CITY OF GOLDCOAST.

Date:

19 September 2017

Contact:

Byron Davis

Location: City Development Telephone: 07 5582 8708

Your reference: 947688/LAB02

Our reference: PN228620/16(P1)

Office of Liquor & Gaming Regulation Locked Bag 180 CITY EAST QLD 4002



Dear Sir/Madam

APPLICATION FOR LIQUOR LICENCE

Property description:

Lot 3 GTP106980

Property location:

Shop 3, 58 – 60 Thomas Drive Surfers Paradise

I refer to the abovementioned application for the premises as described below.

Applicant's name:

TGBM Pty Ltd

Premises:

The Granary

Primary purpose:

Commercial other subsidiary on premises - meals

Requested hours:

10:00am to 12:00am Monday to Sunday

You are advised that the Council of the City of Gold Coast (Council) has no objection to the subject Commercial other subsidiary on premises - meals being issued.

Contacting us

Should you wish to clarify any issues contained in this letter, please do not hesitate to contact Byron Davis on 07 5582 8708. Yours faithfully

Carie Morris

Senior Planner

For the Chief Executive Officer Council of the City of Gold Coast

BD

64373382 Page 1 of 1

EI	NISHES SCHE	DULE THE GRA	NARY, CHEVRON ISLAND				SCHEDULE THE GRANARY, CHEVRON ISLAND
				DESCRIPTION	LEAD TIME	CODE	SAMPLE TITLE
FL			LOOR - KITCHEN	SAFESTEP VINYL FLOORING R12 RATED #175032 SMOKE	2 WEEKS	LTI	BAR PENDANT
FL	2			RECYLCED TIMBER LOOK VINYL KARNDEAN VAN GOGH VINYL - BRACKEN VG17	2 WEEKS	LT2	GENERAL LIGHTING - DINING
V.	'	,	WALL FEATURE PANELS	FINISHED VJ BOARD PAINTED IN DULUX PAINT - WHISPER WHITE	1 WEEKS	LT3	KITCHEN, BAR, HALLWAY
В	R			RECYLCED BRICK - SANDSTOCK CHATSWOOD SANDSTOCK ROUGHLY PAINTED/GROUTED WITH WHITE PLASTER TO LOOK LIKE AGED FACTORY BRICK WALL	2 WEEKS	LT4	SHELVES, WALL, BÄRRELS
L		A 4500 1	BARFRONT, BAR BULKHEAD	RECYCLED TIMBER CLADDING/PANELLING	TBA		N. #
- ["	B1		BARPRONI, BAR BUCKHEAD	- OREGAN, OAK WITH VARYING STAIN - LIGHT			EMS SCHEDULE THE GRANARY, CHEVRON ISLAND
1				TIMBER TYPE DEPENDANT ON STOCK		CODE	SAMPLE TITLE .
7	B2		DADO RAIL, BARTOP	RECYCLED AGED TIMBER - DARK SEE FACTORY YARD	1 WEEK	CEILING	CEILING PANELS
s	т	Teller	FRAMING, TRIMS, PULLEYS	RAW STEEL WITH 2 PACK CLEAR COAT TO SURFACE	TBA		
	45		FEATURE SCREENS	HESSIAN MATERIAL	ТВА	BARRELL	WALL FEATURE
	VIR		BACKBAR SHELVING	BRONZE MIRROR	2 WEEKS	PLANTS (CEILING PANELS
ŀ	LM .		JOINERY	LAMINEX - CLAY TEXTILE NATURAL FINISH	1 WEEK	(3) (3)	
	MOSS ART	0192	FEATURE WALL	MOSS ART DETAILS TO BE CONFIRMED BY DESIGN TEAM	2 WEEKS	,	
	SS		KITCHEN, BAR	STAINLESS STEEL COMMERCIAL GRADE #304	1 WEEK		
	PT1	factor and the	CEILING	DULUX PAINTS WHITE BEACH #SW1C4, SEMIGLOSS	1 WEER		
	PT2		KITCHEN CEILING & WALLS	DULUX PAINTS LEXICON QUARTER #B11, SEMIGLOSS	1 WEE	4	
1				I.	1	1	

CODE	SAMPLE	TITLE	DESCRIPTION	LEAD TIME
IT1		BAR PENDANT	HEAVY WROUGHT IRON CANDLE HANGING PENDANT LIGHT	4 WEEK
LT2		GENERAL LIGHTING - DINING	WROUGHT IRON/BLACK PIPE FITTINGS FIXED TO CEILING WITH EXPOSED GLOBES INSERTED THROUGH WARIOUS FITTINGS TO SUIT SITE	2 WEEK
LT3	Uniterior	KITCHEN, BAR, HALLWAY	30 WATT LED DOWNLIGHT - 200mm WHITE STANDARD, LR200 RECESS DOWNLIGHT	2 WEEK
LT4		SHELVES, WALL, BÄRRELS	LED STRIP LIGHTING 12V 5050 WARM WHITE EXTRA BRIGHT IP20 - 24 WATT	2 WEEK

ODE SAMPLE	TITLE .	DESCRIPTION	LEAD TIME
CEILING	CEILING PANELS	RECYLCLED TIMBER PALLETS	1 WEE
PANELS		PINE TIMBER	
. * <u>.</u>	<u>~</u>	ACCOUSTIC INSERT PANEL	2 WEEK
Carried Spanners	-1	AUTEX QUIETSPACE 25mm PANEL	CHECK WITH SUPPLIE
BARRELLS	WALL FEATURE	WINE BARRELL TOPS	ТВ/
)	LED LIGHTING TO SURROUND	
PLANTS (CEILING PANELS	HANGING FAUX PLANTERS	2 WEEK
	*	ARTIFICIAL LEATHER FERN 80cm	

PLANS AND DOCUMENTS referred to in the DEVELOPMENT APPROVAL

Application No: MCU201700208

Dated: ...1 July 2017

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

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equipment . stainless joinery . fitouts . design

