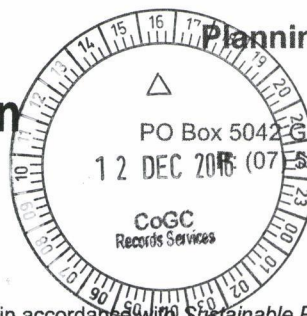


Council of the City of Gold Coast

Request to change and / or extend an existing development approval



Planning and Environment
Planning Assessment
City Development
PO Box 5042 GOLD COAST MC QLD 9729
12 DEC 2016 (07) 5582 8866 F: (07) 5596 3653
W: cityofgoldcoast.com.au

Please use **BLOCK LETTERS** and complete all details in full

Privacy statement

Council of the City of Gold Coast (Council) is collecting your personal information in accordance with the *Sustainable Planning Act 2009* in order to help assess your application. The information will only be used by authorised Council officers for the purpose of assessment, statistical reporting, and ensuring our records are accurate. Your information will not be given to any other person or agency unless you have given us permission or we are required by law.

Use this form process:

- If the original application was decided by Council (and not by the relevant Minister); and
- If you are seeking to amend a condition or the relevant period imposed by the Council (and not by a concurrence agency).

Request type (Please select)

An extension to the relevant period before an approval lapses (s383 SPA)	☒
A permissible change to the development approval (s369 SPA)	☐
A pre-request response notice (s368 SPA)	☐

Applicant details

Name	MS Projects C/o I-Plan Town Planning Pty Ltd		
Postal address	PO Box 687		
Primary phone	(07) 3982 1431	Alternative phone	(07) 3398 6976
Facsimile	(07) 3892 1431	Email	ben.battist@i-plan.com.au

Property details

Lot number	334	Registered plan number	SP193431
Property address	84-160 Christensen Road South STAPYLTON QLD 4207		
Existing approval number	MCU201200768		
Date of approval	19 December 2012		
The City's reference file number	PN307555/01/DA7		



Details of existing approval (Please select)

Development permit	☒	Environmentally relevant activity	☐	Material change of use	☒
Operational works	☐	Preliminary approval	☐	Reconfiguration of lot	☐

Fees

The fees for this application can be found on the last page of this form.

These fees are in accordance with Councils regulatory fees and non-regulatory charges in place at time of lodgement. A copy of the Councils regulatory fees and non-regulatory charges can be found on the website cityofgoldcoast.com.au

Payment Options

Business partner account (BP)				
Business partner name		N/A	Business partner number	N/A
Cash, cheque or credit card at any of Council's branch offices. For branch office locations and operating hours, please refer to Council's website.				
Please be advised that payments by credit card will incur a surcharge of 0.60%.				
Cheque or money order may be posted to Council's post office box address as above. Please ensure that you provide adequate reference details or attachments to allow the cheque to be appropriately receipted.				

Office use only

Date received	12/12/16	Fee paid	\$1132.60
Received by	Maeva.M	Receipt number	FM - 346603
Business partner name	-	Account number	-
Business partner number	-	AMS code	2016/01696

Details of the request	
Condition number	N/A
Description of requested change to condition	N/A
Justification for change	
<i>(Please provide reasoning)</i>	

Condition number	N/A
Description of requested change to condition	N/A
Justification for change	
<i>(Please provide reasoning)</i>	

Condition number	N/A
Description of requested change to condition	N/A
Justification for change	
<i>(Please provide reasoning)</i>	

Condition number	N/A
Description of requested change to condition	N/A
Justification for change	
<i>(Please provide reasoning)</i>	

Details of the request	
Please provide any relevant history of the application and the request for permissible change or extension to the relevant period	
<i>(Please provide reasoning)</i>	
Refer to detailed Request for Extension to the Currency Period prepared by I-Plan Town Planning Pty Ltd dated 01/12/2016.	

