advice/concurrence)	Address
Referral Agency Response pursuant to Section 56 of the Planning Act 2016	GCCC	Concurrence Agency	PO Box 5042 GOLD COAST MC QLD 9729

8. Appeal Rights

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see [schedule 1 of the Planning Act 2016](#).

Appeal by a submitter

A submitter for a development application may appeal to the Planning and Environment Court against:

- any part of the development application for the development approval that required impact assessment
- a variation request.

The timeframes for starting an appeal in the Planning and Environment Court are set out in [section 229 of the Planning Act 2016](#).

If you wish to discuss this matter further, please contact the undersigned.

Dated:

02/08/2024



Matthew Grimmond
Building Certifier



Axis Building Certification Pty Ltd

PO Box 2126, BURLEIGH BC QLD

4220

(07) 5593 2793

info@axiscertifiers.com.au

95152007120

A15093475

INSPECTION AND COMPLETION REQUIREMENTS

Inspection of Building Work

- 1.1 Periodic inspection of building work by the building certifier does not relieve the builder of their responsibility to carry out all building work in accordance with the requirements of the Queensland Building Act 1975, the QDC and the BCA.
- 1.2 The inspection of all engineering aspects of the building works must be undertaken by the Registered Professional Engineer of Queensland (RPEQ) engineer identified on the applicable Form 15 Design Certificate, being the competent person accepted by AXIS Building Certification. Unless agreed in writing otherwise, this will apply to all structural works and to all engineered systems and services and where applicable all structural and non-structural components that require consideration for earthquake loads.
- 1.3 The inspection of passive fire rated elements (fire separating walls, fire rated walls, penetrations) is to be undertaken by a qualified person holding a QBCC passive fire licence.

Inspection – Required Stages

- 1.4 The inspection of a stage of building work covered by this Permit is to be undertaken by AXIS Building Certification or a competent person as highlighted below. Notice for inspection must be provided at least 48 hours before completion of the following stages of building works:
 - a) Footing Stage - by structural engineer
 - b) Slab Stage- by structural engineer
 - c) Frame Stage – by structural engineer
 - d) Final Stage – by building certifier
- 1.5 Works beyond a particular stage of building works may not proceed until all works included in that stage have been inspected and a Form 16 Certificate of Inspection has been issued and/or accepted by the building certifier for the stage.

Inspection Help

- 1.6 Details of proposed competent persons for inspection help must be provided to AXIS Building Certification for approval prior to inspections being carried out by that person.
- 1.7 All competent persons providing inspection help to the building certifier must hold the appropriate licence required under Queensland law to undertake the particular aspect inspection of the building works. Examples include RPEQ, QBCC licensing, Surveyors Board licensing or electrical licensing.
- 1.8 A competent person, carrying out an inspection for a building work stage or aspect the subject of this permit is required to carry out the inspection in accordance with the Qld Building Act 1975 and the Queensland Building Regulation 2021, and any guideline issued by the Queensland Government for the purposes of the Queensland Building Regulation 2021.
- 1.9 A competent person must not give the building certifier a certificate or other document containing information the person knows is false or misleading in a material particular.

Inspection Certificates

- 1.10 Form 12 inspection certificates must be completed on the approved form required by Section 53 of the Building Regulation 2021. A copy of the current version can be downloaded from:
<https://www.legislation.qld.gov.au/view/html/asmade/sl-2021-0126>
- 1.11 All Form 12's for aspect or Form 16's for stage inspection certificates must be completed in full, including:
- a) RPEQ number or applicable QBCC license number
 - b) Number and applicable year/version for all Australian Standards referenced
 - c) Reference to performance solution reports, if applicable
 - d) Reference to Codemark or test reports if applicable
 - e) Reference to design or construction drawings to which the works were constructed.

Completion Documentation

- 1.12 Prior to **substantial completion** of the building works (as defined in Section 101 of the Building Act 1975), the Form 15 design certificates and Form 12 inspection certificates and letters listed in the table below must be provided to AXIS Building Certification to allow issue of the Form 11 Certificate of Occupancy or Form 21.
- 1.13 It is the responsibility of the builder to review this list and identify each element within the project where compliance documentation will need to be submitted in order to allow for the issue of the Certificate of Classification.

No.	Description of Document	BCA & Australian Standard Ref.	Competent Person	Required ✓
Certification Letters and Reports				
1.	Local Authority Approvals:			
	a. Council Contributions			
	b. Plumbing and Drainage Clearance			✓
	c. Landscaping Clearance			
	d. Development Approval Conditions			✓
2.	Performance Solutions			
	a. Fire Engineering			
	b. Accessibility			
Form 15 Compliance Certificate				
3.	Structural	BCA Part 3.0 & AS1170 Series	RPEQ	✓
4.	Piling	BCA Part 3.0 & AS1170 Series	RPEQ	
5.	Roof Trusses	BCA Part 3.0 & AS1720.5-2015	QBCC Licence / RPEQ	✓
6.	Glazing (Windows & Doors)	BCA Part 3.6 & AS1288-2006 & AS2047-2014	QBCC Licence	✓
7.	Glazing (Shower screens, Mirrors and Robe doors)	BCA Part 3.6 & AS1288-2006	QBCC Licence	✓
8.	Pool Fencing / Pool Gates	BCA Part 3.10.1.0, AS1170.4, AS1926 & QDC MP3.4	QBCC Licence	
9.	Balustrades and Handrails	BCA Part 3.9.2 AS1170.1-2002 & AS1288 – 2006 (Glass)	QBCC Licence / RPEQ	✓
Form 12 Inspection / Installation Certificates				
10.	Building Setout		Cadastral Surveyor	✓
11.	Height Survey		Cadastral Surveyor	
12.	Flood Survey		Cadastral Surveyor	
13.	Structural	BCA Part 3.0 & AS1170 Series	RPEQ	✓
	a. Building Structure (Footings, Slabs, Suspended Slab, reinforced concrete, loadbearing blockwork, retaining walls, timber framing, structural steel, etc)	As above	RPEQ	✓
	b. Piling	As above	RPEQ	

