

1 December 2014

Bowen Basin Residences Pty Ltd
C/- Murray & Associates (Qld) Pty Ltd
PO Box 665
EMERALD QLD 4720

Attention: Emily Holmes

Dear Madam



DECISION NOTICE PACKAGE
REQUEST TO CHANGE A DEVELOPMENT APPROVAL
Sustainable Planning Act 2009 s.369

Application Number:	4017/10
Original Proposal:	Material Change of Use: Development consistent with the Town Zone: Highway Precinct & Town Zone: Residential Precinct and Reconfiguration of Lot: Staged two (2) into twenty-four (24) lot subdivision
Proposal:	Request to Extend the Relevant Period of the subject Development Approval for a period of two (2) years
Type of Approval:	Development Permit
Address:	121 Peak Downs Street, Capella
Property Description:	Lot 1 and Lot 2 on RP611029
Date of Original Approval:	11 October 2010

DETAILS OF REQUEST FOR CHANGE

Date request for change was made:	3 October 2014
Description of requested changes:	Request to Extend the Relevant Period of the subject Development Approval for a period of two (2) years

Decision on request for change:

I wish to advise that, on 26 November 2014 the request to change the development approval was refused. The reasons for the refusal are set out below.

Appeal Rights

If the responsible entity for deciding this request is the assessment manager or a concurrence agency, the person who made the request to change the development approval may appeal against the decision in this notice to the Planning and Environment Court by

lodging a written notice of appeal with the registrar of the Court. You may also have a right to appeal to the Building and Development Dispute Resolution Committee.

For more information about your appeal rights and how to commence an appeal, see the *Sustainable Planning Act 2009*, chapter 7, parts 1 and 2.

If the responsible entity for deciding this request is the assessment manager, an entity that gave the responsible entity a notice under the *Sustainable Planning Act 2009*, section 373 or a pre-request response may appeal against the decision in this notice to the Planning and Environment Court by lodging a written notice of appeal with the registrar of the Court. You may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more information about your appeal rights and how to commence an appeal, see the *Sustainable Planning Act 2009*, chapter 7, parts 1 and 2.

Should you require further information, please contact Council's Development Assessment Unit on ☎ (07) 4982 8359.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Michaela Lehman', written over a light blue horizontal line.

Michaela Lehman
Principal Planner Development Assessment Unit

Encl
Decision Notice

1 December 2014

Bowen Basin Residences Pty Ltd
C/- Murray & Associates (Qld) Pty Ltd
PO Box 665
EMERALD QLD 4720

Attention: Emily Holmes

Dear Madam

DECISION NOTICE REFUSAL
Sustainable Planning Act 2009 s.335

Application Number: 4017/14
Proposal: Request to Extend the Relevant Period of the subject
Development Approval for a period of two (2) years
Address: 121 Peak Downs Street, Capella
Property Description: Lot 1 & Lot 2 on RP611029

Council advises that, on 26 November 2014 the above development application was refused.

1. Referral agencies

The referral agencies for this application are:

Name of referral agency	Address
State Assessment Referral Agency	PO Box 113 Rockhampton Qld 4700

2. Direction to refuse

The assessment manager was not directed to refuse the application by a concurrence agency.

3. Reasons for the refusal

The reasons for refusal are:

The related approval has afforded a total of six (6) years to complete the development from the initial date of approval. Council considers this a sufficient time to complete the development.

4. Appeal Rights

Appeals by Applicants

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- The refusal, or refusal in part of the development application,
- A deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 461(2) of SPA.

Applicants may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see SPA, chapter 7, part 2.

Attachment 1 is an extract from SPA which details the applicant's appeal rights and the appeal rights of any submitters regarding this decision.

Should you require further information, please contact Council's Development Assessment Unit on ☎ (07) 4982 8359.

Yours faithfully



Michaela Lehman
Principal Planner Development Assessment Unit

Copy to: Referral Agency/agencies

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Attachment 1 – SPA extract on appeal rights