

1 APPLICATION SUMMARY

Application information			
Address	31 Yellowood 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		
Zone / Precinct	Low impact industry Zone (Future low impact industry precinct), Medium impact industry Zone (Future medium impact industry precinct) and High impact industry Zone		
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		
Approved development	Preliminary Approval for making a Material Change of Use to override the Planning Scheme for industry uses		
Date of development approval	26 February 2013		
Approval authority	Council		
Level of assessment	Impact Assessment		
Applicant and Applicant's consultancy team	KS8 Pty Ltd C/- Gassman Development Perspectives		
Land owner	W A & P A Hester		
Application sought	Minor Change application		
Proposed changes to the development approval	Minor change to amend the staging plan		
Proposed changes to the currency period	No change to the currency period is requested as part of this application.		
Proposed changes to conditions	Condition No.	Applicant Request	Recommendation
	Condition 1a	Amend	
	Condition 2a	Amend	
	Condition 9	Amend	
	Condition 10	Amend	
	Condition 15	Amend	
	Conditions 16 -23	Delete	
	Condition 24	Delete	
	Condition 61	Delete	
	Condition 65	Amend	
	Condition 68	Delete	
Decision due date	05 July 2018		

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REPORT ON MINOR CHANGE TO PRELIMINARY APPROVAL FOR MAKING A MATERIAL
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Referral agency(s)	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	Approve in part
Approval Details	
Reference of originating development approval	MCU201100650
Date of originating development approval	04 March 2013
Reference of most recent change application	MCU201701550
Date of most recent change application decision notice	23 November 2017

2 PROPOSAL

Council is in receipt of an application for a minor change to a development approval/ conditions in relation to a 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.

The proposed minor change seeks to amend the approved Staging Plan and Place Code relating to.... and the subsequent conditions which make reference to the staging plan and place code.

This Change Application is in response to Council's Information Request for Stage 1 (dated 28 March 2018), in particular, Item 1 b(ii) that states,

"Prepare and submit to Council for approval a Change application to the Preliminary approval, with particular regard to the approved staging plan and associated conditions of approval, which addresses all conflicts".

The application is assessed in accordance with the following Part 5 sections of the *Planning Act 2016*, in particular:

- Section 78 minor change to the development approval/conditions

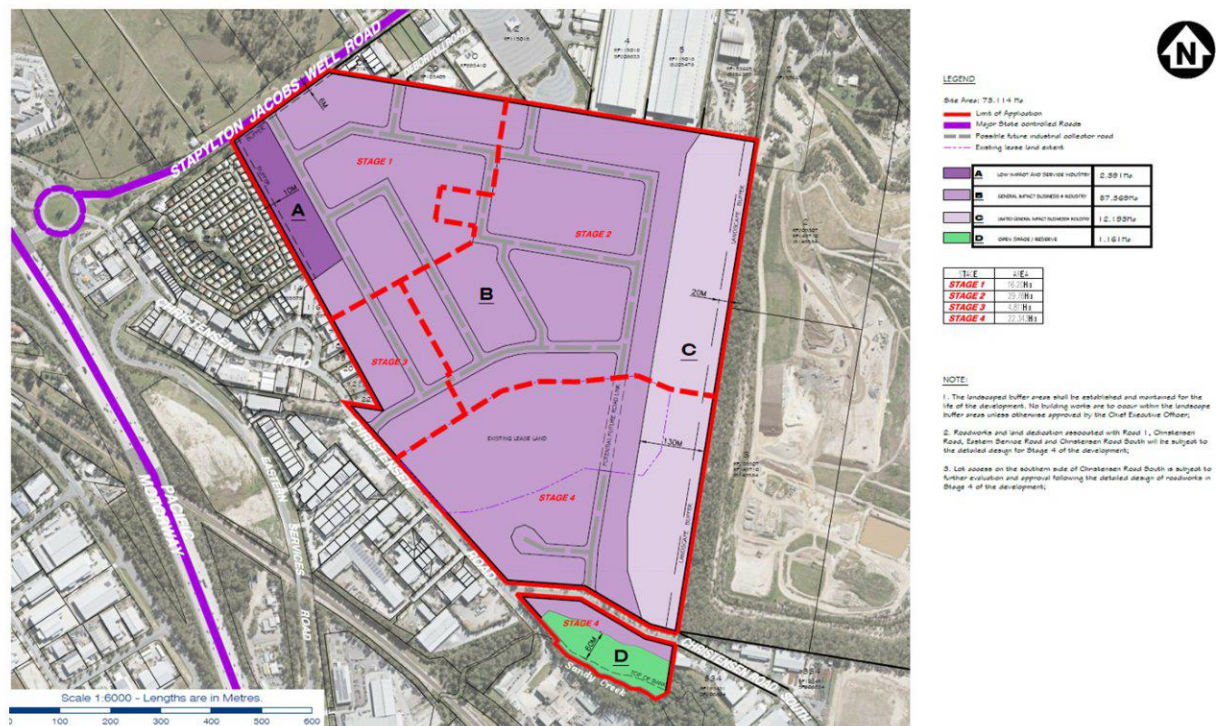
The following condition(s) outcomes are outlined in the table and discussed in further detail in the planning assessment section of the report:

Condition No	Summary of recommendation
Condition 1a	insert details
Condition 2a	
Condition 9	
Condition 10	
Condition 15	
Conditions 16	
Condition 17	

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Condition 18	
Condition 19	
Condition 21	
Condition 22	
Condition 23	
Condition 24	
Condition 61	
Condition 65	
Condition 68	

The following drawings show what the proposed changed development will look like:



SITE DESCRIPTION AND SURROUNDING AREA

2.1 Characteristics of site

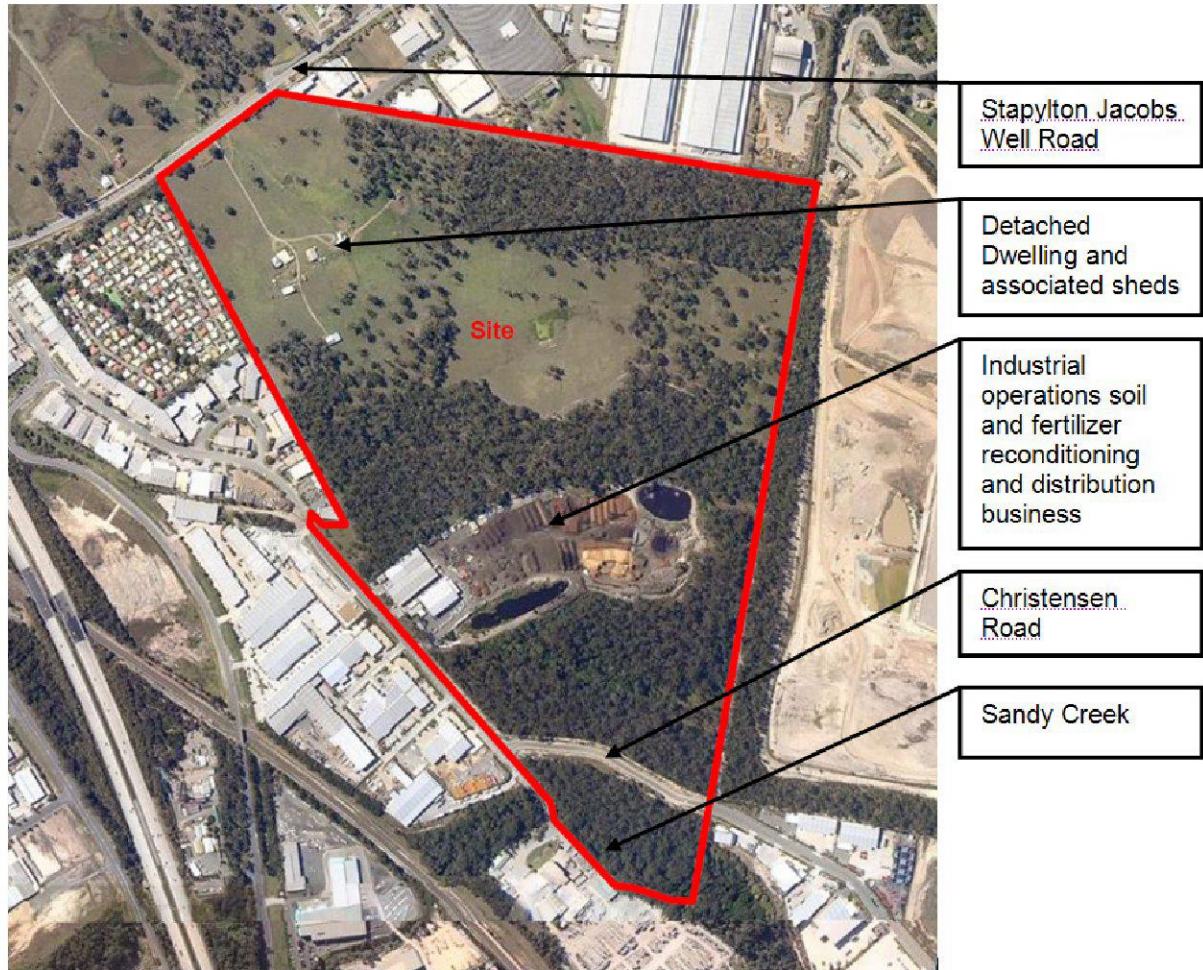
The subject sites are located approximately 0.5kms east of the M1 Motorway, with direct access from Stapylton Jacobs Well Road and Christensen Road. The subject site is currently used for residential purposes and for the Industrial operations of a soil and fertilizer reconditioning and distribution business. The subject site contains a Detached Dwelling and associated sheds, Industrial and Warehouse buildings, ancillary offices, mixing mounds and basins, which form part of the soil and fertiliser operations on site.