	c. Balustrades / Handrails	BCA Part 3.9.2 AS1170.1-2002 & AS1288 – 2006 (Glass)	QBCC Licence / RPEQ	✓
14.	Electrical (inc. Energy Efficient Lighting)	AS3000- 2018	QBCC Licence	✓
15.	Smoke Alarms (Photoelectric, interconnected)	BCA Part 3.7.5 & AS3786	QBCC Licence	✓
Form 43 Aspect Certificate (QBCC Licence)				
16.	Termite Management System	BCA Part 3.1.4 & AS3660.1-2014	QBCC Licence	✓
17.	Fire Separating walls	BCA Part 3.7.3.2	QBCC Passive Fire	
18.	Fire Separation of External Walls	BCA Part 3.7.2.2	QBCC Passive Fire	✓
19.	Stormwater	BCA Part 3.1.3.5 & AS3500.3-2018	QBCC Licence	✓
20.	Waterproofing	BCA Part 3.8.1 & AS3740-2010 AS4654.2-2012 (external)	QBCC Licence	✓
21.	Condensation Management	BCA Part 3.8.7 & AS4200.1 & 2	QBCC Licence	✓
22.	Mechanical Ventilation	BCA Part 3.8.5 & AS/NZS 1668.1-2015	QBCC Licence	✓
23.	Sound Insulation	BCA Part 3.8.6	QBCC Licence / RPEQ	
24.	Energy Efficiency	BCA Part 3.12 & Energy Efficiency Report	QBCC Licence	✓
25.	Glazing	BCA Part 3.6 & AS1288- 2006 & AS2047-2014	QBCC Licence	✓
26.	Glazing - Shower Screens mirrors robe doors	BCA Part 3.6 & AS1288- 2006	QBCC Licence	✓
27.	Building Sealing	BCA Part 3.12	QBCC Licence	✓
28.	Air-conditioning and Ventilation Systems	BCA Part 3.8.5 1668.1- 2015 & AS1668.2-2012	QBCC Licence	✓
29.	Bushfire	AS3959 -2018	QBCC Licence / RPEQ	
30.	Gas Installation	AS/NZS5601-2013	QBCC Licence	
31.	Roofing	AS1562.1 or AS2050	QBCC Licence	✓
32.	Plumbing & Drainage	AS3500	QBCC Licence	
33.	Acoustic Report	AS1276	QBCC Licence	
34.	Fireplace/ Gas Heater	AS5601	QBCC Licence	
35.	Swimming Pool Fencing	AS1170 & AS1926	QBCC Licence	
36.	Lift Commissioning	AS1735	QBCC Licence	
37.	Skylights	AS1288-2006, AS2047- 2014 & AS1530.1	QBCC Licence	
38.	Other documents as identified by the building certifier during the course of the project	BCA relevant parts & Applicable Standards		✓
39.	Outstanding items raised at final inspection	BCA relevant parts & Applicable Standards	QBCC Licence	✓
Test Reports				
40.	Sarking- type Materials (Flammability Index)	BCA Part 3.7.1	Testing Authority	✓

41.	Flexible Ductwork (used for hot products)	BCA Part 3.7.1 & AS4254	Testing Authority	
42.	Cavity Sliders in Wet Areas		Testing Authority	
43.	Slip Resistance	BCA Part 3.9.1.4 & AS4586-2013	Testing Authority	✓
As Constructed Drawings				
44.	Architectural Plans			
45.	Structural Plans			
46.	Hydraulic Plans			

BUILDING APPROVAL STANDARD CONDITIONS

1. Permit Effectiveness and Lapsing

- 1.1. Planning Act 2016 section 73 states, while a Building Development Permit is in effect, the approval:
attaches to the premises, even if:
a later development (including reconfiguring a lot) is approved for the premises; or
the premises are reconfigured; and
binds the owner, the owner's successor in title, and any occupier of the premises.
- 1.2. Where the building permit completion time passes and the Form 11 Certificate of Classification or Form 21 has not been issued, the period of engagement of the building certifier will also expire and Council will be notified via the submission of a Form 22 Disengagement Notice BA s144(3). The disengagement will of the certifier will take effect in accordance with BA s144(2).
- 1.3. If a "Reminder Notice for the Lapsing of an Approval" has not been issued, the permit remains active. Upon request, the building certifier may accept re-engagement for a further period against the project. Alternatively, the client may then seek the alternative services of a replacement certifier or the local authority under BA s145(1).
- 1.4. Where a "Reminder Notice for the Lapsing of an Approval" has been issued, the building permit will lapse and a new building permit will need to be submitted to complete the building work in addition to the engagement of a building certifier.

2. Building Act 1975 Imposed Conditions

Engineering Drawings

- 2.1. Building Act 1975 Section 70:
Work on any footings for building work must not be started until the drawings and details for the footings have been approved by the building certifier, and
A stage of building work must not be started until the drawings and details for the stage have been approved by the building certifier.

Demolition, removal, and rebuilding currency period

Building Act 1975 Section 71:

- 2.2. Building work for demolition, removal or rebuilding must substantially start within 2 months after the giving of the approval.
- 2.3. Within 1 year after the giving of the approval:
 - a. The building work for the demolition, removal or rebuilding must be completed; and
 - b. If the building work is for rebuilding, after removal, of a building or structure, either:-
 - c. If under the approval or a regulation, the building work must be inspected, a final inspection showing that the building work complies with the approval or regulation is carried out; or
 - d. A certificate of classification must be given for the building.

Building work in erosion prone area

- 2.4. BA Section 72 for requirements and Department of Environmental and Heritage Protection for erosion prone areas (mapping).

Obligation to make current drawing available for inspection

- 2.5. Building Act 1975 Section 73 requires that while building works covered by this Building Development Permit are being undertaken, at least one (1) legible set of the current drawings for the building must be made available for inspection by anyone who is entitled under an Act to inspect the relevant building site.

Earthworks and retaining walls

- 2.6. If soil conditions, ground levels, excavation, or filling make it necessary to protect land, buildings, or structures in the neighbourhood of building work:
- Retaining walls must be built, or other suitable methods used, to prevent soil movement; and
 - Drainage of the land, buildings or structures must be provided.
- Retaining walls must be designed and certified by an RPEQ structural engineer if:
- There is surcharge loading over the zone of influence of the wall or
 - The total height of the wall and of the fill or cut retained by the wall is more than 1m above the wall's natural ground surface or
 - The wall is closer than 1.5m to a building or another retaining wall.

Drainage of buildings or land

- 2.7. If a building approval permits a building or land to be drained, the drainage must be carried out in a way that protects land, buildings, and structures in the neighbourhood of the building or land.

Building work over existing sanitary drainage

- 2.8. Building work over or adjacent to existing sanitary drainage must comply with the Standard Plumbing and Drainage Regulation.

Copies of Building Development Permit

- 2.9. Copies of this development permit including:
the decision notice;
the conditions of approval; and
approved plans of layout,
are to be given to each competent person providing design or inspection help.

3. General Conditions

Other Approvals

- 3.1.
- a. Other approvals may be applicable to the work or the use including, but not limited to;
 - b. Approval from the Water & Sewerage Authority for the plumbing and drainage works;
 - c. Approval from the local authority for advertising signage;
 - d. Approval from the local authority for undertaking works within road reserves or the closure of roads.
 - e. Approval from the Queensland Health Department or local government for food preparation areas.

Approved Plans

- 3.2. If any changes are made to the approved plans/works, it is the responsibility of the applicant to provide any additional or amended plans/reports to the building certifier as deemed necessary by the building certifier for further assessment/approval prior to the undertaking of those works. The certifier reserves the right to charge an additional fee for this service.

Building Works in Accordance with Building Approval

- 3.3. All building work (including earthworks, cut, fill, footings etc) must be conducted strictly in accordance with the building approval conditions and any/all Local Government Policies. If fill is placed on the subject site for the purpose of constructing a building pad for the proposed work, the applicant to this building approval must ensure that it is compacted in accordance with NCC Vol Two Part 3.2.2 and AS 3798 and an Engineer (RPEQ) verifies the suitability of foundations and fill compaction prior to pouring concrete footings and slabs.