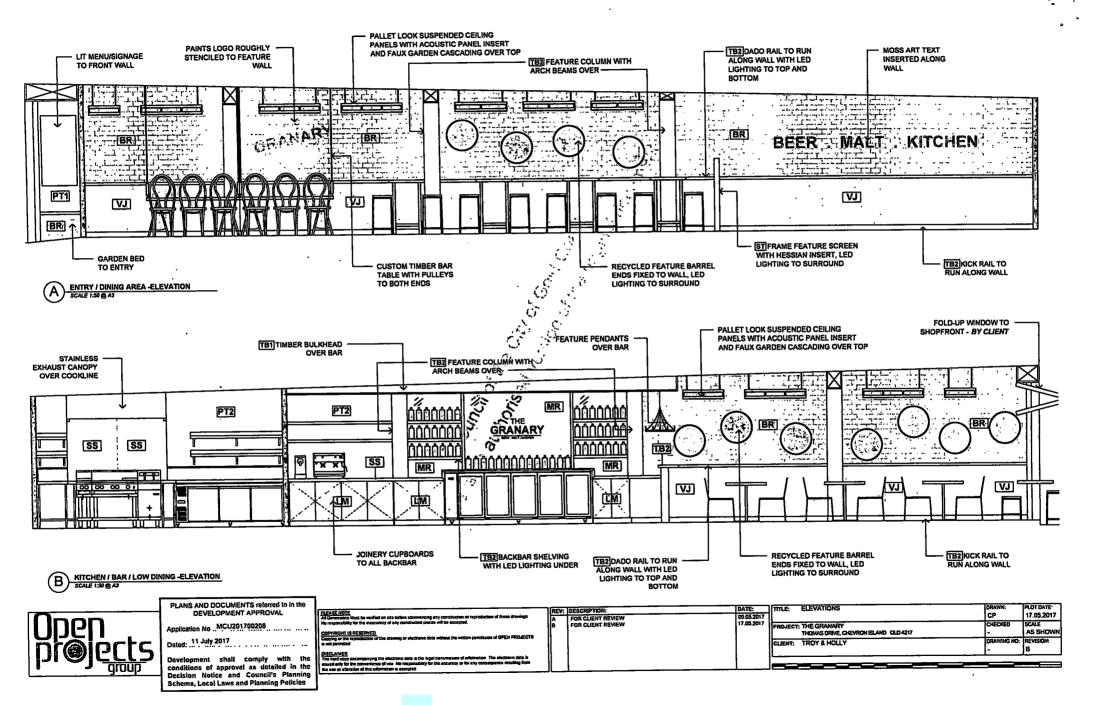
A: 2 Commercial Drive, Ashmore GLD 4214 P: 07 5528 4499 | E: Info@openprojects.com.au W: www.openprojects.com.au | ABN: 55 360 653 846 <u>PLEASE NOTE</u>

AS Dimensions Must be redised on sets before commencing any construction or reproduction of these drawings Moreaconship for the anacturacy of any constructed pieces will be accepted to the anacturacy of any constructed pieces will be accepted.

<u>DISCLAIMER</u> The bard copy accompanying the electronic data is the legal instrumes an of information. The electronic data issued only but the commence of use. No responsibility for the accuracy or for any consequence resulting its the use or a burnish of this information is a cospited.

REV:	DESCRIPTION:	DATE:
	FOR CLIENT REVIEW FOR CLIENT REVIEW	09.05.2017 17.05.2017
		[

TTLE: FIN	IISHES SCHEDULE	DRAWN: CP	17.05.2017
PROJECT: TH	E GRANARY DMAS DRIVE, CHEVRON ISLAND OLD 4217	CHECKED.	SCALE AS SHOWN
CLIENT: TR	OV & HOLLY	DRAWING NO:	REVISION: B



CITY OF GOLDCOAST.

Date: 19 July 2017

Contact: Location: Lydia Summers
City Development

07 55828866

Telephone:

Your reference:

Our reference: PN228620/01/DA1

MCU201700208

TGBMPty. Ltd. As Trustee For The TGBM Chevron Trust PO B0X 252 ISLE 0F CAPRI QLD 4217

Dear Sir/Madam

DECISION NOTICE TO APPLICANT

Application type:

DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE (CODE ASSESSMENT) TO ESTABLISH A FOOD AND DRINK

UDE ASSESSMENT) TO ESTABLISH A FO

OUTLET

Lot 3 on GTP106980

Property description:

Property location:

58 - 60 Thomas Drive, Surfers Paradise

I wish to advise that on 14 July 2017 the above application was resolved as outlined in the attached document. The conditions indicate whether the assessment manager or a concurrence agency imposed them.

An extract from the Sustainable Planning Act 2009, which details your appeal rights, is attached.

For particular material changes of use, an appeal can also be made to a building and development committee. Please refer to the prerequisites in sections 519 and 522 of the *Sustainable Planning Act 2009*, attached to this decision notice, to determine whether you have appeal rights to a building and development committee.

Note: Please refer to the conditions of approval outlined in this decision notice to ensure all related approvals are completed. The applicant may need to gain Council endorsement for additional documents prior to obtaining the above development permits, compliance permits or compliance certificates (for example, endorsement of a management plan or technical report may be required prior to obtaining an approval for operational works). These instances are outlined within the conditions of this approval

63267732 Page 1

Contacting us

Should you wish to clarify any issues contained in this letter, please do not hesitate to contact Planning Assessment on 07 5582 8866.

Yours faithfully

Jemma

Digitally signed by Jemma Glover
DN: c=AU, st=Queensland, i=Gold Coast,
o=CITY OF GOLD COAST, ou=City
Development, cn=Jemma Glover,
email=jglover@goldcoast.qld.gov.au
Reason: I am approving this document
Date: 2017.07.19 17:50:26 +10'00'

Glover
Jemma Glover

Acting Supervisor (Central)
For the Chief Executive Officer
Council of the City of Gold Coast

LS:LC

RECOMMENDATION

It is recommended Council of the City of Gold Coast (Council) resolve that:

Real property description	Lot 3 on GTP106980
Address of property	58 - 60 Thomas Drive Surfers Paradise
Area of property	841m² (108m² tenancy area)
Decision type	Development Permit for a Material Change of Use (Code Assessment) to establish a Food and Drink Outlet
Further development permits	Building works
Further compliance permits	Water supply plumbing work, Sewerage works
Compliance assessment required for documents or works	Not Applicable

NATURE OF DECISION

A Under Delegated Authority the Manager of the City Development Branch approves the issue of a Development Permit for a Material Change of Use (Code Assessment) to establish a Food and Drink Outlet, subject to the following conditions:

APPROVED DRAWINGS

1 Development to be generally in accordance with specified plans/drawings

The development must be carried out generally in accordance with the approved plans/drawings listed below, stamped and returned to the applicant with this decision notice.