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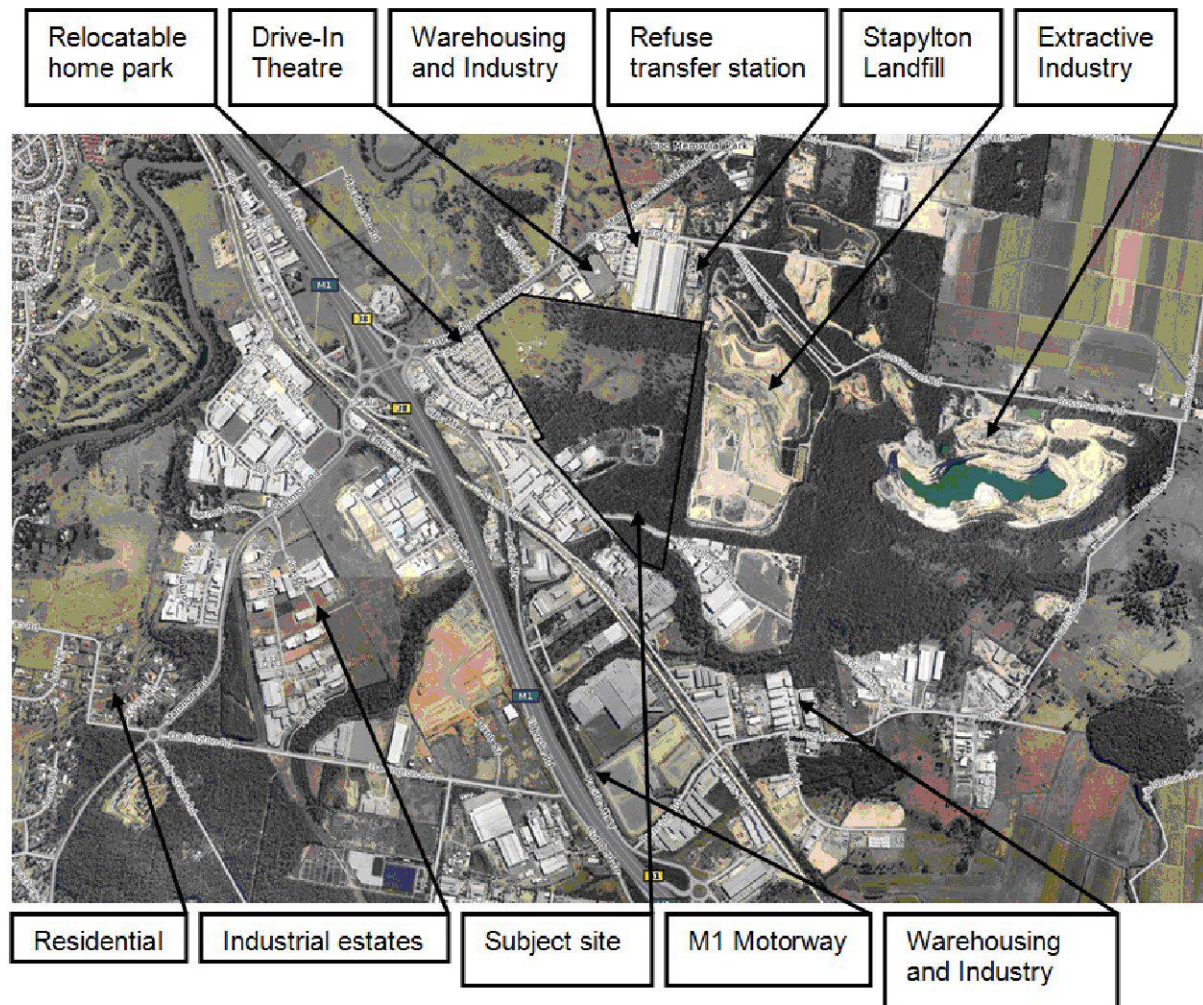
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3 LEVEL OF ASSESSMENT

