

OUR REF: 5941  
YOUR REF: ROL/2018/79 & OPW201800485 & OPW201800486  
PN163781/23/DA2

20 December 2019

The Chief Executive Officer  
Gold Coast City Council  
PO Box 5042  
GOLD COAST MC QLD 9729

Via email: [mail@goldcoast.qld.gov.au](mailto:mail@goldcoast.qld.gov.au)

Dear Sir/Madam,

**RE: REQUEST TO MAKE A MINOR CHANGE APPLICATION TO DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (1 INTO 38 INDUSTRIAL LOTS, STORMWATER DETENTION LOT, NEW ROAD AND A BALANCE LOT), OPERATION WORK (CHANGE TO GROUND LEVEL) AND OPERATIONAL WORK (VEGETATION CLEARING)**

**AT: 60 STAPYLTON JACOBS WELL ROAD, 82 CHRISTENSEN ROAD AND 31 YELLOWWOOD ROAD, STAPYLTON QLD 4207 (LOT 500 AND 501 ON SP295994 AND LOT 4 ON RP6843 (FORMALLY LOT 1 ON RP6882, LOT 240 ON W31320 & LOT 4 ON RP6843))**

We act on behalf of the Frasers Property Pty Ltd, who seek a request to make a minor change application under s78 of the *Planning Act 2016 (PA)* for the above mentioned property.

We enclose the following:

- Planning Act 2016 Form 5 Change Application, **Attachment 1**;
- GCCC Change Application Form, **Attachment 2**;
- Owners Consent, **Attachment 3**;
- Decision Notice ROL/2018/79, **Attachment 4**;
- Amended ROL Plan, **Attachment 5**;
- Amended Bulk Earthworks Plans, **Attachment 6**;
- Amended Site Based Stormwater Management Plan, **Attachment 7**;
- Amended Engineering Services Report, **Attachment 8**; and
- Amended Landscape Intent Plan, **Attachment 9**.

As the application will be lodged electronically, the prescribed fee of **\$4,459.60** will be paid upon receiving Council's invoice.

## 1.0 SITE DESCRIPTION

| Table 1 - Site Summary           |                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Site Address</b>              | 31 Yellowwood Road, 60 Stapylton Jacobs Well Road And 82 Christensen Road, Stapylton QLD 4207                                                                                                                                                                                                                                               |
| <b>Real Property Description</b> | Lot 500 on SP295994, Lot 501 on SP295994 and Lot 4 on RP6843 (Formally Lot 1 on RP6882, Lot 240 on W31320 & Lot 4 on RP6843)                                                                                                                                                                                                                |
| <b>Total Site Area</b>           | 771,610m <sup>2</sup>                                                                                                                                                                                                                                                                                                                       |
| <b>Current Site Use</b>          | Industry                                                                                                                                                                                                                                                                                                                                    |
| <b>Local Authority</b>           | Council of the City of Gold Coast                                                                                                                                                                                                                                                                                                           |
| <b>Zoning</b>                    | <p>60 Stapylton Jacobs Well Road and 82 Christensen Road, Stapylton</p> <ul style="list-style-type: none"> <li>Low impact industry, Future low impact industry precinct, Medium impact industry, Future medium impact industry</li> </ul> <p>31 Yellowwood Road, Stapylton</p> <ul style="list-style-type: none"> <li>Open Space</li> </ul> |

## 2.0 APPROVAL HISTORY

| Table 2 - Approval History              |                                                                                                                                     |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| <b>Approval Reference</b>               | <b>Comment</b>                                                                                                                      |
| MCU201100650<br>Dated: 6 May 2013       | Preliminary Approval for Making a Material Change of Use (Impact Assessment) to Override The Planning Scheme for Industry Uses      |
| MCU201601390<br>Dated: 1 November 2016  | Request to Change an Existing Approval (Extended 3 May 2023)                                                                        |
| MCU201701550<br>Dated: 23 November 2017 | Change Application approval including amended suite of development conditions for MCU201100650                                      |
| MCU201701550<br>Dated: 6 March 2018     | Submission to satisfy conditions of approval (Land use Classification and Staging Plan, and Generations Industrial Park Place Code) |
| MCU201800656<br>Dated: 27 November 2018 | Change application approval including amended suite of development conditions for MCU201100650                                      |
| OPW201800486<br>27 November 2018        | Development approval for Operational Work – Tree Works                                                                              |
| OPW201800485<br>27 November 2018        | Development approval for Operational Work – Change to Ground Level/Carparking                                                       |

