

Date: 4 November 2021
Contact: Nathan SEILER
Location: City Development
Telephone: 07 5582 8866
Your reference:
Our reference: OPT/2021/215

Raciti
C/- Pontoons Plus
PO BOX 273
ISLE of CAPRI QLD 4217

Dear Sir/Madam

Completion Certificate

Application type	Prescribed Tidal Works
Description of Works	Pontoon
Property description	Lot 54 RP115864
Property location	30 Park Avenue, BROADBEACH WATERS QLD 4218

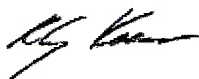
This completion certificate is confirmation that the Prescribed Tidal Work to Construct a Pontoon has satisfied the conditions of approval outlined in the decision notice dated **30 June 2021**.

Please note that as per section 124 of the *Amendments for Coastal Protection and Management Act 1995*, the owner has a statutory obligation to ensure that the structure is maintained in a safe condition.

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



Antony Kocsmar
Supervisor Operational Works
For the Chief Executive Officer
Council of the City of Gold Coast

Our ref 215/240/2749 (8466)
Your ref Raciti
Council ref:
Enquiries Jason Smith



17 June 2021

Attention: Mr Justin Maller
Pontoons Plus
PO Box 273
ISLE OF CAPRI QLD 4217

Via email: info@pontoonsplus.com.au

Dear Mr Maller

Tidal Works Application – Gold Coast Waterways Authority – Pre-Referral Response

(Given under section 57 of the *Planning Act 2016*)

In relation to development of land/premises described as:

Applicant name and contact details: Raciti
C/- Mr Justin Maller
Pontoons Plus
PO Box 273
ISLE OF CAPRI QLD 4217

Real Property Description: Lot 54 on RP115864

Street Address: 30 Park Avenue Broadbeach Waters QLD

Approval(s) sought: Development permit for carrying out operational works for prescribed tidal works – T Head pontoon and gangway; and demolition works.

Proposed development and location details

Reference is made to your amended referral material received 11 June 2021 regarding the proposed works as detailed above.

Referral trigger

The Gold Coast Waterways Authority (GCWA) has undertaken an assessment of the application material as a relevant referral agency identified under the *Planning Act 2016* for the purposes of the *Gold Coast Waterways Authority Act 2012*. The development application was referred to GCWA under the following provisions of the *Planning Regulations 2017*: Schedule 10, Part 17, Division 3, Table 3 item 1.

Conditions

Under section 56(1)(b)(i) of the *Planning Act 2016*, the conditions set out below in attachment 1 and enclosed must be attached to any development approval.

Reasons for decision to impose specification

Reasons for GCWA's decision to impose conditions are set out in Attachment 2.

The quay line and area of water allocation as illustrated in the drawings in Attachment 1 is considered suitable for the intended structure.

Pursuant to section 54(4) of the *Planning Act 2016*, the applicant will not be required to give a copy of the application to GCWA if –

- The application is not substantially different than the pre-referred plans and specification detailed in this response.

This response should accompany your application to Council.

For further information please contact Jason Smith, Senior Advisor Waterways on 5539 7350 or via email at mail@gcwa.qld.gov.au.

Yours sincerely



Hal Morris

Chief Executive Officer

Cc Mr Michael Duffy
City of Gold Coast
Via email: mail@goldcoast.qld.gov.au

Attachment 1 – Conditions to be imposed

No.	Conditions	Condition timing
Development Permit for Operational Works for Prescribed Tidal Works		
1	The Pontoon and gangway must be carried out generally in accordance with the following plans: i. titled '<i>Site Plan</i>' prepared by Pontoons Plus and dated 08/06/2021, reference sheet 2-080620.	At all times
2	Vessel(s) must: a. be berthed in the designated position; and b. not exceed the maximum length overall; and c. not exceed the maximum beam dimension(s) as shown on drawing titled '<i>Site Plan</i>' prepared by Pontoons Plus and dated 08/06/2021, reference sheet 2-080620. <i>Length overall means the overall length of the vessel including any bow sprit, bow rail in the fore section of the vessel and any davit or duck board or outboard motor at the stern (rear). For certainty, it includes any part of a vessel or thing that may impede safe and equitable use of the waterways.</i>	At all times
3	All piles and/or structures identified for removal/demolition on drawing titled '<i>Site Plan</i>' prepared by Pontoons Plus and dated 08/06/2021, reference sheet 2-080620, both above and below the waterline must be completely extracted/removed from Gold Coast waters.	Prior to the construction of the new works.

Advice to Assessment Manager

GCWA does not assess the siting and capability of the structure to float at all times.

Attachment 2 - Reasons for GCWA's decisions are:

- The submitted development material and plans.
- To ensure that development is carried out generally in accordance with the plans of development submitted with the application.
- To ensure the Gold Coast waterways are appropriately administered under the *Gold Coast Waterways Act 2012*.
- To ensure impacts to access within waterways are avoided or minimised.

