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OUR REF: 5093-BG/GJS
GCCC REF: MCU201100650 (PN163781/01/DA1)

24th April 2013

ATTENTION: MONIQUE ANDERSON

The Chief Executive Officer
Gold Coast City Council
City Planning
PO Box 5042
GOLD COAST MC QLD 9729



GOLD COAST CITY COUNCIL	
CUSTOMER SERVICE - NERANG	
RECEIVED TIME:	4.00 AM/PM
DATE:	24/4
RECEIPT No:	
SIGNED BY:	Can

Secondary Transmittal: MTAnderson@goldcoast.qld.gov.au

Dear Monique,

RE: NEGOTAITED DECISION NOTICE REQUEST
GCCC REF: MCU201100650 (PN163781/01/DA1)
APPLICATION: DEVELOPMENT PERMIT FOR PRELIMINARY APPROVAL FOR MAKING
A MATERIAL CHANGE OF USE (IMPACT ASSESSMENT) TO OVERRIDE
THE PLANNING SCHEME FOR INDUSTRY USES
PROPERTY: 31 YELLOWOOD ROAD, 60 STAPYLTON JACOBS WELL ROAD AND 82
CHRISTENSEN ROAD, STAPYLTON

We write following receipt of Council's Decision Notice on the 6th March 2013; our subsequent suspension of the applicants appeal period on the 14th March 2013; and recent amended fee adjustment advice of the 23rd April 2013 issued for the above development application. We act on behalf of the applicant, Patricia Hester.

We wish to make the following written representations in relation to the current conditions of approval in accordance with s361 of the *Sustainable Planning Act 2009*:

Condition 1(a)(vii) – Delete Condition

Amended plans/drawings must be submitted generally in accordance with - Include a notation on the plan that states 'development within Precinct C shall not occur until all other development within the remaining area of the Generations Industrial Park is exhausted'.



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GDP Comment

The prohibition of development occurring within Precinct C until the final stage is not a relevant or reasonable consideration in relation to this application. Whilst it is clear that the intent of this condition is to enable future expansion to occur on the Council landfill site prior to any development occurring within Precinct C, there is no planning argument or justification for this to occur. In essence, there are no known mechanisms in which Council can lawfully suspend development occurring on adjoining sites so that they can expand and grow their own operations.

Importantly, both the current and ongoing expanded use of the landfill site is required to comply with the relevant legislative environmental requirements and Council do not have the ability to restrict development on adjoining sites such that their future compliance may be more readily achieved. Any development on our client's site will need to comply with such legislative requirements just that same as that on the Council landfill site.

It is also noted that a large proportion of Stage 3 includes Precinct C, with there also being parts of Precinct B within proposed Stage 4. Based on this condition, Stage 3 cannot be completed and Stage 4 will not be able to be commenced as it conflicts with the conditions requiring each stage to be constructed in accordance with the approved numerical staging.

Accordingly, it is requested that this condition be deleted as it is not considered relevant or justified and places an unreasonable imposition on the future use of the subject site.

Condition 1(a)(ix) – Delete Condition

Showing the following amendments to the Generations Industrial Park Place Code – The inclusion of the words 'Development within Precinct C shall not occur until all other development within the remaining area of the Generations Industrial Park is exhausted'.

GDP Comment

As discussed in greater detail above in relation to the prohibition of development within Precinct C, it is requested that this condition be deleted as it is not considered relevant or justified and places an unreasonable imposition of the future use of the subject site.

Condition 2(c) – Delete Condition

Development within Precinct C shall not occur until all other development within the remaining area of the Generations Industrial Park is exhausted

GDP Comment

As discussed in greater detail earlier in relation to the prohibition of development within Precinct C, it is requested that this condition be deleted as it is not considered relevant or justified and places an unreasonable imposition of the future use of the subject site.

We look forward to Council's favourable consideration of the above representations. Following such consideration, it is requested that Council issue a Negotiated Decision Notice in accordance with s363 of the *Sustainable Planning Act 2009*.

Should you require any further information, please do not hesitate to contact myself on the details contained below.

Yours faithfully,

GASSMAN DEVELOPMENT PERSPECTIVES PTY LTD

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

GARY SAVINS

Senior Town Planner