DA 2010 02140
MCU 2010 00938.

PMHPLANNING

> Town Planning
> Property Development

address. PO Box 4527. Elanora. Qld. 4221
mobile. 0409 591 857 phone. 07 5522 5327
email. patrick@pmhtownplanning.com.au
website. www.pmhtownplanning.com.au

RECEIVED
23 DEC 2010
GCCC
Records Services

21 December 2010

ATT: Harley Day
Supervising Town Planner – MCU South
Gold Coast City Council
PO Box 5042 GCMC
NERANG QLD 9729

Dear Harley:

REFERENCE: **GOLD COAST CITY COUNCIL DEVELOPMENT APPLICATION FOR DEVELOPMENT PERMIT FOR MATERIAL CHANGE IN USE FOR 'TAKE-AWAY FOOD PREMISES' AT TENANCY 1, 101 OLD BURLEIGH ROAD, BROADBEACH - REAL PROPERTY DESCRIPTION BEING LOT 70 ON PLAN B 8383.**

Reference is made to the above Development Application and pursuant to the provisions of the *Sustainable Planning Act 2009*, please find enclosed:

1. 5 copies of the following:
    a. Relevant IDAS and GCCC Application Forms;
    b. Town Planning Assessment Report, prepared by this office;
    c. Architectural Proposal Plans; and
    d. Relevant Code Assessments in the prescribed GCCC format, prepared by this office.

2. Applicable Fee of $2,850.00 (paid via cheque provided at lodgment) as attached, and calculated as follows:

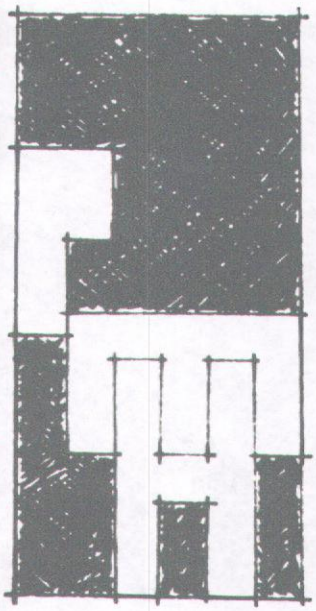
    - 100% of Take-Away Food Premises < 200m^2 (Code Assessable) being $2,850.00.

Please do not hesitate to contact me on the above phone numbers or email address should you have any further queries.

Yours faithfully

PATRICK HEFFERAN

2473041



PMHPLANNING

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> Property Development

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TOWN PLANNING ASSESSMENT REPORT

DEVELOPMENT APPLICATION FOR DEVELOPMENT PERMIT - MATERIAL CHANGE IN USE FOR 'TAKE-AWAY FOOD PREMISES'

Tenancy 1, 101 Old Burleigh Road, Broadbeach

Prepared on behalf of 101 Fish and Chips Pty Ltd and with the Consent of the Land Owners of the Property

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- FORM 5 DEVELOPMENT APPLICATION MATERIAL CHANGE OF USE
- IDAS DEVELOPMENT APPLICATION CHECKLIST PART 1 & 2
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PMHPLANNING

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> Property Development

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SECTION ONE

DEVELOPMENT APPLICATION FOR MATERIAL CHANGE IN USE

PMHPLANNING

> Town Planning
> Property Development

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SECTION 1 – IDAS AND GCCC APPLICATION FORMS

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- INFRASTRUCTURE CHARGE CREDIT REQUEST

COMMENT:

All required forms, listed above, are enclosed

PMHPLANNING

Planning Environment & Transport Directorate
Phone: 5582 8708 Facsimile: 5582 3653
PO Box 5042 GOLD COAST MC QLD 9729

Gold Coast City Council

Version 15

Application for a Material Change of Use (MCU) and/or Reconfiguring of Lot (ROL)

Material Change of Use application	Proposed use	Pre-assessment ☐	Preliminary ☐	Code ☒	Impact ☐
	Take-Away Food Premises				
Reconfiguration of Lot application	Proposed use	Pre-assessment ☐	Code ☐	Impact ☐	

☐ Freehold Subdivision (FRE)	☐ Boundary Realignment (BR)	☐ Management Lot Subdivision (MAG)
☐ Subdivision by Lease (LE)	☐ Access Easement (AE)	☐ Miscellaneous (MIS)
☐ Volumetric Subdivision (VOL)	☐ Community Title (CT)	

☐ **Pre-assessment request**
- For pre-assessment applications, please refer to Council's website for more information. http://www.goldcoast.qld.gov.au/t_standard2.aspx?pid=286#development

☒ **Pre-assessment exemption certificate provided**

☐ **Prelodgement meeting held?** **Yes** ☐ **No** ☒ **If yes, please attach minutes**

Refer to the checklist below for information that is required for your application to be considered 'well made'. A well made application is one that provides as much detail as possible on which the Assessment Manager will base a decision.

Note: Combined Material Change of Use, Reconfiguration of Lot and Operational Works applications should address all requirements where relevant.

Correct versions of these forms must be provided to be considered a properly made application		**Provided** ☑
Mandatory requirements for a 'Properly Made' application *Refer to Section 260 of the Sustainable Planning Act 2009*		
The property owner(s) provide written consent to the making of the application (owners consent)		☒
Correct application fee as prescribed by current Council budget		☒
All parts of relevant IDAS application forms completed. Ensuring that all completed IDAS forms are the current version number		☒
① **Forms**	Application details – IDAS Form 1	☒
Relevant SPA IDAS Forms – *Mandatory Requirement*	Material Change of Use assessable against a planning scheme – IDAS Form 5 And/or Reconfiguring a Lot – IDAS Form 7	☒ ☐

Requirements for a 'Well Made' application

1. Correct number of application copies including all forms and supplementary information
   - 3x complete hard copies
   - 1x CD Copy
   - 2x A3 size copies of the plans
2. Supporting information:
   - Outlining the development proposal
   - Addressing the relevant codes and constraints
   - Including all necessary information as detailed in this form
3. Supporting information for Priority Infrastructure Plan.

A surcharge of 50% of the standard application fee will be applied to all applications determined not to have provided this information.

Relevant SPA IDAS Form	Development Application IDAS Assessment Checklists	☒
Relevant GCCC Forms	Form *Application for a Material Change of Use or Reconfiguring of Lot*	☒
	Infrastructure Charge MCU or ROL	☒
	Infrastructure Charges Credit Request (per Existing Lot) *(if applicable)*	☒
Reference Material *(include where necessary)*	- Infrastructure Charges Land Use Category Table of Material Change of Use (MCU) and Building Applications (BA) - Infrastructure Charges Impervious Area Work Sheet - Infrastructure Charges Form Requirements	☒

	If Priority Infrastructure Forms are not applicable please provide the reasoning below. Supporting information for Priority Infrastructure Plan. *(if not applicable, please provide reason)*	☐

Documentation	Applicable OR Not Applicable?	Comments Please refer to the information notes for further clarification of requirements
② Planning Assessment Report Refer to IDAS Form 5 and 7 for mandatory requirements for inclusion in this report.	Applicable	**Provided where Applicable**
③ Economic Needs Analysis (MCU only) Refer to IDAS Form 5 for mandatory requirements for inclusion in this report.	Not Applicable	**Provided where Applicable**
④ Visual Impact Analysis (MCU only)	N/A	**Provided where Applicable**
⑤ Planning Scheme Codes		**Provided where Applicable**
• Broadbeach LAP Place Code	Applicable	
• Retail Specific Development Code	Applicable	
• Car Parking Constraint Codes	Applicable	
⑥ Hydraulic, Water Quality and Geotechnical Engineering		**Provided where Applicable**
• Flood Search Report	N/A	
• Hydraulics Report	N/A	
• Stormwater Management Plan	N/A	
• Geotechnical Report	N/A	
• Dewatering Management Plan	N/A	
• Lake Management Study	N/A	
• Waterway Study	N/A	
• Water Quality Management Plan	N/A	
• Other relevant requirements	N/A	
⑦ Environmental, Open Space and Landscaping *Refer to Landscape Works Specific Development Code – Sections 2.1 and 6.1.1 and refer to Gold Coast City Landscape Strategy Part 2 Landscape Works Documentation Manual Section B 3.0*		**Provided where Applicable**
• Statement of Landscape Intent	N/A	
• Bushfire Management Plan	N/A	
• Vegetation Management Plan	N/A	
• Ecological Assessment	N/A	
• Open Space Management Statement	N/A	
• Arborist Reports	N/A	
• Photographs identifying all trees on the site	N/A	
• Effluent Disposal Areas	N/A	
• Acid Sulphate Soils Investigation & Management Plan	N/A	
• Other relevant requirements	N/A	
⑧ Transport and Traffic		N/A
• Road Traffic Assessment Report	N/A	
• Other relevant requirements	N/A	
Has the Department of Main Roads been triggered as a concurrence agency for this proposal?	Yes ☐ / No ☒	N/A
If yes, has pre lodgement advice been obtained from Main Roads?	Yes ☐ / No ☒	

⑨ **Environmental Health** • Acoustic Report • Odour / Dust Management Plan • Waste Management	 N/A N/A N/A	**Provided where Applicable**
⑩ **Plans and Drawings (MCU)** • Architectural Floor Plans & Colour Elevations • Site Plan • Building Elevations • Site Analysis Plan • Other drawings relevant to development	Site Plan Site Analysis Plan Internal Floor Plan	**Provided as required**
⑩ **Plans and Drawings (ROL)** • Subdivisional Proposal Plan (Site Plan) • Slope Analysis Plan • Site Analysis Plan • Building Envelope Plan • Proposed Earthworks Plan • Photographs • Other drawings relevant to development	N/A	**Not Applicable**
⑪ **Other/Misc** • List any additional information provided to support the application	N/A	**N/A**

Attachments

Information notes providing further clarification of requirements.

Developer Contributions, Implementation and Assessment
Planning Environment & Transport Directorate
Phone: 5582 8052 Facsimile: 5582 8241 Email: dcg@goldcoast.qld.gov.au
PO Box 5042 GOLD COAST MC QLD 9729

Gold Coast City Council

Infrastructure Charges Credit Request (Per Existing Lot)

(This form includes 3 parts)

Gold Coast City Council is collecting your personal information in order for us to calculate infrastructure charges in accordance with the *Sustainable Planning Act 2009* and other legislation. This information will only be used by authorised Council officers and Allconnex Water for the purpose of calculating infrastructure charges and ensuring our records are accurate. Some of your personal information may also be made available on Councils Planning & Development Online web site for public viewing in accordance with the Sustainable Planning Act 2009. Your information will not be given to any other person or agency unless you have given us permission or we are required by law.

Contact details

Name	Contact number
Patrick Hefferan, PMH Planning	0409591857

Existing lot information

Lot number	Registered plan number
70	B8383

Impervious surface area
Select **one only** of the following three choices.

1	or	2	or	3
☐ 100% of site		☒ Relates to existing building or structure and does not increase Impervious Area		Total Impervious Surface Area m^2

A. Existing lawful use credits

Existing land use 1
Provide details of the use(s) of any existing structures on this lot.
Refer to the *Infrastructure Charges Land Use Category Tables - Material Change of Use (MCU) and Building Application (BA)* to complete these sections.

Land use category: TAKE AWAY FOOD PREMISES

Assessment unit (transport)	TUA	Assessment unit (recreation)	GFA
No. assessment units or area m^2	51.9	No. assessment units or area m^2	51.9

Number of specified bedroom dwellings

1 bed dwelling		3 bed dwellings		5+ bed dwellings	
2 bed dwellings		4 bed dwellings			

Is evidence supplied? ☒ Yes ☐ No If yes, please specify: SITE PHOTOGRAPHS

Existing land use 2
Provide details of any other use(s) of any existing structures on this lot.

Land use category:

Assessment unit (transport)		Assessment unit (recreation)	
No. assessment units or area m^2		No. assessment units or area m^2	

Number of specified bedroom dwellings

1 bed dwelling		3 bed dwellings		5+ bed dwellings	
2 bed dwellings		4 bed dwellings			

Is evidence supplied? ☐ Yes ☐ No If yes, please specify:

B. Water supply / wastewater credit request

The applicant must complete this part if you are requesting a water supply / wastewater credit

1 ET 'as of right' per lot with existing water supply / wastewater connection	☒ Yes
For Water supply / wastewater in excess of 1ET per lot please provide:	☐ Yes
• Evidence of previous payments; or	
• Average daily water consumption over previous 2 years	☐ Yes
(this can be obtained from your rates Notice or GCCC customercontact@goldcoast.qld.gov.au)	

C. Any other credits

	Credits requested	Reason	Evidence provided
Recreation ☐ Yes ☐ No			☐ Yes ☐ No
Stormwater ☒ Yes ☐ No	EXISTING AMENITIES ANDFIXTURES	USE OCCUPYING EXISTING TENANCY – NO ADDITIONAL WORKS PROVIDED	☒ Yes ☐ No
Transport ☐ Yes ☐ No			☐ Yes ☐ No

Office use only

Application received by	Application number	Receipt number	Fees paid

Developer Contributions, Implementation and Assessment

Planning Environment & Transport Directorate

Phone: 5582 8052 Facsimile: 5582 8241 Email: dcg@goldcoast.qld.gov.au

PO Box 5042 GOLD COAST MC QLD 9729

Gold Coast City Council

Infrastructure Charges Material Change of Use (MCU)

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MCU or self-assessable building application	**This form needs to be completed for a material change of use (MCU) application, or for a building application (BLD) that is only associated with a self-assessable development.**

Details of your proposal

If necessary, please attach further sheets for details of any additional proposed land uses.

Impervious surface area Select one only of the following three choices.	1 ☐ 100% of site	or	2 ☒ Relates to existing building or structure and does not increase impervious area	or	3 Total impervious surface area m²

Proposed land use 1

Refer to the *Infrastructure Charges Land Use Category Tables - Material Change of Use (MCU) and Building Application (BA)* to complete these sections.

Land use category		Does the land use relate to an existing building or structure?			
TAKE-AWAY FOOD PREMISES		Yes ☒ No ☐			
Assessment unit (transport)	TUA	Assessment unit (recreation)	GFA	Assessment unit (water supply / wastewater)	FIXTURES
No. assessment units or area m²	51.9	No. assessment units or area m²	51.9	No. assessment units or area m²	
Number of specified bedroom dwellings					
1 bed dwelling		3 bed dwellings		5+ bed dwellings	
2 bed dwellings		4 bed dwellings			

Proposed land use 2

Land use category		Does the land use relate to an existing building or structure?			
		Yes ☐ No ☐			
Assessment unit (transport)		Assessment unit (recreation)		Assessment unit (water supply / wastewater)	
No. assessment units or area m²		No. assessment units or area m²		No. assessment units or area m²	
Number of specified bedroom dwellings					
1 bed dwelling		3 bed dwellings		5+ bed dwellings	
2 bed dwellings		4 bed dwellings			

Proposed land use 3

Land use category		Does the land use relate to an existing building or structure?			
		Yes ☐ No ☐			
Assessment unit (transport)		Assessment unit (recreation)		Assessment unit (water supply / wastewater)	
No. assessment units or area m²		No. assessment units or area m²		No. assessment units or area m²	
Number of specified bedroom dwellings					
1 bed dwelling		3 bed dwellings		5+ bed dwellings	
2 bed dwellings		4 bed dwellings			

Are you a not-for-profit community group?	Yes ☐ No ☒	If so, please complete the *Infrastructure Charges Not-For-Profit Rebate Request* form. Note: This information is not applicable in regards to estimate requests.

Office use only

Application received by	Application number	Receipt number	Fees paid
			$
Sundry debtor name	**Sundry debtor number**	**Date**	

Application Details - IDAS form 1

(*Sustainable Planning Act 2009* version 1.0 effective 18 December 2009)

You **MUST** complete **ALL** questions unless the form indicates otherwise. Incomplete forms or forms without all necessary information and documentation will result in your application not being a properly made application.

For all development applications, you must:

- complete this form (*Application details - IDAS form 1)*
- complete any other forms relevant to your application
- provide any mandatory supporting information identified on the forms as being required to accompany your application.

All terms used on this form have the meaning given in the *Sustainable Planning Act 2009* or the *Sustainable Planning Regulation 2009*.

Applicant details (note: the applicant is the person responsible for making the application and need not be the owner of the land. The applicant is responsible for ensuring the information provided on all IDAS application forms is correct. Any development permit or preliminary approval that may be issued as a consequence of this application will be issued to the applicant.)

Please note: If there is more than one applicant, provide additional applicant details by clicking the "Add another applicant" button below.

Name/s (individual or company name in full)	**101 Fish and Chips Pty Ltd c/- PMH Planning**
For companies, contact name	**Patrick Hefferan**
Postal address	**PO Box 4527, ELANORA QLD 4221**
Contact phone number	**07 5522 5327**
Mobile number (non-mandatory)	**0409591857**
Fax number (non-mandatory)	
e-mail address (non-mandatory)	**PATRICK@PMHTOWNPLANNING.COM.AU**

1. What is the nature of development proposed? (tick all applicable boxes)

- ☒ material change of use of premises
- ☐ building work
- ☐ operational work
- ☐ reconfiguring a lot

2. What type of approval is being sought?

- [x] development permit
- [ ] preliminary approval
- [ ] both - provide details below

3. Is the application for a mobile and temporary environmentally relevant activity (ERA)?

- [x] No
- [ ] Yes - complete table A and then go to question 5

4. Location of the premises (complete table B and/or table C as applicable. Identify each lot in a separate row)

Table B - street address/lot for the premises or street address/lot on plan for the land adjoining or adjacent to the premises

	Street Address				Lot on plan description		Local government area (e.g. Logan,Cairns)
	Unit No.	Street No.	Street name and official suburb/locality name	Post code	Lot No.	Plan type and plan no.	
1	1	101	Old Burleigh Road, Broadbeach	4218	70	B8383	GOLD COAST

- [x] Street address / lot on plan
- [ ] Street address / lot on plan for the land adjoining or adjacent to the premises (appropriate for development in water e.g. jetty, pontoon)

Table C - premises coordinates (appropriate for development in remote areas, over part of a lot or in water e.g. channel dredging in Moreton Bay)

	Coordinates (note: place each set of coordinates in a separate row)				Zone reference	Datum	Local government area (If applicable)
	Easting	Northing	Latitude	Longitude			
1						☐ GDA94 ☐ WGS84 ☐ other	

5. Total area of the premises on which the development is proposed (indicate hectares or m²)

SITE AREA 630M2

6. Current use/s of the premises (e.g. vacant land, house, apartment building, cane farm, etc.)

1	EXISTING COMMECRIAL BUILDING WITH 3 TENANCIES, AS PER ATTACHED PLANNING REPORT

7. Provide a brief description of the proposal (e.g. six unit apartment building, 30 lot residential subdivision etc.)

PROPOSED FISH AND CHIP SHOP (TAKE AWAY FOOD PREMISES) WITHIN EXISTING TENANCY

8. Is owner's consent required for this application? (refer to notes at the end of this form for more information)

☐ No

☒ Yes - complete either table D, table E or table F as applicable

Table D (note: do not complete this table if lodging the application on-line using Smart eDA)

Name of owner/s of the land	AS PER ATTACHED

I/We, the above-mentioned owner/s of the land, consent to the making of this application.

Signature of owner/s of the land	
Date	

Table E

Name of owner/s of the land	North Point Holdings No 3 Pty Ltd

☒ The owner's written consent is attached or will be provided separately to the assessment manager

Table F

Name of owner/s of the land	

☐ By making this application, I, the applicant, declare that the owner has given written consent to the making of the application.