Date: 30 June 2021
Contact: Nathan Seiler
Location: City Development
Telephone: 07 5582 8866
Your reference:
Our reference: OPT/2021/215



Raciti
C/- Pontoons Plus
PO BOX 273
ISLE of CAPRI QLD 4217

Dear Sir/Madam

Decision Notice

Property description	Lot 54 RP115864
Property location	30 Park Avenue, BROADBEACH WATERS QLD 4218
Application details	Prescribed Tidal Works

Please find enclosed the decision notice for the proposed development identified above.

For further information regarding the assessment of this application, access the Planning and Development page on City of Gold Coast's website cityofgoldcoast.com.au and reference application number OPT/2021/215.

If you are unable to access the website, please email your query to mail@goldcoast.qld.gov.au and reference your application number.

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 sincerely

City Development Branch
Planning & Environment Directorate
For the Chief Executive Officer
Council of the City of Gold Coast

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
- (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and

- (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
- (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or

- (iii) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
- (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
- (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—

- (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.

- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.*non-appealable*, for a decision or matter, means the decision or matter—
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise.

whether by the Supreme Court, another court, any tribunal or another entity; and

- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

Schedule 1 Appeals

1 Appeal rights and parties to appeals

section 229

- (1) Table 1 states the matters that may be appealed to—
 - (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
 - (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and

- (ii) the building is, or is proposed to be, not more than 3 storeys; and
- (iii) the proposed development is for not more than 60 sole-occupancy units; or
- (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
- (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
- (g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
- (h) a decision to give an enforcement notice—
 - (i) in relation to a matter under paragraphs (a) to (g); or
 - (ii) under the *Plumbing and Drainage Act 2018*; or
 - (i) an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
 - (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.

- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
- (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—
storey see the Building Code, part A1.1.

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal	
1. Development applications	
For a development application other than an excluded application, an appeal may be made against—	
(a) the refusal of all or part of the development application; or	
(b) the deemed refusal of the development application; or	
(c) a provision of the development approval; or	
(d) if a development permit was applied for—the decision to give a preliminary approval.	

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	1 A concurrence agency that is not a co-respondent 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
2. Change applications			
For a change application other than an excluded application, an appeal may be made against—			
(a) the responsible entity's decision on the change application; or			
(b) a deemed refusal of the change application.			

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal				
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)	
1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice	The responsible entity	If an affected entity starts the appeal—the applicant	1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application	
3. Extension applications For an extension application other than an extension application called in by the Minister, an appeal may be made against— (a) the assessment manager's decision on the extension application; or (b) a deemed refusal of the extension application				

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal				
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)	
1 The applicant 2 For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal—the applicant	If a chosen assessment manager is the respondent—the prescribed assessment manager	
4. Infrastructure charges notices An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds— (a) the notice involved an error relating to— (i) the application of the relevant adopted charge; or <i>Examples of errors in applying an adopted charge—</i> - the incorrect application of gross floor area for a non-residential development - applying an incorrect 'use category', under a regulation, to the development (ii) the working out of extra demand, for section 120; or (iii) an offset or refund, or (b) there was no decision about an offset or refund, or (c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or (d) for an appeal to the P&E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.				

Table 1 Appeals to the P & E Court and, for certain matters, to a tribunal				
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)	
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	—	—	
5. Conversion applications				
An appeal may be made against—				
(a) the refusal of a conversion application; or				
(b) a deemed refusal of a conversion application.				
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)	
The applicant	The local government to which the conversion application was made	—	—	
6. Enforcement notices				
An appeal may be made against the decision to give an enforcement notice.				
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)	
The person given the enforcement notice	The enforcement authority	—	—	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government

Table 2 Appeals to the P & E Court only				
1. Appeals from tribunal				
An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of—				
(a) an error or mistake in law on the part of the tribunal; or				
(b) jurisdictional error.				
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)	
A party to the proceedings for the decision	The other party to the proceedings for the decision	—	—	
2. Eligible submitter appeals				
For a development application or change application other than an excluded application, an appeal may be made against the decision to approve the application, to the extent the decision relates to—				
(a) any part of the development application or change application that required impact assessment; or				
(b) a variation request.				
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)	
1 For a development application—an eligible submitter for the development application	1 For a development application—the assessment manager	1 The applicant	1 Another eligible submitter for the application	
2 For a change application—an eligible submitter for the change application	2 For a change application—the responsible entity	2 If the appeal is about a concurrence agency's referral response—the concurrence agency	2 Another eligible submitter for the application	

Table 2 Appeals to the P&E Court only			
3. Eligible submitter and eligible advice agency appeals For a development application or change application other than an excluded application, an appeal may be made against a provision of the development approval, or a failure to include a provision in the development approval, to the extent the matter relates to— (a) any part of the development application or change application that required impact assessment; or (b) a variation request.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application 3 An eligible advice agency for the development application or change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application
4. Compensation claims An appeal may be made against— (a) a decision under section 32 about a compensation claim; or (b) a decision under section 265 about a claim for compensation; or (c) a deemed refusal of a claim under paragraph (a) or (b).			