Set Out

- 3.4. All buildings or structures are set-out and sited correctly and strictly in accordance with the approved plans. Prior to commencing work, the applicant and owner shall identify, preserve and maintain all survey pegs in their true positions. If the survey pegs are missing or disturbed, the applicant and owner must engage a licensed surveyor to rectify. Work must not proceed until all property boundaries are positively identified.

Building Work Over or Near Relevant Infrastructure

- 3.5. Unless permitted by the QDC MP1.4, building work including piers, footings, rock anchors, and eaves must not be constructed within the distances set out in QDC MP1.4(4) or QDC MP1.4(5) without written permission from the service provider for the relevant infrastructure.

Relevant infrastructure for the purposes of QDC MP1.4 includes sewer, stormwater, and water mains, and the connection points to the infrastructure.

Workmanship and Materials

- 3.6. All workmanship and materials are to comply with the Building Regulation 2021, BCA, QDC, and relevant Australian Building Standards.

Works to be contained within the subject site

- 3.7. (a) No building work, including cut or fill, may project:
(b) across the boundaries of the site; or
(c) into any easement or statutory covenant area without the written permission of the entitlement holder of the easement or statutory covenant.

Termite management

- 3.8. Where primary building elements are subject to attack by subterranean termites, suitable management systems must be adopted as required by BCA and AS 3660.1. A durable notice of the termite management system must be permanently fixed to the building in a prominent location as required by BCA Part 3.1.4.

Wet Areas & External Waterproofing

- 3.9. Wet areas must be waterproofed in accordance with BCA part 3.8.1 & AS3740-2010. External above ground membranes must be in accordance with AS4654.1 & AS4654.2

Structural Framing

- 3.10. All structural framing including timber and steel framing is to be designed and installed in accordance with the NCC Volume Two Part 3.4.0, structural engineers (RPEQ) plans and reports, relevant Australian Standard to that of the material selection and any relevant manufacturer's specifications and warranty conditions for any associated components.

Glazed Assemblies

- 3.11. Glazing must be designed and installed in accordance with the relevant requirements of AS 1288 and AS 2047.
3.12. AS1288 Section 5.23 requires safety glazing material to be legibly marked in accordance with AS/NZS2208.
3.13. Where required, heat-soaked glass shall be selected & installed in accordance with AS1288 Section 3.8.

Fire Resistance

- 3.14. Building elements with a required FRL must be constructed in accordance with all requirements of the Manufacturer's Specification/s, Test Report/s from a Registered Testing Authority or the like in accordance with BCA.
3.15. Building elements with an FRL must be constructed to the extent required to ensure the required FRL is maintained. Internal fire separating walls must be taken to the underside of the roof covering.

- 3.16 Where a building element is required to have an FRL, the construction of other building elements must not compromise the fire resisting performance required for the building element. E.g. In the case of a fire wall, building elements other than roof battens with dimensions of 75 mm or less or sarking-type material, must not pass through or cross the fire wall unless the required fire resisting performance of the fire wall is maintained.
- 3.17 Installation of fire windows and doors must comply with BCA Part 3.7.2.4.
- 3.18 Any penetration of the wall/floor/ceiling elements with an FRL/incipient spread of flame must be treated to maintain the required fire performance of the element being penetrated. The method of treatment must satisfy the requirements of BCA.
- 3.19 Any control joints between building elements required to have an FRL with respect to integrity and insulation must be protected in a manner identical with a prototype tested in accordance with AS 1530.4 to achieve the required FRL.
- 3.20 All external walls that are required to have an FRL are to comply with BCA Part 3.7.2.

Smoke Alarms

- 3.21 Smoke alarms are to be hard-wired, photoelectric and inter-connected in accordance with the NCC Volume Two Part 3.7.2, AS3786-2014 and manufacturer's specifications and warranty conditions.

Bushfire

- 3.22 If the subject property has been identified within a Designated Bushfire Prone Area and is subject to a Bushfire Attack Level (BAL), ensure all building works are undertaken in accordance with the building approval documentation, Queensland Development Code (QDC) Mandatory Part (MP) 2.4 "Buildings in bushfire-prone areas", associated reports and AS3959-2018.

Flood Heights

- 3.23 If the subject property is identified within a Designated Flood Hazard Area, ensure all building works are undertaken in accordance with the approval/approved documents that form part of this approval, Queensland Development Code (QDC) Mandatory Part (MP) 3.5 "Construction of Buildings in Flood Hazard Areas", associated report/s being attached to this approval and relevant Australian Standard/s.

Building Services and Equipment

- 3.24 Alteration/installation of the air-conditioning and ventilation system must be in accordance with the requirements of AS 1668.2, AS 3666.1 and the BCA.
- 3.25 Alteration/installation of the artificial lighting system must be in accordance with the requirements of the BCA and AS 1680.0 and the BCA.
- 3.26 Doors to fully enclosed sanitary compartments must be readily removable from the outside of the compartment where required by BCA.

Sound Transmission and Insulation

- 3.27 Manufacturer's details and applicable test data in accordance with BCA Part 3.8.6 demonstrating required sound insulation are required for all systems.

Energy Efficiency

- 3.28 All energy efficiency methods must comply and be installed in accordance with the energy efficiency report and the requirements of BCA DTS Part 3.12.

Swimming Pools

- 3.29 Swimming pool fencing must be in accordance with the requirements of QDC MP3.4 and referenced requirements of AS1926.1 (2007) and AS 1926.2 (2007).

- 3.30 If agreed as part of the certification works under AXIS's engagement agreement then swimming pool fencing must be inspected by AXIS Building Certification and a Form 17 issued to the builder and property owner prior to filling the pool to a depth of 300 mm or more as required by Section 234 of the Building Act 1975.
- 3.31 Before construction of the swimming pool commences, the property owner or builder must ensure a warning sign is displayed on the site on which the pool is to be constructed as required by Section 233 of the Building Act 1975. Design and installation of the sign must be in accordance with the requirements of Section 14 of the Building Regulation 2021:
The sign must be positioned in a visible location from the road as to warn members of the public in the vicinity of the land that a swimming pool is under construction and there is a potential danger to young children accessing the land;
The sign must be made of weatherproof material, positioned within 1.5m of the road frontage of the land and be mounted so that the bottom of the sign is at least 300mm above the ground;
Lettering on the sign that relates to the warning must be at least 50mm in height and in a bold style; and
The sign may include references to matters other than the warning.
- 3.32 A Cardiopulmonary Resuscitation (CPR) instruction sign must be displayed for swimming pool users as required by Section 231D of the Building Act 1975. Design and installation of the sign must be in accordance with the requirements of Section 13A of Building Regulation 2021:
a. The sign must be displayed on the pool fencing or in a conspicuous location nearby the pool;
b. The sign must be at least 300mm x 300mm in size and made of a durable and weatherproof material;
c. The sign must include a statement explaining to a person how to act in an emergency;
The sign must show information about the procedures for providing first aid, including performing cardiopulmonary resuscitation.
- 3.33 Discharge of overflow and backwash from the swimming pool must be in accordance with the requirements of the local authority.

Workplace Health and Safety

- 3.34 Work, site safety, and asbestos handling requirements are administered by Workplace Health and Safety Queensland

Please read the above conditions in conjunction with the building approval decision notice.

