

CROPW-F2

9 April 2008

Mr Dale Dickson
Chief Executive Officer
Gold Coast City Council
PO Box 5042
Gold Coast MC 9729

Dear Mr Dickson

Re: PN184435/03/DA5 (OPW Number: 2601687) – Form 2 Request to Change and Existing Approval

In relation to the abovementioned Operational Works Approval please find enclosed our application to change the existing approval.

Please find enclosed our completed Form 2 along with supporting documentation attached as appendices.

This application is a result of discussions with Mr Ray Hallgath (GCCC) relating to changes to certain conditions, which have been agreed to over meetings with Mr Hallgath during this time.

Mr Hallgath has informed me all fees associated with this Form 2 application are being waived by GCCC.

If you require any further information please do not hesitate to contact the writer.

Yours faithfully



Michael Scammells B.Bus, Grad Cert Property Development
Director
Mobile : 0419 785 719
E-mail: michael@msprojects.com.au



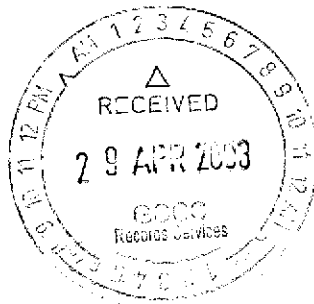
MS Projects

**Property Development &
Development Management**

P O Box 1163, Coorparoo DC 4151.
99 Annerley Rd., Woolloongabba,
Brisbane, Queensland 4102

Phone (07) 3844 7388

Fax (07) 3844 7399



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334SP169272

Form 2 Development Application

idas

Request to change an existing approval

Details of person making the request

1. Who is making the request?

Company/organisation name (If applicable)	MS Projects		
Title	Mr	First name	Michael
		Last name	Scammells
Postal address	PO Box 1163 Coorparoo DC Qld 4151		
Contact telephone number	07 3844 7388	Mobile phone number	0419 785 719
Facsimile number	07 3844 7399	e-mail address	michael@msprojects.com.au

Details of the existing approval

2. What are the details of the approval sought to be changed

Type of approval	Identification number	Date issued	
☒ Development Permit	PN184435/03/DA5	6 September 2006	
☐ Preliminary Approval			

Identification of the premises

3. Can any part of the premises be identified by a street address or lot on plan description?

☐ No - Answer Q3(a)☒ Yes - Complete Table B and Q3(b)

Table B

	Street Address				Lot on plan		
	Shop Number	Shop Number	Shop Number and/or tenancy/level/room	Shop Level	Lot No.	Lot No.	
1					334	W311668	Gold Coast

3(b). Can the address be further described by shop/tenancy number or storey/level?

☒ No☐ Yes - Complete Table C

4. Can the premises best be identified by coordinates (e.g. for development proposed in waters, or on a site within a large rural lot)?

☒ No

☐ Yes - Complete Table D

5. What is the total area that makes up the premises (i.e. the area covered by the application)?

Area of land above high water mark outside watercourse	Area in a water body or watercourse
25.22	☐ m ² ☒ hectares (Tick applicable unit)

Owner's consent and resource owner's agreement

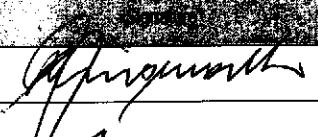
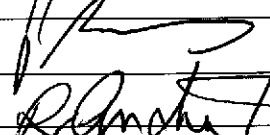
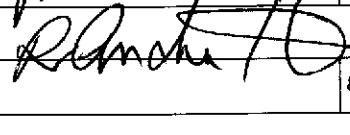
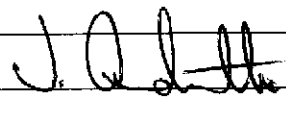
6. Is the person making the request the owner of the land to which the approval attaches?

☐ Yes

☒ No

- Complete Table E - provide details for each owner on a separate row, or on an attachment to this form if applicable. Note: Advice provided at the end of this form details when owner's consent is not required.