Table 2 Appeals to the P&E Court only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	—	—
5. Registered premises An appeal may be made against a decision of the Minister under chapter 7, part 4.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 A person given a decision notice about the decision 2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision	The Minister	—	If an owner or occupier starts the appeal—the owner of the registered premises
6. Local laws An appeal may be made against a decision of a local government, or conditions applied, under a local law about— (a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or (b) the erection of a building or other structure.			

Table 2 Appeals to the P&E Court only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who— (a) applied for the decision; and (b) is dissatisfied with the decision or conditions.	The local government	—	—

Table 3 Appeals to a tribunal only			
1. Building advisory agency appeals An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	1 A concurrence agency for the development application related to the approval 2 A private certifier for the development application related to the approval

Table 3 Appeals to a tribunal only			
2. Inspection of building work An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant for the development approval	The person who made the decision	—	—
3. Certain decisions under the Building Act and the <i>Plumbing and Drainage Act 2018</i> An appeal may be made against— (a) a decision under the Building Act, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act; or (b) a decision under the <i>Plumbing and Drainage Act 2018</i> , other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who received, or was entitled to receive, an information notice about the decision	The entity that made the decision	—	—
4. Local government failure to decide application under the Building Act An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.			

Table 3 Appeals to a tribunal only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive notice of the decision	The local government to which the application was made	—	—
5. Failure to make a decision about an application or other matter under the <i>Plumbing and Drainage Act 2018</i> An appeal may be made against a failure to make a decision under the <i>Plumbing and Drainage Act 2018</i>, other than a failure by the Queensland Building and Construction Commission to make a decision, within the period required under that Act, if an information notice about the decision was required to be given under that Act.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive an information notice about the decision	The entity that failed to make the decision	—	—

Our reference: OPT/2021/215
Your reference:

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

Date of decision notice: 30 June 2021

Applicant details

Applicant name: Raciti
Applicant contact details: C/- Pontoons Plus
PO BOX 273
ISLE of CAPRI QLD 4217

Application details

Application number: OPT/2021/215
Approval sought: Prescribed Tidal Works
Details of proposed development: Development Permit for Operational Works for a pontoon (private use).

Location details

Street address: 30 Park Avenue, Broadbeach Waters Qld 4218
Real property description: Lot 54 RP115864

Decision

Date of decision: 30 June 2021
Decision details: Under Delegated Authority, the Supervisor Operational Works has resolved to approve the development application in full with conditions.

Referral agency(s) for the application

The referral agencies for this application are:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
To construct a pontoon	Gold Coast Waterways Authority	Concurrence	PO Box 107 SOUTHPORT QLD 4215

Details of the approval

Development permit: Operational Works for a pontoon (private use).

Conditions

The conditions that have been imposed by Council, as Assessment manager, are enclosed.
The conditions and/or advice that have been imposed/ provided by referral agency(s) are attached.

Properly made submissions

Not applicable—No part of the application required public notification.

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

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

Approved plans and drawings

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

Appeal rights

Applicant	You have appeal rights in relation to this decision. An appeal may be made against, as applicable: • the refusal of part of the development application; or • a provision of the development approval; or • if a development permit was applied for, the decision to give a preliminary approval. An appeal must be started within 20 business days after this notice is given to you. An appeal may be made to the Planning and Environment Court or, for certain matters which are identified in section 1(2) of Schedule 1 of the <i>Planning Act 2016</i>, to a development tribunal. An appeal is started by lodging a notice of appeal with the registrar of the Planning and Environment Court or a development tribunal, as applicable. The notice of appeal must be in the approved form, succinctly state the grounds of the appeal and be accompanied by the required fee. An appellant to the Planning and Environment Court must give a copy of the notice of appeal, within 10 business days after the appeal is started, to the persons identified in section 230(3) of the <i>Planning Act 2016</i>. A person who is appealing to the Planning and Environment Court must comply with the rules of the court that apply to the appeal. An extract of Chapter 6, Part 1 and Schedule 1 of the <i>Planning Act 2016</i> is attached to this notice, which sets out further information about the appeal rights.
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For further information please contact Nathan Seiler, Civil Engineer on p: 07 5582 8866 or via email mail@goldcoast.qld.gov.au who will be pleased to assist.