Disclaimer: It is the responsibility of the Builder and Contractors to ensure building work is carried out in accordance with the Building Code of Australia and Australian Standard. Axis take no responsibility in any errors and omissions.

**For Inspections
Call Axis on 07 5593 2793**

Our reference: RAA/2024/1215
Your reference:

Pre-Referral Response Notice – Referral Agency – approval (with conditions)

Reference is made to your correspondence dated 31 July 2024 requesting the Council of the City of Gold Coast (Council) provide a referral agency response.

Date of response notice: 13 August 2024

Applicant details

Applicant name: Tactica Planning and Development
Applicant contact details: C/- Tactica Planning & Development Pty Ltd
37 James St
BURLEIGH HEADS QLD 4220

Application details

Application number: RAA/2024/1215
Approval sought: Referral agency Pre-referral response for development application for building work
Type of referral: Building over or near relevant infrastructure

Location details

Street address: 15 Grevillea Drive, VARSITY LAKES QLD 4227
Real property description: Lot 108 RP116760

Aspects of development and type of referral agency response being sought

Development type: Building Work
Referral type: Pre-referral response

Referral trigger

The development application would be referred to Council as referral agency under the following provisions of the *Planning Regulation 2017*:

Referral trigger/s: Build over infrastructure – Schedule 9, Part 3, Division 3, Table 7 of the *Planning Regulation 2017*

Decision

Decision details: Council has resolved to approve the Pre-referral agency response in full with conditions.

Details of the decision

Referral response: Building work (Dwelling house (Secondary dwelling) and Shed) over or near relevant infrastructure (sewer)

Conditions

The conditions that have been imposed by Council, as Referral agency, are enclosed.

Further development permits

The following development permits are required to be obtained before the development can be carried out:

- Development permit(s) for building work

Notwithstanding the above, other approvals/development permits may be required.

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:

- If a Pre-referral response notice two (2) years from the date of this decision notice; or,
- Aligned with the building approval.

Approved plans and drawings

Approved plans and drawings are attached and are identified in the conditions imposed by Council as Referral agency.

For further information please contact Sarah Godwin, Senior Planner on 07 5582 8866 or via email mail@goldcoast.qld.gov.au who will be pleased to assist.

AUTHORISED BY

Cameron Ward
Senior Planner (Fast Track)
For the Chief Executive Officer
Council of the City of Gold Coast

enc:

Conditions imposed by Council as Referral agency
Statement of reasons (given under section 56(6) of *Planning Act 2016*)

Attach:

Stamped approved plans and drawings for referral agency response
Documents required pursuant to section 43 of the *Planning Regulation 2017*

Conditions imposed by Council as Referral agency

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.																			
2	Approved drawings The development shall be carried out generally in accordance with the endorsed drawing/s (including as amended in red by Council) submitted to the Council and indicated in the table below except where modified by the following conditions. Such drawing/s are stamped and returned to the applicant as the referral agency response and shall not be modified without the written endorsement of the Council as the referral agency. <table><tr><th>Drawing Title</th><th>Author.</th><th>Date.</th><th>Drawing No.</th><th>Ver.</th></tr><tr><td>UNDERPINNING PLAN</td><td>STATUM ENGINEERING Residential Structural Designs</td><td>15/04/2024</td><td>S-01</td><td>1</td></tr><tr><td>UNDERPINNING DETAIL</td><td>STATUM ENGINEERING Residential Structural Designs</td><td>15/04/2024</td><td>S-02</td><td>1</td></tr></table> The conditions are to be read in conjunction with the attached approved drawings. Where a conflict occurs between the conditions of this referral agency response notice and the stamped approved drawings, the conditions shall take precedence.					Drawing Title	Author.	Date.	Drawing No.	Ver.	UNDERPINNING PLAN	STATUM ENGINEERING Residential Structural Designs	15/04/2024	S-01	1	UNDERPINNING DETAIL	STATUM ENGINEERING Residential Structural Designs	15/04/2024	S-02	1
Drawing Title	Author.	Date.	Drawing No.	Ver.																
UNDERPINNING PLAN	STATUM ENGINEERING Residential Structural Designs	15/04/2024	S-01	1																
UNDERPINNING DETAIL	STATUM ENGINEERING Residential Structural Designs	15/04/2024	S-02	1																
Property																				
3	Restrictions regarding Council sewer and water supply infrastructure a Ensure all proposed buildings, structures and footings are the minimum distances as depicted in the approved drawings from Council infrastructure.																			
Engineering																				
4	Rectification of Council's infrastructure 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. b Construct and maintain the rectified Council infrastructure at no cost to Council prior to commencement of the use.																			
5	Post Construction CCTV Submit to Council's Contributed Assets department, post-construction CCTV of the sewerage infrastructure within the development site to demonstrate the construction of the underpinning has not damaged the sewerage infrastructure within the site, prior to the issue of a building final at no cost to Council and include in particular: i. The post-construction CCTV inspection video and condition report shall be compiled in accordance with the current version of the Conduit Inspection Reporting Code of Australia and only be undertaken by suitably qualified persons. ii. A tilt/panning head camera shall be used. Only colour CCTV equipment may be used. iii. The camera shall be raised in position to reduce the risk of picture distortion and the lens shall be positioned to look along the axis of the sewer main. iv. Prior to the post-construction CCTV survey, all mains should be cleaned so a full inspection of the main can be undertaken. The post-construction CCTV survey shall give a clear view of each internal cut-out at junctions and house connection branches looking along the laterals.																			

	<p>v. Should the manhole be covered or blockages in the sewer main make the survey unattainable in its entirety, the contractor is to notify Council 1300 000 928 for service personnel to attend.</p> <p>vi. The post-construction CCTV must be accompanied by a service report detailing camera position, any blockages, and observations as to the condition of the main.</p> <p>The CCTV submission must be submitted to inspections@goldcoast.qld.gov.au and reference the development application number.</p>
Advice Notes	
A	<p>Further development permits and approvals</p> <p>Pursuant to S83 of the <i>Building Act 1975</i>, the assessment manager (private building certifier) must not grant the building development approval until all other necessary development permits under the <i>Planning Act 2016</i> that may affect the form, location and use of the proposed building/structure are effective</p> <p><u>This Referral Agency Response Notice does not infer approval for any future development application.</u></p>
B	<p>Pre-referral Response Notice</p> <p>The applicant is advised that Council has issued a Pre-referral Response notice in accordance with section 57 of the <i>Planning Act</i>. The applicant will need to engage a Private Building Certifier (Assessment Manager) with respect to the building application for the works.</p>
C	<p>Council's referral jurisdiction (Council stormwater, sewer and water infrastructure)</p> <p>Council's jurisdiction is limited to its referral agency (concurrence) functions under Schedule 9, Division 3, Table 7 of the <i>Planning Regulation 2017</i> in relation to assessing whether the proposed building/structure complies with the qualifiable standards under the <i>Queensland Development Code MP 1.4</i>.</p> <p>All other statutory building assessment functions, including assessment against the National Construction Code, must be carried out by the Assessment Manager (Private Building Certifier) in accordance with the <i>section 48 of the Building Act 1975</i>.</p>
D	<p>Council water and sewer mains to be protected during site works</p> <p>The developer is responsible at all times for ensuring that Council's water and sewerage infrastructure is protected during construction activities on site. This may require physical protection measures to be put in place during works such as deliveries, moving heavy equipment into and out of the site, or when doing works in close proximity to water and sewer assets.</p> <p>Where Council water and sewer infrastructure is damaged during construction, Council will undertake immediate repairs and any costs associated with these repairs will be charged to the landowner, principal contractor or other relevant party. If further, more permanent repairs are required, such as replacement of water and sewer mains, the landowner, principal contractor or other relevant party will first be given an opportunity to complete these works (other approvals may be required), or Council will undertake these works and pass the costs on to the landowner, principal contractor or other relevant party.</p>
E	<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</p>

