

Date: 6 February 2017
Contact: James O'Toole
Location: City Development
Telephone: (07) 5582 8866
Your reference:
Our reference: PN307555/01/DA7
MCU201601696

MS Projects
C/- I Plan Town Planning Pty Ltd
PO BOX 687
STONES CORNER QLD 4120

Dear Sir/Madam,

REQUEST TO CHANGE AN EXISTING APPROVAL - NOTICE TO APPLICANT

Application type:	REQUEST FOR AN EXTENSION TO THE RELEVANT PERIOD PURSUANT TO SECTION 383 OF THE SPA 2009 FOR DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR INDUSTRY
Property situated at:	84 - 160 Christensen Road South, Stapylton
Property description:	Lot 334 on SP193431
Date request for change was made:	12 December 2016
Details of original development:	MCU201200768
Date of original development application approval/court decision:	19 December 2012 MCU201200768

I wish to advise that on 3 February 2017, the request to change an existing approval was resolved as outlined in the enclosed document.

Extracts from the [Sustainable Planning Act 2009](#), which detail your appeal rights, are enclosed for your information.

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Contacting us

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

Yours faithfully

Broc Smith
Supervisor North
For the Chief Executive Officer
Council of the City of Gold Coast

JO:LC

RECOMMENDATION

It is recommended Council of the City of Gold Coast (Council) resolve:

Real property description	Lot 334 on SP193431
Address of property	84 - 160 Christensen Road South Stapylton
Area of property	251,820m ²
Decision type	Request for extension to the relevant period pursuant to section 383 of the <i>Sustainable Planning Act 2009</i> for Development Permit for a Material Change of Use (Code Assessment) to establish Industry
Further development permits	Building Works, Operational Woks (Landscaping), Operational Works (Vegetation Clearing), Operational Works (Public Landscape Work), Operational Work (Advertising Device), Operational Work (Works for Infrastructure)
Further compliance permits	Plumbing and Drainage
Compliance assessment required for documents or works	N/A

REQUEST TO EXTEND RELEVANT PERIOD

Under Delegated Authority the Manager of the City Development Branch approves the extension to the relevant period for the development permit dated 19 December 2012 for material change of use for Industry.

For section 341 of the *Sustainable Planning Act 2009*, the relevant period is extended by a period of four (4) years, being 19 December 2020.

Sustainable Planning Act 2009

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

466 Appeals about decisions relating to permissible changes

- (1) For a development approval given for a development application, the following persons may appeal to the court against a decision on a request to make a permissible change to the approval-
 - (a) if the responsible entity for making the change is the assessment manager for the application;
 - (i) the person who made the request: or
 - (ii) an entity that gave a notice under section 373 or a pre-request response notice about the request:
 - (b) if the responsible entity for making the change is a concurrence agency for the application – the person who made the request.
- (2) The appeal must be started within 20 business days after the day the person is given notice of the decision on the request under section 376.
- (3) Also, a person who has made a request under section 369 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 on the matter should have been made.

Sustainable Planning Act 2009

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

465 Appeals about decisions relating to extensions for approvals

- (1) For a development approval given for a development application, a person to whom a notice is given under section 389, other than a notice for a decision under section 386(2), may appeal to the court against the decision in the notice.
- (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 under section 383 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 on the matter should have been made.