AUTHORISED BY



Mike Carter
Acting Supervisor Operational Works
For the Chief Executive Officer
Council of the City of Gold Coast

enc:

Conditions imposed by Council as Assessment manager

Attach:

Referral agency conditions and/or advice

1. Gold Coast Waterways Authority

Stamped approved plans and drawings

Appeal rights extracts

Example Identification Plate

Conditions imposed by Council as Assessment manager**General****1 Timing**

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

2 Approved drawings

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

Operational Works

Drawing Title	Author	Date	Drawing No.	Ver
Site Plan	Pontoons Plus	10-06-21	2-080620 Sheet 2 of 5	0
Side Elevation	Pontoons Plus	10-06-21	3-080620 Sheet 3 of 5	0
Standard Construction Plan	Pontoons Plus	10-06-21	4-080620 Sheet 4 of 5	0
Additional to Standard Construction Plan	Pontoons Plus	10-06-21	5-080620 Sheet 5 of 5	0

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

Construction Management**3 Certification of works - Tidal works**

Provide Council with certificates prepared by qualified expert(s) from the discipline(s) listed below, confirming as follows:

Operational Works – Tidal works

Certified document	Certification date	Plan/ Drawing	Expert discipline	Requesting Council Section
Appendix A Certification -Land development guidelines of the City Plan	Upon practical completion of works	-	Registered Professional Engineer of Queensland (RPEQ).	Operational works

The certification is to confirm:

- i All works have been undertaken generally in accordance with the approved drawings inclusive of location.
- ii The ID plate has been installed in accordance with the condition of this approval.
- iii All works have been undertaken in accordance with the conditions.

4 Availability of approved plans, drawings and reports

Retain a copy of this decision notice and stamped approved plans, drawings and reports on site at all times during construction. Any contractors undertaking approved work (including tree

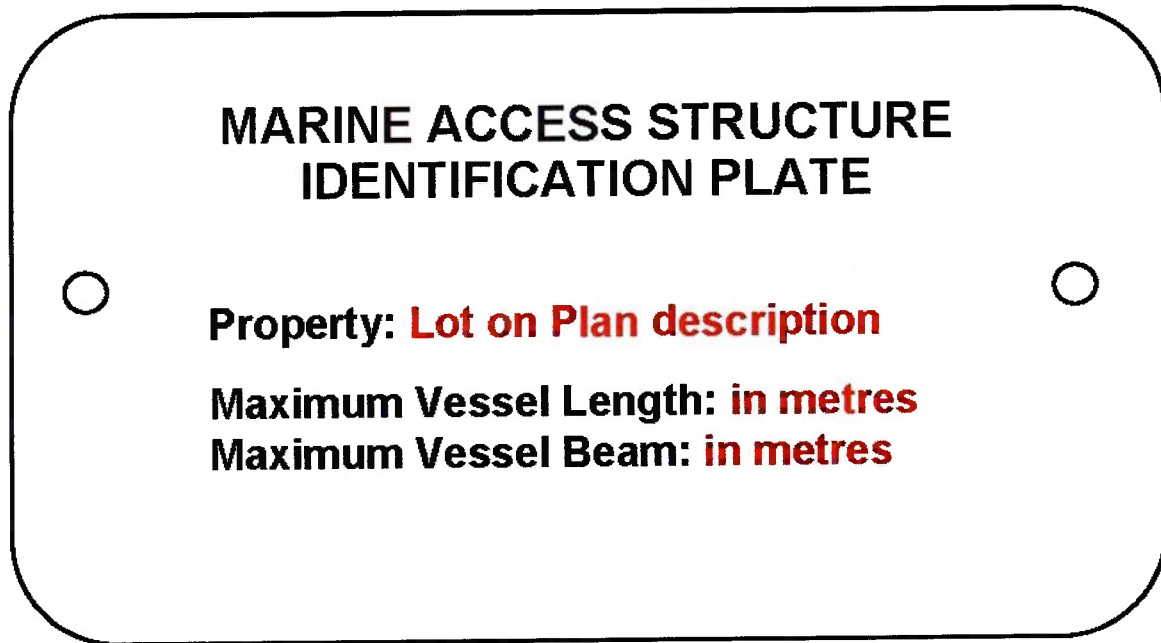
	removal or relocations) must be directly provided with a copy of these conditions and instructed as to the need to comply with them.
5	When the approval lapses if works is not completed This approval will lapse if the works is not completed by 30 June 2023, in accordance with section 88 of the Planning Act 2016.
Tidal Works	
6	Maximum Vessel Size a Use the pontoon only for vessels (wet berthed) which do not exceed: - i A maximum length of 10.0 metres; - ii A maximum beam of 3.5 metres; - iii A maximum weight of 8,000kg. b Mark the maximum vessel size (length, beam, draft and weight) for which the pontoon has been designed permanently on the pontoon.
7	Pontoon to float in all tidal events Design the pontoon such that it is able to float in all tidal events.
8	Stormwater outlets to remain free from obstruction Keep stormwater outlets free from obstruction and capable of enabling unencumbered stormwater discharge.
9	Removal obligations a Remove and dispose of all snags or obstructions while works are being carried out at no cost to Council. Such work may require approval. b Immediately remove all debris, rubbish and other material in and adjacent to the waters arising from the carrying out of works (other than deposited material shown on the approved plan).
10	Piles The piles installed as part of this work must conform with the following requirements: a The top of pile levels must be positioned a minimum of 500 mm above the designated flood level for the site to ensure the pontoon is restrained during flood events up to and including the designated flood event; and b The design of the piles must be in accordance with the requirements of Sections 4 and 5 of AS3962-2020.
11	Revetment wall a Position structures so that none are located within 1m of the top of the revetment wall, to allow for maintenance and inspection of the revetment wall. b Reinstatement of the revetment wall in the event of failure of the revetment wall, rests entirely with the property owner and not Council to an appropriate standard such that it is capable of withstanding flood events up to and including the 1% AEP flood event. c Maintenance, upkeep and all associated responsibilities of the revetment wall protecting the property is the sole responsibility and cost of the property owner, and not Council.
12	Maintenance of tidal works The approved works must be maintained in a sound and safe state of repair by the owner of the lot to which the structure is attached, connected or gives benefit; in accordance with the requirements of the Coastal Protection and Management Act 1995 Chapter 2 Part 7 Section 124.
13	Vessel/Craft must not cause navigation hazard