The original proposal would be Impact assessable under the City Plan as it would be for a Variation Approval to vary the effect of the Planning Scheme.

4 OTHER DEVELOPMENT APPROVALS/EXISTING LAWFUL USES

On 26 February 2013, Council resolved to issue a preliminary approval for making a material change of use to override the Planning Scheme for Industry Uses on the subject sites. Following this the applicant lodged a Negotiated Decision request.

On 03 May 2013 a decision was made to issue a Negotiated Decision Notice in relation to conditions which require the development within Precinct C to occur once the remaining area of the Generations Industrial Park is exhausted.

On 01 November 2016 a six (6) year extension was granted, extending the relevant period until 03 May 2023.

On 23 November 2017, a Minor change was granted to amend the approved Plan of Development relating to Reconfiguring a Lot for Precincts A and B whereby the minimum lot size was reduced from 4,000m² minimum lot size to 2,000m² to align the Preliminary Approval with the City Plan.

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On 06 March 2018, amended plans were submitted in accordance with conditions of approval and stamped approved by council.

5 PLANNING ASSESSMENT

5.1 Assessment against the Planning Act 2016 - minor change

Pursuant to section 78 of the *Planning Act 2016 (PA)*, a person may make a change (minor or other) application to change a development approval. For a minor change to the development approval. Schedule 2 of PA defines a 'minor change' for a development approval as a change that:

- "(i) would not result in substantially different development; and*
- (ii) if a development application for the development, including the change, were made when the change application is made would not cause—*
 - (a) the including of prohibited development in the application; or*
 - (b) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or*
 - (c) referral to extra referral agencies, other than to a chief executive; or*
 - (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*
 - (e) public notification if public notification was required for the development application."*

Having regard to the relevant PA provisions, the proposed change(s) is/are considered to be a minor change. For a minor change, Schedule 1 of the DA Rules states that an assessment manager or responsible entity may determine that a change is a minor change that would not result in 'substantially different development' – for a change—

