

ITEM #
CITY DEVELOPMENT BRANCH
REPORT ON MINOR CHANGE TO PRELIMINARY APPROVAL FOR MAKING A MATERIAL
CHANGE OF USE TO OVERRIDE THE PLANNING SCHEME FOR INDUSTRY USES AT 31
YELLOWWOOD ROAD, 60 STAPYLTON JACOBS WELL ROAD AND 82 CHRISTENSEN ROAD,
STAPYLTON QLD 4207
DIVISION 1
MIN/2019/27

1 APPLICATION SUMMARY

Application information	
Minor change to development approval	
Address	31 Yellowwood Road, 60 Stapylton Jacobs Well Road and 82 Christensen Road, Stapylton
Lot and plan	Lot 4 on RP6843 , Lot 1 on RP6882 and Lot 240 on W31320
Site area	771, 610m ²
Properly made date	Low impact industry Zone (Future low impact industry precinct), Medium impact industry Zone (Future medium impact industry precinct) and High impact industry Zone
Originating and current Planning Scheme including version, domain/zone/precinct and constraints/overlays	• Acid sulfate soils • Bushfire hazard area • Koala habitat areas • Vegetation management • Local significant wetlands 100m buffer area • 100m transport route separation area • Flood assessment required • Industry interface area • Landslide hazard • Transport noise corridors • Property adjacent to State controlled road
Originating approved development	Preliminary Approval for making a Material Change of Use to override the Planning Scheme for industry uses
Date of originating development approval	26 February 2013
Originating approval authority	Council
Level of assessment	Impact assessment
Applicant and Applicant's consultancy team	KS8 Pty Ltd Sole Director: - Kevin Seymour C/- Gasman Development Perspectives Director: - Brian Gassman
Land owner	Mrs Patricia Ann Hester and William Arthur Hester
Decision due date	22 February 2019
Referral agencies	Not applicable to the minor change application. Referral agencies applicable to the original approval were: - Department of Natural Resources and Mines; - Department of Transport and Main Roads; and - Department of State Development Infrastructure and Planning
Officer's recommendation	Approval
Reference of most recent change application	MCU201800656 (PN163781/01/DA1)
Date of most recent change application decision notice	27 November 2018

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2 PROPOSAL

The purpose of this report is to assess an application for a change to the development approval under Section 78 of the *Planning Act 2016* (PA) for making a Material Change of Use to override the Planning Scheme for Industry Uses at 31 Yellowwood Road, 60 Stapylton Jacobs Well Road and 82 Christensen Road, Stapylton.

The proposed minor change seeks to amend the conditions relating to the landscape batter grade in areas of cut and to rectify administrative errors in the referenced dates of approved plans.

3 BACKGROUND

Approval Reference	Comment
MCU201100650 Dated: 6 May 2013	Preliminary Approval for Making a Material Change of Use (Impact Assessment) to Override The Planning Scheme for Industry Uses
MCU201601390 Dated: 1 November 2016	Request to Change an Existing Approval (Extended 3 May 2023)
MCU201701550 Dated: 23 November 2017	Change Application approval including amended suite of development conditions for MCU201100650
MCU201701550 Dated: 6 March 2018	Submission to satisfy conditions of approval (Landuse Classification and Staging Plan, and Generations Industrial Park Place Code)
MCU201800656 Dated: 27 November 2018	Change application approval including amended suite of development conditions for MCU201100650

4 PLANNING ASSESSMENT

Reference is made to the relevant PA provisions (Attachment N^o.1 – “*Assessment criteria for minor change to development approval*”), attached to this report. Assessment has been undertaken against these provisions and the proposed change(s) is considered to be a minor change.

The applicant seeks changes to a number of development conditions as follows:

Cond N ^o .	Applicant request	Officer discussion / recommendation
PART C 2(a)(ii)	The Landuse Classification and Staging Plan referred to should refer to the plan date of 07 August 2018 , not 23/08/18.	The request to amend this condition is supported to rectify the administrative error.
PART C 9	The Landuse Classification and Staging Plan referred to should refer to the plan date of 07 August 2018 , not 23/08/18.	The request to amend this condition is supported to rectify the administrative error.
PART C 15(f)(v)	The reference to when the batter is within cut is at 1V:3H, is not consistent with Council's Land Development Guidelines, and should be amended to reflect 1V:2H accordingly.	The applicant provided Geotechnical certification of the batter treatment and measures required to promote plant growth and stabilisation to support the proposed 1V:2H batters. The request to amend this condition is supported to allow 1V:3H landscaped batters which include over excavation for a minimum

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		of 400mm with key cut batter to stabilise the surfaces for appropriate landscaping as illustrated in the diagram below.
PART C 24(a)	The Landuse Classification and Staging Plan referred to should refer to the plan date of 07 August 2018 , not 23/08/18	The request to amend this condition is supported to rectify the administrative error.
PART C 70	Reference has been made to inclusion of an amended Condition 70, refer Page 16 of 38 Decision Notice, however, the condition has not been incorporated into the consolidated set of conditions.	The request to amend this condition is supported to rectify the administrative error.

