

PLANNING AND ENVIRONMENT COURT

JUDGE ROBIN QC

BROADQUEST PTY LTD

Appellant

and

GOLD COAST CITY COUNCIL

Respondent

SOUTHPORT

..DATE 11/05/2006

ORDER

CATCHWORDS: Integrated Planning Act 1997 4.1.52(2)(b) -
reduction from 8 storeys to 5 storeys (to comply with new
planning scheme restrictions) held a "minor change".

HIS HONOUR: The Court is asked to determine that a change to the appellant's development application is a minor one for purposes of section 4.1.52(2) (b) of the Integrated Planning Act 1997. From some points of view that is an inappropriate description, given that a proposed height of eight storeys is being reduced to five. That is the significant change to the proposal.

On general principles, such a change would reduce the impacts of the proposal and be welcomed by members of the public generally, rather than a source of concern.

The explanation for the change is the coming into effect of a new planning regime whereby the height limit is reduced to five storeys. The appellants have realistically taken the line that this is a way of resolving the appeal, saving costs and the like. In the circumstances, the Court is in no difficulty in declaring itself satisfied that the section may be availed of in making an order in terms of the initialled draft.
