Our reference: MCU/2025/79
Your reference: P0052526

AMENDED Decision notice — approval (with conditions)
(Given under section 63(2) of the *Planning Act 2016*)

Note: *The amended decision notice replaces the decision notice issued on 9 June 2026. The amendment is due to administrative errors pertaining to the applicant contact details and Council's reference number only. This amended decision notice does not affect the currency period.*

Date of decision notice: 15 June 2026

Applicant details

Applicant name:	Benowa Gardens Holding Pty Ltd ATF Benowa Gardens Trust
Applicant contact details:	C/- Urbis Ltd 64 Marine Parade, Southport QLD 4215

Application details

Application number:	MCU/2025/79
Approval sought:	Preliminary approval for a Material change of use (Impact assessment) that includes a Variation request
Details of proposed development:	Preliminary approval for a Material change of use for Mixed-use development, including a Variation request pursuant to Section 61 of the *Planning Act 2016* to vary the effect of the local planning instrument being City Plan (Version 11), in accordance with the Benowa Gardens Plan of Development

Location details

Street address:	203 Ashmore Road, BENOWA QLD 4217
Real property description:	Lot 822 RP839746

Decision

Date of decision	2 June 2026
Decision details:	At the meeting held on 2 June 2026, Council (G26.0602.049) resolved to approve the development application for a Preliminary approval.

Referral agency(s) for the application

The referral agencies for this application are:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
Aspect of development stated in Schedule 20 – Schedule 10, Part 9,	SARA	Concurrence Agency	Department of State Development, Infrastructure, and Planning

Division 4, Subdivision 1, Table 1			PO Box 3290, Australia Fair SOUTHPORT QLD 4215

Details of the approval

Preliminary approval	Material change of use (Impact assessment) for a Mixed-use development, including a Variation request pursuant to Section 61 of the *Planning Act 2016* to vary the effect of the local planning instrument being City Plan (Version 11), in accordance with the Benowa Gardens Plan of Development

Variation approval details

In accordance with section 63(2)(g) of the *Planning Act 2016*, this preliminary approval for material change of use that includes a variation approval, varies the effect of City Plan Version 11 as follows:

a. The type of assessment and/or level of assessment for Material change of use.

b. The following codes for future Material change if use development applications on the subject site.

New Code	**Existing code varied by new code**
Benowa Gardens Plan of Development	Neighbourhood centre zone code
	High-rise accommodation design code
	Multiple accommodation code

Conditions

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

The conditions and/or advice that have been imposed/ provided by referral agency(s) are attached.

Further development permits

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

- Development permit for a Material change of use

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

Properly made submissions

Properly made submissions were received. A list identifying the details of each principal submitter is attached.

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

In accordance with section 85 of the *Planning Act 2016,* this approval has a currency period of 10 years.

When approval lapses if development started but not completed – preliminary approval to which a variation approval applies

10 years.

Approved plans and drawings

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

Appeal rights

Applicant	You have appeal rights in relation to this decision. An appeal may be made against, as applicable: • the refusal of part of the development application; or • a provision of the development approval; or • if a development permit was applied for, the decision to give a preliminary approval. An appeal must be started within 20 business days after this notice is given to you. An appeal may be made to the Planning and Environment Court or, for certain matters which are identified in section 1(2) of Schedule 1 of the *Planning Act 2016*, to a development tribunal. An appeal is started by lodging a notice of appeal with the registrar of the Planning and Environment Court or a development tribunal, as applicable. The notice of appeal must be in the approved form, succinctly state the grounds of the appeal and be accompanied by the required fee. An appellant to the Planning and Environment Court must give a copy of the notice of appeal, within 10 business days after the appeal is started, to the persons identified in section 230(3) of the *Planning Act 2016.* A person who is appealing to the Planning and Environment Court must comply with the rules of the court that apply to the appeal. An extract of Chapter 6, Part 1 and Schedule 1 of the *Planning Act 2016* is attached to this notice, which sets out further information about the appeal rights.
Referral Agency	You do not have appeal rights in relation to this decision
Submitter (properly made)	You have appeal rights in relation to this decision. An appeal may be made against, as applicable: • the decision to give a development approval; or • the decision to give an approval for a change application; or • a provision of a development approval; or • a failure to include a provision in the development approval. An appeal may be made to the extent that the decision or matter relates to, as applicable: • any part of the development application or change application that required impact assessment; or • a variation request. An appeal must be started within 20 business days after this notice is given to you. An appeal may be made to the Planning and Environment Court. An appeal is started by lodging a notice of appeal with the registrar of the Planning and Environment Court. The notice of appeal must be in the

	approved form, succinctly state the grounds of the appeal and be accompanied by the required fee. An appellant to the Planning and Environment Court must give a copy of the notice of appeal, within 2 business days after the appeal is started, to the persons identified in section 230(3) of the *Planning Act 2016*. A person who is appealing to the Planning and Environment Court must comply with the rules of the court that apply to the appeal. An extract of Chapter 6, Part 1 and Schedule 1 of the *Planning Act 2016* is attached to this notice, which sets out further information about the appeal rights.
Submitter (not properly made)	You do not have appeal rights in relation to this decision.

For further information please contact Jusmeet Atwal, Senior Planner on p: 07 5582 8365 or via email mail@goldcoast.qld.gov.au who will be pleased to assist.

AUTHORISED BY



Branden Holt
Coordinator Development Assessment (Major)
For the Chief Executive Officer
Council of the City of Gold Coast

Enc:

Conditions imposed by Council as Assessment manager
Statement of reasons (given under section 63(4) of *Planning Act 2016*)

Attach:

Referral agency conditions and/or advice
Stamped approved plans and drawings
List of principal submitters for properly made submissions
Appeal rights extracts

Development Conditions imposed by Council as Assessment Manager

General

1 Timing

a All conditions of this development approval must be complied with at no cost to Council at all times unless otherwise stated in another condition.

2 Variation table of assessment – effect as a local categorising instrument

a Pursuant to sections 43(3)(c) and 43(7) of the *Planning Act 2016*, the Variation table of assessment below has effect as a local categorising instrument in respect of the land the subject of this approval.

b For section 63(2)(g) of the *Planning Act 2016*, the variations are limited to those specified in the Variation table of assessment. The Variation table of assessment does not vary City Plan 2016 (or subsequent planning schemes) except to the extent described in the table.

c The Variation table of assessment varies the effect of City Plan 2016 Version 11, and any subsequent planning scheme in effect when a future development application is made in respect of development to which this variation approval applies, during the life of this variation approval.

d Where the Variation table of assessment or the referenced approved plans are silent in respect of how an aspect of development should be treated, the planning scheme provisions will apply to that aspect of development.

e Where there is a conflict between the conditions of approval and the approved Benowa Gardens Plan of Development (BGPD), the conditions of approval prevail.