Plan No.	Rev.	Title	Date.	Prepared by
-	В	Finishes Schedule	17/05/2017	Open Projects Group
_	В	Floor Plan	17/05/2017	Open Projects Group
-	В	Elevations	17/05/2017	Open Projects Group

The conditions of this approval are to be read in conjunction with the attached stamped approved plans/drawings. Where a conflict occurs between the conditions of this approval and the stamped approved plans/drawings, the conditions of this approval shall take precedence.

2	Decision notice and approved plans/drawings to be submitted with subsequent application A copy of this decision notice and accompanying stamped approved plans/drawings must be submitted with any building development application or operational works application relating to or arising from this development approval.	Timing As indicated within the wording of the condition.
3	Decision notice and approved plans/drawings to be retained on site	Timing At all times.

A copy of this decision notice and stamped approved plans/drawings must be retained on site at all times. This decision notice must be read in conjunction with the stamped approved plans to ensure consistency in construction, establishment and maintenance of approved works.

4 Notice of works timetable

The applicant must give Council written notice of the following:

- a Application number;
- b Site address:
- c Name and telephone number (work and after hours) of the project manager and the site owner;
- d Works intended to be carried out:
- e The proposed timetable associated with the works, including expected commencement, duration and completion date.

The notification is to be sent to Council's Development Compliance Section (fax: 07 5582 8080 or by email to Devcom Operational@goldcoast.qld.gov.au). This notification is in addition to any other notifications required by other conditions of this or other development approvals.

A form is available to assist in providing the information relating to Notice of Works/Commencement requirements. The form can be obtained at Council Offices (Nerang, Bundall and Coolangatta). It also can be found on Council's website at http://www.goldcoast.qld.gov.au/forms-applications.html.

Timing

After successful completion of any prestart inspections required by conditions of this or other development approvals and at least 5 business days prior to commencement of any works on site.

WORKS - COMPLIANCE

5 Certification of compliance

All works must be certified by a suitably qualified professional as complying with the approved plans.

For this condition, a 'suitably qualified professional' is a person with tertiary qualification and professional affiliation in the field of engineering or science relevant to the works and/or management plan and who has at least two years experience in management in that field. Where the works and/or management plans involve different fields, a certification is required from a suitability qualified professional for each separate field.

Timing

The applicant must submit the certification prior to the earliest of compliance assessment of the subdivision plan, the commencement of the 'On Maintenance' period or the commencement of the use.

CONSTRUCTION MANAGEMENT

6 Workplace health and safety

The Workplace Health and Safety Act 2011 and AS 1742

Timing

At all times while works

	Manual of Uniform Traffic Control Devices must be complied with in carrying out the works, including ensuring safe traffic control and safe public access in respect of works being conducted on a road.	are occurring.
7	Public safety to be ensured The applicant must, at no cost to Council, ensure that all reasonable safeguards in and around the works are undertaken and maintained at all times to ensure the safety of the public. Such safeguards include, but are not limited to, erecting and maintaining barricades, guards, fencing and signs (and ensuring removal after completion of works) and watching and flagging traffic.	Timing At all times while works are occurring.
AM	ENITY	
8	Hours of operation a All activities associated with the operation of the use are to be conducted only between the hours of 10:00am to 12:00am on Monday to Sunday, public holidays included.	Timing At all times once the use has commenced.
	b The Chief Executive Officer may consider a written request to vary the approved hours of operation for a special event with a minimum of 30 days notice.	
9	Restricted paint colours	Timing
	Buildings and structures must not be painted in highly reflective, bright or obtrusive colours.	At all times.
10	Location of equipment and ventilation/refrigeration units	Timing
	All service equipment, mechanical ventilation and refrigeration units associated with the use of the premises must be installed, located and screened to the satisfaction of the Chief Executive Officer so as not to cause nuisance or disturbance to persons outside the curtilage of the premises.	At all times once the use has commenced.
11	Screening of storage	Timing
	The storage of any machinery, materials or vehicles must be screened so as not to be visible from any road to which the site has frontage, to the satisfaction of the Chief Executive Officer.	At all times once the use has commenced.
12	No nuisance from lighting	Timing
	All lighting devices must be positioned on the premises and shielded to the satisfaction of the Chief Executive Officer so as not to cause glare or other nuisance to surrounding	At all times.

	residents and motorists.	
ACC	DUSTICS	
13	Acoustics – design and construction	Timing
	The development must be designed and constructed in accordance with the recommendations outlined in the acoustic report titled report prepared by ATP Consulting Engineers dated April 2017 (reference project number: ATP170308).	As indicated in the wording of the condition
	Any alteration to the design or construction of the development that prevents the recommendations of the approved report being implemented will require an amended report to be submitted and approved by Council prior to Building Approval.	
14	Rear window and doors to remain closed during operation	Timing At all times
	All windows and doors opening to the rear of the site must remain closed during operation.	
15	Outdoor seating – not permitted	Timing
	Outdoor seating is not permitted at any time.	At all times
PLU	MBING AND DRAINAGE	<u> </u>
16	Application for compliance permit for water supply plumbing work required	Timing Prior to works
	The applicant must make an application to Council (Plumbing and Drainage Services) for a compliance permit for any compliance assessable water supply plumbing work within the property. Without limiting the requirements of the <i>Plumbing and Drainage Act 2002</i> with which the works must comply, the application must:	occurring.
	be accompanied by a hydraulic design for all water services within the property; and	
	b comply with Section 5.2 of Council's City Plan Policy, Land Development Guidelines.	
	Information note:	
	Water supply plumbing works must not be carried out until a compliance permit under the Plumbing and Drainage Act 2002 has been issued by Council for the works.	
17	Application for compliance permit for sewerage works required	Timing Prior to any on-site

The applicant must make an application to Council (Plumbing and Drainage Services) for a compliance permit for any compliance assessable sewerage works within the property. Without limiting the requirements of the *Plumbing and Drainage Act 2002* with which the works must comply, the application must:

sewerage works occurring on site.

