

Our Reference: F11/15685

Department of
Local Government and Planning

22 December 2011

William and Patricia Hester
C/- Brendon Walkinshaw
Gassman Development Perspectives
PO Box 392
Beenleigh Qld 4207

Dear Mr Walkinshaw

RE: Information Request under s274 of the *Sustainable Planning Act 2009* (SPA)

I refer to the development application received by this office on 9 December 2011 seeking the Chief Executive of the Department of Local Government and Planning's (DLGP) referral agency response for the following application.

Assessment Manager:	Gold Coast City Council
Council Reference No:	MCU201100650
Applicant:	William and Patricia Hester C/- Gassman Development Perspectives
Location:	31 Yellowwood Road, 60 Stapylton Jacobs Well Road and 82 Christensen Road, Stapylton Lot 4 on RP6843, Lot 1 on RP6882 and Lot 240 on W31320
Proposed Development:	Development Application for: • Preliminary Approval (s242) overriding the planning scheme • Material Change of Use - Preliminary Approval Affecting a Local Planning Instrument (s242) for Various Industry Uses
Referral Trigger:	<i>Sustainable Planning Regulation 2009</i> Schedule 7, table 3 (24) - Development for which preliminary approval is sought under the SPA, s242

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The Chief Executive of the DLGP has been triggered as a concurrence agency for this application, for the reason listed above and requests additional information to enable the assessment of this application.

Information requested

1. In the submitted planning report and the proposed 'Land-use Classification Plan', Lot 4 RP 6843 does not appear to form part of the preliminary approval to override the planning scheme. However, in Form 1, Form 5 and the acknowledgement notice of the application material, state that all three lots (includes Lot 4 RP 6843) seek a preliminary approval under section 242 of the Sustainable Planning Act 2009. The applicant should clarify whether Lot 4 RP 6843 seeks a preliminary approval to override the planning scheme using the proposed 'Generations Industrial Park Place Code' (proposed code).
 - a) If lot 4 on RP 6843 is to form part of the application, further assessment is sought regarding whether the proposed development complies with Column 1 of Table 2E of the *South East Queensland Regional Plan 2009-2031 State planning regulatory provisions*. Should the application exceed the threshold stated in Column 1, the applicant must demonstrate:
 - i. the location requirements or environmental impacts of the development necessitate its location outside the Urban Footprint;
 - ii. there is an overriding need for the development in the public interest.
2. Acceptable Solutions 27 (AS27) provided the minimum lot size for precinct 1A, however there is no precinct 1A within the proposed code.
3. In the submitted planning report and the 'Land-use Classification Plan' attached to the proposed code, the applicant has clearly identified four lots as 'design control area'.

The planning report states that the design control area will have to comply with additional design control criteria. It is noted that Performance Criteria 5 (PC5) contains the additional design controls, however it is considered that the wording of PC 5 does not clearly indicate whether the design controls are only applicable to the area identified as 'design control area' or over the entire site. Therefore, further clarification is sought from the applicant regarding how PC5 is intended to be applied.

Further Advice

In addition, the DLGP would like to provide the assessment manager with the following advice:

The applicant seeks a 20 year currency period for the preliminary approval without clearly demonstrating the need for such a long currency period. From the information provided, it is considered that 20 years is excessive, this is due to:

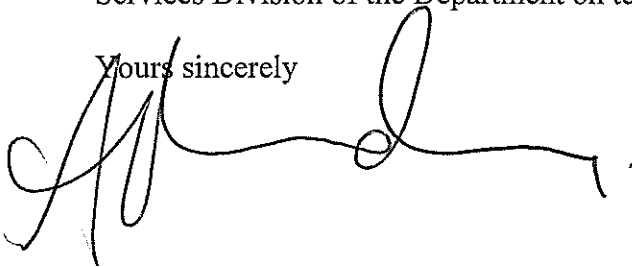
- Planning instruments are required to be reviewed every 10 years.
- It is noted that the new planning scheme is scheduled to be adopted in late 2012, which will dictate the planning direction for Gold Coast at the time.
- The currency period will allow this preliminary approval to continue beyond two reviews of the new Gold Coast City Council planning scheme.

The assessment manager should consider that the planning assumptions supporting this application might be out of date in 2032, and the community's expectation will be vastly different in 20 years time.

In accordance with section 278 of the SPA, in responding to this request you must advise whether you are supplying all, part, or none of the information requested. If you are supplying part or none of the information requested, you are also required to provide written notice asking the Chief Executive of the DLGP to proceed with the assessment of the application.

If you have any queries in relation to this matter, please contact Jodie Smith, Planning Services Division of the Department on telephone number 3405 4236.

Yours sincerely

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

AMY MARSDEN
Director Statutory Planning
Planning Services Division
Growth Management Queensland

CC to: Monique Anderson
Gold Coast City Council
PO Box 5042
Gold Coast MC Qld 9729