3 Variation table of assessment

Categories of development and assessment

The categories of development and assessment for the aspects of development identified in Column 1 are as specified in Column 2—

Column 1 **Aspect of development**	**Column 2** **Varied category of development and assessment**
Material change of use	As specified in 'Section 3, Table 1 – Tables of Development Assessment for Material Change of Use Benowa Gardens' of the Benowa Gardens Plan of Development (BGPD)

Assessment benchmarks and/or required outcomes

The City Plan assessment benchmarks and/or required outcomes identified in Column 1 are varied to the extent specified in Column 2 for the aspect/s of development specified in Column 3—

Column 1 **Varied City Plan**	**Column 2** **Varied by/how**	**Column 3** **Aspect/s of development**

assessment benchmarks and/or required outcomes		
Neighbourhood centre zone code	Section 4.1 – Benowa Gardens Development Code of the approved Benowa Gardens Plan of Development (BGPD)	Material change of use
High-rise accommodation design code	Section 5.1 – Benowa Gardens High-rise Accommodation Code of the approved Benowa Gardens Plan of Development (BGPD)	Material change of use
Multiple accommodation code	Section 5.1 – Benowa Gardens High-rise Accommodation Code of the approved Benowa Gardens Plan of Development (BGPD)	Material change of use

4 Life of this variation approval

a Pursuant to section 71(5) of the *Planning Act 2016*, that part of this variation approval that is a categorising instrument applies instead of the planning scheme, to the extent of any inconsistency, until –

i the development is completed; or

ii the variation approval lapses under section 88(2) of the *Planning Act 2016* – see paragraph b below.

b Pursuant to section 88(2)(a) of the *Planning Act 2016*, this variation approval lapses to the extent the development is not completed within 10 years from the date this approval takes effect.

Note:

The nature of the mixed-use development the subject of this approval is such that the ongoing flexible reuse of premises is intended (for example, a change in tenancy from a Food and drink outlet to a Shop) within the 10 years completion period.

5 Approved plans – Variation approval

Undertake and maintain the development generally in accordance with the following plans including as amended in red by the Council:

Plan Title	Author	Date	Plan Reference No.	Ver
Benowa Gardens Plan of Development	Urbis	March 2026	POD_260319	3

The following amendments in red are provided:

a Map 2: Building Heights – Towers and Podium: amended to include the maximum building height in metres being:

i Podium: 22m

ii Carrara Street tower: 59m

iii Ashmore Road tower: 56m

iv Benowa Road tower: 51m

v Eastern side tower: 37m

b Map 3: Residential Density Plan: amended to include the designated maximum number of units to 413.

c Drawing DA.23 – User Journey & Access Routes: labelled as Map 4 (in accordance with section 1.3 of the BGPD).

d Drawing DA.24 – Staging of Works: labelled as Map 5 (in accordance with section 1.3 of the BGPD).

e Drawing DG.00 – Benowa Gardens Urban Village – Desing Framework & Supportive Diagrams: amendment to Diagram 8 to state "Tower Separation."

6 **Approved Plans**

Any future development application associated with this approval must submit the following plans (prepared by qualified professionals) generally in accordance with:

Plan Title	Author	Date	Plan Reference No.	Ver
Site Based Stormwater Management Plan, Proposed Mixed-Used Development AT 203 Ashmore Road Benowa	Morgan consulting Engineers	06/02/2025	24191	Rev - 03
Environmental Noise Assessment Report Benowa Gardens Master Plan	Colliers	21/02/2025	24GCA0185 R01_1	1

These must be in accordance with City Plan Policy and to the satisfaction of Council.

7 **Staging**

The development is to be staged in accordance with Map 4 – Staging of Works, Drawing DA.24 as approved by Condition 5 of this Decision Notice.

8 **Record keeping – density**

At the time of lodgement for any future Development application for a Material change of use subject to this Preliminary approval involving residential dwellings, provide a density assessment which states the approved number of units and bedrooms on the site.

Trunk Development Infrastructure

9 **Extra payment condition**

a Pay to Council extra trunk infrastructure costs in the amount of $249,566.45, prior to registering any plan of subdivision or commencement of any use on the subject site, whichever is the sooner.

	b This condition has been imposed as the development will require 18.9kL of additional emergency storage at sewer pump station SPS A16 in the 2036 to 2066 Planning Horizon. c The details of the trunk infrastructure for which the additional payment is required, are as follows: i extra trunk infrastructure costs = base unit rate cost x adjustment factor x ((1+i)^n), where: Base unit rate cost = Unit rate based on total volume of wetwell (kL), $total kL (this includes 20% overheads) (based on Water Supply and Sewerage Infrastructure Plan 2019 – Costing Tool Assumptions, Methodology and Output – Nov 2019) Adjustment factor = 1.3 (for contingency allowance) i = 3.17% - indexation (10-year average of ABS 6247 roads and bridges index 3101 Queensland Table 17) n = 20, i.e. the number of years the cost is being brought forward, from the current year / the beginning of the planning horizon year in which the additional storage is needed 2036, less the year the cost estimates rates were calculated from (2012). d Instead of making the payment, elect to provide all or part of the trunk infrastructure detailed above. If this election is made, the requirements for providing the trunk infrastructure, and when it must be provided, are as follows: i Be in accordance with the Water Supply Code of Australia – SEQ Service Providers Edition and WSAA Gravity Sewerage Code of Australia SEQ Service Providers Edition. ii The construction of extra emergency storage of 18.9kL at SPS A16 is to be completed prior to commencement of the use. iii Construction must be coordinated with Council and with any upgrade identified in Council's Water Supply and Sewerage Infrastructure Plan for sewer pump station SPS A16 iv The additional payment cost will be recalculated at time of payment to take into consideration changes to the unit cost rate for emergency storage, indexation and number of years between the base establishment cost and the years of payment.
10	**Sewer and Water Network Capacity** a The ultimate development site, being lot 822 RP839746 (including any subsequent lots), is permitted to develop to a maximum of 1,113.2 equivalent persons (EPs) without further network capacity assessments or upgrades to Council's network. b The applicant is required to provide reporting to Council's Water and Waste Assessment team (civilengineering@goldcoast.qld.gov.au) with every subsequent development application submitted to Council within the ultimate development site. The reporting must include: i The EPs generated by the subsequent proposed development. ii The cumulative EPs generated within subject site, including those generated by; • the subsequent proposed development.

	• all approved uses (code assessable and impact assessable). • all developed uses (Development which is Accepted or Accepted Subject to Requirements). c The applicant must identify any development which triggers upgrades to Council's network by exceeding 1,113.2 EPs, including if the exceedance is generated by Development which is Accepted or Accepted Subject to Requirements (i.e., not assessed by Council). d The applicant must provide the identified upgrades at no cost to Council, prior to the earlier of the commencement of the use or approval of the plan of subdivision, of the subsequent development which triggers upgrades to Council's network by exceeding 1,113.2 EPs.
11	**Road infrastructure – Trunk** a Prior to the commencement of Stage 1 (as described in Conditions 5 and 7 of this decision notice), the following intersections shall be reconfigured in accordance with the specifications outlined below: i **Ashmore Road / Benowa Road:** A. Lengthen the turning lanes as outlined below, plus deceleration and tapers: • Ashmore Road western approach right turn lane to 100m (+60m) • Ashmore Road eastern approach right turn lane to 125m (+40m) • Benowa Road northern approach right turn lanes to 40m (+25m) and 60m (+15m) • Benowa Road northern approach left turn lane to 50m (+25m). B. Install 2 x pedestrian actuated signals on the left turn lane zebra pedestrian crossings. ii **Benowa Road / Carrara Street:** A. Install traffic signals at the intersection and associated civil works. B. Figure 1 shall be used as a guide when designing the works including lane configurations and the removal of the school pedestrian crossing on Carrara Street. This includes two continuous southbound travel lanes on Benowa Road between Carrara Street and Ashmore Road. b The works shall be: i Designed in accordance with Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections, Manual of Uniform Traffic Control Devices, City Planning Policy – Land Development Guidelines and Australian Standards. ii Configured, designed and constructed to integrate with the non-trunk road infrastructure (refer to Condition 12), active transport infrastructure (refer to Condition 13) and public transport infrastructure (refer to Condition 14). iii Accepted "on maintenance" priority to the commencements of use of Stage 1. iv Maintained at no cost to Council until the asset is accepted "off maintenance" in accordance with the procedures outlined in City Plan Policy SC6.11 – Land Development Guidelines.

c Three-dimensional 30% design drawings of the works shall be submitted to Council for confirmation before progressing to 100% design and lodging an application for a Development Permit for Operational Works. The 30% design shall include the following elements:

i Active transport infrastructure (refer to Condition 13).