9. Does the application involve a state resource? (e.g. the application involves state land, or taking quarry materials. Refer to the notes at the end of this form for more information)

☒ No ☐ Yes - complete table G

10. Identify if any of the following apply to the premises (tick applicable box/es)

☐ adjacent to a water body, watercourse or aquifer (e.g creek, river, lake, canal) - complete table H

☐ on strategic port land under the *Transport Infrastructure Act 1994* - complete table I

☐ in a tidal water area - complete table J

11. Are there any existing easements on the premises? (e.g. for vehicular access, electricity, overland flow, water, etc.)

☒ No ☐ Yes - ensure the type, location and dimension of each easement is included in the plans submitted

☐☐☐

12. Does the proposal include new building work or operational work on the premises? (including any services)

☒ No ☐ Yes - ensure the nature, location and dimensions of proposed works are included in plans submitted

13. Is the payment of a portable long service leave levy applicable to this application? (refer to the notes at the end of this form for more information)

☒ No - Go to question 15 ☐ Yes

15. Has the local government agreed to apply a superseded planning scheme to this application under section 96 of the *Sustainable Planning Act 2009*?

☒ No

☐ Yes - provide details below

16. List below all of the forms and supporting information that accompany this application (include all IDAS forms, checklists, mandatory supporting information etc. that will be submitted as part of this application. Note: this question does not apply for applications made online using Smart eDA)

	Description of attachment or title of attachment	Method of lodgement to assessment manager
1	PLANNING REPORT, DEV CODES, PROPOSAL PLANS	over the counter

17. Applicant's declaration

☒ By making this application, I declare that all information in this application is true and correct (note: it is unlawful to provide false or misleading information).

Notes for completing this form

Question 8:

- Section 263 of the *Sustainable Planning Act 2009* sets out when the consent of the owner of the land is required for an application. Section 260(1)(e) of the *Sustainable Planning Act 2009* provides that if the owner's consent is required under section 263, then an application must contain, or be accompanied by, the written consent of the owner, or include a declaration by the applicant that the owner has given written consent to the making of the application.
- Owner's consent is not required for a mobile and temporary ERA.

Question 9:

- Section 264 of the *Sustainable Planning Act 2009* provides that if a development involves a state resource, a regulation may require the application to be supported by certain evidence prescribed under the regulation. Schedule 14 of the *Sustainable Planning Regulation 2009* prescribes the state resources for which evidence is required to be given, and the evidence required, to support the application.

Question 13:

- *The Building and Construction Industry (Portable Long Service Leave) Act 1991* prescribes when the portable long service leave levy is payable.
- The portable long service leave levy amount and other prescribed percentages and rates for calculating the levy are prescribed in the *Building and Construction Industry (Portable Long Service Leave) Regulation 2002*.

Question 14:

- The portable long service leave levy need not be paid when the application is made, but the *Building and Construction Industry (Portable Long Service Leave) Act 1991* requires the levy to be paid before a development permit is issued.
- Building and Construction Industry Notification and Payment Forms are available from any Queensland post office or agency, on request from QLeave, or can be completed on the QLeave website at www.qleave.qld.gov. au. For further information contact QLeave on 1800 803 481 or www.qleave.qld.gov.au.

Privacy -the information collected in this form will be used by the Department of Infrastructure and Planning (DIP) in accordance with the processing and assessment of your application. Your personal details will not be disclosed for a purpose outside of the IDAS process, except where required by legislation (including the *Right to Information Act 2009*) or as required by Parliament. This information may be stored in a departmental database. The information collected will be retained as required by the *Public Records Act 2002*.

OFFICE USE ONLY

Date received 22/12/2010 Reference numbers PA 2010 02140 MCU 2010 00938.

NOTIFICATION OF ENGAGEMENT OF A PRIVATE CERTIFIER

To: Council. I have been engaged as the private certifier for the building work referred to in this application.

Date of engagement	Name	BSA Certification license number	Building classification/s

QLEAVE NOTIFICATION AND PAYMENT (for completion by assessment manager or private certifier if applicable)

	Description of the work	QLeave Project Number	Amount paid ($)	Date paid	Date receipted form sighted by assessment manager	Name of officer who sighted the form
1						

The *Sustainable Planning Act 2009* (SPA) is administered by the Department of Infrastructure and Planning. This form and all other required application materials should be sent to your assessment manager and any referral agencies.

Company owner's consent to the making of a development application under the *Sustainable Planning Act 2009*

I, Robert Michael Hill Director of the below mentioned company

of Northpoint Holdings No 3 Pty Ltd

as owner of premises identified as follows:

Tenancy , 101 Old Burleigh Rd, Broadbeach

consent to the making of a development application under the *Sustainable Planning Act 2009* by

c/- PMH Planning (contact Patrick Hefferan)

on the premises described above for the purposes of

Development Application for Development Permit for Material Change in Use for 'Take Away Food Premises'

[signature of Director(s)]

signed on the 21st day of December 2010

Company seal *[if used]*

Material change of use assessable against a planning scheme - IDAS form 5

(*Sustainable Planning Act 2009* version 1.0 effective 18 December 2009)

This form must be completed for development applications for a material change of use assessable against a planning scheme.

You **MUST** complete **ALL** questions unless the form indicates otherwise. Incomplete forms or forms without all necessary information and documentation will result in your application not being a properly made application.

For all development applications, you must:

- complete *Applicant details - IDAS form 1*
- complete any other forms relevant to your application
- provide any mandatory supporting information identified on the forms as being required to accompany your application.

All terms used on this form have the meaning given in the *Sustainable Planning Act 2009* or the *Sustainable Planning Regulation 2009*.

This form can also be used for development on strategic port land under the *Transport Infrastructure Act 1994*.

1. How is the premises identified / zoned in the applicable planning scheme? (if the premises involves multiple zones, clearly identify the relevant zone for each lot in a separate row in the below table) Non-mandatory

	Lot description (i.e. street address or lot on plan details)	Applicable zone / precinct	Applicable overlays
1	Tenancy 1, 101 Old Burleigh Rd, Broadbeach	Broadbeach LAP	As attached

2. How is the proposed use/s defined in the applicable planning scheme?

	General explanation of the proposed use	Planning scheme definition (include each definition in a new row) (non-mandatory)	No. of dwelling / tenancy units (if applicable)	Days and hours of operation (if applicable)	No. of employees (if applicable)
1	Fish and Chip Shop	Take-Away Food Premises	1	7 days	2

3. What type of approval is being sought for the material change of use?

☒ development permit ☐ preliminary approval ☐ both - provide details below

4. Are there any current approvals associated with this application for the change of use of the premises? (eg. a preliminary approval)

☒ No ☐ Yes - provide details below

5. Does the proposed use involve (tick applicable box/es)

the reuse of existing buildings on the premises	☐ No	☒ Yes
new building work on the premises	☒ No	☐ Yes
the reuse of existing operational works on the premises	☒ No	☐ Yes
new operational work on the premises	☒ No	☐ Yes

6. Confirm that the following mandatory supporting information accompanies this application

All applications	Confirmation of lodgement	Method of lodgement
a site plan drawn to scale (1:100, 1:200 or 1:500 are the recommended scales) which shows the following: • the location and site area of the land to which the application relates *(relevant land)* • the north point • the boundaries of the relevant land • any road frontages of the relevant land, including the name of the road • the location and use of any existing or proposed buildings or structures on the relevant land (note: where extensive demolition or new buildings are proposed, two separate plans (an existing site plan and proposed site plan) may be appropriate) • any existing or proposed easements on the relevant land and their function • the location and use of buildings on land adjoining the relevant land • all vehicle access points and any existing or proposed car parking areas on the relevant land. Car parking spaces for persons with disabilities and any service vehicle access and parking should be clearly marked. • for any new building on the relevant land, the location of refuse storage • the location of any proposed retaining walls on the relevant land and their height • the location of any proposed landscaping on the relevant land • the location of any stormwater detention on the relevant land	☒ confirmed	over the counter
a statement about how the proposed development addresses the local government's planning schemes and any other planning documents relevant to the application	☒ confirmed	over the counter
a statement about the intensity and scale of the proposed use (e.g. number of employees, days and hours of operation, number of visitors, number of seats, capacity of storage area etc.)	☒ confirmed	over the counter
information that states: • the existing or proposed floor area, site cover, maximum number of storeys and maximum height above natural ground level for existing or new buildings (e.g. information regarding existing buildings but not being reused) • the existing or proposed number of on-site car parking bays, type of vehicle cross-over (for non-residential uses) and vehicular servicing arrangement (for non-residential uses)	☒ confirmed ☐ not applicable	over the counter

	Confirmation of lodgement	Method of lodgement
When the application involves the reuse of existing buildings		
plans showing the size, location, existing floor area, existing site cover, existing maximum number of storeys, and existing maximum height above natural ground level of the buildings to be reused	☒ confirmed ☐ not applicable	over the counter
When the application involves new building work (including extensions)		
floor plans drawn to scale (1:50, 1:100 or 1:200 are the recommended scales) which show the following: • the north point • the intended use of each area on the floor plan (for commercial, industrial or mixed use developments only) • the room layout (for residential development only) with all rooms clearly labelled • the existing and the proposed built form (for extensions only) • the gross floor area of each proposed floor area	☒ confirmed	over the counter
elevations drawn to scale (1:100, 1:200 or 1:500 are the recommended scales) which show plans of all building elevations and facades, clearly labelled to identify orientation (e.g. north elevation)	☐ confirmed	
plans showing the size, location, proposed site cover, proposed maximum number of storeys, and proposed maximum height above natural ground level of the proposed new building work	☐ confirmed ☒ not applicable	
When the application involves the reuse of other existing works		
plans showing the nature, location, number of on-site car parking bays, existing area of landscaping, existing type of vehicular cross-cover (non-residential uses), and existing type of vehicular servicing arrangement (non-residential uses) of the works to be reused	☒ confirmed ☐ not applicable	over the counter
When the application involves new operational work		
plans showing the nature, location, number of new on-site car parking bays, proposed area of new landscaping, proposed type of new vehicle cross-cover (non-residential uses), proposed maximum new vehicular servicing arrangement (non-residential uses) of the proposed new operational works	☐ confirmed ☒ not applicable	

Notes for completing this form:

- This form can also be used for a material change of use assessable against the land use plan for Cairns airport land or Mackay airport land. Whenever a planning scheme is mentioned, take it to mean land use plan for the airport land.

Privacy - please refer to your assessment manager for further details on the use of information recorded in this form.

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Date received | Reference numbers

The *Sustainable Planning Act 2009* is administered by the Department of Infrastructure and Planning. This form and all other required application materials should be sent to your assessment manager and any referral agencies.

Development assessment checklist - IDAS checklist 1

(*Sustainable Planning Act 2009*, version 1.0 18 December 2009)

This checklist applies to the carrying out of development generally.

You are not required to complete this checklist as part of your development application, however you may submit the checklist with your application if you wish. The purpose of the checklist is to assist you in identifying:

- whether you need to make a development application for the proposed development
- if a development application is required, the relevant IDAS forms you need to complete as part of your application
- whether you need to give a copy of your application to any referral agencies.

If your development involves a material change of use, reconfiguring a lot or operational works, it is recommended that you complete *Material change of use - IDAS checklist 2*, *Reconfiguring a lot - IDAS checklist 3* or *Operational works - IDAS checklist 4*, as applicable.

If you are unsure how to answer any questions on this checklist, phone or visit your local government, or go to the Department of Infrastructure and Planning's website at www.dip.qld.gov.au.

All terms used in this checklist have the meaning given in the *Sustainable Planning Act 2009* or the *Sustainable Planning Regulation 2009*.

Part 1 - General questions

1.1 Have you received a referral agency response in relation to this proposed development prior to making an application?

☒ No	
☐ Yes	• To assist you in preparing your application, completing *Referral agency responses - IDAS checklist 6* is recommended

1.2 Do you wish the proposed development to be assessed against a superseded planning scheme?

☒ No	
☐ Yes	• You must complete *Request to apply a superseded planning scheme - Sustainable Planning Act form 2* and give this notice to the relevant local government. If the local government agrees to your request, details must be provided in *Application details - IDAS form 1*

1.3 Does the proposal involve removing quarry material from a watercourse or lake for which an allocation notice is required under the *Water Act 2000*?

☒ No	
☐ Yes	• It is recommended that you complete part 2 of this checklist

1.4 Is any part of the proposed development intended to be carried out on a Queensland heritage place under the *Queensland Heritage Act 1992*?

☒ No	
☐ Yes	• It is recommended that you complete part 3 of this checklist

1.5 Does the proposal involve development on a local heritage place?

☒ No	
☐ Yes	• It is recommended that you complete part 4 of this checklist

1.6 Does the proposal involve an environmentally relevant activity, other than an agricultural ERA, a mining activity or a chapter 5A activity?

☒ No	
☐ Yes	• It is recommended that you complete part 5 of this checklist

1.7 Is any part of the development on strategic port land or airport land (other than development for a material change of use that is inconsistent with the land use plan for the strategic port land or airport land)

☒ No	
☐ Yes	• It is recommended that you complete part 6 of this checklist

1.8 Is any part of the development on land below a high water mark within the limits of a port under the *Transport Infrastructure Act 1994*?

☒ No	
☐ Yes	• It is recommended that you complete part 7 of this checklist

1.9 Is any part of the premises designated for community infrastructure?

☒ No	
☐ Yes	• It is recommended that you complete part 8 of this checklist

1.10 Does the proposal involve the establishment or expansion of a waste water disposal system?

☒ No	
☐ Yes	• It is recommended that you complete part 9 of this checklist

1.11 Is the development on land that adjoins a declared fish habitat area under the *Fisheries Act 1994*?

☒ No	
☐ Yes	• It is recommended that you complete part 10 of this checklist

Privacy - please refer to your assessment manager for further details on the use of information recorded in this checklist.

Disclaimer:

While the Department of Infrastructure and Planning (DIP) believes that this information contained on this checklist and provided as part of this process will be of assistance to you, it is provided on the basis that you will not rely on the information without first making your own enquiries regarding the interpretation and application of the applicable legislation to your circumstances.

To the full extent permitted by law DIP expressly disclaims all liability (including but not limited to liability for negligence) for errors or omissions of any kind or for any loss (including direct and indirect losses), damage or other consequence which may arise from your reliance on this process and the information contained on this checklist.

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Date received 23/12/2010 Reference numbers MCU 2010 00908

The *Sustainable Planning Act 2009* is administered by the Department of Infrastructure and Planning.

Material Change of Use - IDAS Checklist Part 2

(*Sustainable Planning Act 2009* version 1.0 effective 18 December 2009)

This checklist only applies when the development application seeks approval for a material change of use of premises.

You are not required to complete this checklist as part of your development application, however you may submit the checklist with your application if you wish. The purpose of the checklist is to assist you in identifying:

- whether you need to make a development application for the proposed development
- if a development application is required, the relevant IDAS forms you need to complete as part of your application, and
- whether you need to give a copy of your application to any referral agencies.

Before completing this checklist, it is recommended that you complete Development Assessment Checklist - IDAS checklist part 1. If your development involves reconfiguring a lot or operational works, it is recommended that you also complete Reconfiguring a lot - IDAS checklist 3 and *Operational works - IDAS checklist 4, as applicable.*

If you are unsure how to answer any questions on this checklist, phone or visit your local government, or go to the Department of Infrastructure and Planning's website at www.dip.qld.gov.au

All terms used in this checklist have the meaning given in the *Sustainable Planning Act 2009* or the *Sustainable Planning Regulation 2009*.

Part 1 - General questions

1.1 Is the proposed use assessable development under the planning scheme?

☐ No	
☒ Yes	• You must complete *Material change of use assessable against a planning scheme - IDAS form 5* • Continue on to question 1.3

1.3 Is any part of the land part of a future state-controlled road or within 100 metres of a State-controlled road?

☒ No	
☐ Yes	• If your application is assessable development under a planning scheme, the Department of Transport and Main Roads is a concurrence agency for your application. You must give a copy of the application to the Department of Transport and Main Roads. • It is recommended that you complete part 2 of this checklist

1.4 Does *State Planning Policy 2/02: Planning and Managing Development Involving Acid Sulfate Soils* apply to the development?

☒ No	
☐ Yes	• It is recommended that you complete part 3 of this checklist

1.5 Is any part of the premises located in a coastal management district?

☒ No	
☐ Yes	• It is recommended that you complete part 4 of this checklist

1.6 Is the size of the lot two hectares or larger?

☒ No	
☐ Yes	• It is recommended that you complete part 5 of this checklist

1.7 Is any part of the premises in an area for which an area management advice has been given for unexploded ordnance?

☒ No	
☐ Yes	• You must complete *Contaminated land - IDAS form 24.* • This application requires assessment by the administering authority (either the chief executive administering the *Environmental Protection Act 1994*, or the local government) as a concurrence agency.

Section reference:
- *Sustainable Planning Regulation 2009*, schedule 7, table 3, item 11

1.8 Is the proposed use of the premises listed in schedule 12 of the *Sustainable Planning Regulation 2009* and does it meet the specified threshold?

☒ No	
☐ Yes	• This application requires assessment by the Department of Transport and Main Roads as a concurrence agency

Section reference:
- *Sustainable Planning Regulation 2009*, schedule 7, table 3, item 14

1.9 Is the proposed use of the premises listed in schedule 13 of the *Sustainable Planning Regulation 2009* and does it meet the specified threshold?

☒ No	
☐ Yes	• This application requires assessment by the Department of Transport and Main Roads as a concurrence agency

Section reference:
- *Sustainable Planning Regulation 2009*, schedule 7, table 3, item 15

1.10 Is any part of the premises in an interim koala habitat protection area to which the provisions of the *South East Queensland koala State planning regulatory provisions* apply?

☒ No	
☐ Yes	• It is recommended that you complete Part 6 (starting from question 6.1) of this checklist

1.11 Is any part of the premises in a koala conservation area or koala sustainability area, which is located outside the current SEQ urban footprint area?

☒ No	
☐ Yes	• It is recommended that you complete Part 6 (starting from question 6.3) of this checklist

1.12 Is the proposed use associated with a reconfiguration of a lot?

☒ No	• It is recommended that you complete Part 7 of this checklist
☐ Yes	

1.13 Is any part of the premises in a wild river area declared under the *Wild Rivers Act 2005*?

☒ No	
☐ Yes	• It is recommended that you complete Part 8 of this checklist

1.14 Is the proposed use for a domestic housing activity?

☒ No	• It is recommended that you complete Part 9 of this checklist
☐ Yes	

1.15 Does the use of the premises include a lot sharing a common boundary with a Queensland Heritage place under the *Queensland Heritage Act 1992*?

☒ No	
☐ Yes	• This application requires assessment by the Department of Environment and Resource Management as an advice agency • You must also complete *Queensland Heritage Place - IDAS form 3*

Section reference:

- *Sustainable Planning Regulation 2009*, schedule 7, table 3, item 23

1.16 Is preliminary approval sought for the application under the *Sustainable Planning Act 2009*, section 242?

☒ No	
☐ Yes	• This application requires assessment by the Department of Infrastructure and Planning as a concurrence agency • You must complete *Preliminary approval varying the effect of the local planning instrument - IDAS form 31*

Section reference:

- *Sustainable Planning Regulation 2009*, schedule 7, table 3, item 24

1.17 Is the proposed use for a brothel as defined under the *Prostitution Act 1999*?

☒ No	
☐ Yes	• It is recommended that you complete Part 10 of this checklist

1.18 Is any part of the proposed use on strategic port land under the *Transport Infrastructure Act 1994*?

☒ No	
☐ Yes	• It is recommended that you complete Part 11 of this checklist

1.19 Is any part of the proposed use on airport land under the *Airport Assets (Restructuring and Disposal Act 2008*?

☒ No	
☐ Yes	• It is recommended that you complete Part 12 of this checklist

1.20 Is the proposed use a major hazard facility or possible major hazard facility under the *Dangerous Goods Safety Management Act 2001*?