|                                    |                                                                                                                                    |
|------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| OPW201801219<br>12 December 2018   | Development approval for Operational Work – Tree Works                                                                             |
| OPW201801218<br>12 December 2018   | Development approval for Operational Work – Change to Ground Level/Carparking                                                      |
| ROL/2018/79<br>Dated: 1 March 2019 | Development application approving Stage 1 ROL under the preliminary approval with supporting civil design and vegetation clearing. |
| MIN/2019/27<br>20 February 2019    | Change application to the Preliminary Approval to amend staging and associated conditions.                                         |

### 3.0 BACKGROUND

Since approval of Stage 1 of the M38 industrial development, ownership of the subject site has changed to Frasers Property Pty Ltd (Frasers). Frasers intent to proceed with development of the subject site in accordance with the Preliminary Approval, however, seek to enact an alternative lot layout within Stage 1.

By way of background, a subsequent minor change application will also be lodged over the approved Preliminary Approval (Council reference MCU201701550) over the subject site to amongst other aspects, align the Stage 1 boundary extent with this application.

### 4.0 CHANGES REQUESTED UNDER SECTION 78 OF THE *PLANNING ACT 2016*

The extent of the proposed changes reflect a revised lot layout and road network for Stage 1 of the M38 industrial development. The new layout results in a lot reduction from 38 lots to 22 lots to allow lot size and shapes suited to larger scale industrial users in response to current market conditions and demand. A range of smaller lots are still proposed around the perimeter of the stage providing a diverse product range and buffer of lower scale industrial users. The proposed change will result in a modest increase to the Stage 1 site area, from 16.20 to 19.34 hectares.

Based on the new lot layout, relevant supporting plans and information have been updated, including:

- Amended Reconfiguring a Lot Plan;
- Amended Bulk Earthworks Plans;
- Amended Site Based Stormwater Management Plan;
- Amended Engineering Services Report; and
- Amended Landscape Intent Plan.

The subject site has already been cleared in accordance with Operational Work approvals OPW201800486 and OPW201801219. As this part of works is complete for the proposed development, no changes are required or proposed to this aspect of development.

The Applicant proposes the conditions be amended as outlined below:

| Table 3 Summary of Requested Condition Changes |                                                       |                  |                                                                                                                                      |
|------------------------------------------------|-------------------------------------------------------|------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Condition No.                                  | Condition Aspect                                      | Requested Change | Justification                                                                                                                        |
| <b>Part A<br/>2</b>                            | Approved drawings                                     | Amend condition  | Amend condition to reflect updated ROL Plan date, drawing number and version.                                                        |
| <b>Part A<br/>3</b>                            | Approved plans                                        | Amend condition  | Amend condition to reflect updated Site Based Stormwater Management Plan date, drawing number and version.                           |
| <b>Part A<br/>8</b>                            | Land transfer                                         | Amend condition  | Amend condition to reflect updated ROL Plan date, drawing number and version.                                                        |
| <b>Part A<br/>9</b>                            | Requirement to register easement/s                    | Delete condition | Delete condition as lot layout provides a loop road that does not require turn around easements.                                     |
| <b>Part A<br/>12 (a)</b>                       | Landscaping works on private land                     | Amend condition  | Amend condition to reflect updated Landscape Intent Plan date, drawing number and version.                                           |
| <b>Part A<br/>12 (a) (v) (C)</b>               | Landscaping works on private land                     | Amend condition  | Amend condition to update lot reference from 241 to 101.                                                                             |
| <b>Part A<br/>12 (a) (vi) (B)</b>              | Landscaping works on private land                     | Amend condition  | Amend condition to reference 2.4m acoustic fence as per new acoustic report to be stamped through change application to PA.          |
| <b>Part A<br/>13 (a)</b>                       | Landscaping works on private land                     | Amend condition  | Amend condition to reflect updated Landscape Intent Plan date, drawing number and version.                                           |
| <b>Part A<br/>14 (d) (i)</b>                   | Public/private interface                              | Amend condition  | Amend lot references to reference Lot 110.                                                                                           |
| <b>Part A<br/>18 (a)</b>                       | New roads / intersections                             | Amend condition  | Amend condition to reflect updated ROL Plan date, drawing number and version and amend road number references to new roads 01 to 03. |
| <b>Part A<br/>18 (a) (i)</b>                   | New roads / intersections                             | Amend condition  | Amend condition to reflect updated road numbers 01 to 03.                                                                            |
| <b>Part A<br/>19</b>                           | Footpaths                                             | Amend condition  | Amend condition to reflect updated ROL Plan date, drawing number and version and amend road number references to new roads 01 to 03. |
| <b>Part A<br/>20</b>                           | Street lighting                                       | Amend condition  | Amend condition to reflect updated ROL Plan date, drawing number and version and amend road number references to new roads 01 to 03. |
| <b>Part A<br/>29</b>                           | Certification of works – Hydraulics and Water Quality | Amend condition  | Amend condition to reflect updated Site Based Stormwater Management Plan date, drawing number and version.                           |

|                       |                        |                   |                                                                                                                                      |
|-----------------------|------------------------|-------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| <b>Advice Notes A</b> | Stormwater             | Amend advice      | Amend advice to reflect updated Site Based Stormwater Management Plan date, drawing number and version.                              |
| <b>Part B 3</b>       | Amended drawings       | Replace condition | As a new set of Bulk Earthworks Plans will be provided with this change request, the Applicant requests the latest plans be stamped. |
| <b>Part B 5</b>       | Amended drawings       | Amend condition   | Amend advice to reflect updated Site Based Stormwater Management Plan date, drawing number and version.                              |
| <b>Part B 15</b>      | Amended drawings       | Amend condition   | Amend advice to reflect updated Site Based Stormwater Management Plan date, drawing number and version.                              |
| <b>Part B 29</b>      | Certification of works | Amend condition   | Amend condition to reflect updated Site Based Stormwater Management Plan date, drawing number and version.                           |

As Operational Work for Vegetation Clearing has been completed over the subject site, no changes are proposed to Part C of the conditions package.

## **5.0 PLANNING ACT 2016 LEGISLATIVE AND STATUTORY CONSIDERATIONS**

### **5.1 PLANNING ACT 2016 – MINOR CHANGE ASSESSMENT PROVISIONS**

To assist the determination of this minor change application, detailed assessment of the requested changes has been undertaken against the assessment provisions as outlined within section 81 of the *Planning Act 2016* (PA) in which the responsible.

The outcome of this assessment is as follows:

**81(3)(a)** *must assess against, or have regard to, the matters that applied when the development application was made; and*

Comment: The original development application was made under an existing preliminary approval that altered the effect of the Planning Scheme. This request does not alter the matters that applied when the development application was made.

**81(3)(b)** *may assess against, or have regard to, the matters that applied when the change application was made.*

Comment: The preliminary approval under which the original development application was made is still in effect over the subject site. The proposed changes will maintain consistency with the existing preliminary approval.

### **5.2 PLANNING ACT 2016 SCHEDULE 2 (DICTIONARY)**

Chapter 1 Section 6 of the PA provides the Definitions and meanings of particular words used throughout the Act, and refers specifically to the Dictionary in Schedule 2.

Schedule 2 provides the definition of 'minor change':

- (a) for a development application; and
- (b) for a development approval.

For this particular application request, a minor change 'for a development approval' is relevant.