5 CONCLUSION

This report assessed a request for a minor change for the Preliminary Approval dated 27 November 2018 for making a Material Change of Use to override the Planning Scheme for industry uses at 31 Yellowwood Road, 60 Stapylton Jacobs Well Road and 82 Christensen Road, Stapylton

The assessment of this request determined the Minor change is acceptable and recommended for approval.

6 RECOMMENDATION

It is recommended that Council resolves as follows:

That Under Delegated Authority the Manager of the City Development Branch approves the Minor change application for the preliminary approval dated 27 November 2018 for making a Material Change of Use to override the Planning Scheme for industry uses at 31 Yellowwood Road, 60 Stapylton Jacobs Well Road and 82 Christensen Road, Stapylton, in accordance with the Attachment entitled: Decision Notice Change Application Approval 60 Stapylton Jacobs Well road, Stapylton.

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13/02/2019

Authorised by:

Roger Sharpe
Executive Coordinator Planning Assessment

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Attachment No. 1 – Assessment criteria for minor change to development approval

The request has been assessed against the following criteria and is considered to be a minor change.

Review of the proposed change to the development approval has been undertaken against the:

- Definition of minor change contained within Schedule 2 of the PA (see below);
- Schedule 1 of the Development Assessment Rules which identifies the criteria listed below for determining if a change would result in a substantially different development ; and
- Section 81 of the PA applies to assessing and deciding an application for minor.

Definition of minor change under Schedule 2 of the PA:**(b) for a development approval:**

Minor change for a development approval	Officers comment
would not result in substantially different development; and	See table below.
if a development application for the development, including the change, were made when the change application is made would not cause— (A) the inclusion of prohibited development in the application; or	No prohibited development is included in the application.
(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or	No referrals are applicable to the minor change application.
(C) referral to extra referral agencies, other than to a chief executive; or	No additional referral agencies are triggered.
(D) a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or	Not applicable.
(E) public notification if public notification was not required for the development application.	The original application was impact assessable and public notification was undertaken.

Schedule 1 of the Development Assessment Rules, Part 4:

Substantially different development consideration	Officers comments
involves a new use; or	The proposed changes do not result in a new land use with different or additional impacts.
results in the application applying to a new parcel of land; or	No new parcels of land are affected by the changes.
dramatically changes the built form in terms of	The proposed minor change is in relation to amending

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scale, bulk and appearance; or	the grade of landscaped batters and rectifying administrative errors in plan dates thus does not dramatically change the scale, bulk and appearance of the development.
changes the ability of the proposal to operate as intended (For example, reducing the size of a retail complex may reduce the capacity of the complex to service the intended catchment); or	The proposed minor change will not change the ability of the approved development to operate as originally intended.
removes a component that is integral to the operation of the development; or	The proposed changes do not remove any integral components of the development.
significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or	The proposed change will not impact the traffic flow and transport network of the approved development as the amount of land available is not changing.
introduces new impacts or increase the severity of known impacts; or	The proposed change does not introduce any new impacts or increase the level of known impacts.
removes an incentive or offset component that would have balanced the negative impact of the development; or	The proposed change does not remove any incentive or offset component identified to balance identified impacts of the development.
impacts on infrastructure provisions.	The approval is for a preliminary approval which requires subsequent Reconfiguring a Lot approval/s. The proposed minor change will not have an impact on infrastructure provisions as this will be assessed in further detail at the time of the subsequent approval/s.

Section 81 of the PA applies to assessing and deciding an application for minor changes, in particular Subsection (2) (3) and (4) – matters the responsible entity must consider when assessing a minor change application.

- (1) *When assessing the change application, the responsible entity must consider –*
 - (a) *The information the applicant included with the application; and*
 - (b) *If the responsible entity is the assessment manager – any properly made submissions about the development application or another change application that was approved; and*
 - (c) *Any pre-request response notice or response notice given in relation to the change application; and*
 - (d) *If the responsible entity is, under section 78(3)(ba) or (bb), the Minister – all matters the Minister would or may assess against or have regard to, if the change application were a development application called in by the Minister; and*
 - (e) *If paragraph (d) does not apply – all matters the responsible entity would or may assess against or have regard to if the change application were a development application; and*
 - (f) *Another matter that the responsible entity considers relevant.*
- (2) *For subsection (2)(d) and (da), the responsible entity –*
 - (a) *must assess against, or have regard to, the matters that applied with the development application was made; and*
 - (b) *May assess against, or have regard to, the matter that applied when the change application was made.*
- (3) *After assessing the change applications, the responsible entity must decide to–*
 - (a) *make the change, with or without imposing development conditions, or amending development conditions, relating to the change; or*
 - (b) *refuse to make the change.*