

Date: 1 November 2016
Contact: Shailendra Singh
Location: City Development
Telephone: (07) 5582 8866
Your reference:
Our reference: PN163781/01/DA1
MCU201601390

Patricia & William Hester
C/- Gassman Development Perspectives
PO BOX 392
BEENLEIGH QLD 4207

Dear Sir/Madam,

REQUEST TO CHANGE AN EXISTING APPROVAL - NOTICE TO APPLICANT

Application type:	REQUEST FOR AN EXTENSION TO THE RELEVANT PERIOD UNDER SECTION 383 OF THE SUSTAINABLE PLANNING ACT 2009 FOR A PRELIMINARY APPROVAL FOR MAKING A MATERIAL CHANGE OF USE TO OVERRIDE THE PLANNING SCHEME FOR INDUSTRY USES
Property situated at:	31 Yellowwood Road, 60 Staplyton Jacobs Well Road and 82 Christensen Road, Staplyton
Property description:	Lot 4 on RP6843 , Lot 1 on RP6882 , Lot 240 on W31320
Date request for change was made:	5 October 2016
Details of original development:	MCU2011650
Date of original development application approval/court decision:	26 February 2013 MCU2011650
Approval date of most recent modified decision notice/court decision:	3 May 2013 – Negotiated Decision MCU201100650

I wish to advise that on 29 October 2016, 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

Richard Webber
Supervisor North
For the Chief Executive Officer
Council of the City of Gold Coast

SS:LC

RECOMMENDATION

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

Real property description	Lot 4 on RP6843, Lot 1 on RP6882, Lot 240 on W31320
Address of property	31 Yellowwood Road, 60 Staplyton Jacobs Well Road and 82 Christensen Road, Staplyton
Area of property	771,610m ²
Decision type	Extension to Relevant Period
Further development permits	Operational Works
Further compliance permits	Nil
Compliance assessment required for documents or works	Covenant Area Management Plan and Open Space Management Plan

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 3 May 2013 for Material Change of Use for Preliminary Approval for making a Material Change of Use to override the Planning Scheme for Industry Uses.

For section 341 of the *Sustainable Planning Act 2009*, the relevant period is extended by a further period of six (6) years. The period is extended till 3 May 2023.

Right of Appeal

A right of appeal to the Planning and Environment Court regarding this decision is available, pursuant to section 465 of the *Sustainable Planning Act 2009*. A copy of that section is attached to the decision notice.

For particular material changes of use, an appeal can also be made to a Building and Development Committee. Please refer to the prerequisites in section 520 of the *Sustainable Planning Act 2009*, attached to this decision notice, to determine whether you have appeal rights to a Building and Development Committee.

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.