- a be accompanied by a hydraulic design for all sewerage works within the property;
- b comply with Council's:
 - i Trade Waste Policy; and
 - ii Trade Waste Pre-treatment Policy and Guidelines); and

Information note:

- Sewerage works must not be carried out until a compliance permit under the Plumbing and Drainage Act 2002 has been issued by Council for the works.
- Plumbing and drainage approval is not an approval to discharge trade waste to Council's sewerage system. The generator of trade must complete an Application for Approval to Discharge Trade Waste to Council's sewerage system (available on Council's website) prior to discharging any trade waste.

ADVISORY NOTES TO APPLICANT

B Conditions contained within the Decision Notice

Where applicable, conditions of approval in this Decision Notice have a separate timing component to clarify when compliance with the condition must be achieved. This timing component forms part of the condition itself.

C Rights of appeal

The applicant has a right of appeal to the Planning and Environment Court regarding this decision, pursuant to section 461 of the Sustainable Planning Act 2009. A copy of that section is attached to the decision notice.

For particular material changes of use, an appeal can also be made to a Building and Development Committee. Please refer to the prerequisites in *sections 519 and 522 of the Sustainable Planning Act 2009*, attached to this decision notice, to determine whether you have appeal rights to a Building and Development Committee.

D Applicant responsibilities

The applicant is responsible for securing all necessary approvals and tenure, providing statutory notifications and complying with all relevant laws.

Nothing in this decision notice alleviates the need for the applicant to comply with all relevant local, State and Commonwealth laws and to ensure appropriate tenure arrangements have been made where the use of/reliance upon land other than that owned by the applicant is involved. Without limiting this obligation, the applicant is

responsible for:

- a Obtaining all other/further necessary approvals, licences, permits, resource entitlements etc by whatever name called required by law before the development the subject of this approval can be lawfully commenced and to carry out the activity for its duration;
- b Providing any notifications required by law (by way of example only, to notify the administering authority pursuant to the *Environmental Protection Act 1994* of environmental harm being caused/threatened by the activity, and upon becoming aware the premises is being used for a 'notifiable activity');
- c Securing tenure/permission from the relevant owner to use private or public land not owned by the applicant (including for access required by conditions of approval);
- d Ensuring the correct siting of structures on the land. An identification survey demonstrating correct siting and setbacks of structures may be requested of the applicant to ensure compliance with this decision notice and applicable codes;
- e Providing Council with proof of payment of the Portable Long Service Leave building construction levy (or proof of appropriate exemption) where the value of the Operational Works exceeds \$150,000. Acceptable proof of payment is a Q.Leave Notification and Payment Form approved by the Authority. Proof of payment must be provided before Council can issue a development permit for the Operational Works. This is a requirement of section 77(1) of the Building and Construction Industry (Portable Long Service Leave) Act 1991; and
- f Making payment of any outstanding Council rates and charges applicable to the development site prior to the lodgement of subdivision plans.

E Indigenous cultural heritage legislation and duty of care requirement

The Aboriginal Cultural Heritage Act 2003 ('AHCA') is administered by the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs (DATSIMA). The AHCA establishes a duty of care to take all reasonable and practicable measures to ensure any activity does not harm Aboriginal cultural heritage. This duty of care:

- a Is not negated by the issuing of this development approval;
- b Applies on all land and water, including freehold land;
- c Lies with the person or entity conducting an activity; and
- d If breached, is subject to criminal offence penalties.

Those proposing an activity involving surface disturbance beyond that which has already occurred at the proposed site must observe this duty of care.

Details of how to fulfil this duty of care are outlined in the duty of care guidelines gazetted with the AHCA.

The applicant should contact DATSIMA's Cultural Heritage Coordination Unit on (07) 3405 3050 for further information on the responsibilities of developers under the AHCA:

F Greenhouse gas emissions

As part of Council's commitment to reducing greenhouse gas emissions Council is encouraging the expansion of the natural gas reticulation network. In particular, the use of natural gas hot water systems will result in significantly less greenhouse gas emissions than equivalent electric storage hot water systems.

The applicant should contact the local natural gas reticulator (APA Group) to arrange

an assessment of the suitability of the proposed development for connection to the existing gas reticulation network. Please contact Ramon O'Keefe on 0438708798 or email: ramon.o'keefe@apa.com.au.

G Obligation to ensure electrical safety

Under the *Electrical Safety Act 2002* you have an obligation to ensure your business or undertaking is conducted in an electrically safe way, whether or not it is electrical work.

If there is a reasonable likelihood that your work may cause a person, vehicle, operating plant or equipment to come into contact with an overhead electric line, you must consult with the person in control of powerlines.

Persons, vehicles, operating plant or equipment must stay outside the defined exclusion zone applicable to the powerline.

Information note:

An exclusion zone sets the minimum safe approach distance to the powerline. Guidance on exclusion zones can be found in the Code of Practice - Working Near Exposed Live Parts issued by the Electrical Safety Office.

For further information, including codes of practice and legislation, either check the Department of Employment and Industrial Relations' web site – www.deir.qld.gov.au, or contact the Electrical Safety Office Info line – 1300 650 662.

Sustainable Planning Act 2009

APPEAL RIGHTS FOR APPROVAL OR REFUSAL OF DEVELOPMENT APPLICATIONS FOR MATERIAL CHANGE OF USE, RECONFIGURATION OF A LOT OR OPERATIONAL WORKS APPLICATIONS.

461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following:
 - (a) the refusal, or the refusal in part, of the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application;
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the applicant's appeal period) after;
 - (a) if a decision notice or negotiated decision notice is given the day the decision notice or negotiated decision notice is given to the applicant;
 - (b) otherwise, the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day of a decision on the matter should have been made.

Sustainable Planning Act 2009

APPEAL RIGHTS TO A BUILDING AND DEVELOPMENT COMMITTEE FOR PARTICULAR MATERIAL CHANGES OF USE.

PLEASE REFER TO THE PREREQUISITES IN SECTIONS 519 AND 522 TO DETERMINE WHETHER YOU HAVE APPEAL RIGHTS TO A BUILDING AND DEVELOPMENT COMMITTEE.