	Any vessel or other floating craft (including but not limited to a jet/surf ski) moored at the pontoon or serviced or accessed from the pontoon, must not adversely affect navigable access to or egress from any neighbouring lot.
14	Marine plant and equipment All marine plant and equipment used in the carrying out of works must be kept clear of navigation channels when working or moored.
15	Marine access structure identification a The pontoon floating unit must include an identification label to clearly notate the property address, maximum vessel length and maximum vessel beam permitted at berth. b The size of the identification label must: - i be a minimum of 120mm x 60mm and include the header "Marine Access Structure Identification Plate; and - ii be in the form of a plate or engraved/etched into the deck or face at the front of the floatation unit. c The identification label must be installed prior to the issue of a Certification of Completion. <i>Information note: an example of an identification plate is attached to this decision notice</i>
16	Erosion and sediment control a. Undertake works generally in accordance with the operational works approval and include in particular: i. Erosion, sediment and dust control measures must be implemented in accordance with the approved plan / drawings and the Best Practice Erosion & Sediment Control (IECA Australasia, November 2008).
Advice Notes	
A	Compliance with conditions Once this development approval takes effect, the conditions attach to the land and are applicable in perpetuity. It is a development offence to contravene a development approval, including any of its conditions.
B	Council audits Upon completion of the works, Council may at any time choose to audit the work for compliance with the conditions of approval.
C	Further approval required for commercial use This approval does not consider commercial usage. Should the landing be utilised for a commercial use, a material change of use application may be required.
D	Indigenous cultural heritage legislation and duty of care requirement The <i>Aboriginal Cultural Heritage Act 2003</i> ('ACHA') is administered by the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs (DATSIMA). The ACHA establishes a duty of care to take all reasonable and practicable measures to ensure any activity does not harm Aboriginal cultural heritage. This duty of care: - a Is not negated by the issuing of this development approval; - b Applies on all land and water, including freehold land; - c Lies with the person or entity conducting an activity; and - d If breached, is subject to criminal offence penalties. Those proposing an activity involving surface disturbance beyond that which has already occurred at the proposed site must observe this duty of care. Details of how to fulfil this duty of care are outlined in the duty of care guidelines gazetted with the ACHA. The applicant should contact DATSIMA's Cultural Heritage Coordination Unit on (07) 3405

	3050 for further information on the responsibilities of developers under the ACHA.
E	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 <i>Environment Protection Act 1994</i> 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 exceed \$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. - g Obtaining any necessary local government/state approvals where works require the installation of temporary ground anchoring into adjacent Road Reserves. Where ground anchoring is proposed into an adjacent private property, approval from the relevant property owners(s) is required
F	Connections to, alteration or realignment of Council infrastructure Where development works require the connection to, alteration, removal or realignment of Council infrastructure or impact on other public utility infrastructure (e.g. telecommunications, electricity and gas), the applicant must obtain the necessary approvals from the relevant public utility authority prior to works commencing. Connection to, alteration, removal or realignment of Council infrastructure includes (but is not limited to) fire hydrants, water service meters, sewer maintenance hole covers, stormwater drainage infrastructure, reinstatement of maintenance hole covers, stormwater drainage infrastructure, crossovers, footpaths, road pavement, kerb and channel, kerb ramps, medians, traffic islands, road furniture, signage and line-marking.
G	Fire ant control Northern suburbs of the Gold Coast are within Fire Ant Biosecurity zone 2 and must remain vigilant for the presence of fire ants. Under the <i>Biosecurity Act 2014</i> individuals and organisations whose activities involve the movement or storage of fire ant carriers have a general biosecurity obligation to take all reasonable steps to ensure they do not spread fire ants. Movement of a fire ant carrier from within the fire ant biosecurity zone may need a biosecurity instrument permit. More information is available on the Department of Agriculture and Fisheries website www.daf.qld.gov.au/plants/weeds-pest-animals-ants/invasive-ants/fire-ants
H	Dredging and excavation restrictions