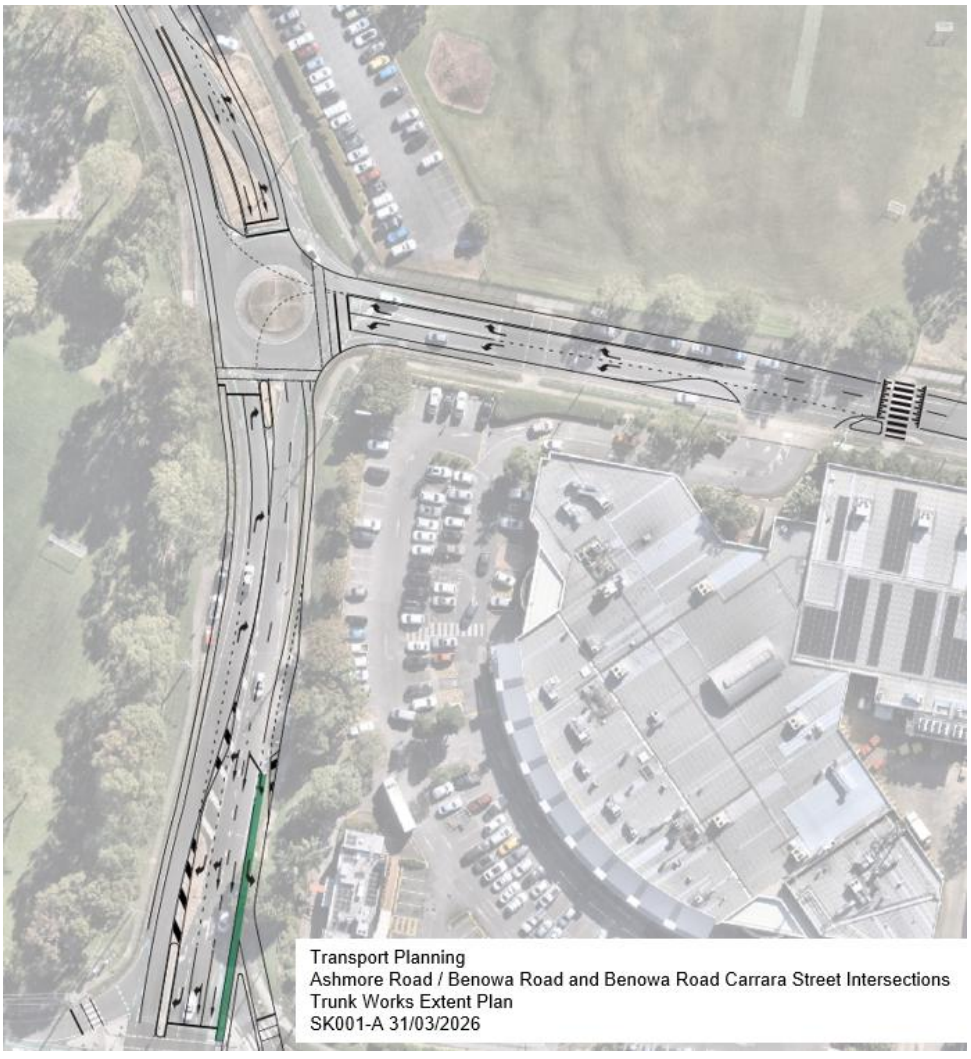
ii Public transport infrastructure (refer to Condition 14).

iii Depict any land dedication from the development site (if required) to facilitate the footprint of these works.

d A Road Safety Audit (RSA) shall be undertaken by an RPEQ and accredited auditor of the design of the above work. A report signed by the RPEQ outlining the findings of the RSA and mitigation measures incorporated into the design shall be submitted as intrinsic material with the application for a Development Permit for Operational Works.

e The design drawings of the above works shall be certified by RPEQs with expertise in relevant disciplines that it is safe and complies with the design reference documents outlined above. Any use of Extended Design Domain (EDD) or Design Exception (DE) elements must be justified in an RPEQ-signed Design Report outlining their necessity and confirming the residual risks are tolerable. The report shall be submitted as intrinsic material with the application for a Development Permit for Operational Works.

Figure 1:



12	**Road infrastructure – Non-trunk** a Prior to the commencement of Stage 1 (as described in Conditions 5 and 7 of this decision notice), the following roads and intersections shall be reconfigured in accordance with the specifications outlined below: i **Ashmore Road / Carrara Street:** A. Lengthen the right turn lane on Ashmore Road to 140m (+40m) plus taper. ii **Carrara Street:** A. Upgrade the road pavement between Benowa Road and the development site's eastern boundary to cater for the additional traffic use generated by the development based on a 20-year design life and asphalt surface. B. A report prepared and signed by an RPEQ with expertise in pavement design shall be submitted as intrinsic material with the application for a Development Permit for Operational Work outlining the geotechnical investigation results, pavement design calculations and recommendations. b The works shall be: i Designed in accordance with Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections, Manual of Uniform Traffic Control Devices, City Planning Policy – Land Development Guidelines and Australian Standards. ii Accepted "on maintenance." iii Maintained at no cost to Council until the asset is accepted "off maintenance" in accordance with the procedures outlined in City Plan Policy SC*6.11 – Land Development Guidelines*. c The design drawings of the above works shall be certified by RPEQs with expertise in relevant disciplines that the design is safe and complies with the design reference documents outlined above**.**
13	**Active transport infrastructure – Non-trunk** a Prior to the commencement of Stage 1 (as described in Conditions 5 and 7 of this decision notice), active transport infrastructure shall be installed at the locations and specifications outlined below: i **Ashmore Road frontage:** A. Dedication of land as road reserve from the development site to create a minimum 4.5 metres wide verge as measured from the kerb face to the property boundary. B. Concrete shared use path (2.5 metres wide). C. Reprofiled verge. ii **Benowa Road frontage:** A. Concrete shared use path (2.5 metres wide). B. Reprofiled verge. C. If required, dedication of land as road reserve from the development site to facilitate the footprint of the path as well as the road infrastructure (refer to Condition 11) and public transport infrastructure (refer to Condition 14)