- "(a) made to a proposed development application the subject of a response given under section 57(3) of the Act and a properly made application;*
- (b) made to the development application in accordance with part 6;*
- (c) made to the development approval after the appeal period."*

Under Schedule 1 of DA Rules, Part 4 prescribes that a change may be considered to result in a substantially different development if the proposed change:

Substantially different development criteria	Officer's 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 scale, bulk and appearance; or	The proposed minor change is in relation to amending the staging plan and title of the place code only and thus is considered not to 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 to the staging plan will result in the change to the access point for stage 1. This change is considered to provide a more logical access point which extends from the main road of Stapylton Jacobs Well Road opposed to Emeri Street, which is located within

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	a small existing industrial area. The proposed is not considered to significantly 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.

With regard to the above assessment, against the substantially different development criteria, the proposed change is considered to comply with section 78 of the Planning Act 2016 and is thus considered to be a minor change.

5.2 Assessment of requested changes to development conditions

5.2.1 Condition amendments

- Condition C 1a currently reads:

insert existing condition wording

The applicant requests that this condition be **amended OR cancelled**.

Applicant's representation

Insert justification

Officer's comment

It is considered that the above condition be **amended OR cancelled OR unchanged**.
Insert reasons

- Condition C 2a currently reads:

insert existing condition wording

The applicant requests that this condition be **amended OR cancelled**.

Applicant's representation

Insert justification

Officer's comment

It is considered that the above condition be **amended OR cancelled OR unchanged**.

Insert reasons

- Condition C 9 currently reads:

insert existing condition wording

The applicant requests that this condition be amended **OR** cancelled .

Applicant's representation

Insert justification

Officer's comment

It is considered that the above condition be amended **OR** cancelled **OR** unchanged .

Insert reasons

- Condition C 10 currently reads:

insert existing condition wording

The applicant requests that this condition be amended **OR** cancelled .

Applicant's representation

Insert justification

Officer's comment

It is considered that the above condition be amended **OR** cancelled **OR** unchanged .

Insert reasons

- Condition C 15 currently reads:

insert existing condition wording

The applicant requests that this condition be amended **OR** cancelled .

Applicant's representation

Insert justification

Officer's comment

It is considered that the above condition be amended **OR** cancelled **OR** unchanged .

Insert reasons

- Condition C 16 currently reads:

insert existing condition wording

The applicant requests that this condition be amended **OR** cancelled .

Applicant's representation

Insert justification

Officer's comment

It is considered that the above condition be *amended OR cancelled OR unchanged* .

Insert reasons

- Condition C 17 currently reads:

insert existing condition wording

The applicant requests that this condition be *amended OR cancelled* .

Applicant's representation

Insert justification

Officer's comment

It is considered that the above condition be *amended OR cancelled OR unchanged* .

Insert reasons

- Condition C 18 currently reads:

insert existing condition wording

The applicant requests that this condition be *amended OR cancelled* .

Applicant's representation

Insert justification

Officer's comment

It is considered that the above condition be *amended OR cancelled OR unchanged* .

Insert reasons

- Condition C 19 currently reads:

insert existing condition wording

The applicant requests that this condition be *amended OR cancelled* .

Applicant's representation

Insert justification

Officer's comment

It is considered that the above condition be *amended OR cancelled OR unchanged* .

Insert reasons

- Condition C 20 currently reads:

insert existing condition wording

The applicant requests that this condition be amended **OR** cancelled .

Applicant's representation

Insert justification

Officer's comment

It is considered that the above condition be amended **OR** cancelled **OR** unchanged .

Insert reasons

- Condition C 21 currently reads:

insert existing condition wording

The applicant requests that this condition be amended **OR** cancelled .

Applicant's representation

Insert justification

Officer's comment

It is considered that the above condition be amended **OR** cancelled **OR** unchanged .

Insert reasons

- Condition C 22 currently reads:

insert existing condition wording

The applicant requests that this condition be amended **OR** cancelled .