- | | |
|--|--|
| | <ul style="list-style-type: none">a Operational works approvals are required for all dredging and excavation works within tidal waters that do not constitute excluded work under the <i>Planning Regulation 2017</i>.b The waterway/canal profile shown on the approved drawings does not form part of the approval and is not necessarily an accurate reflection of the existing or lawfully approved profile.c The tidal works structure must be designed to operation functionally with consideration for the existing and lawful bed and bank profiles. |
|--|--|

IDENTIFICATION PLATE



*Size of plate = about 120mm x 60mm - Lettering: Embossed
Material: Aluminium - 2 x 5mm holes for 4mm dia SS screws*

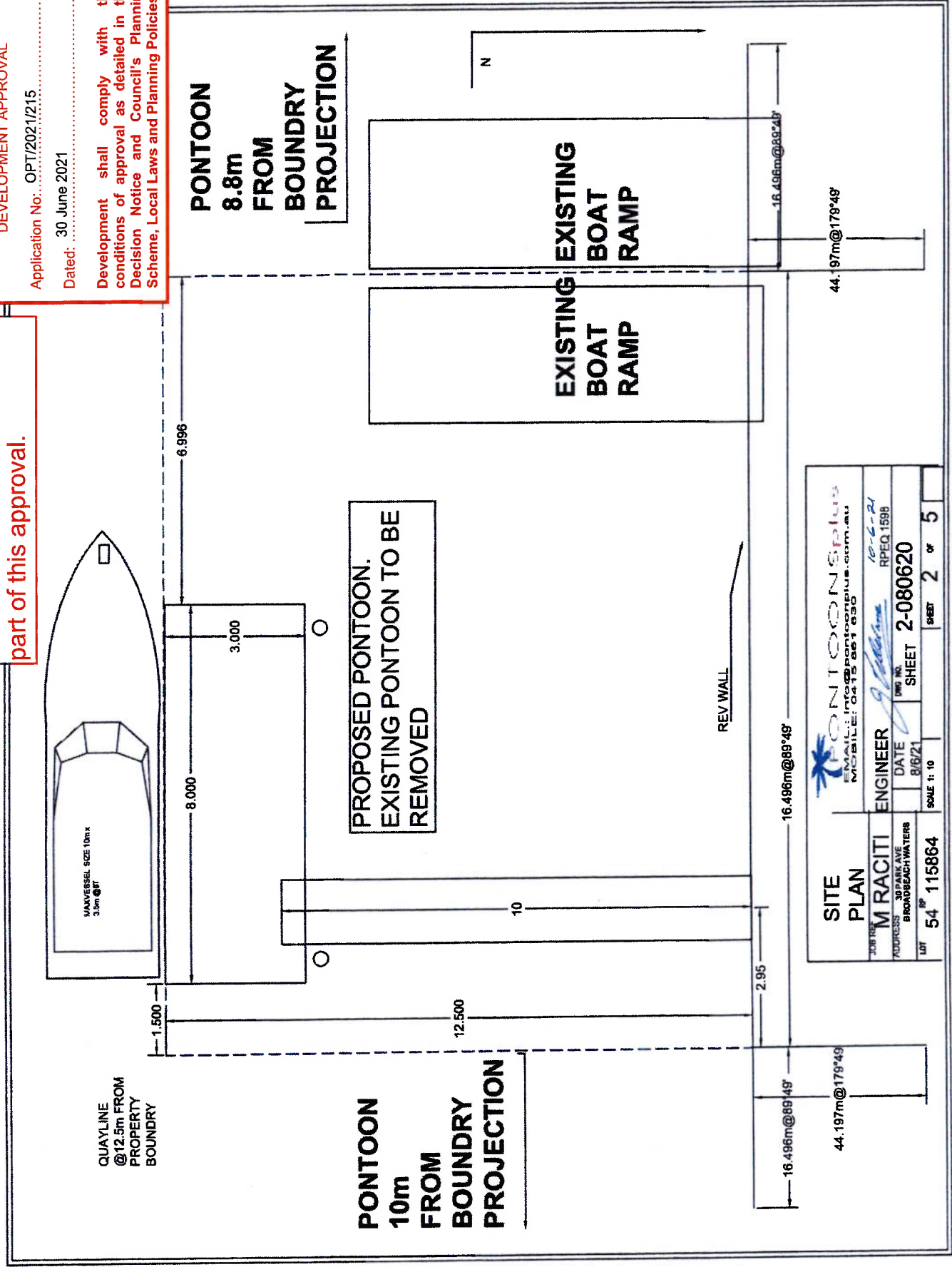
Revetment wall does not form part of this approval.

