

Date: April 2018  
Contact: Amanda Tzannes  
Location: City Planning  
Telephone: 07 5582 8835  
Your reference:  
Our reference: PD98/1132/06/01

Lois Levy  
Gecko Environment Council  
139 Duringan Street  
Currumbin QLD 4223

Dear Madam

### **Response to letter relating to City of Gold Coast City Plan approvals**

We refer to your letter dated 19 October 2017 and subsequent correspondence received in March and April 2018.

In response to your query regarding merit based assessment, section 5.3.3 of City Plan determines the requirements for the assessment of applications. Below is a summary of the requirements:

- Accepted development does not require a development approval and is not subject to assessment benchmarks. However, certain requirements may apply to some types of development for it to be accepted development. Where nominated in the tables of assessment, accepted development must comply with the requirements identified as required outcomes in the relevant parts of the applicable code(s).
- Code assessable development:
  - that complies with:
    - the purpose and overall outcomes of the code complies with the code; or
    - the performance or acceptable outcomes complies with the purpose and overall outcomes of the code.
- Impact assessable development:
  - is to be assessed against the identified assessment benchmarks in the assessment benchmarks column.

In response to your query relating to deciding development applications which are Code assessment, the following excerpt is provided from Section 60 of the *Planning Act 2017*. It provides the statutory requirements for assessment managers when deciding Code assessable applications:

“To the extent the application involves development that requires code assessment, and subject to section 62, the assessment manager, after carrying out the assessment —

(a) must decide to approve the application to the extent the development complies with all of the assessment benchmarks for the development; and

(b) may decide to approve the application even if the development does not comply with some of the assessment benchmarks; and

*Examples—*

*1. An assessment manager may approve an application for development that does not comply with some of the benchmarks if the decision resolves a conflict between the benchmarks.*

2. An assessment manager may approve an application for development that does not comply with some of the benchmarks if the decision resolves a conflict between the benchmarks and a referral agency's response.

(c) may impose development conditions on an approval; and

(d) may, to the extent the development does not comply with some or all the assessment benchmarks, decide to refuse the application only if compliance cannot be achieved by imposing development conditions.

*Example of a development condition for paragraph (d)—  
a development condition that affects the way the development is carried out, or the management of uses or works that are the natural and ordinary consequence of the development, but does not have the effect of changing the type of development applied for."*

Finally, in response to your query regarding planning for infrastructure, the City has recently prepared and publically notified Major amendment 1 to the Local Government Infrastructure Plan (LGIP). This LGIP amendment is based on the city's population, dwelling and job projections over the next 15 years. The LGIP forecasts the scale, type, timing and location of growth in the city, in order to plan the provision of trunk infrastructure in a timely manner. The LGIP, including its growth projections, will be reviewed regularly and amended with the City Plan.

**Contacting us**

Should you wish to clarify any issues contained in this letter, please do not hesitate to contact Amanda Tzannes telephone 07 5582 8835.

Yours faithfully



Alisha Swain  
**Director Economy, Planning & Environment**  
*For the Chief Executive Officer*  
Council of the City of Gold Coast