Table E

1	Owner's details and postal address	Details of the premises owned (e.g. lot number, section, etc.)	Signature of owner	Date
1	Burnside Developments Pty Ltd ACN 105 562 883 C/- 99 Annerley Road Woolloongabba Qld 4102	L334 W311668		8/4/2008
2	Burnside Developments Pty Ltd ACN 105 562 883 C/- 99 Annerley Road Woolloongabba Qld 4102	L334 W311668		8/4/2008
3	Yellowstone Investments Pty Ltd ACN 105 568 465 C/- 99 Annerley Road Woolloongabba Qld 4102	L334 W311668		8/4/2008
4	Yellowstone Investments Pty Ltd ACN 105 568 465 C/- 99 Annerley Road Woolloongabba Qld 4102	L334 W311668		8/4/2008

* Owner's signature can not be provided on the form if you intend to submit the application electronically. Owner's consent must be provided to the assessment manager on an attachment containing appropriate written documentation of the owner's consent. If the owner is a company the company must sign as owner. S127 of the Corporations Act 2001 (Cwealth) details how a company may execute a document.

7. If an application for the existing approval were being made now (i.e. at the time of making this request), would evidence be required to support the application because it involved taking or interfering with a State-owned resource prescribed by schedule 10 of the Integrated Planning Regulation 1998 (IP Reg) or any other regulation

☒ No

☐ Yes

- Complete Table F and submit, with the application, written agreement to the request.

Nature of the request

8. What is the nature of the request for change? (Tick the applicable box(es))

☐

An extension of the period before an approval lapses (under IPA, section 3.5.22)

☐

To change the development approval other than a change of condition (under IPA, section 3.5.24)

☒

To change or cancel a condition of approval (under IPA, section 3.5.33) - Go to Q11

☐

To change conditions of a rezoning approval given under the Local Government (Planning and Environment) Act 1990 (under IPA, section 6.1.35A) - Go to Q12

9. Were one or more concurrence agencies involved in the approval?

☐ No

☐ Yes

- Complete Table G. Submit, with the application, a copy of the notice required to be sent to each agency under IPA sections 3.5.22(1)(a) and 3.5.24(1)(b).

10. Does the request for change relate to an aspect of the approval that involved a building referral agency?

☐ No

☐ Yes

- Complete Table H. Submit, with the application, a copy of the notice required to be sent to each agency under IPA section 3.5.24(1)(b).

Details and reasons or justification for the request

11. What are the details of the requested change and the reasons or justification for the change? Use a different row for each change if more than one.

	Details of requested change (including extension of the period if relevant)	Reasons or justification for the requested change
1	Condition 12 - Wording Change	Charges are to be levied at 10 ET's for all developable land within the Lot 334 land parcel - see appendix A - file note of meeting between Ray Hallgath (GCCC) and Michael Scammells (MS Projects)
2	Condition 13 - Wording Change	Charges are to be levied at 10 ET's for all developable land within the Lot 334 land parcel - see appendix A - file note of meeting between Ray Hallgath (GCCC) and Michael Scammells (MS Projects)
3	Condition 14 - Wording Change	See Appendix B - Item 14 in letter from Ray Hallgath dated 11 January 2007
4	Condition 18 - Delete 4 Hour Storage Requirement	See Appendix C - Letter from Ray Hallgath dated 20 March 2008
5	Condition 19 (b) - Wording Change	See Appendix B - Item 19 (b) in letter from Ray Hallgath dated 11 January 2007
6	Condition 19 (c) - Wording Change	See Appendix B - Item 19 (c) in letter from Ray Hallgath dated 11 January 2007. N.B. These works have been completed.
7	Condition 25 (a) - Wording Change	See Appendix A - It was agreed at this meeting between Ray Hallgath (GCCC) and Michael Scammells (MS Projects) that we would receive 15 water meters for development.
8	Condition 25 (c) - Delete Condition	Number of water meters has already been agreed to (see appendix A) and water meter management plan is no longer required