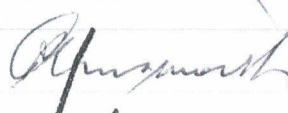
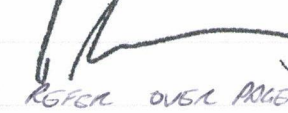
Resource owners agreement			
If an application for the existing approval was being lodged now, would evidence be required to support the application because it involved taking or interfering with State-owned resource? (refer to s370 (3) (4) of the <i>Sustainable Planning Act 2009</i>)	☐	☒	☐
If yes – the written agreement of the chief executive from whom evidence would need to be obtained under the <i>Sustainable Planning Act 2009</i> , s264 (1). must be attached			
Details are pre-request response notice			
Has a pre-request response notice been issued from a referral agency in relation to this approval in accordance with s368 of the <i>Sustainable Planning Act 2009</i>	☐	☒	☐
If Yes			
Details of pre-request response notice			
Date of Notice			
Concurrence agencies			
Were there one or more concurrence agencies involved in the original approval?	☐	☒	☐
If Yes			
Concurrence Agencies (Use a separate row for each agency)			
Has the applicant sent a copy of the request to the concurrence agency? No - you will be issued with an Incorrectly Lodged Notice (s372) Yes – please attach evidence of referral	☐	☐	☐
Attachments and information			
What attachments and supporting information accompanies this application?			
Description of the attachment or information (e.g. Notice to concurrence agencies, declaration re owners consent, reports)			
Title and date (if applicable) (e.g. James Street Traffic Report)			
Request for Extension to the Currency Period prepared by I-Plan Town Planning Pty Ltd dated 01/12/2016.			
Is the information for a request for permissible change or extension to the relevant period being provided in accordance with the <i>Sustainable Planning Act 2009</i> (SPA)			
Permissible Change			
Section 370 of SPA requires the person requesting a permissible change to fill out the relevant Council forms (this form) accompanied by:			
▪ the fee for the request			
▪ a copy of any pre-request response notice (from a concurrence agency) relevant to the request (refer to question 9); and			
▪ evidence to show the person making the request has referred the application to all concurrence agencies, if applicable (refer to question 10).			
Note: Council cannot commence with the request until section 370 of SPA has been complied with;			
Extension of the Relevant Period			
Section 383(3) of SPA required the person requesting an extension of the relevant period to fill out the relevant Council forms (this form) which is to be accompanied by:			
▪ the fee for the request; and	Yes		
▪ evidence to show the person making the request has referred the application to all concurrence agencies, if applicable (refer to question 10).	N/A		
Note: Council cannot commence with the request until section 383 of SPA has been complied with;			

Owners consent

Name of all owner/s of the land Burnside Developments Pty Ltd A.C.N. 105 562 883
Yellowstone Investments Pty Ltd A.C.N. 105 568 465

Declaration

I/ We, the owner/s of the land, consent to the making of this request

Name	PHILLIP ARTHUR AINSWORTH <i>DIRECTOR</i>	Signature		Date	6/12/16.
Name	PAUL ANTHONY McAVOY <i>DIRECTOR</i>	Signature		Date	6/12/16
Name	RENATO ANDREATTA	Signature	REFER OVER PAGE	Date	
Name	VALERIO ANDREATTA	Signature	REFER OVER PAGE	Date	

Or

I confirm the owner/s consent is not required in accordance with s371 of the *Sustainable Planning Act 2009 (SPA)*

If ticked, please confirm why owners consent is not required:

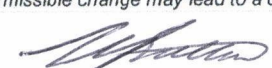
- The person making the request is the owner of the land; or
Acquisition land acquired by entity, e.g. Council or State land; or
Approval is for building work or operational work for supply of community infrastructure on land designated for the community infrastructure; or
Request relates to operational works approval only; or
Consent being unreasonably withheld and change does not materially affect the owner's land; or
Not practicable to obtain all owners' consent and does not materially affect the owners' land.

Applicants declaration

By making this request I declare that:

- The information provided in this form is complete and correct
- I have read the privacy notice

Please Note: A request for permissible change may lead to a change in the relevant infrastructure charges

Signature		Date	9/12/16
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***Section 367 of the Sustainable Planning Act (2009) defines a permissible change for a development approval as:**

(1) A **permissible change**, for a development approval, is a change to the approval that would not -

- result in a substantially different development; or
- if the application for the approval were remade including the change -
 - require referral to additional concurrence agencies; or
 - for an approval for assessable development that previously did not require impact assessment—require impact assessment; or
- for an approval for assessable development that previously required impact assessment—be likely, in the responsible entity's opinion, to cause a person to make a properly made submission objecting to the proposed change, if the circumstances allowed; or
- cause development to which the approval relates to include any prohibited development.

Notes

- Applications can be lodged at a Customer Service Centre or mailed to Council, accompanied by a cheque.
- Applications are not accepted via email.