519 Appeal by applicant—particular development application for material change of use of premises

- (1) This section applies to a development application if the application is only for a material change of use of premises that involves the use of a prescribed building.
- (2) However, this section does not apply to the development application if any part of the application required impact assessment and any properly made submissions were received by the assessment manager for the application.
- (3) The applicant for the development application may appeal to a building and development committee against any of the following—
 - (a) the refusal, or the refusal in part, of the application;
 - (b) any condition of the development approval and another matter, other than the identification or inclusion of a code under section 242, stated in the development approval;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the application.
- (4) An appeal under subsection (3)(a), (b), (c) or (d) must be started within 20 business days (the applicant's appeal period) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (5) An appeal under subsection (3)(e) may be started at any time after the last day a decision on the matter should have been made.

522 Appeal by applicant—condition of particular development approval

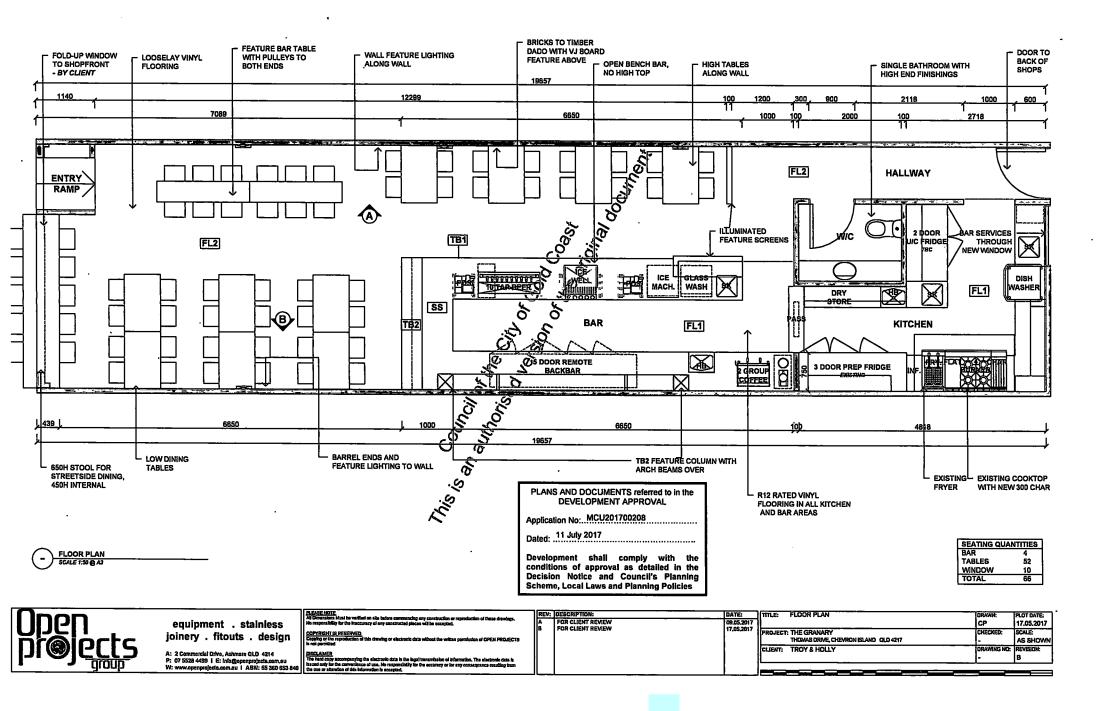
- (1) This section applies to a development application if—
 - (a) the application is only for a material change of use that involves the use of a building classified under the BCA as a class 2 building; and
 - (b) the proposed development is for premises of not more than 3 storeys; and
 - (c) the proposed development is for not more than 60 sole-occupancy units.

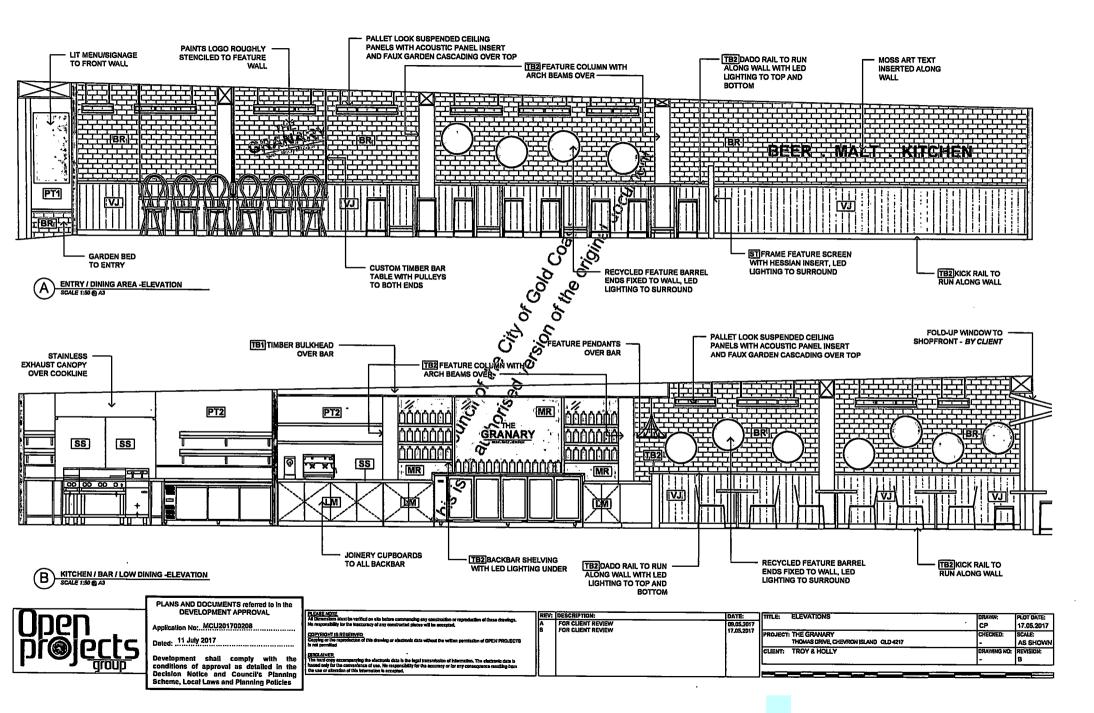
- (2) However, this section does not apply to the development application if any part of the application required impact assessment and any properly made submissions were received by the assessment manager for the application.
- (3) The applicant for the development application may appeal to a building and development committee against a condition of the development approval.
- (4) The appeal must be started within 20 business days (the applicant's appeal period) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (5) In this section—