Applicant's representation

Insert justification

Officer's comment

It is considered that the above condition be amended **OR** cancelled **OR** unchanged .

Insert reasons

- Condition C 23 currently reads:

insert existing condition wording

The applicant requests that this condition be amended **OR** cancelled .

Applicant's representation

Insert justification

Officer's comment

It is considered that the above condition be amended OR cancelled OR unchanged .
Insert reasons

- Condition C 24 currently reads:

insert existing condition wording

The applicant requests that this condition be amended OR cancelled .

Applicant's representation

Insert justification

Officer's comment

It is considered that the above condition be amended OR cancelled OR unchanged .
Insert reasons

- Condition C 61 currently reads:

insert existing condition wording

The applicant requests that this condition be amended OR cancelled .

Applicant's representation

Insert justification

Officer's comment

It is considered that the above condition be amended OR cancelled OR unchanged .
Insert reasons

- Condition C 65 currently reads:

insert existing condition wording

The applicant requests that this condition be amended OR cancelled .

Applicant's representation

Insert justification

Officer's comment

It is considered that the above condition be amended OR cancelled OR unchanged .
Insert reasons

- Condition C 68 currently reads:

insert existing condition wording

The applicant requests that this condition be amended OR cancelled .

Applicant's representation

Insert justification

Officer's comment

It is considered that the above condition be amended OR cancelled OR unchanged .

Insert reasons

Based on the above, an amended OR a negotiated decision notice will be an attachment to the decision notice for this change application to update the relevant development conditions.

6 ASSESSMENT AGAINST SCHEDULE 10 OF THE REGULATION

The proposal does not trigger assessment against any assessment benchmarks in Schedule 10 (Development assessment) of the *Planning Regulation 2017*.

7 ASSESSMENT AGAINST STATE PLANNING POLICY

The City Plan appropriately reflects all aspects of the State Planning Policy apart from aspects relating to natural hazards, risk and resilience (coastal hazards).

The proposal does not trigger assessment against any assessment benchmarks relating to natural hazards, risk and resilience (coastal hazards).

8 ASSESSMENT AGAINST THE REGIONAL PLAN

The proposal is consistent with the goals, elements and strategies; and the Southern Sub-regional directions of the South East Queensland Regional Plan 2017 (ShapingSEQ).

9 DEVELOPMENT INFRASTRUCTURE (TRUNK)

The proposed minor change does not affect trunk infrastructure provisions.

10 INFRASTRUCTURE CHARGES

The approval does not involve infrastructure charges.

11 REFERRALS

14.1 Internal referrals

This application has been assessed by internal referral officers who have provided comments. An overview of the recommended comments is provided in the table below:

Internal city expert	Comments and Conditions
City Infrastructure	
Environmental Assessment	
Gold Coast Water	
Health and Regulatory Services	
Landscape Assessment	

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Open Space Assessment	
Subdivision Engineering	
Transport Assessment	

14.2 External referrals

There is no concurrence or advice agency(s) triggered by this development application.

15 PUBLIC NOTIFICATION

Not applicable - no part of the application required public notification.

16 CONCLUSION

Council is in receipt of a request for a permissible change **OR** minor change for the development permit **AND/OR** preliminary approval dated **insert date** for **Insert description of proposal** at **insert address**

After a detailed assessment of the request, it has been determined the **insert request type** should be approved **OR** refused for the following reasons:

insert details

17 NOTIFICATIONS

The following property notifications will be applied:

- **insert standard notifications**
- **insert standard notifications**

18 RECOMMENDATION

It is recommended Council of the City of Gold Coast (Council) resolves the following:

- 1 That Under Delegated Authority the Manager of the City Development Branch approves **OR** refuses the Minor change application for the preliminary approval dated 23 November 2017 for making a Material Change of Use to override the Planning Scheme for industry uses, in accordance with the Attachment entitled: **insert name of relevant Decision Notice** .**

Author:

Thalia Allsop
A/ Senior Planner
insert date

Authorised by:

Michael Moran
Manager City Development