	works. A minimum 4.5 metres wide verge as measured from the kerb face to the property boundary is required. D. Provision of a concrete path between the shared use path and the development site's pedestrian access point that is configured to integrate with the development site's design. iii **Carrara Street:** A. Concrete shared use path (2.5 metres wide) along the site's frontage. B. Reprofiled verge. C. Reconfiguration of the existing zebra pedestrian crossing with a raised 'wombat' zebra pedestrian crossing and associated infrastructure in accordance with the Manual of Uniform Traffic Control Devices and Australian Standard AS1158 Part 4: Pedestrian Crossings. Colliers Drawing No. 24BRT0224-05, Revision A, dated 15 October 2025 shall be used as a guide when designing the works. b The active transport infrastructure shall be configured, designed and constructed: i In accordance with *City Plan Policy SC6.11– Land Development Guidelines Council's Land Development Guidelines* and *Australian Standards.* ii To integrate with the following works: A. Ashmore Road / Benowa Road intersection reconfiguration (refer to Condition 11.a.i). B. Benowa Rd / Carrara St intersection reconfiguration (refer to Condition 11.a.ii). C. Public transport infrastructure (refer to Condition 14). The paths shall be aligned behind the bus stops (i.e., between the property boundary and the bus stop infrastructure). iii Include upgrades to street lighting that meets Australian Standard AS1158 Part 3.1: Pedestrian Areas (if required). c The design of the active transport infrastructure shall be certified by RPEQs with expertise in relevant disciplines that it is safe and complies with design reference documents outlined above. d The active transport infrastructure shall be: i Accepted "on maintenance." ii Maintained at no cost to Council until the asset is accepted "off maintenance" in accordance with the procedures in *City Plan Policy SC6.11– Land Development Guidelines*.
14	**Public transport infrastructure – Non-trunk** a Prior to the commencement of Stage 1 (as described in Conditions 5 and 7 of this decision notice), public transport infrastructure shall be installed at the locations and specifications outlined below or otherwise agreed by Councill, designed and constructed in accordance with the *Disability* Standards *for Accessible Public Transport 2002 made under subsection 31(1) of the Disability Discrimination Act 1992* and the *Department of Transport and Main Roads Public Transport Infrastructure Manual 2015 (PTIM):*

i **Benowa Road frontage** (Translink bus stop ID: 302246):

A. All mandatory bus stop components for an Indented Premium Stop as detailed in Chapter 5 of PTIM.

B. Bus stop length requirements, infrastructure and boarding point in accordance with Premium Stop – Site Layout - With Indented Bus Bay of PTIM Appendix 5 - Layout and Technical Drawings.

C. 2 x QMS advertising bus shelters must be provided that are designed and constructed in accordance with QMS requirements. Contact Gold Coast City Council's Transport Planning unit (*transportnetworkadvice@goldcoast.qld.gov.au*) for the specific QMS design requirements and the terms and conditions for QMS shelters.

ii **Benowa Road opposite site** (new bus stop):

A. All mandatory bus stop components for an Indented Premium Stop as detailed in Chapter 5 of PTIM.

B. Bus stop length requirements, infrastructure and boarding point in accordance with Premium Stop – Site Layout - With Indented Bus Bay of PTIM Appendix 5 - Layout and Technical Drawings.

C. 2 x Suburban bus shelters with solar lighting.

D. Reconfiguration of the existing indented bay in to accord with Chapter 5 of PTIM.

E. 2.0m wide paths along Benowa Road connecting to the new bus stop from the traffic signals at Ashmore Road and Carrara Street (refer to Condition 11.a.ii)

iii **Ashmore Road site frontage** (Translink bus stop ID: 313826):

A. All mandatory bus stop components for an Intermediate Stop as detailed in Chapter 5 of PTIM.

B. Bus stop length requirements, infrastructure and boarding point in accordance with Intermediate Stop – Site Layout - Without Indented Bus Bay of PTIM Appendix 5 - Layout and Technical Drawings.

b The public transport infrastructure shall be configured, designed and constructed to integrate with the following works:

i Ashmore Road / Benowa Road intersection reconfiguration (refer to Condition 11.a.i).

ii Benowa Rd / Carrara St intersection reconfiguration (refer to Condition 11.a.ii).

iii Active transport infrastructure (refer to Condition 13).

c The design of the public transport infrastructure shall be certified by RPEQs with expertise in relevant disciplines that the design is safe and complies with the design reference documents outlined above.

d Where temporary bus stop and pedestrian access arrangements are required, the applicant must reach agreement on suitable arrangements with the Department of Transport and Main Roads TransLink Division (*bus_stops@translink.com.au*) and Gold Coast City Council Transport Planning unit (*transportnetworkadvice@goldcoast.qld.gov.au*) prior to any construction works commencing.

e The public transport infrastructure shall be:

i Accepted “on maintenance.”

ii Maintained at no cost to Council until the asset is accepted “off maintenance” in accordance with the procedures outlined in City Plan Policy SC6.11– Land Development Guidelines.

Property

15 **Restrictions regarding Council sewer and water supply infrastructure**

a Ensure all proposed buildings, structures and footings are a minimum distance of 1.2 horizontal metres from Council infrastructure.

b Ensure all proposed buildings, deep landscaping, structures and footings are a minimum 1 metre clear of the property sewer connection.

c Ensure a minimum 2.4 metres unobstructed vertical clearance from the finished surface level above Council sewerage infrastructure including the property inspection opening (IO), with the exception of maintenance structures which must have unobstructed vertical clearance.

d Ensure a minimum 2.4 metres unobstructed vertical clearance from finished surface / slab level above the Council water meter assembly.

Environmental and Landscaping

16 **Statement of Landscape Intent**

Any future development application associated with this approval must submit a Statement of Landscape Intent (prepared by a qualified professional) generally in accordance with:

Plan Title	Author	Date	Plan Reference No.	Ver
Benowa Gardens Urban Village Landscape Concept Design Report	02 Landscape Architects	30/10/25	716 SD_LR002_A	-

The Statement of Landscape Intent must be prepared in accordance with SC6.13 City Plan policy – Landscape work demonstrating that the landscaping will provide amenity for site users and will protect and enhance the character of the local area.

Transport

17 **Service vehicle access** *(specific condition)*

Service vehicle access to and from Carrara Street and Benowa Road is prohibited. All service vehicle access must be provided exclusively from Ashmore Road.

Note: For the purposes of this condition, a service vehicle is defined as any vehicle with an overall length of 6.4 metres or greater, including SRV, MRV, HRV, AV and B-double as defined in AS2890.2:2018.

Sewer and Water Works

18 **Sewer reticulation to facilitate proposed development**

Obtain an Operational Works approval for the design and construction of a sewer main replacement and connect to Council’s sewer network at the existing manhole (MH 9000101251), located within LOT 364 St Kevins Avenue, prior to commencement of

Stage 1 at no cost to Council and include in particular:

Civil Engineering				
Drawing Title	**Author**	**Date**	**Drawing No.**	**Ver**
Recommended sewer gravity main upgrade	H2ONE	19 May 2025	-	A

a Be in accordance with the WSAA Gravity Sewerage Code of Australia – SEQ Service Providers Edition and the Water and Sewerage Connections Policy.

b Any existing property connections connecting to the existing sewer main must be reinstated to 150mm PVC connections and the transition to PVC.

c The development is permitted with a single sewer connection to Council's sewerage network.

d The size of the sewer property service connection must be in accordance with Section 5.5.4 of the WSAA Gravity Sewerage Code of Australia – SEQ Service Providers Edition.

e Remove / seal / cap redundant sewer property services.