Customer Service Centres where you may choose to lodge your application

City of Gold Coast Customer Service Centres are open from 8.15am to 4.30pm, Monday to Friday

Broadbeach office - 61 Sunshine Boulevard, Mermaid Waters

Bundall - 8-10 Karp Court, Bundall

Burleigh Heads office - Park Avenue, Burleigh Heads

Coolangatta office - Showcase on the Beach, Griffith Street Coolangatta

Helensvale office - Corner Lindfield Road and Sir John Overall Drive, Helensvale

Nerang - 833 Southport Nerang Road, Nerang

Palm Beach office - 26 Eleventh Avenue, Palm Beach

Southport office - 47 Nerang Street, Southport

Upper Coomera office - 90 Reserve Road (corner Reserve and Abraham Roads), Upper Coomera

Fees

Fee name [✓] please tick applicable fee(s)	Account number	Amount
Material Change of Use and Reconfiguration of a Lot applications		
Request to change development application – minor change (as defined in SPA)	99096	\$608.00
Request to change development application (other)	99096	Fee amount is 20% of current application fee (up to a maximum of \$14,228.00).
Request to extend development approval (SPAs383) (MCU/ROL). Includes pre-request response notice (s368 SPA)	90280	20% of current land use application fee (up to a maximum of \$14,228.00).
Request to change development approval (SPA s369). Minor change (not defined by SPA) - Change that affects up to three contiguous lots within a ROL approval - Change to conditions based on plan references - Amendment to a building envelope (up to three lots)	99096	\$979.00
Request to extend development approval (SPA s383)	99096	Fee amount is 20% of the current land use application fee (up to a maximum of \$3387.00).
Request for negotiated decision	99096	Fee amount is 20% of current land use application fee (up to a maximum of \$14,228.00).
Operational Works Application		
Request to change approved operational works civil engineering drawings	99098	20% of current operational works application fee (up to a maximum of \$864.00).
Request to extend relevant period for operational works civil engineering drawings	98468	
Request to change approved operational works associated building works	99098	
Request to extend relevant period for operational works associated building works	98468	
Request to change approved operational works change to ground level	99098	
Request to extend relevant period for operational works change to ground level	98468	
Amendment to approved Landscaping plan (Includes request to change development Approval); - Request to change/cancel conditions - Request to extend relevant period - Request for negotiated decision notice	99101	20% of current landscaping application fee
Operational works tree works linked to a development application	99102	(20% of the current application fee)
Request to change operational works prescribed tidal works	96655	20% of current fee (up to a maximum of \$823.00).
Request to change operational works vehicular crossing or driveway application	98117	\$155.00
Request to extend relevant period vehicular crossing or driveway application	98117	\$155.00

9 December 2016

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

Attention: Planning Assessment

Dear Sir/Madam,

RE: REQUEST FOR AN EXTENSION TO CURRENCY PERIOD UNDER SECTION 383 OF THE SUSTAINABLE PLANNING ACT 2009 IN RELATION TO APPROVED INDUSTRY ON LAND AT 84-160 CHRISTENSEN ROAD SOUTH, STAPYLTON QLD 4207 (COUNCIL FILE REFERENCE NO. MCU201200768).

In accordance with Section 383 of the *Sustainable Planning Act 2009* in relation to the approved Industry on land at 84-160 Christensen Road South, Stapylton (described as Lot 334 on SP193431), iPlan Town Planning Pty Ltd (on behalf of MS Projects Pty Ltd) hereby request an extension to the currency period for the development approval.

The development site, having an area of 33,099m² that forms part of the greater 25.1820ha land parcel (Christensen Road South Industrial Park), is included in the High Impact Industry Zone under Gold Coast City Council's *City Plan 2016*. The approval for the subject development area was originally granted by Council on 19 December 2012 (via Council's Risksmart Program) and is for the purpose of a 10,000m² industrial building plus 500m² of ancillary office space.

Request to Extend Currency Period

As the current approval is due to lapse, an four (4) year extension to the currency period is requested.

The original approval was granted in accordance with the requirements of the General Impact Business and Industry Zone and Open Space Zone under the superseded *Gold Coast Planning Scheme 2003*, including the Yatala Enterprise Area Local Area Plan. It is noted that whilst the site was identified in the Open Space precinct, all approved development was to be located within Precinct 1 (General Impact Business and Industry) of the Yatala Enterprise Area LAP. The material change of use for the proposed Industry whilst self assessable in Precinct 1 of the Local Area Plan, triggered code assessment due to the maximum building height being 11.5m where a maximum of 3 storeys or 10m is prescribed.

Under the new *City Plan 2016*, the site is identified in the High Impact Industry Zone. Development for the purpose of Low Impact Industry and Medium Impact Industry triggers code assessment where the proposed development is not compliant with all self-assessable development criteria in the applicable codes. It is also noted that development for the purpose of High Impact Industry only triggers code assessment. With respect to building height, the level of assessment is no longer varied as the maximum building height prescribed for the High Impact Zone has been increased from 10m to 15m with the approved development being significantly lower at 11.5m.

