

11 December 2007
Martin Bergin
Implementation & Assessment Branch, Nerang
(07) 5582 8866

PN289803/03/DA3
Application No: OPW2702335

Matrix Group Project Services
PO Box 3220
LOGANHOLME QLD 4129

Dear Sir/Madam

DECISION NOTICE TO APPLICANT
APPLICATION TYPE: OPERATIONAL WORKS - LANDSCAPING
PROPERTY DESCRIPTION: LOT 334 ON SP169272
PROPERTY SITUATED AT: CHRISTENSEN ROAD SOUTH, STAPYLTON

I wish to advise that on 11 December 2007 the issue of a Development Permit for Operational Works for Landscaping at the site described above, was approved subject to the conditions outlined in the attached document.

An extract from the Integrated Planning Act 1997, which details your appeal rights, is attached for your information.

If you do not appeal the decision, this Decision Notice is taken to be the Development Approval and has effect immediately.

As identified with the attached conditions of approval this development approval will lapse if the approved aspect of development is not completed before 16 July 2013.

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

Yours faithfully

Khairul Alam
ACTING COORDINATOR ENGINEERING & ENVIRONMENTAL ASSESSMENT
For the Chief Executive Officer

MB

attach

CONDITIONS OF APPROVAL AND ADVISORY NOTES OPERATIONAL WORKS LANDSCAPING

1. The landscape works shall be constructed in accordance with the approved plan/s and details listed below, as amended in red, stamped and returned to the Applicant with this Decision Notice.

Dwg No	Issue	Title	Date	Drawn by
1	D	Landscape Plan	20/11/07	Mark Baldock Landscape Architect
2	D	Landscape Plan	20/11/07	Mark Baldock Landscape Architect
3	D	Landscape Plan	20/11/07	Mark Baldock Landscape Architect
4	D	Notes	07/2/07	Mark Baldock Landscape Architect

2. Substitute the 12 *Melaleuca quinquenervia* proposed for the street frontage bio-retention area with *Waterhousia floribunda* in 100 litre bag size at the time of planting;
3. The garden located on the north-western street frontage must be increased to three (3) metres in width and plant densities shall be increased. Concrete wheel stops must be installed to this car park area thus allowing surface water runoff to enter the bio-retention area;
4. The garden located on the north-eastern street frontage must have concrete wheel stops installed to the car park area thus allowing surface water runoff to enter the bio-retention area;

ADVISORY NOTES

All persons and/or companies engaging in landscaping works shall adhere to current water restrictions. These restrictions detail specific times and methods for the watering of newly established gardens and turf for both residential and non-residential developments. Any person or company found contravening current water restrictions may incur fines of up to 200 penalty units. [Water Act 2000 Section 388 (2)] (1 Penalty Unit = \$75.00).

If the Applicant notifies Council in writing that the decision is accepted without dispute and the Applicant will not exercise any right of appeal to the Court in respect of this decision, this Decision Notice may be taken to be the Development Permit.

Development (as defined) may commence only where an approval is given by Council by way of a Development Permit issued to allow specific development nominated in the permit to be carried out.

Where an appeal (within the prescribed 20 business days) has been or is being lodged, development (as defined), shall not commence until such appeal has either been withdrawn or has been determined by the Court. The Applicant must then comply with the conditions on the Development Permit whether or not such conditions have resulted from a Court Order.

The Applicant is advised that nothing in this Decision Notice alleviates the need to observe all relevant legislation including standard requirements of the Building Code of Australia, Council's Planning Scheme and Local Laws.

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

Appeals by applicants

- 4.1.27 (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 a development application;
 - (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under section 3.1.6; **
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a currency period;
 - (e) a deemed refusal.
- (2)** An appeal under subsection (1)(a) to (d) must be started within 20 business days (the “**applicant’s appeal period**”) after the day the decision notice or negotiated decision notice is given to the applicant.
- (3)** An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.