Notes:

a An "Application Work on the City's infrastructure" form is required for the above works.

b Construct and maintain the sewer reticulation system at no cost to Council until the asset is accepted "off maintenance" by the City in accordance with the procedures in City Plan Policy SC6.12 - Land development guidelines, Section 6 – Water supply and sewerage reticulation standards, Section 7 – Procedures, Section 8.5 – As-constructed requirements, Section 9 - Specifications and Section 10 – Standard drawings.

19 **Water connection**

Obtain an Operational Works approval for the design and construction of a water connection for the site and connect to Council's water network at the existing 200mm main located at the southern and eastern verge of Carrara Street and Benowa Road, prior to commencement of Stage 1 at no cost to Council and include in particular:

a The proposed development is permitted to connect to Council's water network through a singular connection as outlined below:

  i This connection will supply a single master meter for potable water; and

  ii If required, a single fire meter

b Be in accordance with the Water Supply Code of Australia – SEQ Service Providers Edition, and the Water and Sewerage Connections Policy.

c Conduits are required to be installed to service the proposed development via trenchless technology (open cutting of the road is not permitted) to connect to Councils potable water supply network.

d Water meters must be in accordance with Council's Metering Technical Specifications & standard drawings and SEQ Large Water Meter Arrangements drawings.

e The water meter assembly is to be screened from public view. All screening to be outside of the water meter assembly area and door/s provided to ensure access to the assembly.

	f Remove redundant water meters / connections. *Notes:* *a* Refer *to the 'Fire Loading' condition of this development permit.* *b An "Application Work on the City's infrastructure" form is required for the above works.* *c Water connections should always cross over (above) other assets within Council's Road reserve, including electrical infrastructure, in accordance with the Water Supply Code of* Australia *– SEQ Service Providers Edition, section 5.12.5.2 Clearance Requirements (Notes). This may require the applicant to liaise directly with other service providers / asset owners for modifications if and where required, in order to comply with this requirement.* *d Any works that result in the undermining of an existing Asbestos Cement or Vitrified Clay water main, will require the vulnerable section of exposed watermain to be replaced in accordance with Section 5.2.3 of the City's Guidelines for Working Near Water and Sewerage Infrastructure.*
20	**Sub-metering** Provide individual sub-metering for each unit including common property generally in accordance with the Metering Technical Specifications and the Water and Sewerage Connections Policy.
21	**Fire loading** Ensure the fire loading does not exceed 15L/s for 4 hrs. *Explanatory Notes:* *a Compliance with this condition required certification from a suitably qualified building certifier that fire loading does not exceed the fire loading above, prior to the commencement of the use, at no cost to Council. Refer to 'Certification of works' condition contained within this decision notice.* *b This condition is included to ensure any on-lot fire-fighting protection provisions required for the development are designed in a manner which does not rely on more water being drawn from Council's water supply network than is available as stated above.* *c The development must ensure any private reticulation designs (i.e.: Plumbing and Drainage infrastructure) considers the fire loading above.* *d If the development requires any fire-fighting provisions greater than stated above, they must be catered for on-site via tanks / pumps etc.* *e If the development does not require additional fire-fighting provisions (i.e.: sprinklers, hose reels etc.) beyond access to street hydrants, then the development is compliant with this condition.*
22	**Availability of approved plans, drawings and reports** Retain a copy of this decision notice and stamped approved plans, drawings and reports on site at all times during construction. Any contractors undertaking approved work (including tree removal or relocations) must be directly provided with a copy of these conditions and instructed as to the need to comply with them.
23	**Notice of works timetable**

	Provide a Notice of works timetable for Commencement of work to Council's Development Compliance section prior to commencement of any works. A copy of Council's Notice of works timetable is available on Council website.
Advice Notes	
A	**Development infrastructure** Development infrastructure required to be provided in implementing this development approval is non-trunk development infrastructure unless otherwise stated in a condition of the approval.
B	**Further development permits / compliance permits** Further development permits and/or compliance permits from Council are required to facilitate the development of the approved works identified in this decision notice. These include: **Planning Assessment** - Development application for a Material change of use **Contributed Assets** - Connections / disconnections: Application to work on the City's Infrastructure - Temporary Road Closure and Works Zone Permit Application **Development Assessment** - Operational Works - infrastructure **Transport Assessment** - Operational works – infrastructure A copy of this decision notice and accompanying stamped drawings / plans must be submitted with any subsequent application identified above. Subsequent development applications (i.e.: Operational works) will be assessed in accordance with the City Plan Version at the time of lodgement (excluding instances where Variation / Preliminary approval exists).
C	**Compliance with conditions** Once this development approval takes effect, the conditions attach to the land and are applicable in perpetuity. It is a development offence to contravene a development approval, including any of its conditions.
D	**Indigenous cultural heritage legislation and duty of care requirement** The *Aboriginal Cultural Heritage Act 2003* ('**ACHA**') is administered by the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (DSDSATSIP). The ACHA establishes a duty of care to take all reasonable and practicable measures to ensure any activity does not harm Aboriginal cultural heritage. This duty of care: a Is not negated by the issuing of this development approval; b Applies on all land and water, including freehold land;

	c Lies with the person or entity conducting an activity; and d If breached, is subject to criminal offence penalties. Those proposing an activity involving surface disturbance beyond that which has already occurred at the proposed site must observe this duty of care. Details of how to fulfil this duty of care are outlined in the duty of care guidelines gazetted with the ACHA. The applicant should contact DSDSATSIP's Cultural Heritage Coordination Unit on 1300 378 401 for further information on the responsibilities of developers under the ACHA.
E	**Infrastructure charges** Infrastructure charges are now levied under a Charges Resolution by way of an Infrastructure Charges Notice, which accompanies this decision notice.
F	**Properly made submissions** There were properly made submissions about the application. The name and address of the principal submitter for each properly made submission is attached to the decision notice.
G	**Applicant responsibilities** The applicant is responsible for securing all necessary approvals and tenure, providing statutory notifications and complying with all relevant laws. Nothing in this decision notice alleviates the need for the applicant to comply with all relevant local, State and Commonwealth laws and to ensure appropriate tenure arrangements have been made where the use of/reliance upon land other than that owned by the applicant is involved. Without liming this obligation, the applicant is responsible for: a Obtaining all other/further necessary approvals, licences, permits, resource entitlements etc by whatever name called required by law before the development the subject of this approval can be lawfully commended and to carry out the activity for its duration. b Providing any notifications required by law (by way of example only, to notify the administering authority pursuant to the *Environment Protection Act 1994* of environmental harm being caused/threatened by the activity, and upon becoming aware the premises is being used for a 'notifiable activity'). c Securing tenure/permission from the relevant owner to use private or public land not owned by the applicant (including for access required by conditions of approval). d Ensuring existing survey marks, including cadastral marks at property corners, i.e pegs or cadastral reference marks in the road reserve (permanent surveys marks, buried iron pins, and various marks in concrete or bitumen structure) are not interfered with. A Consulting Cadastral Surveyor must be contacted if survey marks are disturbed or destroyed during any works in relation to this or related approvals, to investigate and determine if any further action is required. More information on interference with survey marks is available under Section 42 of the *Survey and Mapping Infrastructure Act 2003.* e Ensuring the correct siting of structures on the land. An identification survey demonstrating correct siting and setbacks of structures may be requested of the applicant to ensure compliance with this decision notice and applicable codes. f Providing Council with proof of payment of the Portable Long Service Leave building

