

Our reference: MIN/2024/273  
Your reference: Q16163.2

**Decision notice — Change to Pre-Referral Response Notice – Referral Agency – approval including amended suite of development conditions for COM/2019/82**

Reference is made to your correspondence dated 27 May 2024 requesting the Council of the City of Gold Coast (Council) provide a changed referral agency response approval dated 9 August 2023.

**Date of decision notice:** 14 June 2024

**Applicant details**

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Applicant name: Hb QLD Pty Ltd  
Applicant contact details: C/- Zone Planning QLD  
PO BOX 3805  
BURLEIGH TOWN QLD 4220

**Application details**

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Application number: MIN/2024/273  
Approval sought: Change (minor) to Referral agency Pre-referral response for development application for building work, approved 9 August 2023 (COM/2019/82)  
Details of the change: Amended side setbacks for future Dwelling Houses located over approved Lots 111-118  
Details of originating approval: Design and siting of Dwelling houses over future Lots 101 – 296 (excluding Lot 121).  
Lots to be established pursuant to the Development permit dated 20 June 2023 for Reconfiguring a lot for 5 into 208 lot subdivision (including 196 residential lots, 4 Open space (Environmental) lots, 5 Open space (Drainage) lots, 2 Open space (Recreation) lots and 1 utility lot) (COM/2019/82).  
*Note: Both the Reconfiguring a lot and Referral agency assessment response is captured by application reference COM/2019/82, however the change only relates to the Referral agency assessment component.*

**Location details**

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Street address: 79 - 99 Courtney Drive, Upper Coomera Qld 4209  
Real property description: Lot 188 RP173728, Lot 189 RP173728, Lot 190 RP173728, Lot 191 RP173728, Lot 192 RP173728

**Aspects of development and type of referral agency response being sought**

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Development type: Building Work  
Referral type: Pre-referral response for a Plan of development establishing design and siting requirements for the subject site for future lots 101 – 296 (excluding Lot 121).

**Referral trigger**

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

Referral trigger/s: Design and Siting – Schedule 9, Part 3, Division 2, Table 3 of the *Planning Regulation 2017*

## **Decision**

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Decision details: Council has resolved to approve the change to Pre-referral agency response including amended suite of development conditions

## **Details of the decision**

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Referral response: Approval for design and siting of Dwelling houses over future Lots 101 – 296 (excluding Lot 121) through a Plan of development, subject to conditions

## **Further development permits**

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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.

## **Pre-referral Response notice as the Referral Agency Response for Building Application**

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- Pursuant to sections 54(4) and 57(3) of the *Planning Act 2016*, this Pre-referral response notice may be taken as the Referral Agency Response for a Building Application, if the Building Application is:
  - Not substantially different to the plans and specifications considered and approved in this Pre-referral Response notice; and
  - Made within the period:
    - Commencing on the date that future Lots 101-296 (excluding for Lot 121), shown on the approved plan for each relative stage of the associated Development permit dated 20 June 2023 for Reconfiguring a lot for 5 into 208 lot subdivision (including 196 residential lots, 4 Open space (Environmental) lots, 5 Open space (Drainage) lots, 2 Open space (Recreation) lots and 1 utility lot) for Reconfiguring a lot (Council reference COM/2019/82) are created (the “Commencement date”); and
    - Ending on a date that is 6 years after the commencement date.

## **Approved plans and drawings**

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

For further information please contact Kyra Reid, Planner on 07 5582 8866 or via email [mail@goldcoast.qld.gov.au](mailto:mail@goldcoast.qld.gov.au) who will be pleased to assist.

## **AUTHORISED BY**



Roger Sharpe

**Executive Coordinator Planning Assessment**

*For the Chief Executive Officer*

Council of the City of Gold Coast

enc:

New and/or amended conditions imposed by Conditions imposed by Council as Referral agency

Attach:

Stamped approved plans and drawings for development approval COM/2019/82

Appeal rights extracts

## New and/or amended conditions imposed by Council as the Responsible Entity

### Condition 2 currently reads:

<b>2</b>	<p><b>Approved drawings</b></p> <p>The development shall be carried out generally in accordance with the endorsed drawing/s submitted to the Council and indicated in the table below except where modified by the following conditions. The lot layout demonstrated on the plan set is consistent with the approved lot layout of the Reconfiguring a lot (COM/2019/82). 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.</p> <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>Plan of development overall</td> <td>Bennett + Bennett</td> <td>19/07/2023</td> <td>171101_023_PRO Sheet 1 of 6</td> <td>F</td> </tr> <tr> <td>Plan of development Stage 1</td> <td>Bennett + Bennett</td> <td>19/07/2023</td> <td>171101_023_PRO Sheet 2 of 6</td> <td>F</td> </tr> <tr> <td>Plan of development Stage 2</td> <td>Bennett + Bennett</td> <td>19/07/2023</td> <td>171101_023_PRO Sheet 3 of 6</td> <td>F</td> </tr> <tr> <td>Plan of development Stage 3</td> <td>Bennett + Bennett</td> <td>19/07/2023</td> <td>171101_023_PRO Sheet 4 of 6</td> <td>F</td> </tr> <tr> <td>Plan of development Stage 4</td> <td>Bennett + Bennett</td> <td>19/07/2023</td> <td>171101_023_PRO Sheet 5 of 6</td> <td>F</td> </tr> <tr> <td>Plan of development Stage 5</td> <td>Bennett + Bennett</td> <td>19/07/2023</td> <td>171101_023_PRO Sheet 6 of 6</td> <td>F</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 Pre-referral response/Referral response notice and the stamped approved drawings, the conditions shall take precedence.</p>	Drawing Title	Author	Date	Drawing No.	Ver	Plan of development overall	Bennett + Bennett	19/07/2023	171101_023_PRO Sheet 1 of 6	F	Plan of development Stage 1	Bennett + Bennett	19/07/2023	171101_023_PRO Sheet 2 of 6	F	Plan of development Stage 2	Bennett + Bennett	19/07/2023	171101_023_PRO Sheet 3 of 6	F	Plan of development Stage 3	Bennett + Bennett	19/07/2023	171101_023_PRO Sheet 4 of 6	F	Plan of development Stage 4	Bennett + Bennett	19/07/2023	171101_023_PRO Sheet 5 of 6	F	Plan of development Stage 5	Bennett + Bennett	19/07/2023	171101_023_PRO Sheet 6 of 6	F
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### Condition 2 is amended to read:

<b>2</b>	<p><b>Approved drawings</b></p> <p>The development shall be carried out generally in accordance with the endorsed drawing/s submitted to the Council and indicated in the table below except where modified by the following conditions. The lot layout demonstrated on the plan set is consistent with the approved lot layout of the Reconfiguring a lot (COM/2019/82). 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.</p> <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>Plan of development overall</td> <td>Bennett + Bennett</td> <td>16/05/2024</td> <td>171101_023_PRO Sheet 1 of 6</td> <td>G</td> </tr> <tr> <td>Plan of development Stage 1</td> <td>Bennett + Bennett</td> <td>16/05/2024</td> <td>171101_023_PRO Sheet 2 of 6</td> <td>G</td> </tr> <tr> <td>Plan of development Stage 2</td> <td>Bennett + Bennett</td> <td>16/05/2024</td> <td>171101_023_PRO Sheet 3 of 6</td> <td>G</td> </tr> <tr> <td>Plan of development Stage 3</td> <td>Bennett + Bennett</td> <td>16/05/2024</td> <td>171101_023_PRO Sheet 4 of 6</td> <td>G</td> </tr> <tr> <td>Plan of development Stage 4</td> <td>Bennett + Bennett</td> <td>16/05/2024</td> <td>171101_023_PRO Sheet 5 of 6</td> <td>G</td> </tr> <tr> <td>Plan of development Stage 5</td> <td>Bennett + Bennett</td> <td>16/05/2024</td> <td>171101_023_PRO Sheet 6 of 6</td> <td>G</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 Pre-referral response/Referral response notice and the stamped approved drawings, the conditions shall take precedence.</p>	Drawing Title	Author	Date	Drawing No.	Ver	Plan of development overall	Bennett + Bennett	16/05/2024	171101_023_PRO Sheet 1 of 6	G	Plan of development Stage 1	Bennett + Bennett	16/05/2024	171101_023_PRO Sheet 2 of 6	G	Plan of development Stage 2	Bennett + Bennett	16/05/2024	171101_023_PRO Sheet 3 of 6	G	Plan of development Stage 3	Bennett + Bennett	16/05/2024	171101_023_PRO Sheet 4 of 6	G	Plan of development Stage 4	Bennett + Bennett	16/05/2024	171101_023_PRO Sheet 5 of 6	G	Plan of development Stage 5	Bennett + Bennett	16/05/2024	171101_023_PRO Sheet 6 of 6	G
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**Amended suite of development conditions for development approval COM/2019/82 (RAA component only)**

For ease of reference only, a consolidated set of the conditions, incorporating the above changes, of the Pre-Referral Response Notice dated 9 August 2023 for Plan of development establishing design and siting requirements for the subject site for future lots 101 – 296 (excluding Lot 121) is set out below:

<b>General</b>																																				
<b>1</b>	<p><b>Timing</b></p> <p>Prior to the issue of a Development permit for Building work, allotments relative to each stage (total five stages) of the associated Development permit dated 20 June 2023 for Reconfiguring a lot for 5 into 208 lot subdivision (including 196 residential lots, 4 Open space (Environmental) lots, 5 Open space (Drainage) lots, 2 Open space (Recreation) lots and 1 utility lot) (COM/2019/82) must be created and all associated requirements and conditions complied.</p> <p>This Pre-referral Response Notice only refers to the design and siting of a proposed Dwelling house within future Lots 101-296 (excluding Lot 121) established through the Development permit for Reconfiguring a lot (COM/2019/82), in accordance with the relevant provisions of the <i>Planning Regulation 2017</i>.</p> <p><i>Note: Both the Reconfiguring a lot and Referral agency assessment response is captured by application reference COM/2019/82</i></p>																																			
<b>2</b>	<p><b>Approved drawings</b></p> <p>The development shall be carried out generally in accordance with the endorsed drawing/s submitted to the Council and indicated in the table below except where modified by the following conditions. The lot layout demonstrated on the plan set is consistent with the approved lot layout of the Reconfiguring a lot (COM/2019/82). 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.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Drawing Title</th> <th style="text-align: left;">Author</th> <th style="text-align: left;">Date</th> <th style="text-align: left;">Drawing No.</th> <th style="text-align: left;">Ver</th> </tr> </thead> <tbody> <tr> <td>Plan of development overall</td> <td>Bennett + Bennett</td> <td>16/05/2024</td> <td>171101_023_PRO Sheet 1 of 6</td> <td>G</td> </tr> <tr> <td>Plan of development Stage 1</td> <td>Bennett + Bennett</td> <td>16/05/2024</td> <td>171101_023_PRO Sheet 2 of 6</td> <td>G</td> </tr> <tr> <td>Plan of development Stage 2</td> <td>Bennett + Bennett</td> <td>16/05/2024</td> <td>171101_023_PRO Sheet 3 of 6</td> <td>G</td> </tr> <tr> <td>Plan of development Stage 3</td> <td>Bennett + Bennett</td> <td>16/05/2024</td> <td>171101_023_PRO Sheet 4 of 6</td> <td>G</td> </tr> <tr> <td>Plan of development Stage 4</td> <td>Bennett + Bennett</td> <td>16/05/2024</td> <td>171101_023_PRO Sheet 5 of 6</td> <td>G</td> </tr> <tr> <td>Plan of development Stage 5</td> <td>Bennett + Bennett</td> <td>16/05/2024</td> <td>171101_023_PRO Sheet 6 of 6</td> <td>G</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 Pre-referral response/Referral response notice and the stamped approved drawings, the conditions shall take precedence.</p>	Drawing Title	Author	Date	Drawing No.	Ver	Plan of development overall	Bennett + Bennett	16/05/2024	171101_023_PRO Sheet 1 of 6	G	Plan of development Stage 1	Bennett + Bennett	16/05/2024	171101_023_PRO Sheet 2 of 6	G	Plan of development Stage 2	Bennett + Bennett	16/05/2024	171101_023_PRO Sheet 3 of 6	G	Plan of development Stage 3	Bennett + Bennett	16/05/2024	171101_023_PRO Sheet 4 of 6	G	Plan of development Stage 4	Bennett + Bennett	16/05/2024	171101_023_PRO Sheet 5 of 6	G	Plan of development Stage 5	Bennett + Bennett	16/05/2024	171101_023_PRO Sheet 6 of 6	G
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<b>3</b>	<p><b>Building to boundary walls</b></p> <p>All built to boundary walls must be rendered and painted or constructed with a pre-finished material. Untreated concrete and block walls are not permitted.</p>																																			
<b>Advice Notes</b>																																				
<b>A</b>	<p><b>Pre-referral Response Notice</b></p> <p>The applicant is advised that Council has issued a Pre-referral Response notice in accordance</p>																																			

	with section 57 of the Planning Act. The applicant will need to engage a Private Building Certifier (Assessment Manager) with respect to the building application for the works.
<b>B</b>	<p><b>Council's referral jurisdiction (City Plan and Amenity and Aesthetics)</b></p> <p>Council's jurisdiction is limited to its referral agency (concurrence) functions under section 33 of the Building Act 1975 in relation to assessing whether the proposed building/structure complies with the quantifiable standards under the City Plan in respect of boundary clearances and site cover, or where relevant, <i>Schedule 9 Division 2, Table 1 of the Planning Regulation 2017</i> in relation to amenity and aesthetics impacts of proposed building work for a building or structure. All other statutory building assessment functions 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>
<b>C</b>	<p><b>Built near infrastructure</b></p> <p>This application does not approve the development being built near infrastructure. A separate application may be required. It is the assessment managers (private building certifier) responsibility to ensure the development complies with the provisions of the Queensland Development Code (QDC) MP1.4</p>