14th January 2025

Chief Executive Officer
City of Gold Coast
PO Box 5042
GOLD COAST MC 9726

Lodged Online

Dear Sirs / Madams

Request to make a Minor Change Application for Approval COM/2019/82 | 12 Calli Avenue, Upper Coomera | Lot 145 on SP313554

Pursuant to Section 78 of *the Planning Act 2016* we submit a request for a Minor Change Application to approval COM/2019/82 for Council's consideration. The landowner proposes to make a change to the conditions and approved plans of the most recent approval for there to be allowance for the construction of retaining walls for the purpose of a new dwelling house at 12 Calli Avenue, Upper Coomera formally identified as Lot 145 on SP313554 which is not considered to be Generally in Accordance with the approval conditions of COM/2019/82 for 79-99 Courtney Drive, Upper Coomera.

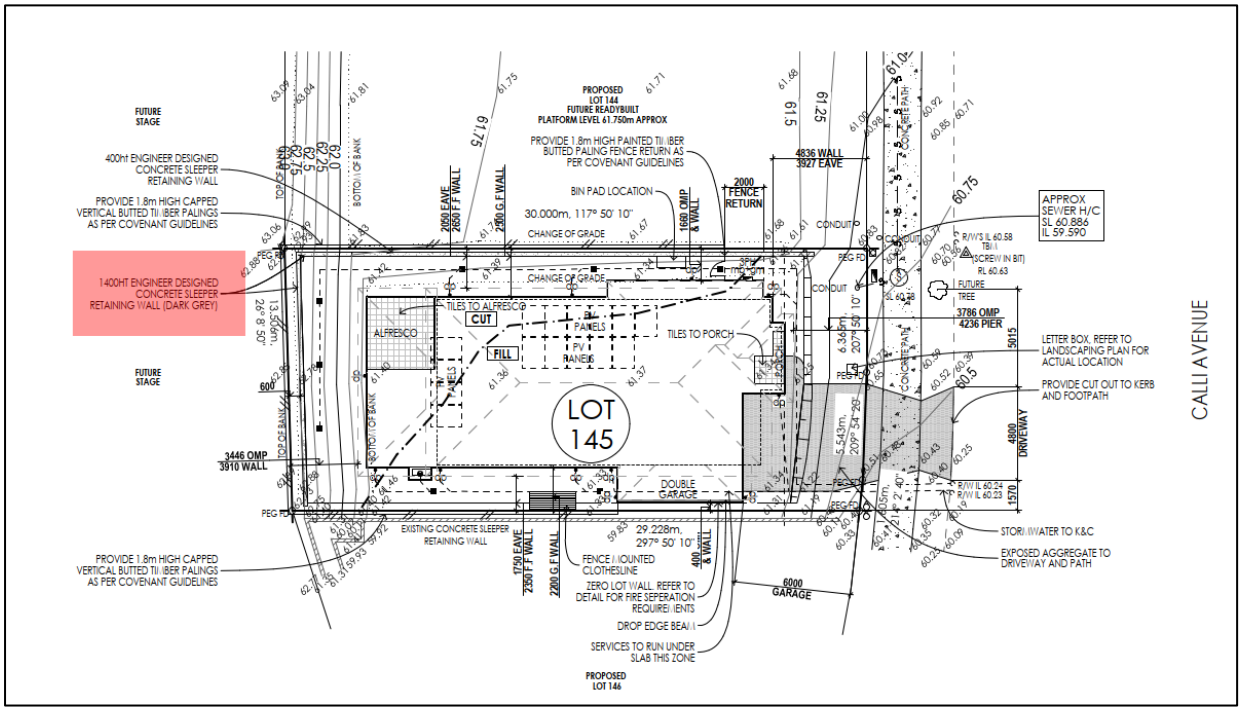
Proposed Development Site at 12 Calli Avenue, Upper Coomera – Nearmaps (22nd December 2024)