	construction levy (or proof of appropriate exemption) where the total value of the building and construction works exceeds $150,000 (excluding GST). Acceptable proof of payment is a Q. Leave –Notification and Payment Form approved by the Authority. Proof of payment must be provided before Council can issue a development permit for the Operational works. This is a requirement of section 77(1) of the Building and Construction Industry (Portable Long Service Leave) Act 1991. g Making payment of any outstanding Council rates and charges applicable to the development site prior to the lodgement of subdivision plans. h Obtaining any necessary local government/state approvals where works require the installation of temporary ground anchoring into adjacent Road Reserves. Where ground anchoring is proposed into an adjacent private property, approval from the relevant property owners(s) is required.
H	**Access from/works in State-controlled road** All access from and works within the State controlled road/reserve must not be carried out without approval from the Department of Transport and Main Roads.
I	**Weeds, pest animals and ants** Biosecurity Queensland of the Department of Agriculture and Fisheries leads the Government's efforts to prevent, respond to and recover from pests and diseases threatening agricultural prosperity, the environment, social amenity and human health. All landscape materials, including but not limited to, soils, mulch, grass, gravel, potted or ex-ground plants, pavers and timber used in landscape treatments must be free from weeds, pest animals and ants.
J	**Fire ant control** Most of the Gold Coast is located within Biosecurity zone 2 and must remain vigilant for the presence of fire ants. Under the Biosecurity Act 2014 all Queenslanders have a general obligation to take all reasonable steps to prevent the spread of fire ants. This obligation applies to individuals and organisations whose activities involve the movement or storage of fire ant carriers. The Biosecurity Regulation 2016 specifies how fire ant carriers such as soil, mulch, turf, potted plants, machinery, equipment, quarry, and mining materials originating from fire ant biosecurity zones must be managed throughout all stages of development. Other fire ant-safe practices include: • reporting suspect fire ant activity within 24 hours, by calling 132 ANT (13 22 68) or using our online form; • cleaning machinery, vehicles, and equipment before arriving at or leaving sites; • complying with treatment requirements where a site falls within a suppression treatment area; • ensuring contractors and workers are aware of their General Biosecurity Obligation and apply fire ant safe practices; and • reviewing fire ant biosecurity zones monthly. If you are unable to meet these requirements, you must apply for a biosecurity instrument permit. For more information visit https://www.fireants.org.au.
K	**Gold Coast Airport approval of building and/or structure height**

	Any building or structure (including construction crane or other temporary equipment) in the City extending to a height of 110 metres or more above ground level must be notified to Gold Coast Airport Pty Ltd.
L	**Incorporation of Equitable Access at the Detailed Design Stage** All public spaces and facilities within the development must provide equitable access, including continuous accessible paths of travel, in compliance with the *Commonwealth Disability Discrimination Act (1992)* and the Disability (Access to Premises – Buildings) Standards 2010.
M	**Works in properties other than the development land** Where development works or works required to service the development require access, works or otherwise on land that is not part of the development approval, the applicant is solely responsible for obtaining consent and providing such with the "Application to work on City's infrastructure". Council will not become involved in any disputes arising from attempts to obtain neighbouring landowners' consent and assumes no responsibility for any impacts this has on the development. Council shall not be held responsible for any delays, complications or otherwise related to obtaining consent from neighbouring landowners as this is a civil matter to be resolved between the relevant parties.
N	**Council water, sewer and stormwater infrastructure to be protected during site works** The developer is responsible at all times for ensuring that Council's water, sewer and stormwater 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, sewer and stormwater assets. Where Council water, sewer and stormwater 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 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.
O	**Connections and disconnections** Any connection / disconnection to the existing water and sewerage networks will be at the applicant's cost. Prior to the connection / disconnection taking place, the applicant must obtain written approval from Contributed Assets. Refer to Water and Sewerage Connections Policy, available on Council's website http://www.cityofgoldcoast.com.au
P	**No open trenching of the road pavement for water connections across / in roadways** Conduits must be installed to service the proposed development via trenchless technology the road (open cutting of the road is not permitted) to connect to Council's potable water supply network. In certain circumstances approval of open trenching of the road may be allowed, subject to Council approval. Refer to Water and Sewerage Connections Policy, available on Council's website. http://www.cityofgoldcoast.com.au
Q	**Water meter sizing**

	All water meters 50mm in diameter or larger must be installed aboveground and on lot. Unrestricted access to the water service (including meters) must be provided at all times. Refer to SEQ Larger Water Meter Arrangement Drawings https://www.seqcode.com.au/seq-water-supply-code
R	**Connections to, alteration or realignment of Council infrastructure** 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. Connection to, alteration, removal or realignment of Council infrastructure includes (but is not limited to) fire hydrants, water service meters, sewer maintenance hole covers, stormwater drainage infrastructure, reinstatement of maintenance hole covers, stormwater drainage infrastructure, crossovers, footpaths, road pavement, kerb and channel, kerb ramps, medians, traffic islands, road furniture, signage and line-marking.
S	**Operational Works meeting prior to lodgement** Council encourages pre-lodgement meetings to discuss any water and sewer matters of significance prior to the submission of an application for Operational Works. This will serve to streamline any future Operational Works application and can minimise construction issues. To arrange a meeting please visit: https://www.goldcoast.qld.gov.au/Planning-building/Development-applications/Development-application-pre-lodgement-advice
T	**Design, Constructability and Minor change applications** 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; a Minor Change application (Section 78 of the *Planning Act 2016*) must be submitted and approved by Council prior to lodging a request for a Pre-Start meeting.
U	**Stormwater** A property notification will be applied to the lot / subsequent lots stating a stormwater management plan exists for the site and must be complied with at all times.
Property Notifications	
A	**Stormwater** There are development approval conditions applicable in relation to stormwater management on this lot / subsequent lots. All property owner(s) must ensure compliance with these conditions. Refer to Council of the City of Gold Coast's Decision Notice MCU/2025/79. A copy of Council's Decision Notice is available for viewing on Council's website www.goldcoastcity.com.au/pdonline

Statement of reasons (given under section 63(5) of the *Planning Act 2016*)

Details of proposed development	The proposed development is for a Preliminary approval for a Material change of use (Impact assessment) for a Mixed-use development, including a Variation request pursuant to Section 61 of the *Planning Act 2016* to vary the effect of the local planning instrument being City Plan (Version 11), in accordance with the Benowa Gardens Plan of Development.
Assessment benchmarks	The following assessment benchmarks applied to the proposed development: • Strategic framework • Neighbourhood centre zone code • Acid sulfate soils overlay code • Airport environs overlay code flood code • Flood overlay code • Commercial design code • Driveways and vehicle crossings code • General development provisions code • Heathy waters code • High-rise accommodation design code • Multiple accommodation code • Solid waste management code • Transport code • Vegetation management code
Relevant matters	The proposed development was assessed against, or having regard to, the following relevant matters: • The development providing an appropriate expansion of an existing centre which consolidates essential services and community facilities. • The lack of impact resulting from the building height and scale.
Matters raised in submissions	***Issue*** / ***How matter was dealt with***
	Traffic and transport matters: A high proportion of submissions made in objection to the proposal raised traffic congestion as a key concern. Specifically, the existing traffic congestion within the locality due to the presence of three schools. The following comments have been provided by Transport Assessment in response to the issues raised within submissions. <u>The development will worsen car dependency:</u> The integration of residential development with a shopping centre reduces the need for vehicle trips, as residents can walk to shops and services. The site is also located opposite a hospital and a school,

enabling residents to walk to work and to accompany children to school.