	infrastructure, crossovers, footpaths, road pavement, kerb and channel, kerb ramps, medians, traffic islands, road furniture, signage and line-marking.
F	<p>Design, Constructability and Minor change applications</p> <p>The application has been approved based on the information provided by the consultant. Council is not liable for any design or constructability issues experienced on-site. All necessary steps must be taken prior to construction to validate the information in the designs, including locating services. Should any changes be required to the design to ensure it can be constructed in compliance with relevant engineering standards; an Amended Referral Agency Application must be submitted and approved by Council prior to building works commencing on site.</p>
Property notifications	
A	<p>Building over/close to Council infrastructure</p> <p>There are Referral Agency Response conditions applicable in relation to building over/close to Council infrastructure. All property owner(s) must ensure compliance with these conditions.</p> <p>Refer to Council of the City of Gold Coast's Referral Agency Response (RAA/2024/1215) and the relevant Building Approval.</p>

Statement of reasons (given under section 56(6) of the *Planning Act 2016*)

Details of development	<p>The proposed development is building work involving:</p> <ul style="list-style-type: none">• Building work (Dwelling house (Secondary dwelling) and Shed) over or near relevant infrastructure (sewer)
Prescribed matters	<p>The proposed development was assessed against, or had regard to, the following prescribed matters under section 55(2) of the <i>Planning Act 2016</i>:</p> <ul style="list-style-type: none">• Queensland Development Code MP1.4
Reasons for decision	<p>Following an assessment of the development application against all of the assessment benchmarks listed above, it was determined:</p> <ul style="list-style-type: none">• The siting of the proposed building work/s will not adversely affect the operation of Council's infrastructure• The siting of the proposed building work/s will not place any load on Council's infrastructure• The siting of the proposed building work/s allows Council to gain access to Council infrastructure for inspecting, maintaining, or replacing.
Matters prescribed by Regulation	<p>As prescribed by the <i>Planning Regulation 2017</i>, Council's assessment as referral agency, was limited to the following matters:</p> <ul style="list-style-type: none">• Whether the proposed building or structure complies with the performance criteria in the Queensland Development Code, part 1.4 that relate to a sewer, water main or stormwater drain <p>(Schedule 9, Part 3, Division 3, Table 7)</p>

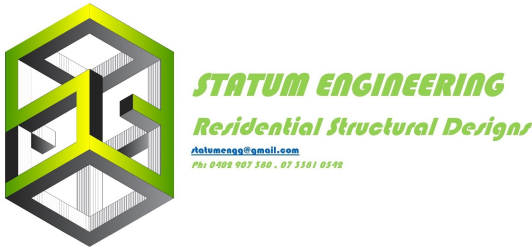
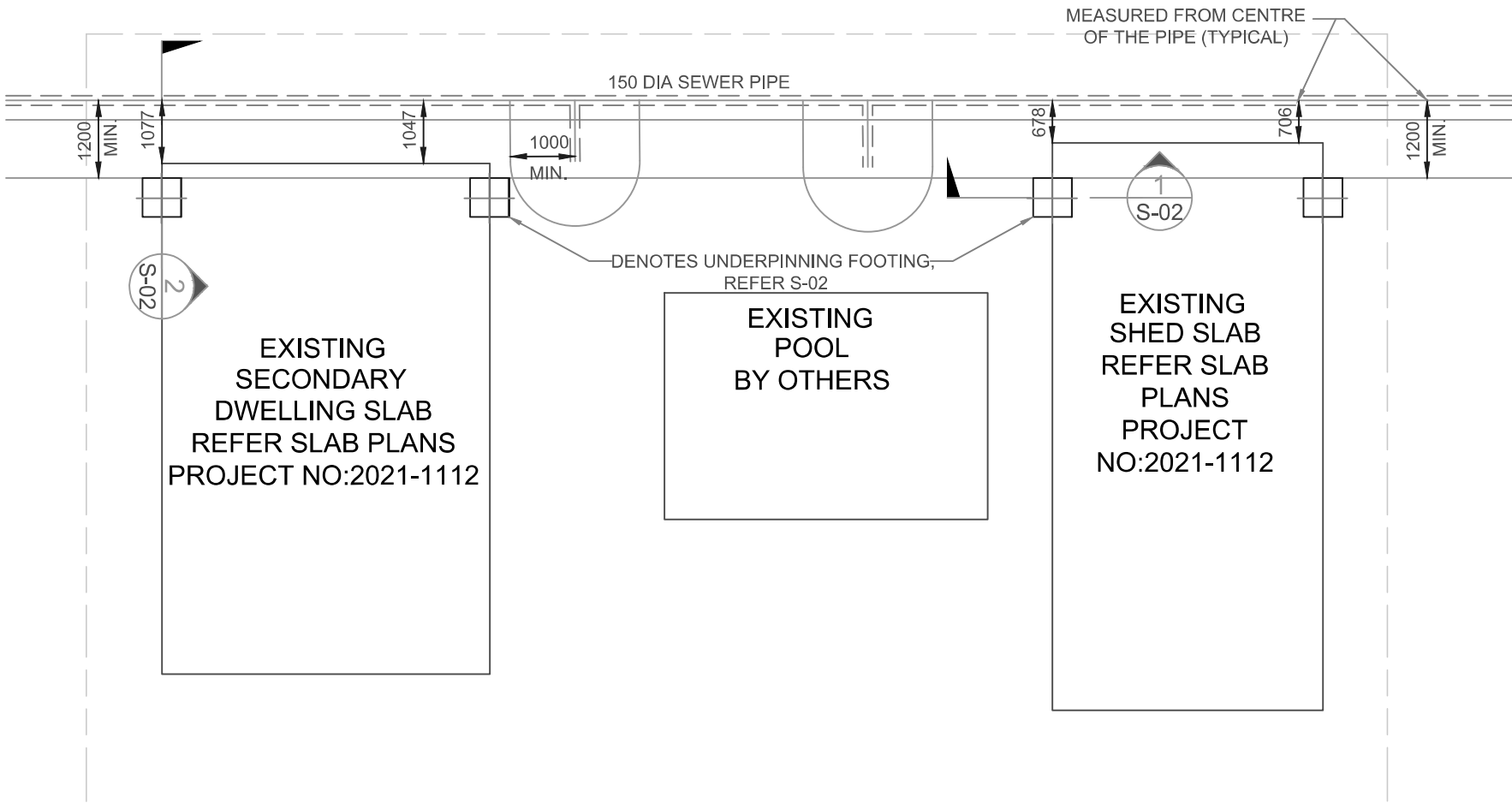
THIS ENDORSED PLAN IS TO BE READ
IN CONJUNCTION WITH COUNCIL'S
REFERRAL (CONCURRENCE) AGENCY
RESPONSE LETTER


