

6 May 2013

Monique Anderson
Implementation & Assessment Branch, Nerang
(07) 5582 8866

PN163781/01/DA1
Application No: MCU201100650

Patricia Hester
C/- Gassman Development Perspectives
PO Box 392
BEENLEIGH QLD 4207



Dear Sir/Madam

NEGOTIATED DECISION NOTICE TO APPLICANT

Application Type: PRELIMINARY APPROVAL FOR MAKING A MATERIAL
CHANGE OF USE (IMPACT ASSESSMENT) TO OVERRIDE
THE PLANNING SCHEME FOR INDUSTRY USES

Property Description: Lot 4 on RP6843 , Lot 1 on RP6882 , Lot 240 on W31320

Property Location: 82 Christensen Road, Stapylton

I wish to advise that on 3 May 2013 a decision was made to issue a Negotiated Decision Notice. This Negotiated Decision Notice replaces the Decision Notice previously issued and dated 26 February 2013. The conditions indicate whether the Assessment Manager or a Concurrence Agency imposed them.

The name and address of each Referral Agency is enclosed.

The natures of the changes are outlined in the attached document.

The applicant has the right of Appeal to the Planning and Environment Court regarding this decision in accordance with [section 461 of the Sustainable Planning Act 2009](#). An extract from the [Sustainable Planning Act 2009](#), which details your appeal rights, is attached for your information.

The applicant is advised that no submissions were received in regard to this application.

If the applicant notifies Gold Coast City Council in writing that the decision is accepted without dispute and they 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 Approval.

Contacting us

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

Wiremu Cherrington

SUPERVISING PLANNER MCU CITYWIDE (NORTH)

For the Chief Executive Officer

MA:OW

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

461 Appeals by applicants

- (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 the development application;*
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;*
 - (c) the decision to give a preliminary approval when a development permit was applied for;*
 - (d) the length of a period mentioned in section 341;*
 - (e) a deemed refusal of the development application;*
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the applicant's appeal period) after:*
 - (a) if a decision notice or negotiated decision notice is given - the day the decision notice or negotiated decision notice is given to the applicant;*
 - (b) otherwise, the day a decision notice was required to be given to the applicant.*
- (3) An appeal under subsection (1)(e) may be started at any time after the last day of a decision on the matter should have been made.*

APPEAL RIGHTS FOR SUBMITTERS/ PETITIONERS OF DEVELOPMENT APPLICATIONS FOR MATERIAL CHANGE OF USE, RECONFIGURATION OF A LOT OR OPERATIONAL WORKS APPLICATIONS.

462 Appeals by submitters—general

- (1) A submitter for a development application may appeal to the court only against—*
 - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or*
 - (b) the part of the approval relating to the assessment manager's decision under section 327.*

- (2) *To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—*
 - (a) *the giving of a development approval;*
 - (b) *any provision of the approval including—*
 - (i) *a condition of, or lack of condition for, the approval; or*
 - (ii) *the length of a period mentioned in section 341 for the approval.*
- (3) *However, a submitter may not appeal if the submitter—*
 - (a) *withdraws the submission before the application is decided; or*
 - (b) *has given the assessment manager a notice under section 339(1)(b)(ii).*
- (4) *The appeal must be started within 20 business days (the submitter's appeal period) after the decision notice or negotiated decision notice is given to the submitter.*

519 Appeal by applicant—particular development application for material change of use of premises

- (1) *This section applies to a development application if the application is only for a material change of use of premises that involves the use of a prescribed building.*
- (2) *However, this section does not apply to the development application if any part of the application required impact assessment and any properly made submissions were received by the assessment manager for the application.*
- (3) *The applicant for the development application may appeal to a building and development committee against any of the following—*
 - (a) *the refusal, or the refusal in part, of the application;*
 - (b) *any condition of the development approval and another matter, other than the identification or inclusion of a code under section 242, stated in the development approval;*
 - (c) *the decision to give a preliminary approval when a development permit was applied for;*
 - (d) *the length of a period mentioned in section 341;*
 - (e) *a deemed refusal of the application.*
- (4) *An appeal under subsection (3)(a), (b), (c) or (d) must be started within 20 business days (the applicant's appeal period) after—*
 - (a) *if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or*
 - (b) *otherwise—the day a decision notice was required to be given to the applicant.*

- (5) *An appeal under subsection (3)(e) may be started at any time after the last day a decision on the matter should have been made.*

522 Appeal by applicant—condition of particular development approval

- (1) *This section applies to a development application if—*
- (a) the application is only for a material change of use that involves the use of a building classified under the BCA as a class 2 building; and*
 - (b) the proposed development is for premises of not more than 3 storeys; and*
 - (c) the proposed development is for not more than 60 sole occupancy units.*
- (2) *However, this section does not apply to the development application if any part of the application required impact assessment and any properly made submissions were received by the assessment manager for the application.*
- (3) *The applicant for the development application may appeal to a building and development committee against a condition of the development approval.*
- (4) *The appeal must be started within 20 business days (the applicant's appeal period) after—*
- (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or*
 - (b) otherwise—the day a decision notice was required to be given to the applicant.*
- (5) *In this section— sole-occupancy unit, in relation to a class 2 building, means a room or other part of the building used as a dwelling by a person to the exclusion of any other person. storey means a space within a building between 2 floor levels, or a floor level and a ceiling or roof, other than—*
- (a) a space containing only—*
 - (i) a lift shaft, stairway or meter room; or*
 - (ii) a bathroom, shower room, laundry, water closet or other sanitary compartment; or*
 - (iii) accommodation for not more than 3 motor vehicles; or*
 - (iv) a combination of any things mentioned in subparagraph (i), (ii) or (iii); or*
 - (b) a mezzanine.*