From a transport perspective, the proposal represents a development outcome that is likely to reduce, rather than increase, car dependency. Furthermore, updates to pedestrian and public transport infrstaure will provide a safer more accessible and safer environment for pedestrians.

Pedestrian safety (particularly school children):

An existing school crossing on Carrara Street provides a safe pedestrian connection between the site and the school, and Carrara Street operates with a posted speed limit of 40 km/h at all times. In addition, Benowa Road is subject to school zone speed limits during peak school periods.

A condition of approval has been imposed which requires all truck access to occur via Ashmore Road, ensuring no increase in heavy vehicle traffic on Carrara Street.

Pedestrian safety will be further enhanced through conditioned footpath upgrades, including improvements to the existing zebra crossing on Carrara Street, as well as the provision of signalised pedestrian crossings on the slip lanes at the Ashmore Road / Benowa Road intersection.

On this basis, officers consider the development to result in a safer pedestrian outcome.

Traffic congestion:

Traffic congestion has been assessed through a detailed Traffic Impact Assessment. While some intersections operate under existing pressure due to background traffic growth, the development's impacts are appropriately mitigated through targeted intersection upgrades. With these upgrades, the surrounding road network will continue to operate at acceptable levels and the development will not result in unacceptable traffic congestion.

Traffic congestion during school time:

The Traffic Impact Assessment specifically considered this issue and identified that school related traffic peaks occur earlier (approximately 2:30 pm–3:30 pm) and do not coincide with the critical commuter and retail peak periods generated by the proposed development. Traffic surveys confirmed that school peak traffic is already embedded within the existing network conditions.

	Assessment undermines potential traffic generation: In response to further advice, the Traffic Impact Assessment was amended to adopt revised traffic volumes that more accurately reflect the proposed development yield. Traffic modelling engineering around this problem is unrealistic: Traffic engineering solutions are a well-established and accepted method of managing increased traffic demand. In this instance, traffic modelling confirms that the proposed mitigation measures improve intersection efficiency and safety and result in better operational outcomes compared to a no upgrade scenario. The engineered solutions do not worsen traffic conditions and appropriately manage the development's impacts. Lack of high frequency public transport: TransLink is responsible for the planning and delivery of public transport services, including the review of route alignments and service frequencies, and these matters are outside the City's jurisdiction. Notwithstanding this, the development improves public transport accessibility by upgrading existing bus stops and delivering a new bus stop opposite the site, thereby enhancing access to existing services and supporting future service improvements. Impeding emergency vehicle access to Pindara: The proposed development does not alter existing emergency access routes and includes intersection upgrades that improve traffic flow and reduce congestion. Single access route to Benowa: The proposed development does not introduce traffic through the Benowa Waters. Accordingly, no additional access provisions are required because of the development. The development is considered to comply with Performance outcome PO16 of the Transport code, the Strategic outcomes of the Improving transport outcomes theme and the Specific outcomes of the Enhanced access and mobility and Transport system efficiency elements.
Car and bicycle	Submitters have raised concern that the proposed development does not provide sufficient car and

parking spaces	bicycle parking to meet the demand of the ultimate outcome. This development application seeks a Preliminary approval, which does not permit any building works. The Variation request does not seek to vary the required number of car and bicycle parking spaces required by the Transport code. All future Development applications will be subject to assessment against the Transport code of City Plan Version 11.
Character	Submissions received in objection to the proposed development have raised concerns that the scale and density of the development are out of character for the locality. Specifically, submissions have raised that the development: • Proposes a height and scale that will dominate existing schools, the hospital, and surrounding residences • Presents an apartment typology inconsistent with the existing household structure, which will erode the family-friendly suburban environment. The development does propose a scale and height that is largely inconsistent with the prevailing medium and low-rise built form character of the area. However, officers have identified several contextual factors specific to the site that are considered to warrant a greater built form intensity. This includes: • The site is a large, regularly shaped 17,660m² parcel with three road frontages and directly adjoins commercial uses. • The site is bounded by three schools, a hospital, and sporting fields to the north, and a busy four-lane road with commercial uses opposite. • The proposed height will promote urban legibility by establishing a prominent community focal point along this key east–west corridor. • The surrounding open space and road corridors provide clear physical delineations between the site and the adjoining low-rise suburban area, ensuring the development does not establish a negative pattern of development.

	With respect to the housing typology proposed, officers consider that the delivery of apartment dwellings will broaden housing choice and improve affordability for local residents and employees – particularly given the site's proximity to three schools and a hospital. Diversifying the housing offering is considered to deliver a community benefit, rather than undermine community cohesion or erode family friendly living.
Amenity	Submissions received in objection to the proposed development have raised concerns that the scale and density of the development will result in adverse amenity impacts. Specifically, submissions have raised that the development: • Presents an overbearing visual outcome • Results in undue shadowing impacts to homes and schools • Results in privacy and overlooking opportunities • Impacts safety of pedestrians • Increases traffic impacts. As discussed, the development is not considered to worsen traffic impacts and provides a better safety outcome due to pedestrian infrastructure upgrades. Officers consider the scale to result in a lack of impact as it does not create unreasonable shadowing or privacy impacts, and it is separated by a minimum of 65m from the closest residential property. Regarding privacy impacts to the schools, these are open areas that are already highly visible to the public. Visibility to schools does not create privacy impacts. Design principles have been imbedded into the BGPD that provide appropriate development controls which future development applications are to be assessed against including setback and height variation, tower siting and separation, façade movement and public realm activation. Officers are satisfied the ultimate development provides an appropriate amenity outcome which is in the reasonable expectations of the community.
Undermines hierarchy of centres	The proposal is not considered to undermine the existing hierarchy of centres as the mix of commercial and retail land uses are envisaged in Neighbourhood centres. While a full line supermarket

is proposed, the submission of an ENA demonstrates:

- There is genuine need to provide additional supermarket floor space
- There are no other correctly zoned sites in the locality that could accommodate for current and projected demand
- The supermarket does not result in any significant economic viability impacts to existing supermarkets within the identified trade area.

Therefore, the proposal is not considered to undermine the existing hierarchy of centres.

Incorrectly public notified

A submitter has raised concern that the public notification period has not been undertaken in accordance with the requirements of the *Planning Act 2016* and Development Assessment Rules. Officers provide the below comments to the specific allegations.

<u>The applicant did not provide a complete response to the information request:</u>

The applicant provided an Information Request Response on 5 November 2025. The notice addressed each item raised and included updated reporting.

<u>Failure to provide RD8 residential density-based information:</u>

Officers requested further clarification noting inconsistent density information was provided. The current density seeks a total of 413 units and one bed per 21m^2 equating to 840 beds. This is less than:

- What the updated transport and infrastructure capacity assessments have considered (being 871 bedrooms)
- The original proposed 1,358 bedrooms.

<u>Inconsistent information and unclear development outcome in making an informed submission</u>

The submitter has raised the inconsistencies with:

- The original proposal, information request response and public notification sign in relation to:

    - Number of buildings
    - Maximum building height
    - Short-term accommodation land use
    - Residential density
- Misleading proof of concept drawings / photomontages and renders
- Omission of the supermarket proposal
- Incorrect transport and infrastructure modelling assumptions
- Does not explain the proposal also includes a Variation request.