With respect to overlays, the subject site is included in a number of overlays under *City Plan 2016* including:

- Acid sulphate soils overlay;
- Bushfire hazard overlay;
- Environmental significance overlay;
- Industry, community infrastructure and agriculture land interface area overlay;
- Landslide hazard overlay; and
- Healthy waters overlay.

It must be noted however that the new overlays are comparable to the overlays identified under the superseded planning scheme which included:

- OM10 Potential Bushfire Hazard
- OM11 Natural Wetland and Waterways
- OM13 Canals and Waterways
- OM16 Acid Sulfate Soils
- OM16 Unstable Soils
- OM20 Conservation Strategy
- OM20 Conservation Veg Type; and
- OM23 Extractive Resources.

It is further noted that the overlays were satisfactorily addressed in the original application to the extent that the application was deemed to be of sufficiently low risk for it to be determined through Council's Risksmart Program. Consequently, it is evident that the approval, if made under the new *City Plan 2016*, would reasonably satisfy the requirements of the relevant codes, including the overlay codes, particularly given that fresh application would be code assessable.

The grounds for the extension are as follows:

- The current development approval was to be purpose built for a specific tenant. Due to the economic downturn in the economy the tenant was unable to proceed. As a result, our client has experienced considerable difficulties in securing finance to complete the development for speculative purposes;
- Subsequently, our client has had difficulties in the securing a new tenant within the remainder of the currency period however they are now in serious negotiations with a potential new tenant who wishes to utilise the approved development on-site. Formal arrangements are yet to be entered into with the potential new tenant and the approved development is yet to be constructed. As such, additional time is required in order to secure a tenant, make suitable financial arrangements, obtain subsequent building and operational work approvals, engage construction contractors and undertake construction;
- Lodgement of a fresh application under *City Plan 2016* is unlikely to be refused as the current development accords with the purpose of the High Impact Industry Code which is to provide for a *wide range of industrial activities*, which amongst other activities includes Low Impact Industry, Medium Impact Industry, High Impact Industry and Warehouses. These uses are commensurate, particularly in terms of impacts, with the approved 'Industry' under the superseded planning scheme. As such, refusal of a fresh application would be a contradiction to Council's current statutory planning requirements;
- *City Plan 2016* is newly commenced, effective from February this year. It is reiterated that the intent for the High Impact Zone is comparable to that envisaged under the superseded Yatala Enterprise Area LAP that was conducive to the creation of the Christensen Road South Industrial Park. Being a new planning scheme that will direct development for the next ten (10) years, it is unlikely that the intent for the High Impact Zone will significantly change in the next four (4) years.

As outlined above, given the extenuating circumstances, the requested four (4) year extension to the currency period is considered to be of low risk to Council, particularly given that Council's planning scheme has not and is unlikely to change within the proposed extended timeframe. As such, the request for the extension to the currency period is considered reasonable based on the grounds provided.

Thank you for your consideration of this matter. Should you have any questions regarding the above request, please do not hesitate to contact me on 0407 291 104.

Yours faithfully,

iPLAN TOWN PLANNING PTY LTD

A handwritten signature in blue ink, appearing to read 'Ben Battist', is written over a faint, illegible printed name.

**Ben Battist
DIRECTOR**

Copy

CITY OF
GOLDCOAST.

City of Gold Coast

PO Box 5042 GCMC QLD 9729

GOLD COAST CITY COUNCIL

PAGE 1

TAX INVOICE

RECEIPT

I-PLAN TOWN PLANNING PTY LTD

TAX INV.DATE
12/12/16

ABN: 84 898 948 400
DATE 12/12/16
REGISTER 1101
TAX INV.NO. 29495368
TIME 10:59:40

PO BOX 687
STONES CORNER QLD 4120

PN307555/01/DA7

Allocations

	Value	GST	Price
REVENUE SUREV SUNDRY REVENUE REF: 484932 ACCOUNT 99096	1,132.60	0.00	1,132.60
MODIFIED DECISION NOTICE FEES MATERIAL CHANGE OF USE			
APPLICATION 201601696			

Total Amounts:	1,132.60	0.00	1,132.60
	=====	=====	=====

Which consists of:

CHEQUE	462560		1,132.60
Total Tendered:			1,132.60

THIS PAYMENT MAY NOT REPRESENT FULL AND FINAL SETTLEMENT OF THE DEBT ON
COUNCIL'S RECORDS.

The receiving of the application documentation and tendered fee does not
mean that an application is either "Properly Made" or "Well Made". If the
application is not "Well Made", a surcharge fee may apply. If not
"Properly Made", the application may not be processed.
201601696 MCU