Development History

Application Ref. Number	Date Lodged	Description
COM/2024/267	03/09/2024	Combined Application Operational Works Code Assessment Public & Private Landscaping
OPW/2024/987	09/08/2024	Operational Works Major Civil Works
OPW/2024/930	01/08/2024	Operational Works Private Landscaping
MIN/2024/360	06/07/2024	Minor Change Operational Works (Code) Minor Change to OPW/2023/311
MCU/2024/199	04/06/2024	Material Change of Use Code Assessment Sales Office
MIN/2024/289	01/06/2024	Minor Change Operational Works (code) Minor Change to OPW/2023/311
MIN/2024/273	28/05/2024	Minor Change Application Reconfiguring of a Lot & RAA (Impact) Minor Change to COM/2019/82
OPW/2024/523	01/05/2024	Operational Works Code Assessment Civil Lots x 28
OPW/2024/410	10/04/2024	Operational Works Electrical Reticulation
MIN/2024/140	21/03/2024	Minor Change Application Operational Works Minor Change to OPW/2023/311
COM/2024/13	07/02/2024	Combined Application Operational Works Private Landscaping and Public Landscaping
MIN/2024/32	30/01/2024	Minor Change Application Operational Works (Code) Minor Change to OPW/2023/311
OPW/2023/1499	19/12/2023	Operational Works Associated Building Works
OPW/2023/1426	02/12/2023	Operational Works Private Tree Works
OPW/2023/1202	14/10/2023	Operational Works Civil Lots x47- Stage 2
OPW/2023/1142	29/09/2023	Operational Works Electrical Reticulation & Street Lighting
OPW/2023/675	20/06/2023	Operational Works Tree Works Development
OPW/2023/311	21/03/2023	Operational Works Civil Lots x 51
COM/2019/82	**23/05/2019**	**Combined Application Reconfiguring of a Lot RAA component Impact Assessment 5 into 208 Lot Subdivision**
ROL/2018/11	17/01/2018	RECONFIGURATION OF LOT IMPACT ROL201800011 PN137697/02/DA2 1 INTO 2 LOT SUBDIVISION

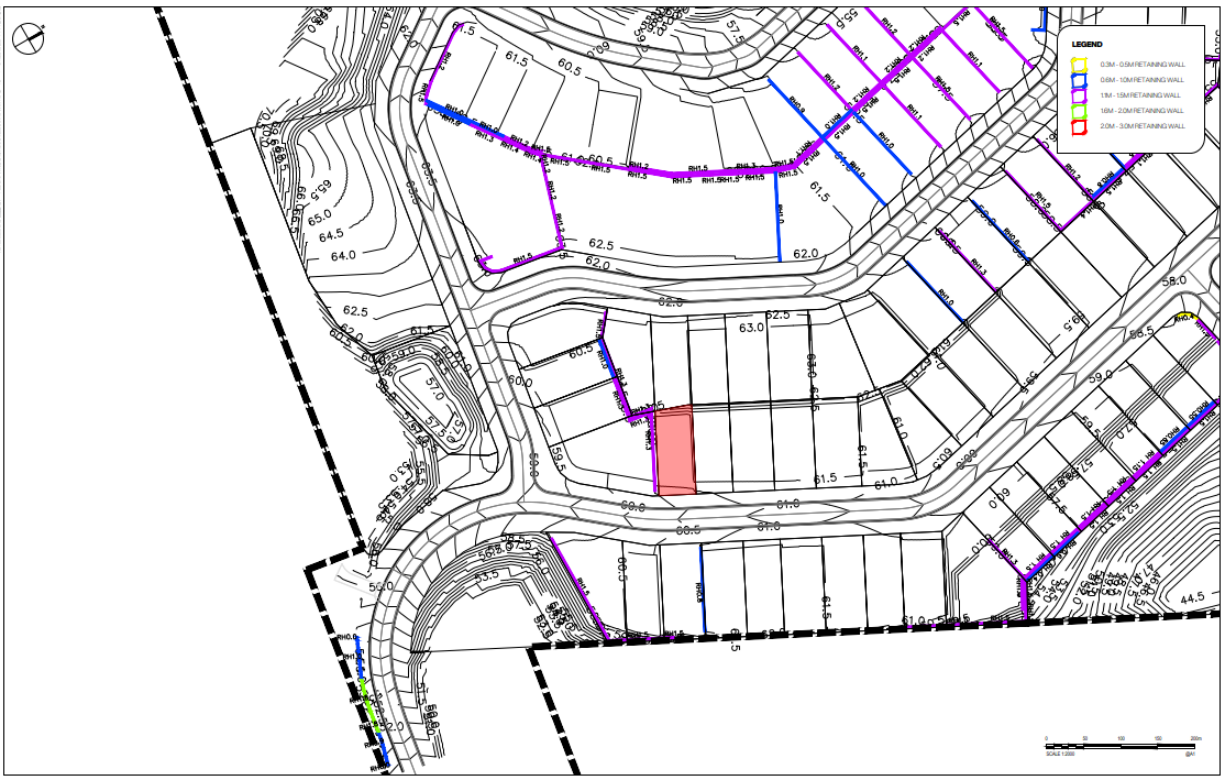
Proposed Development

This proposal is requesting to make a variation to the approved conditions set by the initial combined application, COM/2019/82. As per the proposal plans a new two storey dwelling house is to be constructed on the site which includes five bedrooms (including guest), three-bathroom, open plan living/kitchen/dining, addition two living spaces, attached double garage and outdoor living spaces. Externally, the façade is to be finished with vertical weatherboard cladding on the upper storey, on the ground storey the façade is to contain rendered brickwork with feature brickwork on the front piers. The roof form will consist of a multi hipped shape with colourbond steel at a pitch of 22.5 degrees.



Proposed Development Site Plan – Plantation Homes (16th December 2024)

Further, as per the notes provided on the site plan above, retaining walls are proposed which have a height of 1400mm and are to be RPEQ Certified and constructed using concrete sleeps, dark grey in colour. These walls are not in accordance with the Retaining Wall Plan by Zone approved as part of COM/2019/82 and are the purpose of this application.