Mandatory attachments and information

12. What are the mandatory attachments and supporting information accompanying this application?

	Description of attachment or information (e.g. notice to commence building, relevant permits, owner's advice to CCCP owner's agreement, drawings, reports)	Title and date of attachment (e.g. James Street Traffic Report)	Method of delivery (e.g. email, hard copy)
1	Appendix A	File Note - Meeting Dated 27th June 2007	mail
2	Appendix B	Letter dated 11 January 2007 from Ray Hallgath (GCCC)	mail
3	Appendix C	Letter dated 20 March 2008 from Ray Hallgath (GCCC)	mail

OFFICE USE ONLYDate Received Reference Numbers Cost Code (applicable to EPA only) 433062 (ERAs)

Advice for completing Form 2

General advice - Form 2 may be used for any one of the four types of request for changing an existing approval - - an extension of the period before an approval lapses (under IPA, section 3.5.22) - to change or cancel a condition of approval (under IPA, section 3.5.33) - to change the development approval other than a change of condition (under IPA, section 3.5.24) - to change conditions of a rezoning approval given under the <i>Local Government (Planning and Environment) Act 1990</i> (P&E Act) (under IPA, section 6.1.35A) - Form 2 is not an approved form under the IPA. The assessment manager, concurrence agency or court may have their own form for the purpose of making a request to change an approval. In the case of a request to change conditions of a rezoning approval, the P&E Act establishes the process to be followed and provides for the local government to determine the required form. - The entity that should receive the request is: - for an extension of the period before an approval lapses - the assessment manager (even if the approval was granted by the court (IPA, section 3.5.22(9))) - to change or cancel a condition of approval - the entity that decided or required the condition (i.e. the assessment manager, a concurrency agency or the court) - to change the development approval - the assessment manager - to change conditions of a rezoning approval - the local government - When paying fees to the Environmental Protection Agency by electronic funds transfer (EFT) for requests relating to environmentally relevant activities (ERAs) or coastal development, use the process from the information sheet <i>Electronically paying fees to the Environmental Protection Agency (EPA)</i> and attach the form <i>Electronic Funds Transfer (EFT) payment notification</i> to the request.	
Q1	Any person may make a request to change an approval. However, in the case of a development approval for building work or operational work for the supply of community infrastructure on land designated for the community infrastructure, only the person supplying the infrastructure may make a request (IPA, section 3.5.33(3A)).
Q2	If the request is made to a concurrence agency or the court, notice of any subsequent change or cancellation of a condition must be given to the assessment manager (IPA, section 3.5.33(9)).
Q6	- If the person making the request is not the owner of the land to which the approval attaches, the request must be accompanied by the owner's consent. (IPA, sections 3.5.22(3), 3.5.24(3), 3.5.33(3)). - However, owner's consent is not required if the approval is for: - a mobile and temporary ERA; or - building work or operational work for the supply of community infrastructure on land designated for community infrastructure (IPA, section 3.5.33(3A)).
Q7	The request must also be accompanied by the written agreement of the chief executive from whom evidence of resource allocation or entitlement would be required if an application for approval were being made. (IPA, sections 3.5.22(5), 3.5.24(5), 3.5.33(3C))
Q9	For a request to extend the period before an approval lapses, or to change a development approval, each concurrence agency for the approval must be given written notice of the request (IPA, sections 3.5.22(1), 3.5.24(1)).
Q10	For a request to change a development approval, if the subject of the request involved a building referral agency, that agency also needs to be given notice of the request (IPA, section 3.5.24(1)). For a request to change conditions the opinion of a relevant building referral agency must be given regard to by the entity deciding the request (IPA, section 3.5.33(9)).