☒ No	
☐ Yes	• This application requires assessment by the Department of Justice and Attorney-General (JAG). If JAG is not your assessment manager for the application, the role of the agency will be as concurrence agency. • You must also complete *Major hazard facility - IDAS form 22.*

Section reference:

- *Sustainable Planning Regulation 2009*, schedule 3, part 1, table 2, item 5
- *Sustainable Planning Regulation 2009*, schedule 7, table 2, item 8

1.21 Is all or part of the premises on the environmental management register or contaminated land register under the *Environmental Protection Act 1994*?

☒ No	
☐ Yes	• It is recommended that you complete Part 13 of this checklist

1.22 Is all or part of the land forming the premises currently used for a notifiable activity or if there is no existing use, was it last used for a notifiable activity?

☒ No	
☐ Yes	• It is recommended that you complete Part 14 of this checklist

1.23 Is all or part of the land forming the premises currently used for an industrial activity (other than for a mining activity or petroleum activity) or if there is no existing use, was it last used for an industrial activity (other than for a mining activity or petroleum activity)?

☒ No	
☐ Yes	• It is recommended that you complete Part 15 of this checklist

1.24 Is any part of the premises in an area for which an area management advice has been given for natural mineralisation or industrial activity (other than for a mining or petroleum activity)?

☒ No	
☐ Yes	• It is recommended that you complete Part 16 of this checklist

1.25 Is the proposed use for aquaculture defined under the *Fisheries Act 1994*?

☒ No	
☐ Yes	• It is recommended that you complete Part 17 of this checklist

1.26 Is any part of the premises in a wild river area declared under the *Wild Rivers Act 2005*?

☒ No	
☐ Yes	• It is recommended that you complete Part 18 of this checklist

1.27 Is any part of the premises within the South East Queensland designated region?

☒ No	
☐ Yes	• It is recommended that you complete Part 19 of this checklist

1.28 Is any part of the premises within the Far North Queensland (FNQ) designated region?

☒ No	
☐ Yes	• It is recommended that you complete Part 20 of this checklist

1.29 Is the proposal for urban purposes, as defined under the *Sustainable Planning Regulation 2009*?

☐ No	
☒ Yes	• It is recommended that you complete Part 21 of this checklist

1.30 Can the proposed use be performed without the removal, destruction or damage of marine plants under the Fisheries Act 1994?

☐ No	• It is recommended that you complete Part 22 of this checklist
☒ Yes	

1.31 Is any part of the premises within the Wide Bay Burnett (WBB) designated region?

☒ No	
☐ Yes	• It is recommended that you complete Part 23 of this checklist

Section reference:

- Sustainable Planning Regulation 2009, schedule 7, table 3, item 10

Part 7 - Easements and substations

7.1 Is, or will there be any part of any structure or work that is the natural and ordinary consequence of the use located completely or partly in the easement?

☒ No	• Go to question 7.4
☐ Yes	

7.4 Is any part of the premises situated within 100 metres of a substation site under the *Electricity Act 1994*?

☒ No	
☐ Yes	• This aplication requires assessment by the entity responsible for the substation as an advice agency

Section reference:

- Sustainable Planning Regulation 2009, schedule 7, table 3, items 8, 9 and 16

Part 9 - Wetland

9.1 Does the premises include a lot situated in or, or within 100 metres of, a wetland shown on the `Map of referable wetlands' a document approved by the chief executive of the Department of Environment and Resource Management?

☒ No	
☐ Yes	• This application requires assessment by the Department of Environment and Resource Management as an advice agency

Section reference:
- Sustainable Planning Regulation 2009, schedule 7, table 3, item 21

Part 21 - Conservation estate

21.1 Is the proposed use on a lot situated in, or within 100 metres of, any of the following?

a protected area, forest reserve, critical habitat or area of major interest under the *Nature Conservation Act 1992*	☒ No ☐ Yes
a state forest or timber reserve under the *Forestry Act 1959*	☒ No ☐ Yes
a marine park under the *Marine Parks Act 2004*	☒ No ☐ Yes
a recreation area under the *Recreation Area Management Act 2006*	☒ No ☐ Yes
a world heritage area listed under the World Heritage Convention	☒ No ☐ Yes
Brisbane forest park under the *Brisbane Forest Park Act 1977*	☒ No ☐ Yes

- If you answered yes to any of the above, then this application needs to be referred to the Department of Environment and Resource Management as advice agency.

Section reference:
Sustainable Planning Regulation 2009, schedule 2, table 2, item 45

Privacy - please refer to the assessment manager for further details on the use of information recorded in this checklist.

Disclaimer:

While the Department of Infrastructure and Planning (DIP) believes that the information contained on this checklist and provided as part of this process will be of assistance to you, it is provided on the basis that you will not rely on the information without first making your own enquiries regarding the interpretation and application of the applicable legislation to your circumstances.

To the full extent permitted by law DIP expressly disclaims all liability (including but not limited to liability for negligence) for errors or omissions of any kind or for any loss (including direct and indirect losses), damage or other consequence which may arise from your reliance on this process and the information contained on this checklist.

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Date received 22/12/2010 · Reference numbers MCU A010 00938

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Begin forwarded message:
From: "HIGLEY Jan" <JHIGLEY@goldcoast.qld.gov.au>
Date: 9 May 2008 3:17:35 PM
To: <pmhplanning@optusnet.com.au>
Subject: Exemption from the Requirement for Council's Pre Assessment Certificate

GCCC PREASSESSMENT CERTIFICATE

EXEMPT CONSULTANT

9 MAY 2008

In recognition of your development applications consistently meeting Council's Properly Made, Well Made requirements your company has been placed on our "Exempt Consultants List". This negates the requirement to submit your applications for a Pre Assessment Certificate.
Checks will continue to be undertaken on all applications to ensure compliance with Properly Made requirements. Random audit checks will be undertaken to ensure continued compliance.
Please ensure you include a copy of this email when submitting applications to ensure Customer Service staff can easily identify that you are not required to seek a Pre Assessment Certificate prior to submission of your applications.
Thank you for your cooperation in presenting your applications in a style that allows Council to present consistent and legible information to the public on PD Online and for the use of our internal referral sections.

Thank you again.

Regards,

Jan Higley

Senior Technical Officer
Development Assessment Review Team (DART)
for the Chief Executive Officer
Gold Coast City Council
Ph: (07) 5582 8866*(option #4)* **Fax:** (07) 5582 8286
PO Box 5042 Gold Coast Mail Centre Qld 9729
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To help shape the future of the Gold Coast over the next 30 years, visit www.boldfuture.com.au

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SECTION TWO

DEVELOPMENT APPLICATION FOR MATERIAL CHANGE IN USE

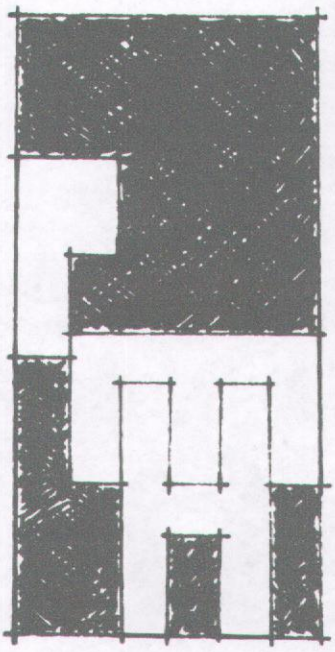
SECTION 2 – DEVELOPMENT APPLICATION REPORT

EXECUTIVE SUMMARY
DEVELOPMENT APPLICATION INFORMATION
SITE AND ENVIRONMENT CHARACTERISTICS
PROPOSED DEVELOPMENT
STATUTORY FRAMEWORK
GCCC PLANNING INSTRUMENT AND CODE ASSESSMENT
CONCLUSION
APPENDICES

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EXECUTIVE SUMMARY

PMH Planning acts on behalf of 101 Fish and Chips, and with the Consent of the Land Owners, who propose to develop the property for the purposes of a Fish and Chip Shop.

The Applicant seeks a Development Permit in order to allow the establishment of a 'Take-Away Food Premises' within the existing Tenancy 1 of the existing building on the subject site, generally in accordance with the proposal plans included in supporting documentation.

The subject site is located at 101 Old Burleigh Road, Broadbeach, properly described as Lot 70 on Plan B 8383. The site is included in the Residential Precinct of the Broadbeach Local Area Plan and is listed as Code Assessable. Please note Council's Property Map provided in **Section 10**. Photographs of the subject site are located in **Appendix 3.**

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The site is completely developed for the purposes of an existing single storey commercial building including three tenancies, appearing to be product of the site's previous Local Shopping Zone designation under the previous Council Planning Scheme. The Applicant seeks a Development Permit for a Material Change in Use to facilitate the re-establishment of the Take-Away Food Premises Use which has been previously approved by Council in this tenancy. The approved use 'ceased' as per the provisions of the Integrated Planning Act 1997, and prudently, the Applicant proposes to re-establish the Use.

This report assesses the proposed development against the relevant Development Codes and Policies of the Gold Coast City Council, and addresses the relevant requirements of the *Sustainable Planning Act 2009*.

Through assessment of all relevant Development Codes listed in Council's Planning Scheme, The proposal is compliant with all relevant Acceptable Solutions, with non-compliance relating to only technical non-compliance with the provision of car parking under the current Planning Scheme.

The proposed development provides is a well established nodal point along the adjacent bike track and public walking paths and is considered to be appropriate for retention on the subject site and is not considered to encourage detrimental impacts to the surrounding area. The proposed development is consistent with sound planning practice and compliments the intent of Council's forward planning instruments. Accordingly, the subject application is commended for Council's favourable consideration.

The proposed development is consistent with sound planning practice and compliments the intent of Council's forward planning instruments. Accordingly, the subject Application is commended for Council's favourable consideration.

DEVELOPMENT APPLICATION INFORMATION

PROPERTY DESCRIPTION	COMMENT
	Tenancy 1, Lot 70 on B 8383
Site Area	630m^2
Frontage	Approx 35 metres to Armrick Avenue and approx 18 metres to Old Burleigh Road
Existing Improvements	The site is currently improved as a single storey commercial development including three tenancies. This building was lawfully established following Development Approval in 1987.
SEQ Regional Plan	Urban Footprint
Local Area Plan	Residential Precinct 2 of Broadbeach LAP
Proposed Use	Take-Away Food Premises (Fish and Chip Shop)
Level of Assessment	Code Assessable
Road Widening	The site is not congruent to DTMR State Controlled Road, and GCCC have advised that no road widening is proposed.
Proposed Building Heights	Single storey (7 allowed)
Proposed Setbacks (to outermost projection – roof overhang)	The existing commercial dwelling appears to be sited to the lot boundary to both Armrick Ave and Old Burleigh Road
Car Parking Provision	6 car parks are located in the existing and approved car park.
Planning Scheme Non-Compliances	Broadbeach LAP Place Code Completely Compliant Retail and Related Specific Dev Code Completely Compliant Car Parking/Transport Specific Dev. Code AS 16 in relation to car parking, Alternate Solution Proposed.

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SITE AND ENVIRONMENT CHARACTERISTICS

The subject site is located at Tenancy 1, 101 Old Burleigh Road, Broadbeach, described as Lot 70 on B8383. The location of the subject site is shown in **Appendix 1** of this report. The land is of a regular rectangular shape and is generally flat. The site contains a total area of approximately 630m^2, and is located on a corner allotment, adjacent to a roundabout. The site has a frontage to Armrick Avenue of approximately 35 metres and to Old Burleigh Road of 18 metres.

The site is completely developed for the purposes of an existing single storey commercial building including three tenancies. The building was established under the site's previous Local Shopping Zone designation under the previous Council Planning Scheme, and pursuant to a Development Approval in 1987. The tenancies include a previous Butcher Shop (now to be replaced with the Fish and Chips Shop), Bottleshop and a Restaurant. The Site Analysis Plan, contained in **Appendix 2**, and proposed Layout Plan, contained in **Section 10**, show the existing internal tenancy dimensions. The Armrick Avenue frontage is treated with awnings providing pedestrian access around the site. The rear of the site is developed for the purposes of a car park with includes an approved provision of 6 car parking spaces. This area is also utilised for storage of a skip sized bins in a screened area and is surrounded on all sides by an exposed brick fence, providing screening to the adjoining sites to the rear and the side, as well as to the footpath. The site is serviced by the existing single vehicle crossover into the secondary road, being Armrick Avenue.

The existing Lot is currently connected to sewerage, water, electricity and relevant telecommunications services.

The site is included in the Residential Precinct of the Broadbeach Local Area Plan and pursuant to the provisions of this Place Code has a Maximum Building Height of 7 storeys and a Residential Density of 1 dwelling per 33m^2.

Please note Council's Property Map provided in **Section 10** and photographs of the subject site which are located in **Appendix 3**.

The immediate surrounds provide a variance in built form development and uses.

Noting the Site Analysis Plans included in **Appendix 2**, land immediately adjoining the site to the west, has been developed for the purposes of a three storey Apartment Building appearing a similar age to the subject site. Land adjoining to the north has also been developed for a three storey apartment Building, though a more recent development. Land opposite Old Burleigh Road has been developed as a high rise residential development, consistent with the residential density and building heights prescribed in the Scheme. Land further along Old Burleigh Road to the South, adjacent to the subject site is retained as parkland following the beach and fore dunes and included in the Public Open Space Domain. The entire block located opposite Armrick Avenue has been developed for the non-residential purposes of the Broadbeach Bowls

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Club, Broadbeach Soccer fields and the Broadbeach SLSC, and similarly has been included in the Public Open Space Domain.

The site is suitably located in proximity to the beach and public facilities, bus routes and local commercial and retail services along the Gold Coast Highway and along Old Burleigh Road and is in close proximity to Broadbeach and Surfers Paradise regional commercial centres and transport routes.

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> Town Planning
> Property Development

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PROPOSED DEVELOPMENT

The applicant seeks a Development Permit in order to allow the establishment of a Fish and Chips Shop within Tenancy 1 of the existing building within the subject site, generally in accordance with the proposal plans included in supporting documentation.

The proposed development is defined by the Gold Coast Planning Scheme as follows:

> ***"Take-Away Food Premises***
> *Any premises used, or intended to be used, for the sale to the public of prepared food which is ready for immediate consumption and which is packaged so that it can be taken and consumed away from the premises. This term includes the provision of ancillary facilities for the consumption of food on the premises. It does not include a cafe, restaurant or fast food premises."*

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The proposed development location is demonstrated on the Site Plan included in **Section 10**.

The proposed development is to be entirely included within the existing tenancy confines. As part of the original approval, the site has been previously subject to a Take-Away Food Premises, being a Burger Bar, and others, for much of the 30 year life of the building. The use 'ceased' with the tenancy being utilised as a Shop. This Application simply applies to re-establish the ceased use.

The proposed tenancy has an internal GFA of 51.9m^2. As per the proposal layout plans, this portion of the tenancy is utilised as a kitchen area, refrigeration units, and food storage and preparation area and an internal bar/ counter and servery for customers.

The proposed use operates from Monday to Sunday generally from 10am to 9pm. The Fish and Chips Shop operates with 3 staff.

As shown in proposal plans in **Section 10**, the Restaurant is orientated toward the Armrick Street frontage with pedestrian pathways around the perimeter of the site to allow equitable access from the street and adjacent Public Open Space Areas, being the source of the majority of site visitors. The footpaths also serve as access from the rear of the site and the car parking area, being covered with awnings along both street frontages. The subject tenancy provides access to public amenities facilities for those visiting the site.

Photographs of the existing commercial building are included in **Section 10**, illustrating the currently operating use.

PEDESTRIAN AND VEHICULAR ACCESS AND CAR PARKING

The existing development provides a single vehicular access point into Armrick Avenue providing access to the car parking area and refuse storage area, as shown in

the proposal plans. This access location is from the secondary road frontage. Separate Pedestrian access is provided from the car parking area to the front doors via the footpath, whilst direct rear access is provided for staff. The site is not subject to any GCCC road widening requirements.

Car Parking is proposed entirely at ground level, in the car parking area at the rear of the site, not dominating the streetscape and frontages. The previously approved car parking area includes 6 car parking spaces, bicycle parking facility, and the screened bin storage area. A linemarked and signed Loading Bay of sufficient size for 2 SRV is located in the Armrick Street frontage, allowing site servicing.

The building was approved with these car parks, and the uses of a Shop, Restaurant and Take Away Food Premises and the car parking provided. At that time, funds were paid to Council for the construction of the car parking spaces adjacent to the Bowls Club, opposite the site in Armrick Street. This was thoroughly researched as part the recent DA for a Restaurant on the site, in another tenancy. The outcome provided, accordingly, was that the previous approval details were honoured and the car parking at the rear is for staff, and the public car parking opposite for visitors. This is being provided as justification for no additional car parking being provided for this tenancy. The GFA of the tenancy would attract 2 of the 6 existing car parking spaces.

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The provision of the existing 6 spaces is consistent with the previous approval. Technically, the tenancy has a GFA of only 43.7m^2, though the TUA including the outdoor dining area has been utilised for the consideration of car parking provision. The site frontage to Armrick Aveune includes an existing two SRV loading bay for servicing the site.

LANDSCAPING

As the use relates to use of an internal tenancy, no additional external building works or landscaping is proposed. All existing landscaping on the site shall be retained.

CONCLUSION

As discussed in the attached Code Templates in **Section 5**, the proposal complies with all relevant Acceptable Solutions of the LAP Place Code, Retail and Related Specific Development Code and with all relevant Acceptable Solutions of the Car Parking Access and Transport Integration Constraint Code, other than the technical non-compliance of the provision of no additional car parking on the site.

As the proposed use has been operating in one form or another for a great portion of the last 20 years, the proposed development is considered appropriate for the subject site and is not considered to encourage detrimental impacts to the surrounding area. The proposed fish and chips shop would provide a well located \service from visitors to adjoining non-residential land uses, from adjoining apartment buildings and predominantly from visitors to the adjacent beach and parkland areas. The proposed development is considered to be consistent with sound planning practice and

compliments the intent of Council's forward planning instruments and supports the character of the local area. Accordingly, the subject application is commended for Council's favourable consideration.

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STATUTORY FRAMEWORK

DEVELOPMENT

The proposed actions relating to Lot 70 constitutes 'development' pursuant to the provisions of Section 7 of the *Sustainable Planning Act 2009*.

ASSESSABLE DEVELOPMENT

The proposed Material Change in Use relating to Lot 70 does not constitute assessable development pursuant to any provision of Schedule 3 of the *Sustainable Planning Regulation 2009*, however is listed as assessable development pursuant to the provisions of the Definition of 'assessable development' Section 231(2), item (c), and the provisions of the Broadbeach Local Area Plan, as contained in Part 6 of the Gold Coast Planning Scheme, version 1.2.

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STATE AGENCY REFERRALS

Please note that no Referral Agencies are relevant to this Development Application.

ASSESSMENT MANAGER

The Assessment Manager is identified in Schedule 6 of the *Sustainable Planning Regulation 2009* as the Local Government, being in this instance Gold Coast City Council.

The assessment of this Application is therefore to be against the current Gold Coast City Council Planning Scheme – Our Living City, version 1.2. The provisions of this document prescribes the subject site to be located in the Residential Precinct of the Broadbeach Local Area Plan.

GCCC PLANNING INSTRUMENT AND CODE ASSESSMENT

LEVEL OF ASSESSMENT

The subject site is located in the Residential Precinct of the Broadbeach Local Area Plan. This Application applies for Development Permit for Material Change in Use for 'Take-Away Food Premises'. The proposed use is listed in the relevant Table of Development as being assessed through the Code Assessable process, and not triggering additional assessment in Part B. Accordingly, this Application shall not require a Public Notification period.