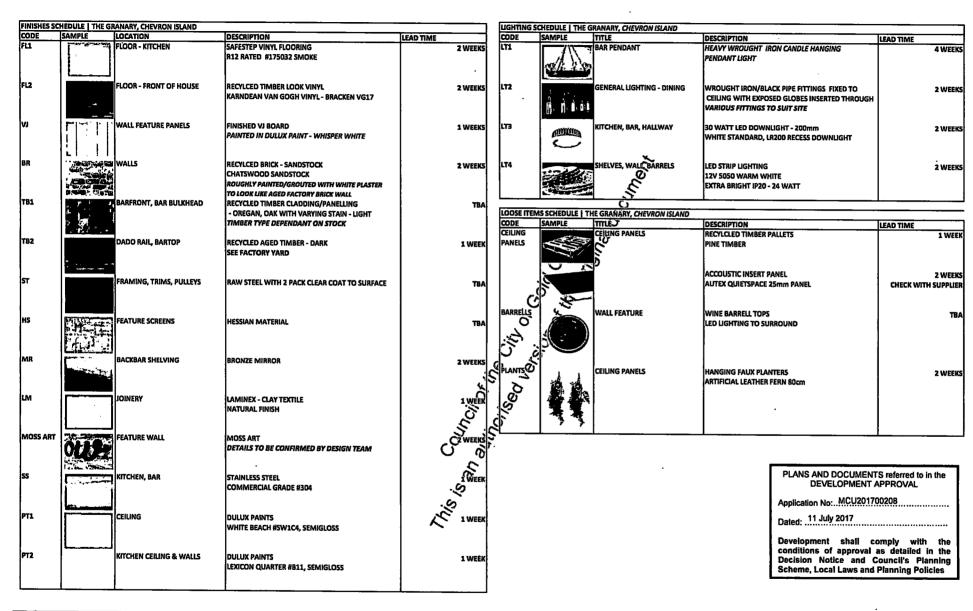
sole-occupancy unit, in relation to a class 2 building, means a room or other part of the building used as a dwelling by a person to the exclusion of any other person.

storey means a space within a building between 2 floor levels, or a floor level and a ceiling or roof, other than—

- (a) a space containing only-
 - (i) a lift shaft, stairway or meter room; or
 - (ii) a bathroom, shower room, laundry, water closet or other sanitary compartment; or
 - (iii) accommodation for not more than 3 motor vehicles; or
 - (iv) a combination of any things mentioned in subparagraph (i), (ii) or (iii); or
- (b) a mezzanine.









equipment . stainless joinery . fitouts . design

A: 2 Commercial Drive, Ashmore QLD 4214 P: 07 5528 4499 1 E: Info@openprojects.com.au W: www.openprojects.com.au 1 ABN: 55 360 653 848 <u>LEASE NOTE.</u> WitConsulers kitst be verified on also before commencing any construction or reproduction of these drawings, to responsibility for the insecuracy of any constructed places will be accepted.

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REV:	DESCRIPTION:	DATE:
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8	FOR CLIENT REVIEW	17,05,2017
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TITLE:	FINISHES SCHEDULE		PLOT DATE:
_		CP	17.05.2017
PROJECT:	THE GRANARY	CHECKED:	SCALE:
	THOMAS DRIVE, CHEVRON ISLAND QLD 4217	-	AS SHOWN
CLIENT:	TROY & HOLLY	DRAWING NO:	REVISION:
		Į-	В

DRAFT CONDITIONS DISCLAIMER - Council of the City of Gold Coast (Council) Officers wish to advise the applicant that these draft conditions have been sent by Council officers as a courtesy to provide the applicant the opportunity to peruse the (draft) conditions for any unintended errors or inconsistencies prior to a decision notice being issued and do not intend to have any legal credibility. These conditions may be subject to change by Council. The applicant has **three (3)** business days to make representation in relation to the draft conditions. If more time is needed to review the conditions then the applicant is required to formally extend the IDAS decision making period, to ensure that the application will remain within legislative timeframes. If extenuating circumstances prevail, Council officers may refuse the requested extension.

NATURE OF DECISION

A Under Delegated Authority the Manager of the City Development Branch approves the issue of a Development Permit for a Material Change of Use (Code Assessment) to establish a Food and Drink Outlet, subject to the following conditions:

APPROVED DRAWINGS

Development to be generally in accordance with specified plans/drawings

The development must be carried out generally in accordance with the approved plans/drawings listed below, stamped and returned to the applicant with this decision notice.

Plan No.	Rev.	Title	Date	Prepared by
-	В	Finishes Schedule	17/05/2017	Open Projects Group
-	В	Floor Plan	17/05/2017	Open Projects Group
-	В	Elevations	17/05/2017	Open Projects Group

The conditions of this approval are to be read in conjunction with the attached stamped approved plans/drawings. Where a conflict occurs between the conditions of this approval and the stamped approved plans/drawings, the conditions of this approval shall take precedence.

2	Decision notice and approved plans/drawings to be submitted with subsequent application	Timing As indicated within the	
	A copy of this decision notice and accompanying stamped approved plans/drawings must be submitted with any building development application or operational works application relating to or arising from this development approval.	wording of the condition.	
3	Decision notice and approved plans/drawings to be retained on site	Timing At all times.	
	A copy of this decision notice and stamped approved plans/drawings must be retained on site at all times. This decision notice must be read in conjunction with the stamped approved plans to ensure consistency in construction, establishment and maintenance of approved works.		

4 Notice of works timetable

The applicant must give Council written notice of the following:

- a Application number;
- b Site address:
- c Name and telephone number (work and after hours) of the project manager and the site owner;
- d Works intended to be carried out;
- e The proposed timetable associated with the works, including expected commencement, duration and completion date.