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APPENDIX A

File Note – Meeting Dated 27th June 2007



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FILE NOTE

27TH JUNE 2007

CHRISTENSEN ROAD – OPW

MEETING WITH RAY HALLGATH – GCCC

Main Points

1. Agreed to allow 15 water meters for the development
2. Agreed to 10 ET's for the entire development estate for the developable areas
3. Agreed 1 Infrastructure Agreement for the entire development
4. Agreed to relax the condition relating to 4 hour storage requirements in sewer pumping station
5. Agreed MMS to provide a plan showing the developable areas for inclusion in the Infrastructure Agreement
6. Revised OPW approval to be issued in 2-3 weeks
7. Infrastructure Agreement to be issued in 4 weeks
8. GCCC contributions aren't going up as at July 1st 2007
9. PIP charges aren't going up until August / September 2007



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APPENDIX B

Letter dated 11th January 2007 from Ray Hallgath (GCCC)

Date: 11 January 2007
Author: R Hallgath
Location: Nerang Office
Phone: (07) 5582 8936
Your Ref: BEV417.001-C01-S0035
Our Ref: PN184435/03/DA5

Kellogg Brown & Root Pty Ltd
PO Box 2177
TOOWONG QLD 4066

Attention: Mr Neuhold

Dear Derek

**DEVELOPMENT PERMIT - PN184435/03/DA5
OPW APPROVAL 0 OPW2601687
CHRISTENSEN ROAD, STAPYLTON**

I refer to your letter dated 11 October 2006 and your recent conversation with Mr Ray Hallgath of Gold Coast Water.

I wish to respond to each issue outlined in your letter as follows:

Item 14

We agree with your proposal. We propose to amend the wording of Condition 14 to reflect the previous Operational Works Approval.

Item 18

Council's letter of 17 January 2006 left the responsibility with your Client. Council is aware that the EPA requires this criterion. In your first stages of your development, the storage with the mains could well comply with the Condition. At this stage, Council is reluctant to remove the requirement.

Item 19(a)

If the works, the subject of Condition 19(a), are already constructed then your Client has met their obligations under this condition.

Item 19(b)

Council will allow the temporary rising main to left in the ground. Condition 19(b) will be reworded to read, 'The Developer shall remove the temporary pump station and fill the rising with 'flow-able fill', that is, grout with sufficient cement content to set firm.'

Item 19(c)

We propose to amend Condition 19(c) to commence with, 'If the Works in (a) are not constructed prior'. This means that the bond required in this condition is not required where the works in (a) have already been built.

Item 19(d)

Council requests that the current condition be retained.

Item 25(a) & (c)

Council requests that the current condition be retained.

Item 28

Condition 28 is a standard requirement. As you correctly indicate, it is an operational matter to be discussed with Mr Joe Ambrose as part of the compliance process.

Our intention is to issue a negotiated decision notice including the above matters.

If you have any queries, please contact me.

Yours faithfully

Ray Hallgath
Coordinator Development Control
for the Chief Executive Officer



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Brisbane, Queensland 4102

Phone (07) 3844 7388

Fax (07) 3844 7399

APPENDIX C

Letter dated 20th March 2008 from Ray Hallgath (GCCC)

Date: 20 March 2008
Author: R Hallgath
Location: Nerang Office
Phone: (07) 5582 8936
Your Ref:
Our Ref: PN184435/03/DA5



MS Projects
PO Box 1163
Coorparoo DC Q 4151

Attention: Mr Scammells

Dear Michael

**DEVELOPMENT PERMIT – PN184435/03/DA5
KBR LETTER – 11 APRIL 2007
ITEM 18 – SEWERAGE STORAGE REQUIREMENTS**

I refer to KBR's letter dated 11 April 2007.

I wish to advise that internal sewerage arrangements are controlled by the Plumbing and Drainage Regulations (except that infrastructure to be transferred to Council in the future).

Accordingly the 4 hour storage requirement may be relaxed. You are advised to complete the appropriate IDAS form to amend the relevant condition. Council's application fee will not apply to that application.

In relation to Item 19 (a) and (c), the condition falls away where works are completed.

If you have any queries please contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ray Hallgath'.

Ray Hallgath
EXECUTIVE COORDINATOR DEVELOPMENT CONTROL
for the Chief Executive Officer