Application No: RAA/2024/1215

Dated: 13 August 2024

GEOTECHNICAL INFORMATION	
SOIL CLASSIFICATION:	P DUE TO NEIGHBOURING TREES (CLASS 'H' REACTIVITY)
SOIL TEST BY:	CYBER SOIL TESTING
REFERENCE #:	220266
DATE:	27/02/2022
RECOMMENDED FOUNDING MATERIAL (RFM):	STIFF SILTY CLAY
MIN. BEARING CAPACITY	100 kPa

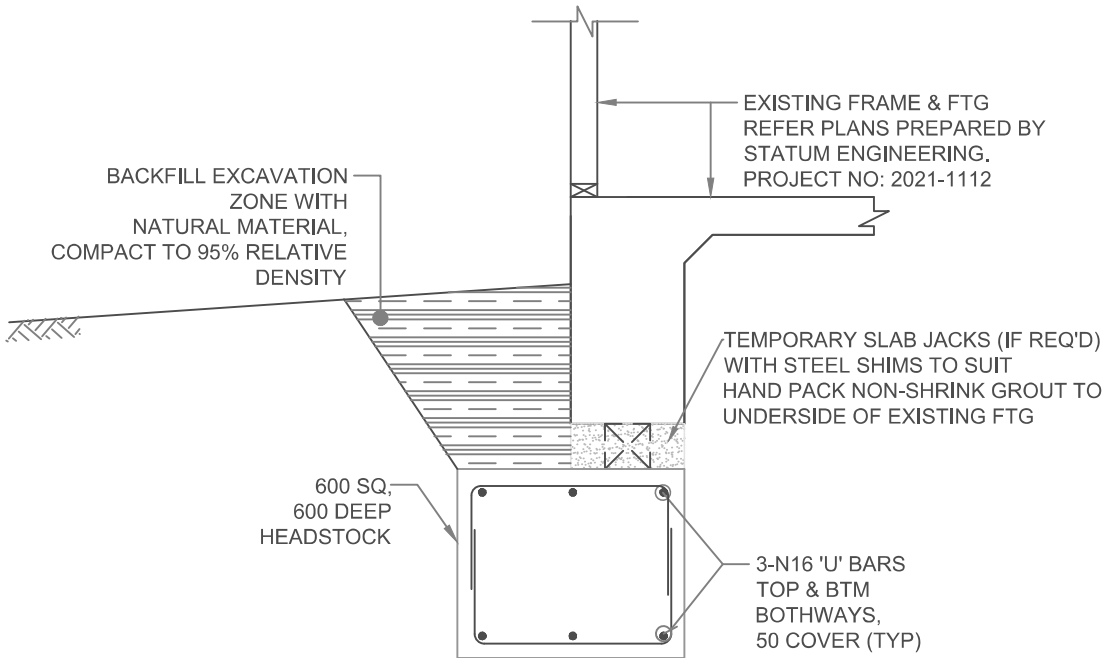
- FOOTING & SLAB NOTES:
- CUT/FILL LINE SHOWN IS APPROXIMATE ONLY. IF NOT SHOWN, SITE SCRAPE SHOULD SUFFICE TO CREATE BUILDING PLATFORM. IF IN DOUBT PLEASE CONSULT ENGINEER FOR FURTHER ADVICE.
 - SLAB THICKENINGS (ST1) TO BE PLACED UNDER PLY BRACING/LOAD BEARING WALLS AND POINT LOADS.
 - BUILDER TO CONFIRM SERVICES DO NOT AFFECT STRUCTURE BEFORE COMMENCING WORK ON-SITE. CONTACT THIS OFFICE IF OTHERWISE.
 - ALL FOOTINGS TO BE FOUNDED 200mm INTO RECOMMENDED FOUNDING MATERIAL U.N.O
 - LAP MESH IN ACCORDANCE WITH FOOTING & SLAB DETAILS
 - ENSURE FOOTING PIERS ARE PROVIDED WHERE PRIVATE SERVICE TRENCHES ARE WITHIN 1.0m OF THE SLAB EDGE.



CLIENT :		DRAWING TITLE :									
LORI EATON		UNDERPINNING PLAN									
PROJECT ADDRESS :		APPROVED BY :									
15 GREVILLEA DRIVE VARSITY LAKES		<div> Rekha Jagannathan B. Eng (Civil) MIEAust CPEng RPEQ 16366</div>									
				1	15/04/2024	PLAN & SECTION 2 AMENDED		RJ	RJ		
				0	26/03/2024	CONSTRUCTION ISSUE		RJ	RJ		
PROJECT NO :	2024-1678	REV :	1	DRAWING NO :	S-01	SCALE : 1:100	REV	DATE	REVISION DETAILS	BY	CHK/APP
						SIZE : A3					

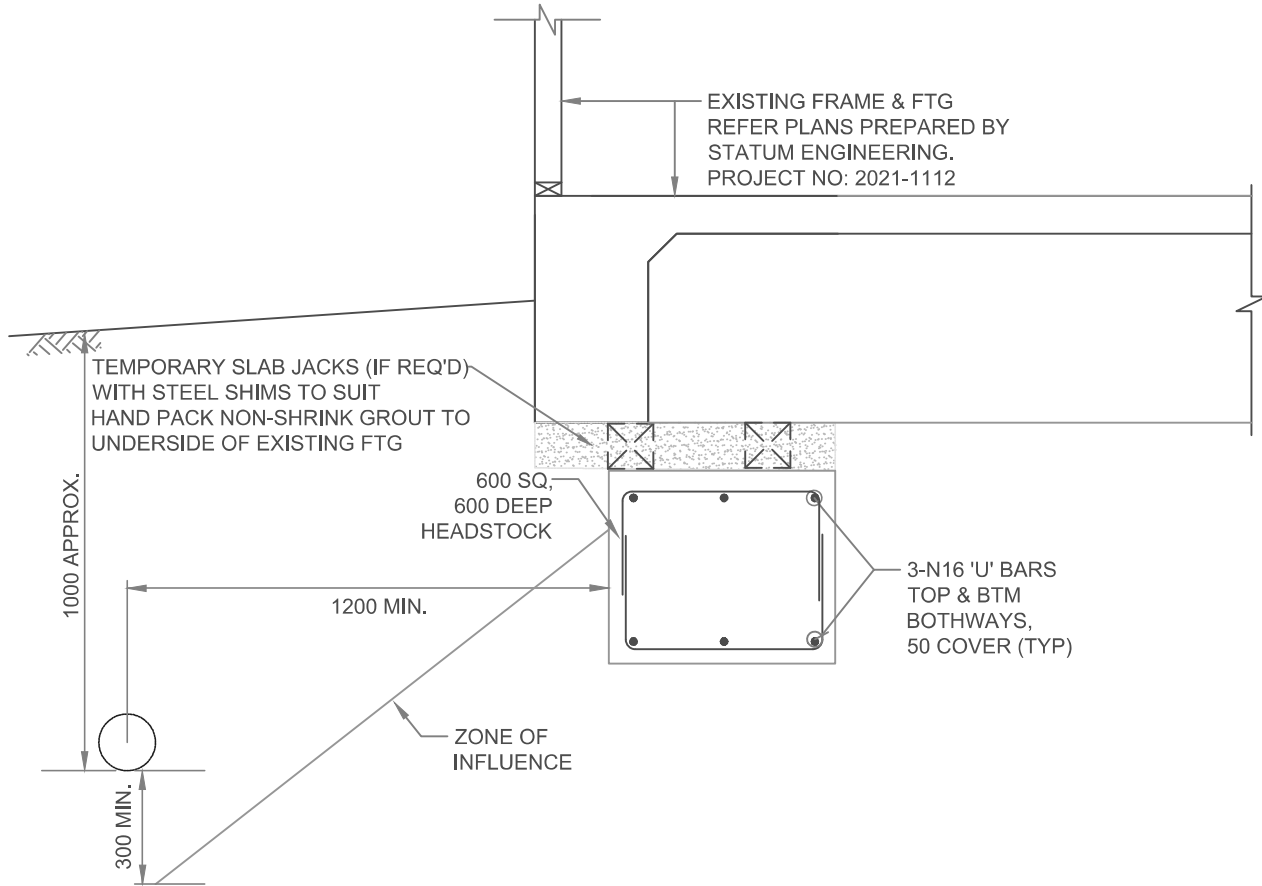
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RESPONSE LETTER