The notification is to be sent to Council's Development Compliance Section (fax: 07 5582 8080 or by email to Devcom Operational@goldcoast.qld.gov.au). This notification is in addition to any other notifications required by other conditions of this or other development approvals.

A form is available to assist in providing the information relating to Notice of Works/Commencement requirements. The form can be obtained at Council Offices (Nerang, Bundall and Coolangatta). It also can be found on Council's website at http://www.goldcoast.qld.gov.au/forms-applications.html.

Timing

After successful completion of any prestart inspections required by conditions of this or other development approvals and at least 5 business days prior to commencement of any works on site.

WORKS - COMPLIANCE

5 Certification of compliance

All works must be certified by a suitably qualified professional as complying with the approved plans.

For this condition, a 'suitably qualified professional' is a person with tertiary qualification and professional affiliation in the field of engineering or science relevant to the works and/or management plan and who has at least two years experience in management in that field. Where the works and/or management plans involve different fields, a certification is required from a suitability qualified professional for each separate field.

Timing

The applicant must submit the certification prior to the earliest of compliance assessment of the subdivision plan, the commencement of the 'On Maintenance' period or the commencement of the use.

CONSTRUCTION MANAGEMENT

6 Workplace health and safety

The Workplace Health and Safety Act 2011 and AS 1742 Manual of Uniform Traffic Control Devices must be complied with in carrying out the works, including ensuring safe traffic control and safe public access in respect of works being conducted on a road.

Timing

At all times while works are occurring.

7	Public safety to be ensured	Timing		
	The applicant must, at no cost to Council, ensure that all reasonable safeguards in and around the works are undertaken and maintained at all times to ensure the safety of the public. Such safeguards include, but are not limited to, erecting and maintaining barricades, guards, fencing and signs (and ensuring removal after completion of works) and watching and flagging traffic.	At all times while works are occurring.		
AME	ENITY			
8	Hours of operation	Timing		
	a All activities associated with the operation of the use are to be conducted only between the hours of 10:00am to 12:00am on Monday to Sunday, public holidays included.	At all times once the use has commenced.		
	b The Chief Executive Officer may consider a written request to vary the approved hours of operation for a special event with a minimum of 30 days notice.			
9	Restricted paint colours	Timing		
	Buildings and structures must not be painted in highly reflective, bright or obtrusive colours.	At all times.		
	Location of equipment and ventilation/refrigeration units	Timing		
10	All service equipment, mechanical ventilation and refrigeration units associated with the use of the premises must be installed, located and screened to the satisfaction of the Chief Executive Officer so as not to cause nuisance or disturbance to persons outside the curtilage of the premises.	At all times once the use has commenced.		
11	Screening of storage	Timing		
	The storage of any machinery, materials or vehicles must be screened so as not to be visible from any road to which the site has frontage, to the satisfaction of the Chief Executive Officer.	At all times once the use has commenced.		
12	No nuisance from lighting	Timing		
	All lighting devices must be positioned on the premises and shielded to the satisfaction of the Chief Executive Officer so as not to cause glare or other nuisance to surrounding residents and motorists.	At all times.		

	USTICS	Timing
	The development must be designed and constructed in accordance with the recommendations outlined in the acoustic report titled report prepared by ATP Consulting Engineers dated April 2017 (reference project number: ATP170308).	As indicated in the wording of the condition
	Any alteration to the design or construction of the development that prevents the recommendations of the approved report being implemented will require an amended report to be submitted and approved by Council prior to Building Approval.	•
14	Rear window and doors to remain closed during operation	Timing At all times
	All windows and doors opening to the rear of the site must remain closed during operation.	
15	Outdoor seating – not permitted	Timing
10	Outdoor seating is not permitted at any time.	At all times
PLI	JMBING AND DRAINAGE	
16	Application for compliance permit for water supply plumbing work required	Timing Prior to works occurring.
	The applicant must make an application to Council (Plumbing and Drainage Services) for a compliance permit for any compliance assessable water supply plumbing work within the property. Without limiting the requirements of the <i>Plumbing and Drainage Act 2002</i> with which the works must comply, the application must:	·
	 be accompanied by a hydraulic design for all water services within the property; and 	
	b comply with Section 5.2 of Council's City Plan Policy, Land Development Guidelines.	
	Information note:	
	Water supply plumbing works must not be carried out until a compliance permit under the Plumbing and Drainage Act 2002 has been issued by Council for the works.	
17	required	Timing Prior to any on-site sewerage works
	The applicant must make an application to Council (Plumbing and Drainage Services) for a compliance permit for any	occurring on site.

Without limiting the requirements of the *Plumbing and Drainage Act 2002* with which the works must comply, the application must:

- a be accompanied by a hydraulic design for all sewerage works within the property;
- b comply with Council's:
 - i Trade Waste Policy; and
 - ii Trade Waste Pre-treatment Policy and Guidelines); and

Information note:

- Sewerage works must not be carried out until a compliance permit under the Plumbing and Drainage Act 2002 has been issued by Council for the works.
- Plumbing and drainage approval is not an approval to discharge trade waste to Council's sewerage system. The generator of trade must complete an Application for Approval to Discharge Trade Waste to Council's sewerage system (available on Council's website) prior to discharging any trade waste.

ADVISORY NOTES TO APPLICANT

B Conditions contained within the Decision Notice

Where applicable, conditions of approval in this Decision Notice have a separate timing component to clarify when compliance with the condition must be achieved. This timing component forms part of the condition itself.

C Rights of appeal

The applicant has a right of appeal to the Planning and Environment Court regarding this decision, pursuant to section 461 of the Sustainable Planning Act 2009. A copy of that section is attached to the decision notice.

For particular material changes of use, an appeal can also be made to a Building and Development Committee. Please refer to the prerequisites in sections 519 and 522 of the Sustainable Planning Act 2009, attached to this decision notice, to determine whether you have appeal rights to a Building and Development Committee.

D Applicant responsibilities

The applicant is responsible for securing all necessary approvals and tenure, providing statutory notifications and complying with all relevant laws.