ASSESSMENT AGAINST DOMAIN INTENT

The subject site is contained within the Residential Precinct of the Broadbeach Local Area Plan, with the proposal able to comply with all fundamental Acceptable Solutions as prescribed in the Place Code other than those listed below.

Council includes the following Intent Statement relevant to development within this precinct:

> *"The Residential Precinct includes areas generally to the north and south of the Central Mixed Use precinct. Specifically, the three main areas comprising this precinct are located as described below:*
> - *The area bound by First Avenue in the north, Broadbeach Boulevard to the east, Queensland Avenue to the south and Precinct 3 (Highway Tourism) to the west;*
> - *The area bound by Elizabeth Avenue to the north, Old Burleigh Road to the east, Peerless Avenue to the south and Precinct 3 (Highway Tourism) to the west; and*
> - *The balance area of the TE Peters site located towards the west of the Gold Coast Convention and Exhibition Centre.*
>
> *This precinct is intended to cater for medium to high density permanent residential land uses, low impact tourist residential uses and a range of low intensity retail and commercial uses to meet the needs of the immediate residential catchments. Tourism uses must be of a scale and type that do not adversely impact on the residential amenity of permanent residents in the immediate area. Intensive tourist facilities are not considered to be suitable in this Precinct."*

It is considered that the proposed development is not precluded in this Precinct and as per previous Council Approval, this type of support use is utilised by residents of the immediate locale as well as tourists using the adjacent Public Open Space Areas and the beach. The proposed development has provided deliberate and full consideration to the site characteristics and been designed deliberately encouraging the maintenance of amenity and mitigating any impacts to the adjoining sites, or the future residents of the proposed development.

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It is accordingly considered that the proposed development is clearly consistent with this Intent, where relevant, and this is reinforced by Council's inclusion of this type of development as being listed as Code Assessable in the Table of Development for this Precinct. It is considered that the development is considered appropriate by Council and not in conflict with Section 326 of the SPA. Accordingly assessment against the Desired Environmental Outcomes is not considered as required.

ASSESSMENT AGAINST APPLICABLE CODES

Following Council advice, the following Codes have been assessed and included in this report and supporting documents:

1. Broadbeach LAP Place Code;
2. Retail and Related Specific Development Code; and
3. Car Parking, Access and Transport Integration Constraint Code.

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As noted above, non-compliance relates to only one items, which is that no additional car parking is provided on the site for the new use. This is considered appropriate for the following reasons:

a. The commercial building on the site was originally established under the site's previous Local Shopping Zone designation under the previous Council Planning Scheme, and pursuant to a Development Approval in 1987;
b. This Approval included the three tenancies currently located on the site and the six car parking spaces located in the rear car park;
c. As a condition of the Approval at that time, funds were paid to Council for the construction of the car parking spaces adjacent to the Bowls Club, opposite the site in Armrick Street;
d. This was thoroughly researched and confirmed by GCCC as part the recent DA for a Restaurant on the site. The outcome provided, accordingly, was that the previous approval details were honoured and the car parking at the rear is for staff, and the public car parking opposite for visitors;
e. Further, it is noted that the proposed use includes the use of Tenancy 1, which at the time of the 2009 Approval included a Butcher Shop, which is prescribed the same car parking requirement as the Take-Away Food Premises, demonstrating no impact on car parking due to the inclusion of the proposed use.

It is considered that this is an appropriate outcome and that the proposed development complies with all other relevant Acceptable Solutions of the relevant Codes.

CONCLUSION

PMH Planning acts on behalf of 101 Fish and Chips, and with the Consent of the Land Owners, who proposes to develop the property for the purposes of a Fish and Chip Shop.

The Applicant seeks a Development Permit in order to allow the establishment of a 'Take-Away Food Premises' within the existing Tenancy 1 of the existing building on the subject site, generally in accordance with the proposal plans included in supporting documentation.

The proposed development provides is a well established nodal point along the adjacent bike track and public walking paths and is considered to be appropriate for retention on the subject site and is not considered to encourage detrimental impacts to the surrounding area. The proposed development is consistent with sound planning practice and compliments the intent of Council's forward planning instruments. Accordingly, the subject application is commended for Council's favourable consideration.

You are invited to contact Patrick Hefferan on 5534 6786 or 0409591857 should you have any further queries or require any further information.

We look forward to the issue of the Acknowledgement Notice and any Information Request as soon as possible within IDAS timeframes.

PATRICK HEFFERAN
PMH PLANNING

PMHPLANNING

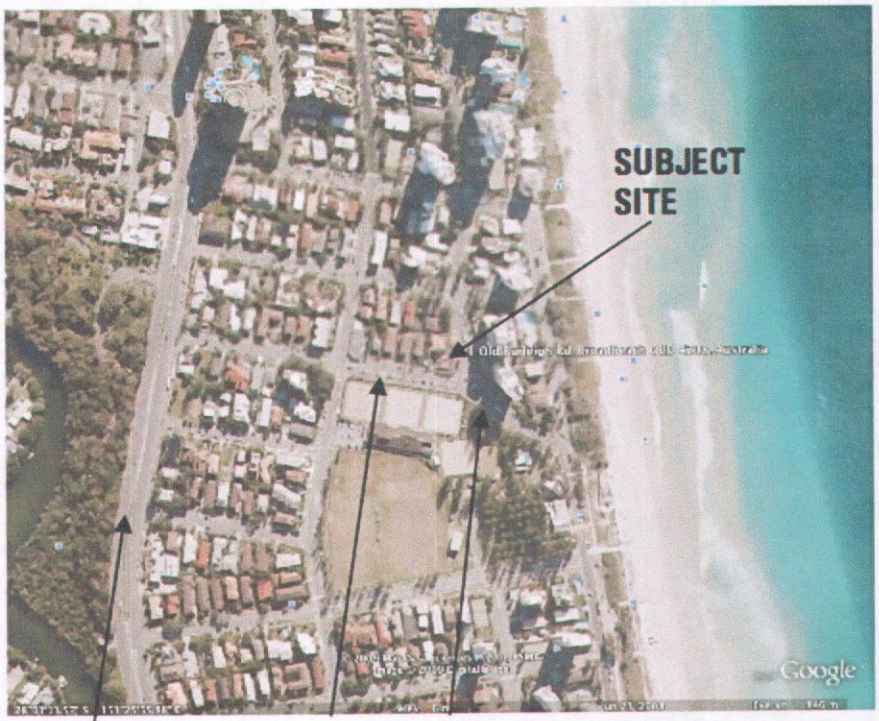
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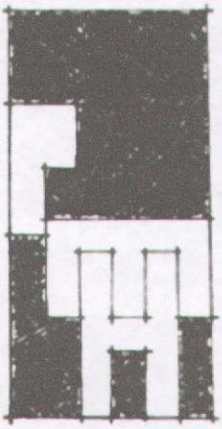
BASE MAP SOURCE: Google Earth, 2009.

APPENDIX ONE – LOCATION PLAN

TENANCY 1, 101 OLD BURLEIGH ROAD, BROADBEACH

LOT 70 B8383

DEVELOPMENT APPLICATION FOR MATERIAL CHANGE IN USE



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APPENDIX TWO - SITE ANALYSIS PLAN

TENANCY 1, 101 OLD BURLEIGH ROAD, BROADBEACH

LOT 70 B8383

DEVELOPMENT APPLICATION FOR MATERIAL CHANGE IN USE

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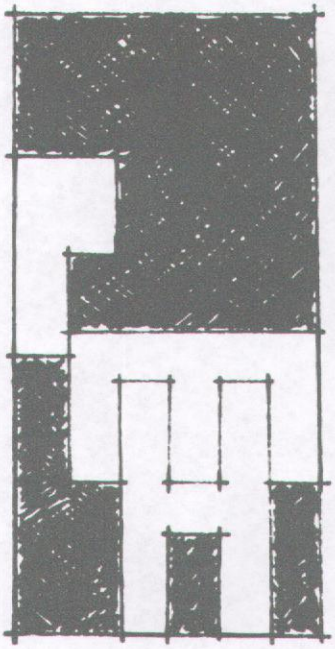
APPENDIX THREE

SITE PHOTOGRAPHS

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PHOTO 1: SUBJECT SITE VIEWED FROM CNR OLD BURLEIGH RD & ARMRICK STREET



PHOTO 2: TENANCY VIEWED FROM ARMRICK AVE

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PHOTO 3: INTERNAL VIEW FROM THE ENTRANCE



PHOTO 4: INTERNAL VIEW OF KITCHEN AREA (PREPERATION AREA OT THE REAR LEFT)

SECTION THREE

DEVELOPMENT APPLICATION FOR MATERIAL CHANGE IN USE

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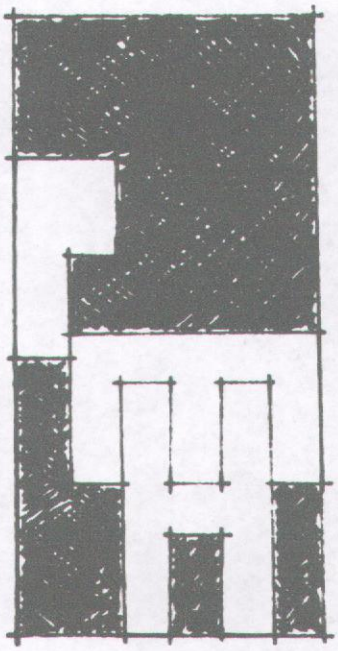
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SECTION 3 – LAND USE AND ECONOMIC NEED

Economic Needs Assessment

COMMENT:

The proposed Use is clearly encouraged by the Town Planning Scheme, including a Code assessable Take Away Food Premises within an existing commercial building. Accordingly, the proposed development is considered consistent with Council's Forward Planning instruments and additional Economic justification is considered not required.



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SECTION FOUR

DEVELOPMENT APPLICATION FOR MATERIAL CHANGE IN USE

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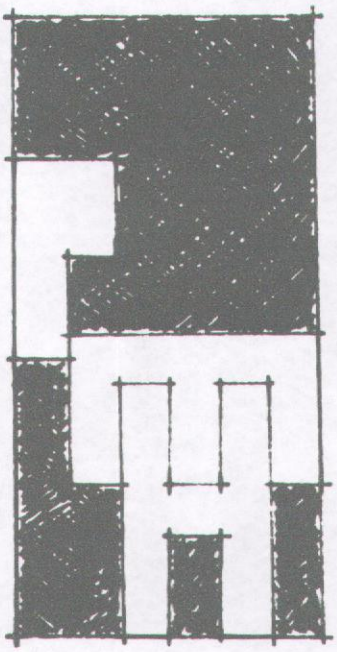
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SECTION 4 - VISUAL AMENITY

Visual Impact Assessment

COMMENT:

The proposed use is to be located within an existing and lawfully established building. Photographs of the building are provided in Section 2.



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SECTION FIVE

DEVELOPMENT APPLICATION FOR MATERIAL CHANGE IN USE

SECTION 5 - CODES

Domain Place Code
Specific Development Codes
Constraint Codes

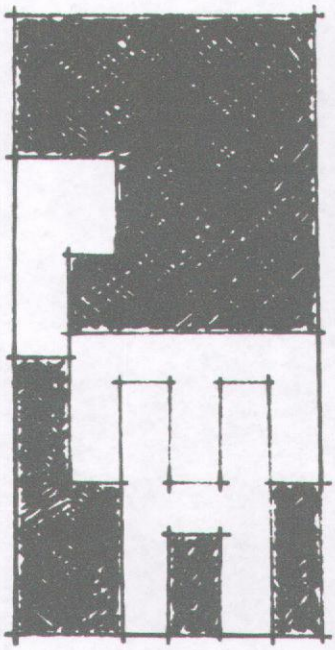
COMMENT:

The proposal has been assessed against the Broadbeach LAP Place Code, the Retail and Related Specific Development Code, and the Car Parking, Access, and Transport Integration Constraint Code. All codes are enclosed for Council perusal.

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Part 6 Local Area Plans
Division 2 Local Area Plans
Chapter 2 Broadbeach

8.0 Broadbeach LAP Place Code

8.1 Purpose

This Place Code seeks to ensure the scale, density, building height, layout and aesthetic appearance and function of all development is consistent with the tourist gateway theme of Broadbeach and the role of Broadbeach as a Regional Activity Centre within the City. These code provisions also aim to ensure that Broadbeach remains a distinctive and recognisable location within the City, where high standards of urban design, architecture and landscaping are promoted and achieved.

8.2 Application

8.2.1 The Broadbeach LAP Place Code applies to development indicated as self, code or impact assessable in the Broadbeach LAP Table of Development at **Clause 6.0** of this LAP.

8.2.1 Performance Criteria PC1-PC45 apply to all code and impact assessable development in this LAP. For development identified as self assessable in **Clause 6.0**, only the Acceptable Solutions to Performance Criteria PC1-PC10 apply.

8.3 Development Requirements

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
Development that is Self Assessable, Code Assessable or Impact Assessable			
Building Height			
Precincts 1, 2, 3, 4, 5, 8, 9 and 10 PC1 The height of buildings is consistent with the role of Broadbeach as a Regional Activity Centre. Building heights reflect the City Image and Townscape Policy objectives to promote the spine of tall buildings along the coastal line.	**Precincts 1, 2, 3, 4, 5, 8, 9 and 10** AS1 The maximum height of buildings in each precinct does not exceed the relevant maximums shown on **Broadbeach LAP Map 2.3 – Maximum Building Height.**	Complies. The Proposed Development is included within a tenancy of an existing single storey commercial building.	
Precinct 1 Hatched Area PC2 Podium associated with a mixed use building is limited in height, whilst providing for an active street frontage to reinforce a town centre streetscape.	**Precinct 1 Hatched Area** AS2 The maximum podium height does not exceed three storeys or 10.5 metres.	Not Applicable. The subject site is located within Precinct 2 – Residential.	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
Precinct 6 PC3 All buildings must be of a height which is in keeping with the character of the surrounding area. Building height must not result in a significant loss of visual amenity.	**Precinct 6** AS3 The building does not exceed 11.5 metres in height and has a maximum of three storeys.	Not Applicable. The subject site is located within Precinct 2 – Residential.	
Precinct 7 PC4 All buildings must be of a height which is in keeping with the prevailing character of the surrounding area. Building height must not result in a significant loss of visual amenity.	**Precinct 7** AS4.1 The building is not more than 8.5 metres in height and has a maximum of two storeys. OR AS4.2 The building is not more than 11.5 metres in height, and has a maximum of three storeys, and is set back at a minimum of ten metres from all site boundaries.	Not Applicable. The subject site is located within Precinct 2 – Residential.	
Dwelling Density			
All Precincts PC5 Densities are consistent with the character of Broadbeach. Accordingly, residential density reflects the planned densities within the LAP to ensure that infrastructure capacities are not exceeded.	**All Precincts** AS5.1 The dwelling density is one dwelling per lot. OR AS5.2 The maximum dwelling density in any precinct does not exceed the relevant accommodation density (RD number) shown for that precinct on **Broadbeach LAP Map 2.4 – Maximum Residential Density**.	Not Applicable. The proposed development includes no residential component.	
Site Coverage			
All Precincts PC6 The site coverage of development is in accordance with the function of the precinct and its relationship with surrounding precincts. The site coverage of all buildings does not result in a built form that is bulky and visually intrusive, nor intrude the Hatched Area in **Precinct 1**.	**All Precincts** AS6 The maximum site coverage for any development does not exceed the following: Precinct 1 Hatched Area — 90% for the first three storeys and 40% thereafter Precinct 1 Balance Area — 75% for the first three storeys and	Not Applicable. The proposed development consists of the formalisation of a use of a tenancy within an existing commercial building.	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
	40% thereafter Precincts 2, 6 & 8 40% Precincts 3, 5, and 9 50% Precinct 4 95% Precinct 7 5% Precinct 10 70%		
Building Setback (First Three Storeys)			
Precincts 1 to 7 PC7 Building bulk is greatest within the first three storeys, graduating to towers above, to ensure that the resulting built form is not bulky and visually intrusive. Setbacks contribute to an interesting streetscape, visual amenity and the perception of spaciousness.	**Precinct 1** AS7.1 The building has a: a) frontage setback achieves an average of 1.5 metres for the first storey and a further 3 metres for the second and third storey in the Hatched Area; b) frontage setback of 2 metres for the first storey and 5 metres for the second and third storey in the Balance Area; c) zero side or rear setbacks up to a height of three storeys. **Precinct 4** AS7.2 a) All buildings are setback at least 10 metres from all road frontages; and b) 3 metres from common boundaries. **Precincts 2, 3, 5 and 6** AS7.3 The building has a minimum: a) 10 metre frontage setback for the first three storeys; b) 1.5 metre setback from side and rear boundaries to that part of a building which is one storey and 2 metres for the second storey and 2.5 metres for the third storey.	Not Applicable. The subject site is located within Precinct 2 – Residential. Not Applicable. The subject site is located within Precinct 2 – Residential. Not Applicable. The proposed development consists of the formalisation of a use of a tenancy within an existing commercial building.	
Precincts 7 to 10 PC8	**Precinct 7** AS8.1	Not Applicable. The subject site is located within Precinct 2 –	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
All buildings and ancillary uses provide for setbacks from the street frontage and the side and rear boundaries which are appropriate for: a) the efficient use of the site; b) the character of the precinct; c) the separation from neighbouring properties and from frontages to roads.	All buildings are set back not less than 10 metres from the frontage of the site and 6 metres from the side and rear boundaries of the site. **Precinct 8** AS8.2 The building has a minimum: a) 6 metre setback from the frontage; b) 1.5 metre setback from side and rear boundaries to that part of a building which is one storey in height; 2 metres for the second storey and 2.5 metres for the partial third storey. **Precinct 9** AS8.3 The building is set back an average of 2 metres from the front property boundary. OR AS8.4 The building aligns with the frontage setbacks of one or more adjoining buildings. AS8.5 The site adjoins a public open space area, and the building or structure is set back a minimum of 2 metres from the common boundary with the public open space, and the setback area includes a landscape buffer area. **Precinct 10** AS8.6 The building or structure is setback not less than: a) 10 metres from the primary frontage of the site; b) 7 metres from the secondary frontage(s). OR	Residential. Not Applicable. The subject site is located within Precinct 2 – Residential. Not Applicable. The subject site is located within Precinct 2 – Residential. Not Applicable. The subject site is located within Precinct 2 – Residential.	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
	AS8.7 The building is aligned with one or more of the buildings on adjoining sites. AS8.8 The site adjoins a residential lot or public open space area, and the building or structure is set back a minimum of 3 metres from the common boundary, with the residential lot or public open space, and the setback area includes a landscape buffer area consisting of dense screen planting.		
All Precincts PC9 All buildings provide for setbacks from water courses/waterways which are appropriate to ensure the protection of water quality in those watercourses and riparian vegetation associated with those watercourses.	**All Precincts** AS9 All buildings are setback not less than 30 metres from the tip of the high bank of a waterway as identified on **Overlay Map OM11 – Natural Wetland and Waterway Areas** (where no definable bank is present, the setback is to be measured from the normal water level).	Not Applicable. No relevant waterways are in proximity to the subject site.	
Vehicular Crossings			
All Precincts PC10 Vehicular crossings associated with the development are designed and constructed to ensure: a) a safe footpath environment; b) safe vehicular access to the property; c) appropriate hydraulic performance of the stormwater infrastructure; d) no damage to vehicle or road infrastructure; e) minimal loss of on-street parking spaces; f) continued amenity of the neighbourhood.	**All Precincts** AS10 Driveways are designed and constructed in accordance with relevant sections of **Planning Scheme Policy 11 – Land Development Guidelines**.	Complies. The proposed development consists of the formalisation of a use of a tenancy within an existing commercial building. The proposed use shall continue to utilise the existing crossover into Armrick Avenue servicing the existing car park. No additional access or upgrades are proposed, notwithstanding relevant standard conditions of approval in this regard are anticipated.	

