

20 March 2009
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

REQUEST TO CHANGE AN EXISTING APPROVAL - 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 20 March 2009, the request to change an existing approval was approved as outlined in the attached document.

Extracts from the *Integrated Planning Act 1997*, which detail your appeal rights, are attached for your information.

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

Yours faithfully

Dr Shahadat Hossain
EXECUTIVE COORDINATOR ENGINEERING & ENVIRONMENTAL ASSESSMENT
For the Chief Executive Officer

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LANDSCAPE WORKS ON PRIVATE LAND

1 Approved landscape works

The landscape works must be constructed in accordance with the approved plan/s listed below, as amended in red, stamped and returned to the applicant with this decision notice.

Dwg No.	Rev.	Title	Date	Prepared by
1	C	Landscape Plan Building 5	7/2/07	Mark Baldock Landscape Architect
2	C	Landscape Plan Building 5	7/2/07	Mark Baldock Landscape Architect
3	C	Notes Building 5	7/2/07	Mark Baldock Landscape Architect
1	D	Landscape Plan Building 6	20/11/07	Mark Baldock Landscape Architect
2	D	Landscape Plan Building 6	20/11/07	Mark Baldock Landscape Architect
3	D	Landscape Plan Building 6	20/11/07	Mark Baldock Landscape Architect
4	D	Notes Building 6	07/2/07	Mark Baldock Landscape Architect

2 Compliance with GCCC Planning Scheme Policy 11, 12 and 13

Where any perceived conflict exists between the stamped approved plans and Council's Planning Scheme Policy 11, 12 and 13, the requirements of the policy take precedence.

3 Landscape works on public land require separate approval

- a This development approval provides for hard and soft landscape works to be undertaken only on private land not transferred to Council as public open space or public road reserve and does not cover landscape works undertaken on proposed/requested/existing public land.
- b All landscape works to be undertaken on land that is not designated as to remain in private ownership requires a separate landscape operational works approval.

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.

Integrated Planning Act, 1997

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 relevant 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.

APPEAL RIGHTS FOR APPROVAL OR REFUSAL OF EXTENSIONS TO A CURRENCY PERIOD FOR MATERIAL CHANGE OF USE, RECONFIGURATION OF A LOT OR OPERATIONAL WORKS APPLICATIONS.

Appeals for matters arising after approval given (co-respondents)

- 4.1.30 (1)** For a development approval given for a development application, a person to whom any of the following notices have been given may appeal to the court against the decision in the notice -
- (a) a notice giving a decision on a request for an extension of the currency period for an approval;
 - (b) a notice giving a decision on a request to make a minor change to an approval.
- (2)** The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3)** Subsection (1)(a) does not apply if the approval resulted from a development application (superseded planning scheme) that was assessed as if it were an application made under a superseded planning scheme.
- (4)** Also, a person who has made a request mentioned in subsection (1) may appeal to the court against a deemed refusal of the request.
- (5)** An appeal under subsection (4) may be started at any time after the last day the decision on the matter should have been made.

Integrated Planning Act, 1997

APPEAL RIGHTS FOR APPROVAL OR REFUSAL OF AMENDED DEVELOPMENT APPLICATIONS FOR MATERIAL CHANGE OF USE, RECONFIGURATION OF A LOT OR OPERATIONAL WORKS APPLICATIONS (IE. A REQUEST TO CHANGE OR CANCEL A CONDITION OF A DEVELOPMENT APPROVAL, A REQUEST UNDER SECTION 3.5.33A GIVING A DECISION TO CHANGE OR CANCEL A CONDITION OF A DEVELOPMENT APPROVAL)

Appeals for matters arising after approval given (no co-respondents)

- 4.1.31. (1)** A person to whom any of the following notices have been given may appeal to the court against the decision in the notice -
- (a) a notice giving a decision on a request to change or cancel a condition of a development approval;
 - (b) a notice under section 6.1.44⁷⁷ giving a decision to change or cancel a condition of a development approval.
- (2)** The appeal must be started within 20 business days after the day the notice of the decision is given to the person.
- (3)** Also, a person who has made a request mentioned in subsection (1)(a) may appeal to the court against a deemed refusal of the request.
- (4)** An appeal under subsection (3) may be started at any time after the last day the decision other matter should have been made.