Nothing in this decision notice alleviates the need for the applicant to comply with all relevant local, State and Commonwealth laws and to ensure appropriate tenure arrangements have been made where the use of/reliance upon land other than that owned by the applicant is involved. Without limiting this obligation, the applicant is responsible for:

Obtaining all other/further necessary approvals, licences, permits, resource entitlements etc by whatever name called required by law before the

- development the subject of this approval can be lawfully commenced and to carry out the activity for its duration;
- b Providing any notifications required by law (by way of example only, to notify the administering authority pursuant to the *Environmental Protection Act 1994* of environmental harm being caused/threatened by the activity, and upon becoming aware the premises is being used for a 'notifiable activity');
- Securing tenure/permission from the relevant owner to use private or public land not owned by the applicant (including for access required by conditions of approval);
- d Ensuring the correct siting of structures on the land. An identification survey demonstrating correct siting and setbacks of structures may be requested of the applicant to ensure compliance with this decision notice and applicable codes;
- Providing Council with proof of payment of the Portable Long Service Leave building construction levy (or proof of appropriate exemption) where the value of the Operational Works exceeds \$150,000. Acceptable proof of payment is a Q.Leave Notification and Payment Form approved by the Authority. Proof of payment must be provided before Council can issue a development permit for the Operational Works. This is a requirement of section 77(1) of the Building and Construction Industry (Portable Long Service Leave) Act 1991; and
- f Making payment of any outstanding Council rates and charges applicable to the development site prior to the lodgement of subdivision plans.

E Indigenous cultural heritage legislation and duty of care requirement

The Aboriginal Cultural Heritage Act 2003 ('AHCA') is administered by the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs (DATSIMA). The AHCA establishes a duty of care to take all reasonable and practicable measures to ensure any activity does not harm Aboriginal cultural heritage. This duty of care:

- a Is not negated by the issuing of this development approval;
- b Applies on all land and water, including freehold land;
- c Lies with the person or entity conducting an activity; and
- d If breached, is subject to criminal offence penalties.

Those proposing an activity involving surface disturbance beyond that which has already occurred at the proposed site must observe this duty of care.

Details of how to fulfil this duty of care are outlined in the duty of care guidelines gazetted with the AHCA.

The applicant should contact DATSIMA's Cultural Heritage Coordination Unit on (07) 3405 3050 for further information on the responsibilities of developers under the AHCA.

F Greenhouse gas emissions

As part of Council's commitment to reducing greenhouse gas emissions Council is encouraging the expansion of the natural gas reticulation network. In particular, the use of natural gas hot water systems will result in significantly less greenhouse gas emissions than equivalent electric storage hot water systems.

The applicant should contact the local natural gas reticulator (APA Group) to arrange an assessment of the suitability of the proposed development for connection to the existing gas reticulation network. Please contact Ramon O'Keefe on 0438708798 or

email: ramon.o'keefe@apa.com.au.

G Obligation to ensure electrical safety

Under the *Electrical Safety Act 2002* you have an obligation to ensure your business or undertaking is conducted in an electrically safe way, whether or not it is electrical work.

If there is a reasonable likelihood that your work may cause a person, vehicle, operating plant or equipment to come into contact with an overhead electric line, you must consult with the person in control of powerlines.

Persons, vehicles, operating plant or equipment must stay outside the defined exclusion zone applicable to the powerline.

Information note:

An exclusion zone sets the minimum safe approach distance to the powerline.

Guidance on exclusion zones can be found in the Code of Practice - Working Near

Exposed Live Parts issued by the Electrical Safety Office.

For further information, including codes of practice and legislation, either check the Department of Employment and Industrial Relations' web site – www.deir.qld.gov.au, or contact the Electrical Safety Office Info line – 1300 650 662.

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	ISSUE NOT PROPERLY MADE NOTICE	27/02/2017
	PROPERLY MADE REVIEW	27/03/2017 14/03/2017
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	COMPLY WITH NPM NOTICE	7/03/2017 14/03/2017

INFO REQUEST EXTN LETTER SENT	24/03/2017	27/03/2017
INFORMATION REQUEST PERIOD	11/04/2017	10/04/2017
REQUESTED INFORMATION RECEIVED	10/10/2017	22/05/2017
DECISION MAKING EXT LETTER SENT	15/06/2017	15/06/2017
APP APPROVES EXT TO DECISION PERIOD	•	11/07/2017
MAKE DECISION	24/07/2017	
ISSUE DECISION NOTICE		
END OF APPLICANTS APPEAL PERIOD		

Related

Application # (Date)	Description .	
No parent applications found for thi	s application.	
No child applications found for this	application.	•
No related applications found for th	is application.	

Officer

SUMMERS Lydia - Waterside East Lvi 2 P&E PA Central

Documents

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

Description	Processed	Link
DA FORMS 58 - 60 THOMAS DRIVE SURFERS PARADISE	22/02/2017	PDF (S6014b)
DA FORM-RECEIPT-GCCC-DAR-8550257	22/02/2017	PDF (298kb)
DART NOT PROPERLY MADE NOTICE 58 - 60 THOMAS DRIVE SURFERS PARADISE	27/02/2017	全 PDF (536kb)
SIGNED PDF INFORMATION REQUEST FOOD AND DRINK OUTLET 58 - 60 THOMAS DRIVE SURFERS PARADISE	10/04/2017	№ PDF (31986)
INFORMATION RESPONSE (PART 2) FOR 58-60 THOMAS DRIVE SURFERS PARADISE (CHEVRON ISLAND) PN 228260/01/DA1	23/05/2017	爱 PDF (366b)
INFORMATION RESPOSNE (SITE PLAN) IN THE MATTER OF PLANNING APPLICATION FOR 58-60 THOMAS DRIVE SURFERS PARADISE (CHEVRON ISLAND) PN 228260/01/DA1	23/05/2017	№ PDF (1250tb)
EXTENSION TO DECISION MAKING PERIOD FOOD AND DRINK OUTLET 58 - 60 THOMAS DRIVE SURFERS DAPADISE	14/06/2017	₹ PDF (21286)

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Contact us about this application.

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INFO REQUEST EXTN LETTER SENT	24/03/2017	27/03/2017
INFORMÁTION REQUEST PERIOD	11/04/2017	10/04/2017
REQUESTED INFORMATION RECEIVED .	10/10/2017	22/05/2017
MAKE DECISION	19/06/2017	
DECISION MAKING EXT LETTER SENT		

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Related

Application # (Date) . Description

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Officer

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