Development that is Code Assessable or Impact Assessable

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
Building Setback (Above Three Storeys)			
Precincts 1 to 6 PC11 The upper storeys of buildings do not cause adverse impact on neighbouring sites. The development opportunities of neighbouring sites are to be considered when assessing impacts of development.	**Precincts 1 and 4** AS11.1 Above three storeys, the tower is setback at least 3 metres from all podium edges which have a street frontage; AS11.2 The tower is setback 2 metres from inside the podium edge for the initial two storeys plus 0.5 metres for every 3 metres (or part thereof) measured to the outermost projection of the remainder of tower. **Precincts 2, 3, 5 and 6** AS11.3 All towers have their upper storeys setback from the lot boundaries consistent with the following distances: a) a minimum of 13 metres from the frontage; b) for side and rear boundary setbacks, 3 metres plus 0.5 metres for every three metres (or part thereof) of that part of the tower above podium.	Not Applicable. The subject site is located within Precinct 2 – Residential. Complies. The Proposed Development is included within a tenancy of an existing single storey commercial building including no tower.	
Precincts 1 to 6 PC12 All buildings without podiums provide for setbacks from the street frontage and the side and rear boundaries, having regard to: a) the efficient use of the site; b) the streetscape character of the local area; the existing and future built form of he adjoining sites; and c) the separation from neighbouring properties and from road frontages.	**Precincts 1 to 6** AS12 The building is setback not less than 13 metres from the frontage of the site and setback from the side and rear boundaries are not less than: a) 3 metres to the outermost projection of that part of the building that is 4.5 metres or less above ground level; b) 2 metres to the outermost projection of that part of the building that is greater than 4.5 metres but not exceeding 7.5 metres above ground level; and c) 2 metres plus 0.5 metres for every 3	Not Applicable. The proposed development consists of the formalisation of a use of a tenancy within an existing commercial building.	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
	metres or part thereof measured to the outermost projection of that part of the building that is more than 7.5 metres above ground level.		
Frontage Controls			
All Precincts PC13 Building setbacks, building and frontage design contribute to an interesting street perspective and to the visual amenity of Broadbeach.	**All Precincts** AS13.1 Lengths of wall in excess of 15 metres are not provided on the same alignment. AS13.2 Ancillary structures of the building (including awnings, unenclosed decks, terraces and balconies fronting the street), do not extend beyond the front property boundary of the site. AS13.3 Where the site adjoins a residential lot or public open space, all buildings or structures are sited at a minimum of two metres from any boundary of a site.	Not Applicable. The proposed development consists of the formalisation of a use of a tenancy within an existing commercial building. It should be noted that the previously approved building was sited and built prior to the development of the adjoining residential buildings to each side.	
All Precincts PC14 All commercial or mixed use buildings are designed to achieve a continuous active frontage for the local business centre, with ample space for pedestrian traffic.	**All Precincts** AS14 Where a mixed use building is proposed, residential uses are located above the ground floor and/or to the rear of the development.	Not Applicable. The proposed development consists of the formalisation of a use of a tenancy within an existing commercial building with no residential component.	
Precinct 1 PC15 The arrangement of commercial uses in individual developments encourage a vibrant and active street frontage on ground level.	**Precinct 1** AS15.1 At least 50% of the street frontage is dedicated to retail, and entertainment. AS15.2 Commercial activities are located within the first three storeys of a building. AS15.3 The street frontage at ground level is	Not Applicable. The subject site is located within Precinct 2 – Residential.	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
	predominantly a glass wall. AS15.4 Major developments provide functional internal pedestrian circulation and linkage at ground level with a minimum width of 15 metres. Pedestrian thoroughfares clearly link to external pedestrian networks.		
Siting			
All Precincts PC16 All buildings are sited to complement the town centre character and the built form of the surrounding area, and to reduce potential conflicts between uses having regard to a site analysis, prepared in accordance with **Planning Scheme Policy 17 – Site Analysis**.	**All Precincts** AS16 No acceptable solution provided.	Complies. Please note the Site Analysis Plan submitted in support of the Development Application demonstrating the separation of the proposed use from any surrounding residential sites, being orientated toward the bowls club and its suitability due to location of the existing commercial building and the location of various other non-residential uses.	
All Precincts PC17 The layout of the site provide a clear separation between the public access areas and the areas set aside for servicing the building.	**All Precincts** AS17 No acceptable solution provided.	Complies. The site layout is existing due to the existing building, though the public access to the front of the shop is well separated from the operational areas of the use, in the rear of the store.	
Building Appearance			
Precinct 1 PC18 The design of all buildings in Precinct 1 contribute to the creation of a distinctive, vibrant, cosmopolitan and leisure-oriented centre. This will be achieved through the development of high quality iconic structures, which contribute to a lively streetscape, and complement developments on adjoining sites. All new development address the street frontage and other public areas, and form an attractive and functional component of the	**Precinct 1** AS18.1 Development utilises high quality materials and finishes, which are detailed and distinctive, having regard to form, texture, colour, scale and quality complementary to those of adjoining buildings. AS18.2 Buildings exhibit a variety of façade treatments which incorporate elements such as wide colonnades, verandas, awnings, balconies and eaves, recesses, screens and	Not Applicable. The subject site is located within Precinct 2 – Residential.	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
centre as a whole.	shutters. AS18.3 Within the Hatched Area, awnings are provided above all public footways. AS18.4 Within the Balance Area, footpath awnings may be provided as long as public benefit can be demonstrated. AS18.5 In all cases footpath awnings are designed to complement and integrate with the building design. AS18.6 Arcade links are to be integrated with the building design and streetscape that provide a high standard of public benefit.		
All Precincts PC19 All buildings are designed and constructed to a high aesthetic standard to complement and enhance the character of Broadbeach.	**All Precincts** AS19.1 All development is oriented so as to address the street frontage and complement public areas. AS19.2 Walls in excess of 15 metres in length along a single plane or elevation are avoided, unless such walls are punctuated by: a) balconies, awnings, eaves; b) a variety of building materials to avoid design repetition; and c) variation such as stepping, curving, angling with the wall planes. **Precinct 9** AS19.3 The building facade is detailed with a generous glazed shopfront, unobstructed by signage or opaque surface finishes. **Precinct 10** AS19.4	Complies. The existing building is located on the corner of Old Burleigh Road and Armrick Avenue and is orientated toward both frontages. Complies. The proposed development consists of the formalisation of a use of a tenancy within an existing commercial building of a single storey of exposed brickwork construction. The façade to Armrick Avenue in only 13 metres, though is punctuated by large windows, access and signage. Not Applicable. The subject site is located within Precinct 2 – Residential. Not Applicable.	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
	The facade of the industrial building is constructed of masonry, colorbond, concrete, glass or similar materials. AS19.5 The building facade is not greater than 50% of constructed iron, galvanised iron or steel. AS19.6 The building does not have glass exceeding a maximum degree of reflection of both heat and light of 20%.	The subject site is located within Precinct 2 – Residential.	
All Precincts PC20 Buildings are designed to accentuate the importance of their location and climate through architectural expression and/or landscape treatments, including, but not limited to, increased size of wall openings, building form, roof overhangs, entrance location and orientation, and decorative treatments.	**All Precincts** AS20 No acceptable solution provided.	Complies. Whilst the proposed development consists of the formalisation of a use of a tenancy within an existing commercial building constructed of exposed brickwork and tiled roof, the Old Burleigh frontage includes large covered eating areas to activate the building. The subject tenancy is provided with large openings and windows for access and is clearly identifiable.	
All Precincts PC21 The building consists of sustainable and durable materials, patterns, textures and colours which contribute to the enhancement of its streetscape and require low maintenance.	**All Precincts** AS21 No acceptable solution provided.	Complies. Whilst the proposed development consists of the formalisation of a use of a tenancy within an existing commercial building constructed of exposed brickwork and tiled roof, the current uses utilise outdoor areas and extensive signage and windows to open the building to the street surrounding.	
All Precincts PC22 Development along any road adjacent to or adjoining a public open space area contribute to the enhancement of open space and landscaped character of the streetscape.	**All Precincts** AS22 No acceptable solution provided.	Complies. Whilst the proposed development consists of the formalisation of a use of a tenancy within an existing commercial building constructed of exposed brickwork and tiled roof, the current uses utilise outdoor areas and extensive signage and windows to open the building to the street surrounding. The subject tenancy includes a planter box and cantilevered awning covering the footpath.	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
All Precincts PC23 Rooftop areas are designed to promote an aesthetic and diverse presentation from all public and private realms.	**All Precincts** AS23 The rooftop areas of all buildings are designed to: a) present an attractive building form which integrates well with the main building composition; b) screen all rooftop machinery, including lift and plant rooms, services and communication devises, from view from public spaces and any adjacent buildings; c) provide rooftop terraces to take advantage of views where appropriate.	Complies. The existing roof includes a variance in existing roof shape which hides the plant and machinery internally.	
All Precincts PC24 Buildings address all street frontages and clearly identify the main point of entry.	**All Precincts** AS24.1 Buildings have their most important facades and main public entrances close to, and directly facing, the principal street frontage. AS24.2 Where development is located on a corner site, the main entrance faces the principal street, or the corner, in preference to facing a secondary street and the development addresses that corner in a manner that positively contributes to a lively and interesting streetscape.	Complies. The existing building is located on the corner of Old Burleigh Road and Armrick Avenue and is orientated toward both frontages with identifiable and easily accessible openings to each tenancy. The building includes cantilevered awnings over both sides providing sheltered access for pedestrians and large umbrellas on the next tenancy which includes outdoor dining, activating the street interface.	
All Precincts PC25 Building design and appearance is conducive to the safety and comfort of all building users, as well as to users of all adjoining spaces.	**All Precincts** AS25.1 Glass which forms all or part of any external wall of a building does not exceed a maximum degree of reflection of both heat and light of 20%. The glass area does not exceed 60% of the total area of the external wall. AS25.2 The façade(s) facing public spaces contains two-way transparency and/or openings to facilitate casual surveillance. AS25.3	Complies. Glass does not cover 60% of the walls. Any Council requirements in this regard may be included in reasonable and relevant conditions of approval. Complies. The façade does not overlook public spaces though is transparent to encourage casual surveillance. Complies.	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
	All commercial buildings provide awnings which are cantilevered or suspended at a minimum width of 1.8 metres over the adjoining footway within the road reserve area. AS25.4 Equipment that has potential to create noise is designed and positioned to minimise the penetration of noise to dwelling units on the premises and to residential premises external to the site.	The subject site includes an awning as required, already existing. Complies. Cold room fridge is located internally with no other plant making noise.	
All Precincts PC26 All car park areas are designed and constructed to service the needs of all users of the development and to complement the character of the local area.	**All Precincts** AS26.1 Car park areas, other than that for people with disabilities, provided at ground level are located behind dwellings or recessed behind the dwelling frontage. AS26.2 Basement car parking remains level with adjoining existing built ground levels and where sloping conditions prevail, the basement car park is setback a minimum of 3 metres from property boundaries. AS26.3 Any multi-deck car parking is screened from all adjoining public spaces utilising habitable space. AS26.4 Building materials, patterns, textures and colours used in garage and carport structures are complementary to those of the principal building on the site.	Complies. The proposed use intends to utilise a tenancy within an existing and lawfully established commercial building and existing car park located at the rear of the site, with access into the second frontage of Armrick Avenue. Any Council requirements in this regard may be included in any reasonable and relevant Conditions of Approval. Not Applicable. No basement car parking is proposed. Not Applicable. No additional car parking is proposed other than in relation to the existing car park to the rear. Not Applicable. No additional car parking is proposed other than in relation to the existing cr park to the rear.	
Precincts 2, 4, 5, 6, 7, 8 and 10 PC27 Development along the banks of the Little Tallebudgera Creek enhance the visual	**Precincts 2, 4, 5, 6, 7, 8 and 10** AS27.1 Development includes public access to Little Tallebudgera Creek.	Not Applicable. The subject tenancy is not in proximity to Little Tallebudgera Creek.	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
amenity of the Broadbeach waterways and give consideration to its open space, nature conservation, outdoor recreation, landscape values and public safety.	AS27.2 Development contains decorative and flood lighting within buildings and landscaped open spaces to Little Tallebudgera Creek.	Not Applicable. The subject tenancy is not in proximity to Little Tallebudgera Creek.	
Advertising Devices			
All Precincts PC28 All signage is complementary to the design and style of the buildings on the site on which it is located and to signs and development on adjoining sites. Signage does not dominate the frontages of major roads in the Broadbeach LAP area, as the maintenance of an attractive and cohesive entrance to the City is of paramount importance. The development of innovative and distinctive signs that clearly identify the service or business being promoted is encouraged.	**All Precincts** AS28.1 Signs erected in each precinct which includes a commercial component contain signage envelopes on the exterior of the frontages of the building structure to enable the signage requirements of each individual business operation to be satisfied. Such signage envelopes allow for signs which do not dominate the facade and complements the design of the building and existing vistas. AS28.2 Developments include clear legible direction and information signs. AS28.3 Freestanding signs within all precincts complement the design of the buildings to which they relate, do not dominate the streetscape of a locality, are compatible with signage on adjoining sites and clearly identify the product or business being promoted. AS28.4 Where a site contains more than one business premises, only one freestanding multi-tenant sign is utilised per street frontage. **Precincts 1, 4, 5 and 6** AS28.5 All signs are to be subtle and elegant, and must complement vistas consistent with the provisions for Integrated Business Domain set out in **Specific Development Code 2 – Advertising Devices**.	Complies. All existing signage shall be maintained and assessed as part of any additional Operational Works Applications, if required, following approval of this Development Application where relevant. No additional advertising Devices are proposed.	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
	Precincts 2, 3, 7 and 8 AS28.6 All signs are consistent with the provisions for the Tourist and Residential Domain set out in **Specific Development Code 2 – Advertising Devices**. **Precinct 7** AS28.7 All signs are consistent with the provisions for the Public Open Space Domain set out in **Specific Development Code 2 – Advertising Devices**. **Precinct 9** AS28.8 All signs are to be consistent with the provisions for the Local Business Domain set out in **Specific Development Code 2 – Advertising Devices**. **Precinct 10** AS28.9 All signs are to be consistent with the provisions for the Low Impact Industry Domain set out in **Specific Development Code 2 – Advertising Devices**.		
Landscape Work			
All Precincts PC29 All landscape works within front setbacks adjacent to and/or within road reserve areas are to reinforce the intent of the **Broadbeach LAP Map 2.5 – Streetscape Framework Plan** and the following: a) All landscape works fronting or within a **Primary Streetscape Corridor** achieves a formal urban landscape character promoting activity on the street, providing a vibrant and functional pedestrian environment, framing and enhancing	**All Precincts** AS29.1 Landscape works in road reserves of **Primary Streetscape Corridors** include: a) Primarily hard surfaced road verges designed with consistent feature pavement treatment. Pavement patterns utilise materials and colours that do not result in a visually cluttered ground level plane. Intersections and roundabouts incorporate streetscape embellishments; b) Widened areas of footpaths where possible increasing pedestrian space and	Not Applicable. The proposed development consists of the formalisation of a use of a tenancy within an existing commercial building and shall maintain the existing landscaping provisions. All existing landscaping shall be maintained.	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
view and street corridors; b) All landscape works fronting or within a **Secondary Streetscape Corridor** achieves a semi - formal urban landscape character supporting activity on the street whilst being appropriate to the uses adjacent, providing a pleasant and functional pedestrian environment and enhancing view and street corridors; c) All landscape works fronting or within a **Neighbourhood Streetscape Corridor** achieves an informal landscape character supporting the uses adjacent to the street, providing a leafy and functional pedestrian environment and enhancing views and street corridors; d) All landscape works fronting the **Gold Coast Highway Streetscape Frontage Corridor** achieves a streetscape which identifies the extent of Broadbeach within the context of the north/south highway's arterial role.	outdoor dining; c) Shrub planting and garden beds provide visual amenity whilst defining alfresco dining areas, public space and directing and enhancing pedestrian movement; d) Street trees are of a consistent form and growth habit, planted in a formal configuration defining the street edge, enhancing views along street corridors and providing visual amenity to the street environment; e) Street furniture (including signage) is of a consistent character promoting an active and vibrant streetscape environment including incorporation of public art where appropriate. AS29.2 Landscape works in road reserves of **Secondary Streetscape Corridors** include: a) Feature areas of hard surfaced road verges and footpath areas combined with soft landscape treatment and turf. Pavement surfaces are designed with consistent pavement treatment in feature nodes such as intersections and resting places. Pavement patterns utilise materials and colours that do not result in a visually cluttered ground level plane; b) Shrub planting and garden beds provide amenity whilst defining public space such as outdoor dining, intersections/resting places and directing pedestrian movement; c) Street trees are consistent in form and growth habit, planted in a semi-formal configuration predominately along the street edge enhancing views along street corridors and providing visual amenity and shade to the street environment; d) Selective location of street furniture of a consistent character supports the uses adjacent to the street.		

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
	AS29.3 Landscape works in road reserves of **Neighbourhood Streetscape Corridors** include: a) Primarily turfed road verge areas complemented by pedestrian pathways designed with consistent pavement treatment. Feature pavement treatment is located in areas where pedestrian movement is to be defined and directed such as intersections and resting places; b) Shrub planting is limited to feature nodes only; c) Street trees are a consistent form and growth habit, planted along the verge edge providing visual amenity and shade to the street environment; d) Street furniture limited to traffic infrastructure items (including signage). AS29.4 Landscape works in road reserves of the **Gold Coast Highway Streetscape Frontage Corridor** include where appropriate: a) Definition of entry points and external links creating a visually cohesive strip of highway fronting Broadbeach; b) Integrated signage identifying major vehicular and pedestrian routes and points of entry; c) Street planting within road verge areas and median strips creating a visually cohesive highway strip; d) Street furniture, lighting and streetscape embellishments reinforcing the legibility of the pedestrian experience. AS29.5 Landscape works in road reserve areas are designed in accordance with the **Broadbeach Streetscape Masterplan**.		
All Precincts	**All Precincts**		

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
PC30 Extensive areas of visible ground and above ground level landscaping is provided to a standard that promotes a pleasant, attractive and functional environment consistent with the character of Broadbeach.	AS30.1 Incorporate landscape and associated work where located at street level, on top of the podium levels or on terraces, balconies and decks. AS30.2 In ground level open car park areas, landscaped bays for the planting of shade trees are provided throughout car parking areas. Landscape bays have the same dimensions as a vehicle parking space. Any portion of a car parking area that is not utilised for parking bays, access aisles or any other essential purpose is utilised for soft landscaping.		
Lot Size			
All Precincts PC31 All allotments are of sufficient area and dimensions to accommodate buildings designed to the criteria in this LAP.	**All Precincts** AS31.1 The minimum lot size for each precinct is as follows:	Not Applicable. No ROL component is proposed	
	Precinct / **Minimum allotment size not less than** 1, 3, 4, 5, 6, 7, 9 and 10 — 1,000m^2 2 — 600m^2 8 — 400m^2		
	All Precincts AS31.2 The minimum frontage of land proposed to be used for non-residential or commercial purposes is 15 metres.		
Amenity Protection			
All Precincts PC32 The proposed use does not detract from the	**All Precincts** AS32 No acceptable solution provided.	Complies. The proposed development has only a single storey building height and is well setback	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
amenity of the local area, having regard, but not limited, to the impact of: a) noise; b) hours of operation; c) traffic; d) lighting; e) signage; f) visual amenity; g) privacy; h) odour and emissions.		from the street and accordingly is not considered to be visually detrimental. As an existing and previously approved commercial building which has regularly included Take-Away Food Premises within its teancies, it is considered that the proposed development includes little potential impact with regards to noise, odours, operating hours, traffic, lighting, and signage. This is evident as it is operating in a similar manner over the last 30 years and since 1987, in relation to a Take-Away Food Premises Use. This is particularly the case given the somewhat eroded amenity due to the relatively large traffic volumes and the other surrounding non-residential uses.	
All Precincts PC33 The proposed development takes into account and seek to ameliorate any negative aspects of the existing amenity of the local area, having regard, but not limited, to the existing impact of: a) noise; b) hours of operation; c) traffic; d) lighting; e) signage; f) visual amenity; g) privacy; h) odour and emissions.	**All Precincts** AS33 No acceptable solution provided.	Complies. The proposed development consists of the formalisation of a use of a tenancy within an existing commercial building which has been operating on the site over 30 years. The Take Away Food Premises Use was previously approved on the site, the approved use having previously ceased. The use is able to operate with no impact from the surrounding residential and non-residential uses.	
Plot Ratio			
All Precincts PC34 The bulk of the development proposal is proportional to the character of the local area,	**All Precincts** AS34.1 The basic plot ratios described for each precinct in the **Table to Performance**	Not Applicable. The proposed development consists of the formalisation of a use of a tenancy within an existing commercial building.	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
with some bonus in floor space available where identified public benefits are provided. Building bulk will generally be greater within the **Precinct 1** and **Precinct 4** with a lesser building bulk being permitted in peripheral commercial and tourist accommodation precincts where development is intended to be less intensive. The intent of this section is to allow for a built form which addresses the street at ground level, with tall, narrow structures above third floor level, to enable sunlight penetration and views to be achieved.	**Criterion PC34** are not exceeded. OR AS34.2 The basic plot ratio is exceeded by the incorporation of bonus element, in a development consistent with the provisions of **Policy 18 – Using the Urban Design Bonus Provisions**, provided that the maximum plot ratios described for each precinct in the **Table to Performance Criterion PC34**, are not exceeded.		