Officers have sought clarity through the Information request and further advice on the yield, height, siting and land uses. Amendments in red have been applied to the approved BGPD to state the maximum building heights in metres for each building and the maximum density.

The applicant has provided proof-of-concept plans to demonstrate the ultimate development outcome sought. As the proposal is for a Preliminary approval and not a Development permit, the future outcome may vary. Officers are satisfied the amended BGPD includes design controls for future development that generally reflect the concept plans.

The proposal has sought a supermarket which is categorised as a Shop land use in accordance with the land use definitions within Schedule SC1.2 of City Plan 2016 and *Planning Regulations 2017*.

The applicant provided evidence that public notification was conducted in accordance the Development Assessment Rules. The public notification signage shows the description included Variation request and the applicable land uses. While Short-term accommodation was originally proposed, this was removed as a land use. This was not expressed in the Information Request Response now shown on the signage; however, the applicant clarified its removal and provided an updated DA From 1. The change did not require any additional public notification therefore was in accordance with section 52(1) of the *Planning Act 2016* and Schedule 2 of the *Development Assessment Rules*.

As discussed above, an amended TIA and Infrastructure Capacity assessment modelled a density of 871 bedrooms. The BGPD permits a Code

	assessable density of 1 dwelling per 21m^2, which equates to 840 bedrooms – fewer than what was modelled. Officers consider the signage to accurately reflect the proposed development as required by legislation. <u>Major project and procedural fairness</u> The application will be decided by full Council.
Impacts to existing tenants and small business during construction phase	Future building work will likely cause disruption during construction to tenants. This is a consequence of all development and not a planning consideration which can be avoided through reasonable or relevant conditions.
Short-term accommodation land use	Submissions have raised concern that Short-term accommodation in not appropriate to be located at the premises. The applicant changed the development application to remove this land use.
Land value impacts	Submitters have raised concerns that the development will negatively impact upon land value in the local area. Land values do not form part of the assessment in accordance with the City Plan benchmarks and *Planning Act 2016*.
Lack of affordable housing	Submitters have raised concern that the proposal does not provide or support affordable housing opportunities. The development will establish the framework for 413 dwellings and 840 bedrooms. This is considered to diversify the offering of housing as a more affordable apartment product, compared to the existing housing stock in the locality which is made up of predominantly detached dwelling products.
Construction impacts	Submitters have raised concern that the proposed development will result in amenity impacts during construction resulting in: • Lengthy delays • Presence of concrete trucks • Presence of cranes • Noise • Dust • Construction workers parking on-street. These impacts are a necessary part of construction. Future Development permits will include construction

	management conditions, including noise, dust, odour, vibration and transport haulage to appropriately manage amenity expectations throughout the construction stages.
Misuse of a Preliminary approval	A submitter has raised concern that the application misuses the preliminary approval process. Specifically, the application: • Will freeze outdated planning policies due to the proposed currency period • Does not allow Council to respond to changing infrastructure capacity • It is contrary to public interest and undermines the integrity of the City Plan. As the Assessment Manager, officers have undertaken an assessment of the proposal against the current planning instrument being City Plan Version 11 and have considered the relevant requirements in accordance with section 61 of the *Planning Act 2016.* The Variation request component provides certainty in the ultimate development outcome rather than freezing outdated polices. Officers have supported a 10-year currency period which is considered reasonable given the scale and staging of works, as well as requirements for detailed design and future Development permits. The development density is capped at 413 units and 840 beds as Code assessable which has been supported by conditioned trunk and non-trunk works. Where a change is made to the application to increase the density, further infrastructure capacity assessments would be required to be undertaken. The proposal is considered to generally align with the City Plan intent to consolidate growth areas and ensure impacts to character, amenity and infrastructure are appropriately managed. Officers are satisfied the development overall provides a community benefit as it delivers a renovated shopping centre, full-line supermarket, housing and upgraded infrastructure.
Alignment with LGIP	The LGIP identities infrastructure required to service local government areas as density and populations of different localities increase over time based off planned assumptions. It does not prohibit development where there is an inconsistency.

	The development requires trunk infrastructure – identified in the LGIP – and non-trunk infrastructure to accommodate the proposed yield for road, pedestrian, public transport and water and sewer upgrades. Conditions have been recommended requiring works or extra payment be completed prior to the commencement of Stage 1 to ensure timely delivery.
Absence of public benefit case	Officers are satisfied the development overall provides a community benefit as it delivers a renovated shopping centre, full-line supermarket, housing and upgraded infrastructure.

Reasons for decision

An assessment of the development application was carried out against the assessment benchmarks listed above and was determined to comply. A summary of the main reasons for the decision are as follows:

- The development represents an appropriate expansion of an existing Neighbourhood centre that is well-serviced by essential infrastructure and services.
- The site's locational context supports a greater intensity of built form than would typically be expected of a Neighbourhood centre in a conventional suburban setting.
- While the tower heights do not achieve a wholly sensitive transition to adjoining development, the overall scale is not considered to give rise to undue amenity or character impacts, including in relation to overshadowing and visual bulk.
- The proposal is not considered to result in an undesirable development pattern as the physical separation to adjoining development to the north, and the amenity and function of Ashmore Road to the south, create clear delineations between a greater intensity of built form of the centre and the surrounding Suburban neighbourhoods.
- The design principles imbedded within the BGPD which control tower and podium height variation, siting, separation, and façade modulation, ensure building height and scale are effectively managed across the site.
- The development will make a positive contribution to the public realm through the activation of podium-level uses, landscaped setbacks, new pedestrian infrastructure, corner design treatments, and improved permeability around and through the site.
- The traffic demand generated by the development can be safely and efficiently accommodated within the existing and planned road network through achievable infrastructure upgrades.

- The proposed traffic mitigation works improve both traffic efficiency and pedestrian safety, aligning with Council's transport planning objectives.
- Conditions for trunk and non-trunk works have been recommended that ensure the timely delivery of works to accommodate the proposed residential yield.
- There is a demonstrated need for a supermarket expansion on this side where the proposed development is not expected to impact the existing hierarchy of centres.
- The proposed supermarket expansion will contribute to the urban renewal and revitalisation of an established Neighbourhood centre.

Compliance with assessment benchmarks

The proposed development did not comply with some of the assessment benchmarks listed above; however, despite this it was still approved for the reasons listed below.

Assessment benchmark	*Reasons for the approval despite non-compliance with benchmark*
Specific outcome SO3.4.5.1(5) of the Neighbourhood centres element; and Overall outcome OO6.2.5.2 (2)(d)(i), Performance outcome PO3 and Acceptable outcome AO1 of the Neighbourhood centre zone code	Despite providing a height which is much taller than existing development in this locality, the overall scale is not considered to give rise to undue amenity or character impacts, including in relation to overshadowing and visual bulk. Officers are satisfied that the design principles imbedded within the BGPD ensure building height and scale is effectively managed across the site. The locational context is considered to support the greater level of intensity of the site, without resulting in an undesirable development pattern. On balance, the development supports the high order provisions of the City Plan in expanding existing centres and supporting mixed-use development outcomes. In combination with the relevant matters raised, officers therefore recommend the application be approved, subject to conditions.