Application No: RAA/2024/1215
Dated: 13 August 2024



SECTION AT UNDERPINNING

SECTION 1
S-01




SECTION AT UNDERPINNING

SECTION 2
S-01



STATUM ENGINEERING
Residential Structural Design
statumengg@gmail.com
Ph: 0402 907 100 - 07 5501 0540

CLIENT :		DRAWING TITLE :							
LORI EATON		UNDERPINNING DETAIL							
PROJECT ADDRESS :		APPROVED BY :							
15 GREVILLEA DRIVE VARSITY LAKES		 Rekha Jagannathan B. Eng (Civil) MIEAust CPEng RPEQ 16366							
PROJECT NO :		DRAWING NO :		1	15/04/2024	PLAN & SECTION 2 AMENDED		RJ	RJ
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REV :	1	SCALE : 1:100	SIZE : A3	REV	DATE	REVISION DETAILS		BY	CHK/APP

Date: 29 April 2024
Contact: Shane Weterings
Location: City Development
Telephone: 07 5582 8866
Your reference:
Our reference: RAA/2023/201 // Appeal No. 23-055

Frazer and Lori McKenzie
C/- Tactica Planning and Development
3A/37 James Street
BURLEIGH HEADS QLD 4220

Dear Justin,
Copy: Development Tribunals - Department of Energy and Public Works

Recommended Conditions – Referral Agency – Tribunal Order 23-055

Application details	RAA/2023/201 // Appeal No. 23-055
Property description	Lot 108 on RP116760
Property location	15 Grevillea Drive, VARSITY LAKES QLD 4227

Reference is made to the Tribunal orders following the hearing held 19 December 2023 for Appeal No. 23-055 whereby the appellant was ordered to provide a copy of the recommended conditions from Council.

Subject to the Tribunal decision reiterating that the proposed development is not an outcome that would ordinarily be supported if not for the significant financial imposition of removing the existing building, Council supports the proposed building work, and recommends the following conditions provided at Attachment A being imposed for the following referral triggers:

REFERRAL TRIGGERS

- | | |
|--|--|
| <i>Class 10 Building/s</i> | <ul style="list-style-type: none">• Design and Siting – Schedule 9, Part 3, Division 2, Table 3 of the <i>Planning Regulation 2017</i>• Amenity and Aesthetics – Schedule 9, Part 3, Division 2, Table 1 of the <i>Planning Regulation 2017</i> |
| <i>Dwelling house
(Secondary dwelling)</i> | <ul style="list-style-type: none">• Building work for particular class 1 buildings relating to material change of use – Schedule 9, Part 3, Division 2, Table 8 of the <i>Planning Regulation 2017</i> |

It is noted that a separate referral agency assessment application for building over or near relevant infrastructure (sewer) will be submitted to Council for assessment.

Contacting us

Should you wish to clarify any issues contained in this letter, please do not hesitate to contact Shane Weterings, Senior Planner on 07 5582 8866.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Wiremu Cherrington', is written over a faint, circular official stamp.

Wiremu Cherrington
Supervising Planner (Fast Track)
For the Chief Executive Officer
Council of the City of Gold Coast

Attachment A: Recommended conditions for Tribunal Appeal No 23-055

General																																		
1	Timing All conditions of this development must be complied with at no cost to Council at all times unless otherwise stated in another condition																																	
2	Approved drawings The development shall be carried out generally in accordance with the endorsed drawing/s indicated in the table below except where modified by the following conditions. Such drawing/s are stamped and returned to the applicant as the referral agency response and shall not be modified without the written endorsement of the Council as the referral agency. <table border="1"> <thead> <tr> <th>Drawing Title</th><th>Author.</th><th>Date.</th><th>Drawing No.</th><th>Ver.</th></tr> </thead> <tbody> <tr> <td>Site Plan</td><td>Innovative Building Design</td><td>03/05/2022</td><td>01</td><td>6</td></tr> <tr> <td>Granny G.F</td><td>Innovative Building Design</td><td>03/05/2022</td><td>04</td><td>6</td></tr> <tr> <td>Granny F.F</td><td>Innovative Building Design</td><td>03/05/2022</td><td>05</td><td>6</td></tr> <tr> <td>Elevations</td><td>Innovative Building Design</td><td>03/05/2022</td><td>06</td><td>6</td></tr> <tr> <td>Elevations</td><td>Innovative Building Design</td><td>03/05/2022</td><td>07</td><td>6</td></tr> </tbody> </table> <p>The conditions are to be read in conjunction with the attached approved drawings. Where a conflict occurs between the conditions of this referral agency response notice and the stamped approved drawings, the conditions shall take precedence.</p>				Drawing Title	Author.	Date.	Drawing No.	Ver.	Site Plan	Innovative Building Design	03/05/2022	01	6	Granny G.F	Innovative Building Design	03/05/2022	04	6	Granny F.F	Innovative Building Design	03/05/2022	05	6	Elevations	Innovative Building Design	03/05/2022	06	6	Elevations	Innovative Building Design	03/05/2022	07	6
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3	Approved Plans Undertake and maintain the development generally in accordance with the following plans: <table border="1"> <thead> <tr> <th>Plan Title</th><th>Author</th><th>Date</th><th>Plan Reference No.</th><th>Ver</th></tr> </thead> <tbody> <tr> <td>Landscape Plan</td><td>Landscape Design and Planning</td><td>14 January 2024</td><td>1 of 3</td><td>-</td></tr> <tr> <td>Planting Plan</td><td>Landscape Design and Planning</td><td>14 January 2024</td><td>2 of 3</td><td>-</td></tr> <tr> <td>Stormwater Drainage Layout Plan</td><td>Hurley Consulting Engineers</td><td>03 March 2024</td><td>C23115A-C100</td><td>A</td></tr> </tbody> </table>				Plan Title	Author	Date	Plan Reference No.	Ver	Landscape Plan	Landscape Design and Planning	14 January 2024	1 of 3	-	Planting Plan	Landscape Design and Planning	14 January 2024	2 of 3	-	Stormwater Drainage Layout Plan	Hurley Consulting Engineers	03 March 2024	C23115A-C100	A										
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4	Scope of approval for Secondary dwelling The development must comply with all required outcomes of the following codes: <ul style="list-style-type: none"> a Low density residential zone code, other than RO1; b Acid sulfate soils overlay code; c Airport environs overlay code; d Secondary dwelling code, other than RO3 e General development provisions code, f Healthy waters code, g Transport code. Information note: This condition reflects the relevant matters prescribed by Schedule 9, Part 3, Division 2,																																	