Table to Performance Criterion PC34 – Plot Ratio Controls by Precinct

Precinct 1 and 4 a) the basic plot ratio is 4:1 b) the maximum plot ratio is 6.5:1	**Precincts 7, 9 and 10** a) no plot ratio applies
Precincts 2, 3, 5 and 8 a) the basic plot ratio is 2:1 b) the maximum plot ratio is 4:1	

Access Provisions			
All Precincts PC35 Development helps to achieve a town centre that accommodates uses, facilities and buildings of a type and scale appropriate to the centre's desired role and character. Street patterns, lots, urban spaces, buildings and uses must be developed to: a) facilitate convenient and safe access; b) provide clear, safe and convenient connections to existing and/or proposed streets, public transport routes and paths for pedestrians and cyclists;	**All Precincts** AS35.1 All buildings on land adjoining or directly affected by the **Broadbeach LAP Map 2.5 – Streetscape Framework Plan** are to provide through links for pedestrians as part of any building or development. AS35.2 Pedestrian links through, or as part of, any building are at least ten metres wide, optimise visibility of the destination point, have appropriate signage, and are designed to be secure, safe, attractive and available for public use 24 hours a day, seven days a	Not Applicable. The site is not on land adjoining or directly affected by the Broadbeach LAP Map 2.5 – Streetscape Framework Plan. Not Applicable. The proposed development consists of the formalisation of a use of a tenancy within an existing commercial building and no additional pathways are proposed.	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
c) allow for the location of buildings close to frontages of streets and other urban spaces, in order to facilitate navigation, access and casual surveillance of public and semi-public spaces.	week.		
All Precincts PC36 Development achieves a high standard of accessibility for vehicles, pedestrians and cyclists.	**All Precincts** AS36.1 New development contributes to: a) developing off-street car parking facilities; b) encouraging the development of a pedestrian walkway system, based on a network of shopping arcades, open space links and widened footpaths, throughout the central area; c) improving vehicular traffic flows and reducing conflicts between local and through traffic; d) reducing pedestrian/vehicular conflict by provision of a system of rear vehicular access lane ways. AS36.2 Pedestrian facilities are provided in exchange for plot ratio bonuses.	Not Applicable. The proposed development consists of the formalisation of a use of a tenancy within an existing commercial building and shall utilise existing car parking and existing bicycle facilities. Not Applicable. The proposed development consists of the formalisation of a use of a tenancy within an existing commercial building.	
All Precincts PC37 Conflicts between pedestrians and vehicles at entrance points to parking areas are minimised.	**All Precincts** AS37.1 The number of vehicle entry points to a development site is kept to a minimum, particularly in areas that have high volumes of pedestrian traffic. AS37.2 Entrance points to parking and loading areas have clear and unobstructed visibility of pedestrian pathway areas with pedestrian crossing points clearly identified which give priority to pedestrians. AS37.3 Rear lanes and/or streets with lesser pedestrian activity are used for access to	Complies. The proposed use intends to utilise a tenancy within an existing and lawfully established commercial building and existing car park located at the rear of the site, with access into the second frontage of Armrick Avenue. This car parking includes existing screened refuse bins areas. Any Council requirements in this regard may be included in any reasonable and relevant Conditions of Approval.	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
	basements and parking areas on sites which have more than one street frontage. AS37.4 Footpaths are provided along the site frontages to all public streets at the developer's expense.	Complies. Footpaths already exist to both street frontages.	
Car Parking			
All Precincts PC38 Adequate on-site car parking facilities are to be provided for new developments to ensure that access can be gained to commercial and residential properties and that the demand for on-street car parking facilities is consistent with the supply of such facilities.	**All Precincts** AS38.1 Car parking is provided, consistent with the requirement from **Constraint Code 4 – Car Parking, Access and Transport Integration**. AS38.2 Car parking required for commercial activities is open to the public.	Complies. The proposed use intends to utilise a tenancy within an existing and lawfully established commercial building and existing car park including six car parking spaces located at the rear of the site, with access into the second frontage of Armrick Avenue. This car parking includes existing screened refuse bins areas. Any Council requirements in this regard may be included in any reasonable and relevant Conditions of Approval.	
Precinct 1 PC39 Ground level and above ground level car parking is to be minimised, with underground car parking facilities to be used where possible.	**Precinct 1** AS39.1 All car parking (with the exception of visitor and service delivery parking) is provided in consolidated areas behind buildings or underground. AS39.2 Car parking is provided at the following rates: a) one space per $30m^2$ of GFA or part thereof, for the following uses: ▪ Café ▪ Child Care Centre ▪ Commercial Services ▪ Convenience Shop ▪ Fast Food Premises ▪ Laundromat ▪ Medical Centre ▪ Nightclub ▪ Office	Not Applicable. The subject site is located within Precinct 2 – Residential.	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
	▪ Reception Room ▪ Restaurant ▪ Service Industry ▪ Shop ▪ Showroom ▪ Take-Away Food Premises ▪ Tavern ▪ Tourist Facility ▪ Tourist Shop; b) all other development has car parking provided in accordance with AS16.1 of **Constraint Code 4 – Car Parking, Access and Transport Integration.**		
All Precincts PC40 All ground level car parking, open space and buffer areas are suitably landscaped and maintained to provide an attractive and pleasant outlook and shade for parked vehicles, and to complement the character of the local area and any adjoining residential or public open space areas.	**All Precincts** AS40.1 The car park area, open space and buffer areas of the lot are designed with an appropriate landscape character consistent with the character of Broadbeach. The landscape design may incorporate some paved areas and shade trees for pedestrian and car parking use. AS40.2 Significant trees are preserved and incorporated into car parking areas, where reasonably possible. AS40.3 Car parking areas, service areas and access driveways are located where they will not dominate the streetscape and not detract from convenient and safe pedestrian and vehicular movement. AS40.4 All sites, located within **Primary Streetscape Corridor** on **Broadbeach LAP Map 2.5 – Streetscape Framework Plan**, do not provide major vehicular access points (other than passenger pick up and set down areas) on such frontages, where alternative access	Complies. The proposed use intends to utilise a tenancy within an existing and lawfully established commercial building and existing car park including six car parking spaces located at the rear of the site, with access into the second frontage of Armrick Avenue. This car parking area retains existing fencing and landscaping. Any Council requirements in this regard may be included in any reasonable and relevant Conditions of Approval.	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
	may be achievable from a **Secondary Streetscape Corridor** on **Broadbeach LAP Map 2.5 – Streetscape Framework Plan**. AS40.5 The site has no vehicular access, and cash in lieu of car parking is provided.		
Public Convenience Facilities Within Buildings			
All Precincts PC41 Commercial developments are to include public convenience facilities, where there is a need for their provision.	**All Precincts** AS41.1 Where provided, public toilet facilities are open and readily accessible to the general public during retail trading hours or other trading hours relevant to the development. AS41.2 Public convenience facilities provide equitable access.	Complies. Toilets are provided for staff and visitors to the site at ground level and at grade.	
Building Services			
All Precincts PC42 Adequate facilities for commercial and mixed use buildings for the loading and unloading of goods are provided to meet the needs of the development.	**All Precincts** AS42 A loading area is provided on site that is separated from the public access areas and readily accessible from all commercial tenancies on the site.	Complies. The existing and previously approved loading bay is located in Armrick Street and signed and linemarked.	
All Precincts PC43 Adequate facilities for servicing the development with a refuse disposal service are provided to meet the needs of the development.	**All Precincts** AS43.1 Provision is made for the storage of refuse on site and suitable access for the removal of refuse. AS43.2 All outdoor storage or refuse disposal areas are screened from public view.	Complies. The car parking area includes previously approved refuse storage areas which are screened as shown in the proposal plans.	
All Precincts PC44 Council's water, sewerage, open space and transport infrastructure are capable of serving	**All Precincts** AS44 The application is supported by an engineering report that indicates the:	Complies. The proposed use intends to utilise a tenancy within an existing and lawfully established commercial building and no additional fixtures	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
the proposed development to the appropriate standards.	a) proposed development is able to be adequately serviced; b) extent of any upgrading that is required to serve the proposed development; c) method of paying for any additional infrastructure required by the development.	or demand are required or proposed.	
All Precincts PC45 Development resulting in a net increase in demand for recreation facilities contribute to recreation facilities infrastructure to the extent that there is no reduction in the existing desired standards of service.	**All Precincts** AS45 Contribution made towards infrastructure for recreation facilities is in accordance with the **Priority Infrastructure Plan**.	Complies. The proposed use intends to utilise a tenancy within an existing and lawfully established commercial building which originally established this use. As the use ceased, it is now being re-established, with no additional demand proposed than what was originally proposed.	

Part 7 Codes

Division 2 Specific Development Codes

Chapter 27 Retail and Related Establishments

1.0 Purpose

This code seeks to ensure that Retail and Related Establishments, including a shop, a shopping centre development, take-away food premises, fast food premises, convenience shop, showroom, tourist shop, cafe, restaurant or service industry (Group A), are designed to make a positive contribution to the character of the area in which they are located and meet the needs of their catchment area.

This code also seeks to promote development that is more sustainable. This is to be facilitated through the design and provision of water and sewerage infrastructure to and within allotments that:

- reduces consumption of potable water by implementing measures that enable the sustainable use of recyclable water for non-potable uses;
- is cost effective over its life cycle; and
- minimises the potential for stormwater and ground water to enter the City's wastewater system.

2.0 Application

2.1 This code applies to development for the purposes of Retail and Related Establishments indicated as self, code or impact assessable in the Table of Development of the domain or Local Area Plan (LAP) within which Retail and Related Establishments are proposed.

2.2 Performance Criteria PC1-PC10 apply to all code and impact assessable development subject to this code. For development identified as self assessable, only the acceptable solutions to Performance Criteria PC1-PC7 apply.

3.0 Development Requirements

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
Development that is Self Assessable, Code Assessable or Impact Assessable			
Building Comfort and Amenities			
PC1 All buildings must be conducive to the comfort of all building users.	AS1.1 The building does not contain glass exceeding a maximum degree of reflection of both heat and light of 20%. AS1.2 The glass area of the building does not exceed 60% of the total area of the external wall.	Not Applicable. The proposed use intends to utilise a tenancy within an existing and lawfully established commercial building. No external Building Works are proposed.	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
	AS1.3 The building is located within a commercial area and provides awnings which are cantilevered or suspended a minimum width of 1.5 metres over the adjoining footway within the road reserve area for the full frontage of the building.	Complies. The subject tenancy includes a cantilevered awning to the street frontage.	
Building Services			
PC2 Where a building exceeds two storeys in height a high level of convenience must be experienced by building users.	AS2.1 The building exceeds two storeys in height, and escalators provide access, in both directions, to all storeys.	Not Applicable. The existing building is a single storey in height.	
Landscape Buffers			
PC3 All buildings and ancillary structures must ensure that a reasonable standard of amenity is maintained for any adjoining residential activities or parkland.	AS3 The site adjoins a residential lot or public open space area, and the building or structure is set back a minimum of two metres from the common boundary with the residential lot or public open space, and the setback area includes: a) a landscape buffer area consisting of screen planting at least 1.8 metres in height; b) screen fences at least 1.8 metres in height.	Not Applicable. The proposed use intends to utilise a tenancy within an existing and lawfully established commercial building. No external Building Works or Landscaping are proposed. All existing Landscaping shall be retained.	
Building Services – Refuse Storage			
PC4 Refuse storage areas must be designed and located to provide convenient access for collectors, while being screened from view and positioned to avoid nuisance to neighbours.	AS4 The refuse storage area is located within the required setback to the frontage or rear of the site, and is designed as follows: a) no closer than three metres to any frontage and 1.5 metres to any other site boundary; b) enclosed on three sides with a screen wall extending 0.2 metres above the height of the refuse receptacles;	Complies. The proposed use intends to utilise a tenancy within an existing and lawfully established commercial building and existing car park. This car parking area includes existing and previously approved screened refuse bins areas. Any Council requirements in this regard may be included in any reasonable and relevant Conditions of Approval.	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
	c) screened by dense planting and mounding.		
Car Park Areas and Visual Amenity			
PC5 All car parking areas must not be visually intrusive or the dominant feature of any individual development.	AS5 The car park area is provided at ground level, and is located to the side or the rear of the main building on the site.	Complies. The proposed use intends to utilise a tenancy within an existing and lawfully established commercial building and existing car park located at the rear of the site, with access into the second frontage of Armrick Avenue.	
Access			
PC6 The design and arrangement of access, car parking and vehicle movements on the site must facilitate the safe and convenient use by guests and visitors.	AS6.1 Public access areas of the site are clearly separated from any area set aside for servicing the building. AS6.2 Vehicular access to the site is separate from pedestrian access, and the location of any car park areas is clearly integrated with the public access points of the building.	Complies. Public Access is located to the street frontage, with operations provided at the rear of the site.	
Public Convenience Facilities			
PC7 All developments which cater for larger numbers of persons or for the general public must provide public convenience facilities within buildings.	AS7.1 Public toilet facilities are accessible during the trading hours of the relevant use. AS7.2 The development has a gross floor area exceeding 4,000m^2, and a drinking water fountain is provided for use by the general public in a readily accessible location.	Complies. Toilets are provided for staff and visitors to the site at ground level and at grade.	
Development that is Code Assessable or Impact Assessable			
Building Appearance			
PC8 All buildings and ancillary structures must demonstrate a high standard of design and	AS8.1 The building's massing and proportions, materials, patterns, textures and colours	Complies. The proposed development consists of the formalisation of a use of a tenancy within an	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
finish which: a) will contribute to the urban character of the local area; b) adds visual interest to the streetscape; c) differentiates between buildings; d) avoids stark or austere appearances.	visually integrate with the prevailing or proposed character of the area. AS8.2 The building facade is detailed and articulated with design indentations or window openings.	existing commercial building of a single storey of exposed brickwork construction. The façade is punctuated by large windows, access and signage, and the surrounding awning.	
PC9 For premises identified on **Overlay Map OM25 – Future Water Innovations** as being within the Pimpama-Coomera Water Future Master Plan Area, a dual water reticulation system must be provided to enable future conveyance to the development of recycled water for non-potable uses in addition to the conveyance of potable water.	AS9.1 A dual water reticulation system is designed and constructed in accordance with relevant sections of **Planning Scheme Policy 11 – Land Development Guidelines**. AS9.2 The development is connected to Council's potable water and recycled water supply reticulation systems at any points nominated by Council.	Not Applicable. The site is not included on the identified on Overlay Map OM25 – Future Water Innovations.	
PC10 For premises identified on **Overlay Map OM25 – Future Water Innovations** as being within the Pimpama-Coomera Water Future Master Plan Area, sewerage infrastructure must be designed to minimise inflow and infiltration.	AS10 Reduced infiltration gravity sewers are designed and constructed in accordance with the relevant sections of **Planning Scheme Policy 11 – Land Development Guidelines**.	Not Applicable. The site is not included on the identified on Overlay Map OM25 – Future Water Innovations.	

Part 7 Codes

Division 3 Constraint Codes

Chapter 4 Car Parking, Access and Transport Integration

1.0 Purpose

To ensure that transport needs, including car parking and service vehicle requirements, associated with the development of land are met by:

- supply of car and bicycle parking facilities;
- provision of loading and service facilities; and
- integration of public transport with private and public development in the City.

Key objectives include:

a) the availability of car park opportunities that are easy to locate and use, in close proximity to all major developments and uses within the City, with on-site provision available for occupants and on-street provision and/or public car parks available for visitors;

b) the effective use of all car park infrastructure provided in the City; and

c) streets that are pedestrian and cyclist friendly.

2.0 Application

2.1 This code applies to development indicated as self, code or impact assessable in the Table of Development in the domain or Local Area Plan (LAP) within which the development is proposed.

2.2 This code specifically applies to development (whether on private or public land) that requires one or more of the following:

- private or public car parking;
- bicycle parking and associated facilities;
- goods loading and circulation in public or private places; and
- integration of public transport with private or public development in the City.

2.3 This code also applies to any development that is proposed for sites identified on Domain Maps or the Priority Infrastructure Plan Maps as being affected by Future Road Requirements, including areas required for future road corridor development.

2.4 Where a domain or LAP Place Code contains car parking requirements that differ from this code, the LAP requirements take precedence.

2.5 Performance Criteria PC1-PC24 apply to all code and impact assessable development referred to in this code. For development identified as self assessable, in the relevant domain or LAP, only the acceptable solutions to Performance Criteria PC1-PC16 apply.