PLANS AND DOCUMENTS referred to in the DEVELOPMENT APPROVAL

Application No: OPT/2021/215

Dated: 30 June 2021

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

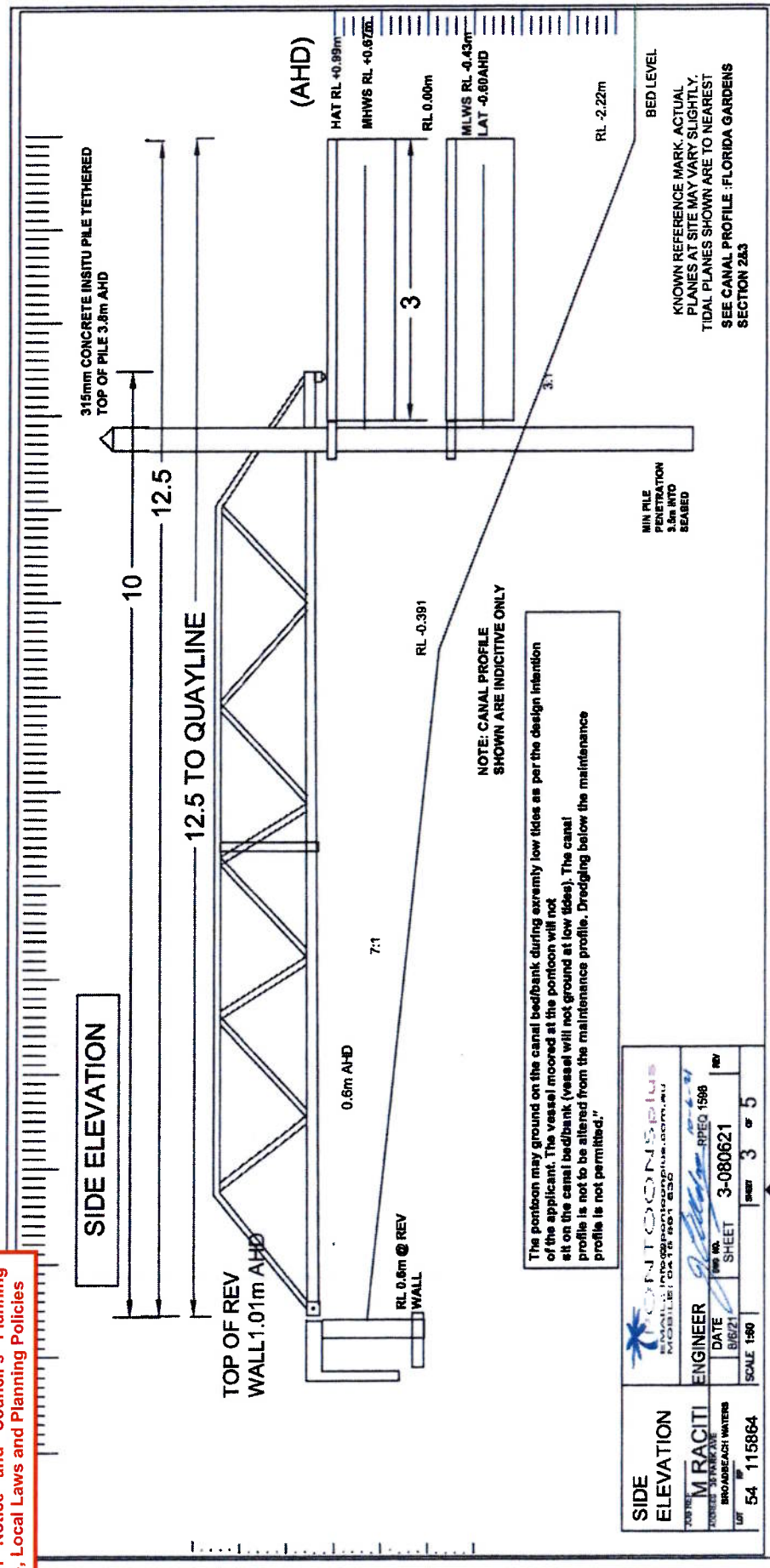


SITE PLAN		PONTOONS Plus	
JOB NO: M RACITI		EMAIL: info@pontoonplus.com.au	
ADDRESS: 30 PARK AVE BROADBEACH WATERS		MOBILE: 0415 881 650	
ENGINEER	DATE	10-6-21	RPEQ 1598
8/6/21	SHEET	2-080620	
LIT 54	SP 115864	SCALE 1: 10	SHEET 2 OF 5

PLANS AND DOCUMENTS referred to in the
DEVELOPMENT APPROVAL
Application No.: OPT/2021/215
Dated: 30 June 2021

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

Revetment wall does not form
part of this approval.