	<p>Table 8 of the <i>Planning regulation 2017</i> and subsequently, the rules outlined in section 5.3.3(4)(b)(ii) of the City Plan where code assessable development that occurs as a result of development becoming code assessable pursuant to sub-section 5.3.3(2) must comply with all required outcomes identified in sub-section 5.3.3(1), other than those mentioned in sub-section 5.3.3(2).</p> <p>The subject matter of the non-compliant required outcomes identified above may be separately conditioned by this development approval.</p>										
5	<p>Scope of approval</p> <p>a This approval permits a Dwelling house (secondary dwelling) to be used in conjunction with, and subordinate to, the primary dwelling house on the same lot.</p> <p>b The primary dwelling and secondary dwelling must remain under a single title and must not be separately metered for essential services such as water and electricity, at all times.</p> <p>c The secondary dwelling has a maximum of two (2) bedrooms only.</p> <p>Advice note/s</p> <ul style="list-style-type: none"><i>A property notification will be applied to the lot stating compensatory planting conditions exists for the site and must be complied with at all times.</i><i>The secondary dwelling may be occupied by and rented to individuals who are unrelated to, or associated with, the household of the primary dwelling.</i>										
6	<p>Car parking requirement for Dwelling house (Secondary dwelling)</p> <p>A minimum of three (3) car parking spaces (being 2 spaces for the Primary dwelling and 1 space for the secondary dwelling) must be maintained on site.</p>										
7	<p>Stormwater discharge</p> <p>Stormwater discharge must be connected to Lawful point of discharge (LPD) in accordance with the approved plans and City Plan Policy SC6.12 – Land development guidelines, Section 4.4 (Stormwater Drainage).</p>										
8	<p>Requirement to register easement/s</p> <p>a Register an easement for stormwater drainage over Lot 92 on RP116760 in favour of Lot 108 on RP11670 at the location marked on the drawings listed below:</p> <table><tr><th>Drawing Title</th><th>Author</th><th>Date</th><th>Drawing No.</th><th>Ver</th></tr><tr><td>Stormwater Drainage Layout Plan</td><td>Hurley Consulting Engineers</td><td>03 March 2024</td><td>C23115A-C100</td><td>A</td></tr></table> <p>b Registration of the easement must occur prior to the issue of a Final development Permit (Form 21).</p> <p>c Ensure private stormwater infrastructure is positioned in the centre of the easement.</p> <p>d 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 on the non-compliance with this condition.</p>	Drawing Title	Author	Date	Drawing No.	Ver	Stormwater Drainage Layout Plan	Hurley Consulting Engineers	03 March 2024	C23115A-C100	A
Drawing Title	Author	Date	Drawing No.	Ver							
Stormwater Drainage Layout Plan	Hurley Consulting Engineers	03 March 2024	C23115A-C100	A							
9	<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>										

	b Construct and maintain the rectified Council infrastructure at no cost to Council prior to commencement of the use.
10	<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.
11	<p>External appearance</p> <p>The development must be maintained using patterns, textures and colours compatible with the existing Dwelling with the use of non-reflective materials being recommended.</p>
12	<p>Use of Shed</p> <p>The detached Class 10 building (Shed):</p> <ul style="list-style-type: none"> a. must be used for domestic related activities ancillary to a residential use on the same premises; and b. must not be used for habitation, commercial or industrial purposes; and c. must not be converted to a Class 1 building. <p>Advice note/s</p> <p><i>A property notification has been placed on Council's records for the property reflecting the requirements of the above condition.</i></p>
13	<p>Landscaping</p> <p>Landscape plantings must be provided where indicated in the approved plans in accordance with the following:</p> <ul style="list-style-type: none"> a. The plantings at the front boundary must be capable of maintaining a softening affect of the Secondary dwelling when viewed from the street b. This applicant must complete all the landscape plantings prior to the requesting a Final Building Certificate (Form 21) from the Assessment Manager (Private Building Certifier). c. The plantings (including roots) must not interfere with Council infrastructure. d. Where practicable, Australian native species are recommended. <p>Advice note/s</p> <p><i>A property notification will be applied to the lot stating landscaping conditions exists for the site and must be complied with at all times.</i></p>
Advice Notes	
A	<p>Further development permits and approvals.</p> <p>Pursuant to S83 of the <i>Building Act 1975</i>, the assessment manager (private building certifier) must not grant the building development approval until all other necessary development permits under the <i>Planning Act 2016</i> that may affect the form, location and use of the proposed building/structure are effective.</p> <p>This Referral Agency Response Notice does not infer approval for any future development</p>

	application.
B	<p>Other building assessment provisions – QDC MP1.1 and MP1.2</p> <p>Acceptable solution and performance criteria 5, 7 and 9 under QDC mandatory part 1.1 or mandatory part 1.2 continue to apply as building assessment provisions. Assessment against these building assessment provisions has not been applied for and subsequently has not been assessed unless listed as a prescribed matter within the statement of reasons of this referral agency response notice.</p>
C	<p>Council infrastructure not assessed as part of application.</p> <p>The application does not approve the development being built over or near relevant Council infrastructure. A separate application is required under Schedule 9 of the <i>Planning Regulation 2017</i> if compliance with the acceptable solutions of the Queensland Development Code (QDC) MP1.4 is not achieved.</p> <p>Note:</p> <p><i>Pursuant to S83(d) of the Building Act 1975, the assessment manager (Private Building Certifier) is limited from issuing the building development approval until a referral agency (Council) has given its referral agency response.</i></p>
Property Notifications	
A	<p>Dwelling house (Secondary dwelling)</p> <p>There is an approved Dwelling house (secondary dwelling) on this lot. The Dwelling house (secondary dwelling) must be used in conjunction with, and subordinate to, the primary dwelling on the same lot. All property owner(s) must ensure compliance with the scope of approval condition.</p> <p>Refer to Tribunal Order No 23.055 and the relevant Building Approval.</p>
B	<p>Landscaping</p> <p>There are Referral Agency Response conditions applicable in relation to landscaping on this lot/subsequent lots. All property owner(s) must ensure compliance with these conditions.</p> <p>Refer to Tribunal Order No 23.055 and the relevant Building Approval.</p>
C	<p>Use of shed</p> <p>There are Referral Agency Response conditions applicable limiting the use of the approved class 10 building. All property owner(s) must ensure compliance with these conditions.</p> <p>Refer to Tribunal Order No 23.055 and the relevant Building Approval.</p>