3.0 Development Requirements

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
Development that is Self Assessable, Code Assessable or Impact Assessable			
Protection and Preservation of Areas Required for Road Widening, the Provision of Public Transport Facilities or New Transport Corridors			
PC1 Land affected by any proposed road realignment or widening must not have development constructed over that part of the land required for road realignment or road widening.	AS1 All sites that are affected by Future Road Requirement as shown on the Domain Maps, do not have buildings or structures erected forward of the indicated building setback line. This requirement does not apply to a fence with a height not exceeding 1.8 metres and a width not exceeding 0.5 metres.	Not Applicable. The relevant Maps to do not indicate a road widening requirement in this location. Council may provide alternate advice in any Information Request.	
Port Cocheres			
PC2 Where provision is made for a *porte cochere*, it must be designed to enable vertical clearance, manoeuvring, access and queuing of vehicles. The capacity of the *porte cochere* and associated access and manoeuvring must accommodate vehicles entirely within the site, including the queuing of vehicles.	AS2 The *porte cochere* has a minimum vertical clearance of 4.5 metres.	Not Applicable. No Port Cochere is proposed.	
Design of Car Parking Areas and Car Park Spaces			
PC3 All car parking spaces must be constructed and line marked to the correct size and standard.	AS3.1 All car parking spaces and facilities are constructed, sealed, line marked and maintained in accordance with the layout requirements of **AS2890.1 – Parking Facilities Part 1: Off Street Car Parking and AS2890.2 – Off Street Parking Part 2: Commercial Vehicles**. AS3.2 Where the development includes a combination of low turnover and high turnover car spaces, the parking spaces and aisles are designed to the high turnover or Class 3 requirements in **AS2980.1 – Parking Facilities Part 1: Off Street Car Parking**.	Complies. The proposed use intends to utilise a tenancy within an existing and lawfully established commercial building and approved car park located at the rear of the site, with access into the second frontage of Armrick Avenue. Any Council requirements in this regard may be included in any reasonable and relevant Conditions of Approval.	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
PC4 Car parking areas must be landscaped to reduce visual impact and to provide opportunities for shade.	AS4 In car parking areas exceeding 300m^2 in site area: a) at least 5% of the area is landscaped; b) a landscaped buffer, with a minimum height of 600mm and width of 1500mm, is provided along any public street frontage and the common boundary to the adjoining property; and c) one landscaped tree bay is to be provided for every 21 car parking spaces.	Not Applicable. The proposed use intends to utilise a tenancy within an existing and lawfully established commercial building and existing car park of much less than 300m^2.	
Signs and Line Marking			
PC5 Signs and line marking must be provided to indicate the location of the car park and the position of the access points for all car parks used by the public where: a) a car park is located at the rear of the site; b) access to the car park is not located in the main frontage road; c) there are a number of access points serving different parts of the site.	AS5.1 Signs incorporate the standard Service Sign Series 'P' sign, as detailed under **Guide Signs** in the **Manual of Uniform Traffic Control Devices, Queensland**. (This does not apply to residential developments with less than 10 units) AS5.2 Signs are used to mark car parking bays which are provided for disabled drivers, motorcycles and special zones, such as bus zones.	Complies. Any Council requirements in this regard may be included in any reasonable and relevant Conditions of Approval.	
Tandem Car Spaces			
PC6 Tandem car parking must only be used in circumstances where no inconvenience arises from its use.	AS6.1 Tandem car parking spaces (ie. two car parking spaces, nose to tail) are counted as one space, except in the following cases: a) the development is for residential purposes; b) the tandem spaces are to be used by the occupants of the site, in one tenancy; c) the car park area is to be operated as a public car park with on-site management. In this case, a tandem car park may be counted as no more than 1.5 car spaces. AS6.2	Not Applicable. No tandem spaces are proposed.	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
	The minimum length of the tandem car space is 10.4 metres. AS6.3 Tandem garages have a minimum internal length of 11 metres.		
Access to Car Park Areas			
PC7 Car parking areas must not cause vehicle queues into the frontage road system or encourage drivers to reverse into the road system.	AS7.1 For developments in excess of 100 residential units with frontage to major roads, a turn round facility with a minimum diameter of 12.0m is provided between the gate and the road. AS7.2 All car parking facilities, except those associated with detached dwellings and duplex dwellings is designed so that all vehicles enter and exist the site in a forward gear. AS7.3 Provision is made for a defined queuing area, free of any parking manoeuvres or internal intersections in accordance with the provisions of the **Table to Acceptable Solution AS7.3**, for developments comprising of more than two dwelling units and where a security gate is proposed.	Not Applicable. The prposed development does not include 100 residential units or front a major road. Notwithstanding it is considered that vehicles are able to leave in a forward gear and the prescribed queuing of 1 vehicle is provided.	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
PC8 Car parking areas providing more than 20 car parking spaces must allow for the separation of vehicles and pedestrians.	AS8 Sealed pedestrian footpaths, at a gradient not exceeding 1:12, are provided from the car parking area along the shortest possible route to the point of destination.	Complies. Footpaths are existing at grade onto and surrounding the site. Any Council requirements in this regard may be included in any reasonable and relevant Conditions of Approval.	
PC9	AS9.1	Complies.	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
Access to car parking spaces must be provided for employees and visitors.	Car park areas have no gateways, doors or similar devices which restrict vehicular access by employees or visitors.	No gateways, doors or similar devices roller door are proposed and the tenancy is accessible directly from the car park rea easily accessible to the staff, and via the existing footpaths surrounding the site.	
Driveways and Crossovers			
PC10 Driveways from car parks or developments into public roads must be minimised to reduce interference with public road traffic and pedestrians.	AS10.1 The maximum number of crossovers for residential developments is one for detached dwelling properties and two for multiple unit dwelling complexes. AS10.2 The maximum number of crossovers for non-residential developments is two crossovers per property. AS10.3 A vehicle crossover is separated from any other vehicle crossover by a minimum distance of three metres.	Complies. The site is serviced by an existing single crossover which is separated to other driveways in excess from the Australian Standards.	
PC11 All development must make provision for safe access to roads or streets adjacent to the site. Crossovers must be constructed to a standard consistent with the vehicles using the site.	AS11.1 The geometric design of entry and exit driveways conforms with **Standard Drawing No 59218** of **Planning Scheme Policy 11 – Land Development Guidelines**. AS11.2 Access to roads or streets adjacent to the site is consistent with **AS2890.1 – Parking Facilities Part 1: Off Street Car Parking** and **AS2890.2 – Off Street Parking Part 2: Commercial Vehicles**. AS11.3 Where separate entry and exit driveways are used, the first driveway reached from the kerbside land is clearly delineated and sign-posted. AS11.4.1 Access to developments on dual carriageway	Complies. The crossover is existing and previously approved. Any Council requirements in this regard may be included in any reasonable and relevant Conditions of Approval. Complies. The crossover is existing and previously aproved. Any Council requirements in this regard may be included in any reasonable and relevant Conditions of Approval. Not Applicable. The development shall utilise the existing single crossover. Not Applicable. Armrick Avenue is not dual carraigeway.	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
	roads is left in/left out. OR AS11.4.2 A new intersection is provided between the access way and the dual carriageway.		
	AS11.5 Developments with traffic signal controlled or roundabout access to the frontage road dedicate land as public road to accommodate all intersection infrastructure, including traffic signal loops.	Not Applicable. No signals are relevant to the subject site.	
	AS11.6 The boundaries of the frontage road are modified to accommodate all intersection infrastructure within the public road.	Not Applicable. No additional road works or widening are proposed.	
	AS11.7 Developments with new traffic signal controlled access, within network traffic systems, provide the necessary infrastructure to integrate the new signals.	Not Applicable. No signals are relevant to the subject site.	
Internal Circulation			
PC12 All developments must provide internal circulation to avoid use of the public road system for movement between different car parking and vehicle service areas in the development.	AS12.1 The internal layout of the site is consistent with **AS2890.1 – Parking Facilities Part 1: Off Street Car Parking** and **AS2890.2 – Off Street Parking Part 2: Commercial Vehicles**.	Complies. The crossover and internal layout is existing and previously approved. Any Council requirements in this regard may be included in any reasonable and relevant Conditions of Approval.	
	AS12.2 Parking and circulation aisles have a maximum length of 100 metres.	Complies. Aisle length is a maximum of less than 11 metres.	
	AS12.3 Dead end aisles do not exceed 20 metres in length.	Complies. Aisle length is a maximum of less than 11 metres.	
	AS12.4 Aisle design does not include cross intersections.	Complies. No cross intersections are proposed.	
	AS12.5	Complies.	

nce Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
	Car parking space/s is/are not located in areas used for manoeuvring of heavy vehicles. AS12.6 Car parks are designed so that vehicles do not reverse across pedestrian crossings. AS12.7 Speed humps are not provided in entry or exit queuing areas.	No heavily vehicles utilise the site. Complies. There are no pedestrian crossings in the car park or relevant to the site. Not Applicable. This is not considered to be required in the existing car park area.	
Set Down Area Requirements			
ake provision for loading eas for the: down of passengers; ; arking; and ading of goods.	AS13 Loading and set down areas are provided consistent with the **AS2890.2 – Off Street Parking Part 2: Commercial Vehicles**.	Complies. The proposed Take Away Food Premises Use requires a SRV sized space and a designated and approved loading bay exists in Armrick Avenue, which is signed and linemarked.	
hicle Requirements			
rovide for the required hicle' to service the	AS14.1 Provision is made for service vehicles, in accordance with the **Table to Acceptable Solution AS14.1**. AS14.2 Provision is made for service vehicles, in accordance with the **Table to Acceptable Solution AS14.2**, for sites less than 4,000m^2 in area that require access by service vehicles. AS14.3 Provision is made for height clearance of 4.5 metres for service station canopies and access clearance height associated with the appropriate design vehicle in other applicable developments. AS14.4 A driveway which caters for heavy vehicles is designed in accordance with **AS2890.2 – Off**	Complies. The proposed Take Away Food Premises Use requires a SRV sized space and a designated and approved loading bay exists in Armrick Avenue, which is signed and linemarked.	

Performa

Loading Bay and

PC13
Development must n
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a) collection and se
b) parking of trailer
c) service vehicle p
d) loading and unlc

Design Service V

PC14
Development must
'design service v
development.

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
	Street Parking Part 2: Commercial Vehicles and **Standard Drawing No 59218 Section 7.4** of **Planning Scheme Policy 11 – Land Development Guidelines**.		

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
Provision of Bicycle Parking Spaces			
PC15 Bicycle parking must be provided for all non-residential developments where the required car parking provision exceeds 20 parking spaces.	AS15.1 Where non-residential development requires the provision of more than 20 car parking spaces, bicycle parking is provided in accordance with the **Austroads Guide to Traffic Engineering Practice: Part 14: Table 10.1**. AS15.2 Where bicycle parking is to be provided, additional facilities for bicycle users are designed and constructed in accordance with **AS2890.3 – Parking Facilities Part 3: Bicycle Parking Facilities**.	Complies. Whilst the proposed use does not exceed this scale, bicycle parking facilities exist on the site within the car park. Not Applicable. The facilities are provided for cyclist visiting the site and continuing on, not for residents or staff and accordingly, toilets are provided and no showers or amenities are included in the existing building.	
Provision of Car Parking Spaces			
PC16 Sufficient car parking spaces must be provided to meet the car parking needs of the development. The number of car parking spaces provided must be consistent with the practical opportunities available for shared car parking provision and the operation of alternative transport modes to private motor vehicles. Car parking design contributes to delivering development with a built form that is robust and flexible, allowing adaptation or redevelopment over time to a variety of uses, increased densities or increased employment	AS16.1 Car parking is provided in accordance with the number of spaces required for the specific use listed in the **Table to Acceptable Solution AS16.1**. AS16.2 If an additional building is constructed, or an existing building is extended, the car space requirements determined from **Table to Acceptable Solution AS16.1** accrue only for the additional building or extension, provided that the use of the land remains the same	Alternate Solution Proposed. The proposed development includes the formalisation of a single tenancy within the existing building. The building was approved with these car parks, and the uses of a Shop, Restaurant and Take Away Food Premises and the car parking provided. At that time, funds were paid to Council for the construction of the car parking spaces adjacent to the Bowls Club, opposite the site in Armrick Street. This was thoroughly researched as part the recent DA for a Restaurant on the site, in another tenancy.	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
intensity.	and any existing area for car parking is not reduced or, if disturbed, any existing car spaces are replaced in the new development.	The outcome provided, accordingly, was that the previous approval details were honoured and the car parking at the rear is for staff, and the public car parking opposite for visitors. This is being provided as justification for no additional car parking being provided for this tenancy. The GFA of the tenancy would attract 2 of the 6 existing car parking spaces.	

Table to Acceptable Solution AS16.1

This table sets out the minimum number of car parking spaces required according to the use of the land.
Where the calculated number of car spaces is not a whole number, the number of car parking spaces required must be the next higher whole number.

Material Change of Use	Minimum Number of Car Parking Spaces to be Provided
Take-Away Food Premises	6.7 spaces per 100m^2 of GFA (one (1) space per 15m^2 of GFA).

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
Development that is Code Assessable or Impact Assessable			
PC17 New development must not result in any adverse impact, through the reduction in the car parking capacity of the site and/or the local area.	AS17.1.1 Any car parking spaces lost are replaced elsewhere on the site. OR AS17.1.2 A monetary contribution is provided to Council for those car parking spaces lost, consistent with **AS16.2**. OR AS17.1.3 The Building Work is associated with a Material Change of Use that requires a lesser	Not Applicable. No car parking spaces are lost on the site as part of the use of the existing tenancy.	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
	number of parking spaces than the existing use.		
Driveways and Crossovers			
PC18 Vehicle crossovers must be constructed to minimise conflict with passing traffic and pedestrians.	AS18 Access to developments with more than one frontage road is via minor roads. Impacts of driveway traffic are concentrated on less busy roads, with traffic distributed to major roads via existing intersections.	Complies. The proposed use intends to utilise a tenancy within an existing and lawfully established commercial building and existing car park located at the rear of the site, with access into the second frontage of Armrick Avenue. Any Council requirements in this regard may be included in any reasonable and relevant Conditions of Approval.	
Safe Pedestrian Access			
PC19 All development must make provision for safe pedestrian access to the building from the street and from any car parking or set down area to the building's main entrance.	AS19.1 The design of the development ensures that priority is given to pedestrians for direct links to the building's main entrance and to any adjoining local activities or public transport services. AS19.2 Landscaping surrounding the pedestrian walkways and shelters is no higher than 600mm and incorporates trees with branching not lower than 2m (clear stem trees). AS19.3 Solid walls and fences are avoided adjacent to pedestrian walkways to improve actual and perceived safety. AS19.4 Security is to be enhanced by passive surveillance over the car parking area from nearby residences or other activities, where practicable.	Complies. The visitors pedestrian access to the proposed use is generally via the Old Burleigh Road frontage to the site with the car parking and operations area of the use located at the rear of the building. Visitors who arrive by car may access the front of the site via the existing footpath. Not Applicable. The proposed use intends to utilise a tenancy within an existing and lawfully established commercial building and existing car park located at the rear of the site, with access into the second frontage of Armrick Avenue. No additional works or landscaping are proposed.	
Safe Pedestrian and Cyclist Facilities			
PC20 The design of pedestrian and cyclist facilities	AS20 Pedestrian and cyclist facilities are designed	Complies. Any Council requirements in this regard may	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
must be safe, useable and readily accessible.	to encourage the use of these modes by: a) minimising distances, and providing safe grading paths, separated from motorised traffic; b) using even, non-slippery pavement materials.	be included in any reasonable and relevant Conditions of Approval.	
Integration of Development with Public Transport			
PC21 Development that attracts a high proportion of people dependent on public transport must provide facilities to accommodate public transport servicing requirements.	AS21.1 Any development that includes activities listed in the **Table to Acceptable Solution AS21.1** provides a bus set down facility on and off-site, in close proximity to the entrance of the development. AS21.2 Where a bus set down area is provided, it is integrated into the development, easily accessible, safe, secure, clearly identified, and attractive to use (in the case of major developments providing a covered walkway to the entry).	Not Applicable. Proposed uses are not included in the relevant Table and accordingly a bus stop is not proposed.	
PC22 Development that attracts a reasonable proportion of people dependent on public transport must assist in supporting facilities for public transport servicing.	AS22.1 Any development that includes activities listed in the **Table to Acceptable Solution AS22.1** provides a bus stop and/or a bus shelter, if the entry to the development is not within 400 metres of a an existing bus stop or within 800 metres of a railway station. AS22.2 The bus shelter is located adjacent to the frontage of the site and is connected to the entry of the development by a sealed footpath.	Not Applicable. Proposed uses are not included in the relevant Table and accordingly a bus stop is not proposed.	
Cash In Lieu of Car Park Spaces Required			
PC23 Car parking must be provided to meet the car parking needs of the development. If it cannot	AS23.1.1 The car parking spaces required by **Table to Acceptable Solution AS16.1** are provided	Not Applicable. The existing car parking area shall provide car parking for the requirements of the	

Performance Criteria	Acceptable Solutions	How does the proposal comply with the Acceptable Solution or Performance Criteria?	Internal Use: Has compliance with the Acceptable Solution/ Performance Criteria been demonstrated? Is a request for further information required?
be provided on site, alternative arrangements may be proposed.	on the subject site. OR AS23.1.2 A monetary contribution for all or part of the required car parking may be made towards one or more of the following: a) provision of off-street car parking in the vicinity of the development; b) provision of improved on street car parking and streetscape improvement works, in the vicinity of the development; and/or c) provision of improved public transport facilities and services in the vicinity of the development.	development, as previously approved.	
Traffic Impact			
PC24 Where appropriate, specific measures must be taken in the provision of car parking spaces and access to these, to ensure that the traffic impacts of the car park area's use does not have a negative impact on the local amenity and the operation of the local street network.	AS24 A Traffic Impact Report is prepared and implemented, unless: a) the development has less than 250 high turnover or 500 low turnover parking spaces; or b) it has less than 100 parking spaces with direct access to a major road; or c) the Assessment Manager advises a Traffic Impact Report is not required. This Traffic Impact Report shows how the proposed development is able to comply with the provisions of this code and **Section 7.4** of **Planning Scheme Policy 11 – Land Development Guidelines**.	Not Applicable. The proposed use includes less than 250 high turnover or 500 low turnover parking spaces and accordingly it is deemed that this additional assessment is not required.	

SECTION SIX

DEVELOPMENT APPLICATION FOR MATERIAL CHANGE IN USE

SECTION 6 - HYDRAULIC, WATER QUALITY AND GEOTECHINACAL ENGINEERING

Stormwater Management Report

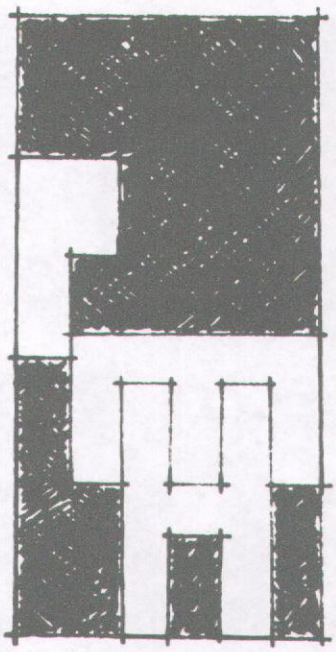
COMMENT:

The proposed use is to be located within an existing and lawfully established building. No external works are proposed and accordingly, no Stormwater Management Report is relevant.

PMHPLANNING

> Town Planning
> Property Development

address. PO Box 4527, Elanora. Qld. 4221
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email. patrick@pmhtownplanning.com.au
website. www.pmhtownplanning.com.au



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SECTION SEVEN

DEVELOPMENT APPLICATION FOR MATERIAL CHANGE IN USE

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> Town Planning
> Property Development

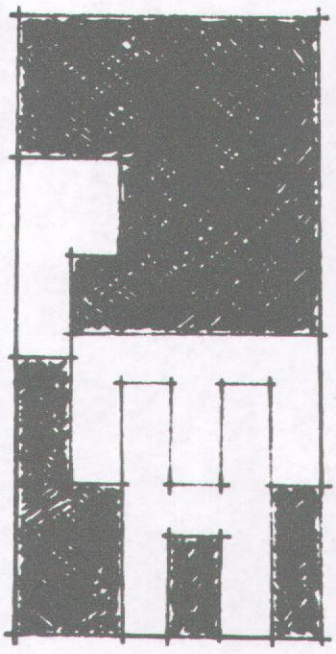
address. PO Box 4527. Elanora. Qld. 4221
mobile. 0409 591 857 phone. 07 5522 5327
email. patrick@pmhtownplanning.com.au
website. www.pmhtownplanning.com.au

SECTION 7 – ENVIRONMENTAL, OPEN SPACE AND LANDSCAPING

Landscape Intent plans and Species List

COMMENT:

The proposed use is to be located within an existing and lawfully established building. No external works are proposed and accordingly, no Landscape Plans are relevant.