SIDE ELEVATION		ENGINEER		DATE		SCALE	
M. RACITI		8/6/21		3-080621		3 OF 5	
BROADBEACH WATERS		SHEET		RPEQ 1598			
54 115864							

THE WORKS THAT ARE SUBJECT OF THESE PLANS ARE STRUCTURALLY ADEQUATE FOR THE ANTICIPATED USAGE AS DETAILED AND CERTIFIED ON THESE PLANS

ALUMINIUM

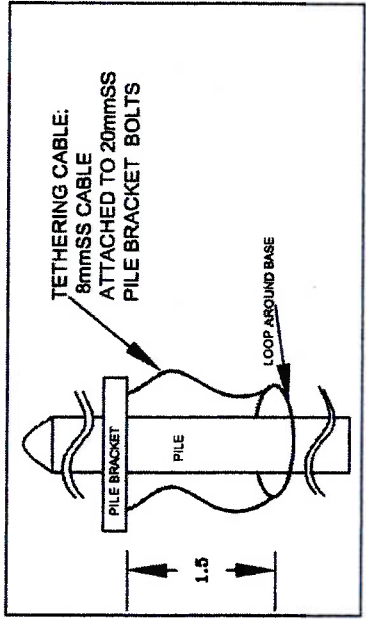
All aluminium to comply with AS1664 and to be grade 6061 T6 UNO (minimum)
All welds to be 6mm continuous fillet welds(CFW) using 5356 UNO alloy

Butt welds to have full penetration

Surfaces between aluminium and concrete to have 2 layers of Alcor.
Surfaces between aluminium and SS to be painted with 2 coats of Zinc Chromate and be to be separated by neoprene washers

DESIGN CRITERIA

- * Live load on pontoon 2kPa
- * Live load on walkway 2kPa
- *The shore abutments for the pontoon walkway will not apply any additional loads to the waterfront retaining wall, Anchor Points to be piled 1m from retaining wall.
- *The polyethylene membrane for the pontoon floatation units will form an impervious barrier to water and marine organisms, and is suitable for the marine environment
- *The pontoon is stable at all times. When the specified live load of 2kPa is distributed over half the width of the pontoon and over the walkway there is not less than 75 mm of reserve buoyancy; the bottom corner does not emerge from the water and the angle of tilt does not exceed 15 Deg



GENERAL

All structures have been designed to comply with all relevant Departments of Qld Tpt, GCCC regulations .
All structures have been designed to comply with all relevant Australian Standards including AS3962 Guidelines for Design of Marinas.
All structures have been designed to withstand the Defined Storm Tide Event

Design wind velocity: 25 m/s. TC 2 or 3.

Berthing velocity: 0.7 m/s.

Design Streamflow - 3 m/s max.

Design wave height - 0.5 m

Debris loading calculated assuming a 1.2m deep debris mat

Max vessel length - 1 x 10. m

Max vessel beam: 3.5m

Max vessel mass: 8,000 kg

Dry berth vessel Max NA

It is the owners responsibility to ensure that the vessel being berthed does not impose loads greater than those indicated above.

CONCRETE

All concrete work to comply with AS3600.

Concrete strength to be 50 Mpa with a 60mm slump.

Concrete to be Compacted and cured by approved methods.

Minimum cover to the reinforcement - 65mm.

STEEL

All steelwork to comply with AS4100.

All steel to be hot dipped galvanised to AS1650.

All welds are to be 6mm continuous fillet welds.

All exposed bolts to be stainless steel 316 AS2837.

TIMBER

All timber work to comply with AS.1720 and to be F22 .

TETHER SYSTEM IF REQUIRED

THE TETHERING SYSTEM HAS BEEN STRUCTURALLY DESIGNED TO WITHSTAND THE REQUIRED LOADS TO RESTRAIN THE PONTOON IN FLOOD EVENTS TO PREVENT THE PONTOON FROM BREAKING FREE

PLANS AND DOCUMENTS referred to in the DEVELOPMENT APPROVAL

Application No: OPT/2021/215

Dated: 30 June 2021

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

ADDITIONAL TO STANDARD CONSTRUCTION PLAN	PONTON CONSTRUCTION EMAIL: info@pontonplus.com.au MOBILE: 0418 861 830		
ENGINEER	DATE	DWG NO	REV
M RACITI	8/6/21	5	1598
ADDRESS: 30 PARK AVE		SHEET 5 OF 5	
LOT 54	15864	SCALE NOT IND	

Pontoon - 30 Park Av. Broadbeach Waters - GCWA Concurrence Response

From Justin <info@pontoonsplus.com.au>

Date Thu 17 Jun 2021 4:22 PM

To Mario Raciti <mario.raciti@hayesknight.com.au>

 1 attachment (1 MB)

30 Park Ave Broadbeach Waters_GCWA Referral Response(T Head & Demolition).pdf;

Hi Mario,

please find your attached approval from Gold Coast Waterways Authority (GCWA) for your records.

I can now lodge your pontoon application to Council now I have this document.

Feel free to contact me if you have any queries.

Best Regards,

Justin Maller
Pontoons Plus
m: 0415 861 830
e: info@pontoonsplus.com.au
w: pontoonsplus.com.au
w: jetdockinternational.com

