

Date: 24 April 2025  
Contact: Curtis Luck  
Location: City Development  
Telephone: 07 5582 8866  
Your reference: P0052526  
Our reference: MCU/2025/79  
Payment Ref: 555917319

Benowa Gardens Holding Pty Ltd ATF Benowa Gardens Trust  
C/- Urbis Pty Ltd  
64 Marine Parade  
SOUTHPORT QLD 4215

Dear Sir/Madam

**Action Notice - Not Properly Made Application - Assessment Manager**  
(Given under section 3.1 of the Development Assessment Rules)

The development application described below was lodged with the Council of the City of Gold Coast (Council) on 17 March 2025.

The application was lodged by:

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

in relation to development of land/premises described as:

Street address: 203 Ashmore Road, BENOWA QLD 4217  
Real property description: Lot 822 RP839746  
Application number: MCU/2025/79  
Approval(s) sought: Preliminary approval for a Material change of use (Impact assessment) for a Mixed use shopping centre development, that includes a Variation request to vary the effect of the local planning instrument, being City Plan (Version 11), in accordance with the Benowa Gardens Plan of Development  
Nature of development proposed: Multiple dwelling (441 units), Short-term accommodation (41 rooms), Food and drink outlet, Indoor sport and recreation, Shop, Health care service and Office

This development application is not a properly made application under section 51 of the *Planning Act 2016*.

The reasons why Council, as assessment manager, is not satisfied that the application is properly made is/are:

- The documents required under the approved form, to be attached to or given with the application have not been provided.

The following action/s must be taken to make the application comply with section 51 of the *Planning Act 2016*:

### **Supporting Documents**

The Engineering Services Report, prepared by Morgan Consulting Engineers, dated 6 February 2025, reference 42191 – ESR/1, does not definitively state whether the existing sewer and water infrastructure network has sufficient capacity to service the proposed development. The Applicant proposes to confirm whether there is sufficient capacity in the network during the detailed design phase.

The proposed development seeks to replace the Residential density overlay map with a Residential Density Plan, which prescribes a residential density of RD8 (1 bedroom per 13m<sup>2</sup>). This is a significant increase from the current residential density designation on the site, which is 1 dwelling per 400m<sup>2</sup>. To substantiate support for the proposed residential density, City officers require further information on the existing capacity of the network to determine whether any upgrades to existing infrastructure are required.

As communicated to the Applicant in pre-lodgement advice, a Water & Sewer Network Capacity Assessment is required to confirm if the existing infrastructure has sufficient capacity to provide the minimum services benchmark for the proposed development. The Water & Sewer Network Capacity Assessment should assume a maximum of 1358 bedrooms on the site, given this is the proposed maximum code assessable residential density.

### **Response Due Date**

The above action/s must be completed and a notice given to Council as assessment manager advising that the action notice has been complied with.

If Council does not receive notice confirming you have complied with the action notice within 20 business days being **26 May 2025**, or a further period agreed with Council, the application will be taken to have not been made, pursuant to section 3.7 of the Development Assessment Rules.

### **Response Format**

As an electronically lodged application, please email all responses in PDF attachments (titled: 1 forms, 2 supporting documents, 3 plans and 4 specialist reports) to: [DART@goldcoast.qld.gov.au](mailto:DART@goldcoast.qld.gov.au). Do not password protect the PDF.

**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

A handwritten signature in black ink, appearing to read 'Branden Holt', with a long horizontal flourish extending to the right.

Branden Holt

**A/Manager Major Assessment**

*For the Chief Executive Officer*

Council of the City of Gold Coast