Approved Retaining Wall Plan for Stage 1 – Zone Landscape Architecture (3rd December 2020)

Requested Changes:
This requested change is to the Approved Plans/ Documents listed in Condition 22 to read as per the below.

22. Retaining Walls on Private Land
a. Retaining Walls on private land must be of concrete sleep construction and generally comply with the heights, locations and tiering extent included in the drawings listed below:

Drawing Title	***Author***	***Date***	***Drawing No.***	***Version.***
Retaining Wall Heights	*Zone*	*03.12.20*	*L19124 – A101 to A105; sheets 1-5*	*C*
Lot 145 Proposed Site Plan with Retaining Walls	***Plantation Homes***	***28.09.2024***	***9716-AHH***	***C***

b. Concrete sleeper retaining walls that face a public street must be a dark grey colour (standard/plain unfinished concrete colour is not acceptable) and have a split face, stone or wood pattern finish (unless otherwise approved by Council). These requirements also apply to the upper eastern facing retaining wall on lot 119,120 and 121.

c. Concrete sleeper retaining walls along the rear boundary of Lot 110-118 must be a dark grey colour (standard/plain unfinished concrete colour is not acceptable) and have a split face, stone or wood pattern finish (unless otherwise approved by Council).

d. all other concrete sleep retaining walls must have a dark grey colour (standard/plain unfinished concrete colour is not acceptable)

e. tiered retaining walls must have a minimum bench width of 1m, measured from the face of the lower retaining wall to the face of the upper retaining wall.

f. Footings of the single tiered retaining wall must be setback a minimum 0.2 meters from the property boundary as required by the land Development Guidelines (LDG) of City Plan (unless otherwise required for landscape treatments).

Justification:

The proposed works are determined to be generally in accordance with the development which was approved in 2023 and does not result in development which would be considered not Minor or substantially different. This has been detailed below in the applicable tests.

Assessment of Proposed Development against criteria for Minor Charge Definition	
For a Development Approval -	
i. does not result in substantially different development; and	**Complies** The proposal is requesting that the combined approval be amended to allow the retaining of walls as per the proposal plans to allow for the construction of the intended Dwelling House. The approval proposed to be amended is for a residential subdivision, this change does not impact or vary that.
if the application, including the change, were made when the change is made—would not cause	
A. the inclusion of prohibited development in the application; or	**Complies** The proposed change does not result in development which would be considered prohibited under Local or State Planning Provisions.
B. referral to a referral agency if there were no referral agencies for the development application; or	**Complies** The proposed development does not require referral to any SARA or non-SARA agencies.
C. referral to extra referral agencies; or	**Complies** No new referral agencies.
D. a referral agency, in assessing the application under section 55(2), to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or	**Complies** No referral required.
E. public notification if public notification was not required for the development application; or	**Complies** The proposal does not trigger impact assessment, no Public Notification required.
Assessment of Proposed Development against criteria for Substantially Different Development	
(a) involves a new use; or	**Complies** The application which is requested to be changed was a Combined ROL of residential zoned land and RAA. The intended use for the site, being a dwelling house. The proposed variation is for the construction of a Dwelling on the site involving retaining walls not approved as part of the ROL.
(b) results in the application applying to a new parcel of land; or	**Complies** No new land parcels created or included in the development.
(c) dramatically changes the built form in terms of scale, bulk and appearance; or	**Complies** The proposed development is for a site-specific amendment which does not change or alter the scale of the overarching development approval.
(d) changes the ability of the proposed development to operate as intended; or	**Complies** The proposed change does not impact on the intended function of the site.
(e) removes a component that is integral to the operation of the development; or	**Complies** No removal of any integral components of the development i.e. conditioned rehab or earthworks.
(f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or	**Complies** The proposed development is for a dwelling, no impact on traffic flows.
(g) introduces new impacts or increase the severity of known impacts; or	**Complies** The proposal does not result in new impacts or increase the severity of any issues which have already been assessed.
(h) removes an incentive or offset component that would have balanced a negative impact of the development; or	**Complies** Proposed development has no impact on rehab works.
(i) impacts on infrastructure provisions.	**Complies** No impact on any provision of public infrastructure

In summary the proposed development is believed to be suitable for a Minor Change as it does not result in substantially different development, or development which would be considered an “other” change. The inclusion of the proposed dwelling on the site has no impact on the intended use of the site or result in a conflict with the conditions of the original dwelling and its previous approval.

We have attached the following documents in support of the proposed amendment:

- DA form 5
- Owner Consent.
- Proposed Building Plans.
- Most recent Application as it relates to the subject lot.

I look forward to hearing from you at your earliest convenience. Should you have any further enquiries please contact us on 07 3707 6675.

Yours sincerely,

B. McPherson

Blair McPherson
Town Planner