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SECTION EIGHT

DEVELOPMENT APPLICATION FOR MATERIAL CHANGE IN USE

PMHPLANNING

> Town Planning
> Property Development

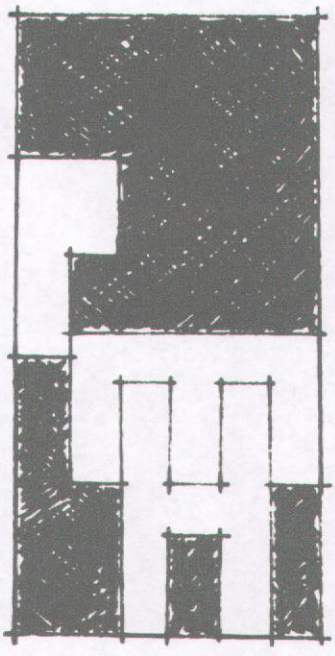
address. PO Box 4527, Elanora, Qld, 4221
mobile. 0409 591 857 phone. 07 5522 5327
email. patrick@pmhtownplanning.com.au
website. www.pmhtownplanning.com.au

SECTION 8 – TRANSPORT AND TRAFFIC

Nil provided

COMMENT:

The proposed use is to be located within an existing and lawfully established building. No traffic assessment is required.



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SECTION NINE

DEVELOPMENT APPLICATION FOR MATERIAL CHANGE IN USE

SECTION 9 – ENVIRONMENTAL HEALTH

Nil provided

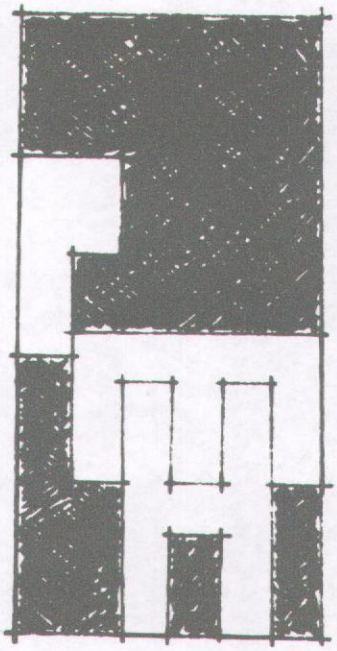
COMMENT:

Nil provided

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> Town Planning
> Property Development

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SECTION TEN

DEVELOPMENT APPLICATION FOR MATERIAL CHANGE IN USE

SECTION 10 – PLANS AND DRAWINGS

SITE PLAN
SURVEY PLAN
GCCC PROPERTY DETAIL AND MAP

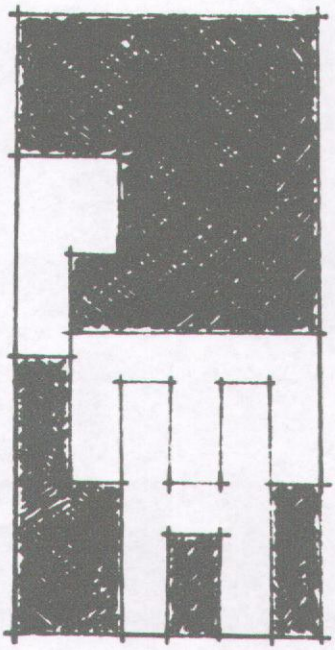
COMMENT:

The relevant site detail and layout plans are provided for Council perusal.

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PMHPLANNING

Gold Coast City Council

Property Details

101 OLD BURLEIGH ROAD, BROADBEACH 4218

Details

Property Name: OWL & PUSSYCAT DELI
Property Number: 75152
RPD: LOT 70 B8383
Division: DIVISION 10
Parish: GILSTON
Area: 630 m^2

Status REGISTERED (Rego 21/07/1989)

Alt.Address No Alternate Address found.

Child Property

Child Property(s)

Applications

Application # (Lodgement Date)	Description
MCU2900126 (11/03/2009)	RESTAURANT
BLD2819260 (25/11/2008)	FITOUT SHOP 1

Conditions

Description	Complied Date
Rain Water Tank conditions apply	

Easements

Purpose	Registered Date
No easements found for this property.	

Valuations

Issue Date	Valuation Date	Effective Date	Amount	Termination Date
22/03/2010	01/10/2009	01/07/2010	$1700000	
23/02/2009	01/10/2007	01/07/2009	$1900000	30/06/2010
03/03/2008	01/10/2007	01/07/2008	$1900000	30/06/2009
26/02/2007	01/10/2006	01/07/2007	$1350000	30/06/2008
04/02/2006	01/10/2004	01/07/2006	$1365000	30/06/2007
29/03/2005	01/10/2004	01/07/2005	$1365000	30/06/2006
01/07/2004	01/10/2002	01/07/2004	$910000	30/06/2005
24/06/2003	01/10/2002	01/07/2003	$910000	30/06/2004
24/02/2003	01/10/2002	01/07/2003	$1100000	01/07/2003
24/06/2003	01/10/2001	01/07/2002	$730000	30/06/2003
25/02/2002	01/10/2001	01/07/2002	$730000	01/07/2002
26/02/2001	01/10/2000	01/07/2001	$660000	30/06/2002
27/03/2000	01/10/1999	01/07/2000	$550000	30/06/2001
01/03/1999	01/10/1998	01/07/1999	$550000	30/06/2000
10/02/1998	01/10/1997	01/07/1998	$550000	30/06/1999
10/03/1997	01/10/1996	01/07/1997	$500000	30/06/1998
19/02/1996	01/01/1996	01/07/1996	$500000	30/06/1997
20/02/1995	01/01/1995	01/07/1995	$500000	30/06/1996
31/01/1994	30/06/1993	01/07/1994	$350000	30/06/1995
30/11/1992	31/03/1992	30/06/1993	$290000	30/06/1994
25/11/1991	31/03/1991	30/06/1992	$290000	29/06/1993
26/11/1990	31/03/1990	30/06/1991	$320000	29/06/1992
27/11/1989	31/03/1989	30/06/1990	$375000	29/06/1991
01/07/1989	31/03/1988	01/07/1989	$280000	29/06/1990

Documents

Documents prior to 1st July 2006 are not available to be viewed online.

Description	Processed	Link
No documents found for this property.		

Textual Constraints

Domains

Domain: **Local Area Plan**

LAP Precincts

Precinct: **Residential**
Local Area Plan: **Broadbeach**

LAP Max Res Density

Residential

Residential Density: **Rd6**

LAP Max Blg Hght

LAP Max Blg Hght: **7 Storeys**

OM8b Airport PAN OPS Surface

Applicable - Refer to map

More

OM12 Seawall and Beaches Setback

Description: **Sand To Beach Provision**

OM18 Stormwater Drainage Studies

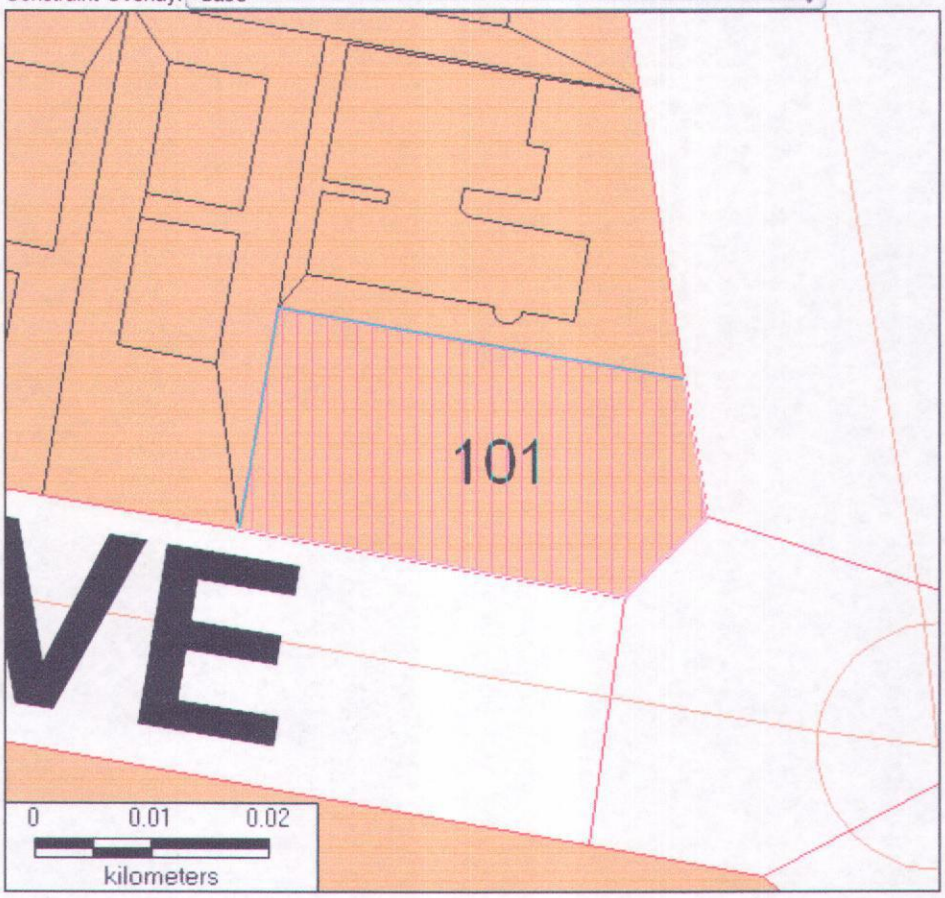
Applicable - For further information, please contact Engineering Services.
Ph: (07) 5582 8399 or (07) 5582 8975

OM22 Scenic Tourist Routes

Applicable - Refer to map

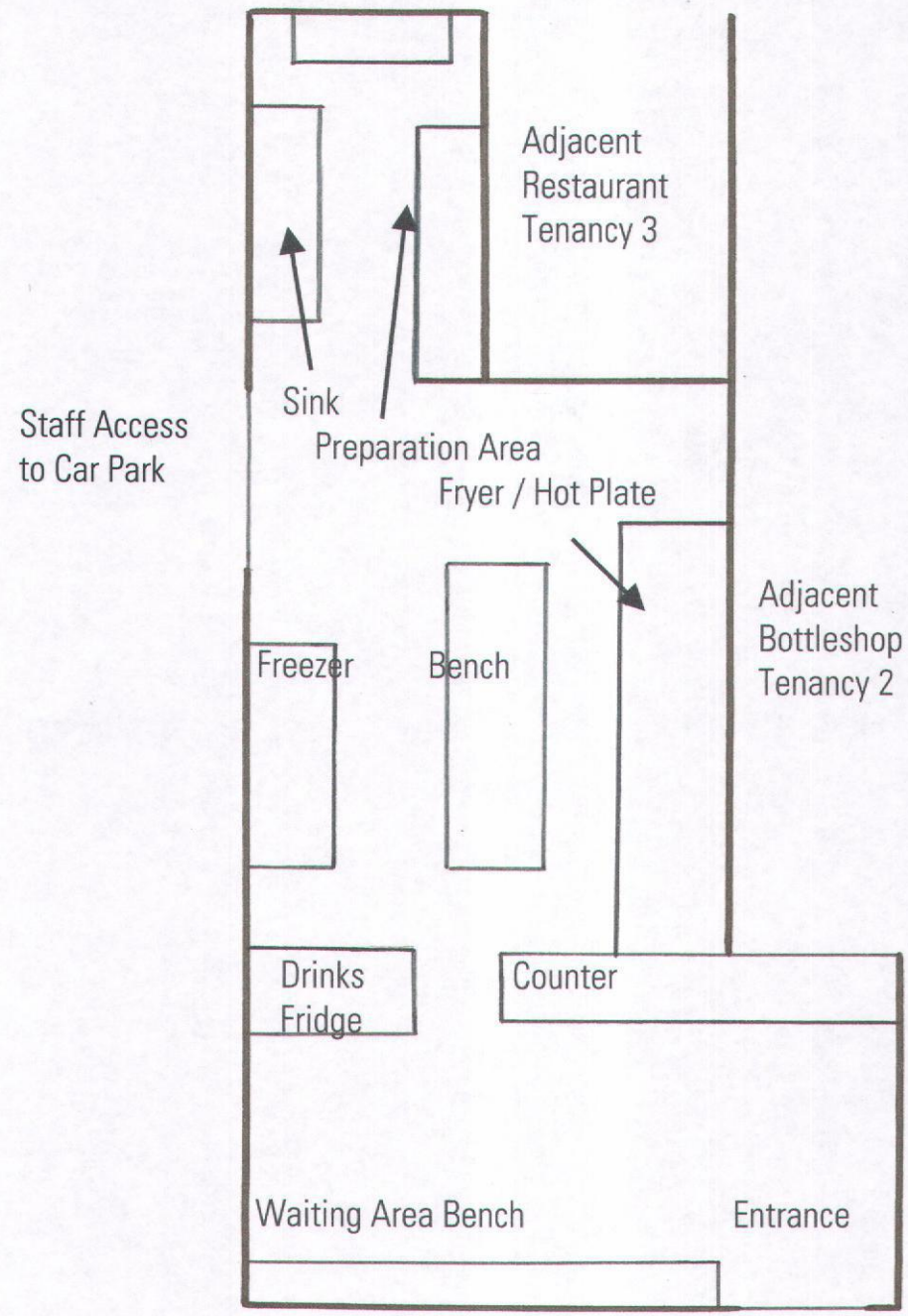
Mapping

Constraint Overlay: Base



To Print Map: Right click on map image and select "Print Picture..."

close all | open all close all | open all



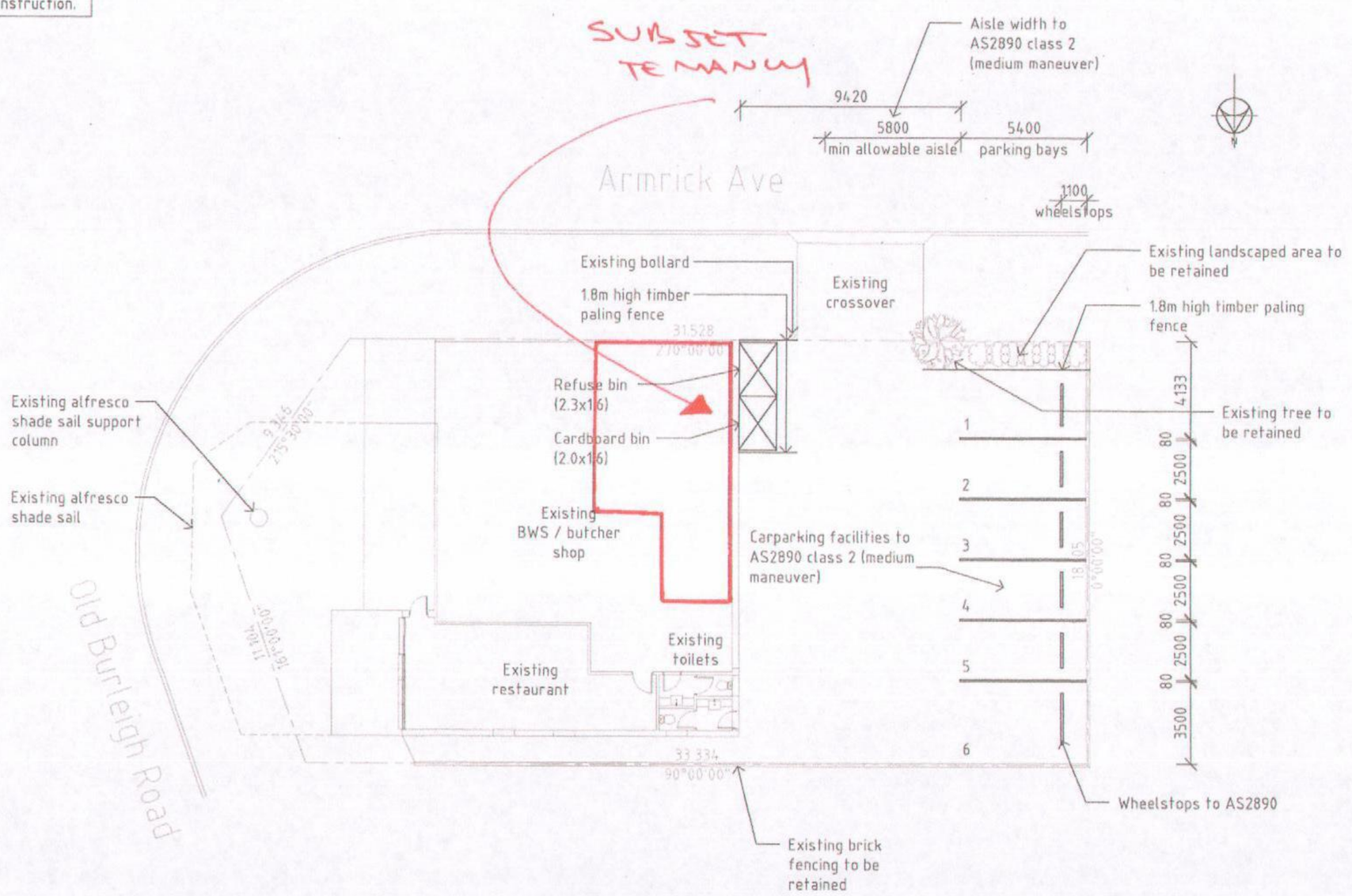
INTERNAL TENANCY PLAN

TENANCY 1, 101 OLD BURLEIGH ROAD, BROADBEACH - LOT 70 ON B8383

DEVELOPMENT APPLICATION FOR MATERIAL CHANGE IN USE FOR TAKE AWAY FOOD PREMISES
Plan 001, Rev:A, December 2010
TOTAL GFA = 51.9m²

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NOTES:
1. The builder / owner is responsible for checking each drawing as provided prior to issuing for approval / construction. The undertaking of any construction work shall deem that the builder / owner have verified the plans as correct and suitable for construction.



NOTES:
1. Site setout has been designed using survey map purchased from The Department of Natural Resources and Water. EDB Consulting takes no responsibility for any discrepency in setout due to errors in survey plan.

THIS DRAWING HAS BEEN PREPARED BY EDB CONSULTING & SHALL REMAIN THE PROPERTY OF THE SAME. NO PORTION OF THESE DRAWINGS, WHETHER IN PART OR WHOLE, SHALL BE USED IN ANY FORM, DUPLICATED OR OTHERWISE, WITHOUT PRIOR WRITTEN CONSENT FROM EDB CONSULTING. THIS DRAWING IS SUBJECT TO COPYRIGHT LAWS

CONTRACTOR SHOULD VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK. ANY DISCREPANCIES SHOULD BE CHECKED WITH THIS OFFICE

REV	DATE	AMENDMENT
D	05-09-09	AMENDED AS PER COUNCIL REQUEST
C	04-08-09	GENERAL AMENDMENTS
B	08-07-09	GENERAL AMENDMENTS
A	01-07-09	FOR CONSTRUCTION

BUILDER

CLIENT: MR W.PORFITT

EDB CONSULTING PTY LTD
ABN 25 123 105 544
P.O. Box 1544, Oxenford, QLD, 4210
0415 314 747
QBSA License No. 1178350

PROJECT: PROPOSED SHOP FITOUT
101 OLD BURLEIGH ROAD
BROADBEACH, QLD

DRAWING: PARKING BAY SETOUT

DATE: 18-01-09	DRAWN: PG	CHECKED:	
DESIGNED: PG	SCALE: 1:200 @	A3	
CLIENT JOB NO.: M246	DRAWING NO.: M246-08	REV: D	