The definition assists in providing a guideline to the compliance within meaning of minor change, and is presented in the below table.

| <b>Table 4 Minor Change</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>(b) for a development approval-</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Comment/Compliance</b>                                                                                                                                                                                                                                                                                                                                                                                                    |
| (i) would not result in substantially different development; and                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p><b>Complies</b></p> <p>The proposal does not result in substantially different development, as indicated in Table 5 below.</p> <p>It is the same land use, within the same general development footprint and site area.</p> <p>As such, the proposal is seen as generally consistent with the original approval.</p>                                                                                                      |
| <p>(ii) if a development application for a development including the change, were made when the change application is made would not cause –</p> <p>(A) the inclusion of prohibited development in the development; or</p> <p>(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or</p> <p>(C) referral to extra referral agencies, other than to the chief executive officer; or</p> <p>(D) a referral agency to assess the application against, or have regard to, matters prescribed by a regulation under section 55(2), other</p> | <p><b>Complies</b></p> <p>The proposed change would not result in prohibited development.</p> <p><b>Not Applicable</b></p> <p>There were referral agencies triggered for the original development application.</p> <p><b>Complies</b></p> <p>No extra referral agencies will be triggered for referral.</p> <p><b>Complies</b></p> <p>No additional assessment matters are required to be assessed by a referral agency.</p> |

| Table 4 Minor Change                                                                                                                                                                                                                                 |                                                                                                                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (b) for a development approval-                                                                                                                                                                                                                      | Comment/Compliance                                                                                                                                          |
| <p>than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or</p> <p>(E) public notification if public notification was not required for the development application.</p> | <p><b>Complies</b></p> <p>Public notification was not required for the original development application, nor will it be required because of the change.</p> |

| Table 5 DA Rules Schedule 1 – Substantially different development                                               |                                                                                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A change may be considered to result in a substantially different development if the proposed change:           |                                                                                                                                                                                                                                                              |
| Test                                                                                                            | Comment/Compliance                                                                                                                                                                                                                                           |
| (a) involves a new use; or                                                                                      | <p><b>Complies</b></p> <p>Proposal does not involve a new use or additional impacts above what was originally approved.</p>                                                                                                                                  |
| (b) results in the application applying to a new parcel of land; or                                             | <p><b>Complies</b></p> <p>The proposal is over the same parcels of land, albeit the Stage 1 extent has modestly increased.</p>                                                                                                                               |
| (c) dramatically changes the built form in terms of scale, bulk and appearance; or                              | <p><b>Complies</b></p> <p>The proposal does not involve a dramatic change in built form in terms of scale, bulk and appearance.</p>                                                                                                                          |
| (d) changes the ability of the proposed development to operate as intended; or                                  | <p><b>Complies</b></p> <p>The proposal does not change the ability of the land use to function or operate.</p>                                                                                                                                               |
| (e) removes a component that is integral to the operation of the development; or                                | <p><b>Complies</b></p> <p>The proposal does not remove any integral component to the proposed development or operation of the development.</p>                                                                                                               |
| (f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or | <p><b>Complies</b></p> <p>The proposal will result in a reduction in lots, however, the area of Stage 1 has modestly increased. All traffic impacts are consistent with those already modelled and approved under the overarching preliminary approvals.</p> |

|                                                                                                                |                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (g) introduces new impacts or increase the severity of known impacts; or                                       | <b>Complies</b><br>Whilst a small increase in stage areas is proposed, the extent of this change will not introduce any new impacts, nor increase the severity of any known impacts. |
| (h) removes an incentive or offset component that would have balanced a negative impact of the development; or | <b>Complies</b><br>The proposal does not remove any incentive or offset component in relation to the proposed development.                                                           |
| (i) impacts on infrastructure provisions.                                                                      | <b>Complies</b><br>The proposal does not involve a change that would impact on the provision of planned infrastructure.                                                              |

Given the above, we are of the position that the proposed changes generally comply with the relevant provisions under the PA.

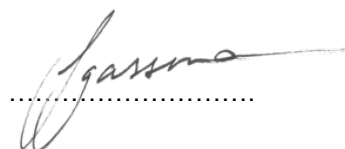
## 6.0 CONCLUSION

Having consideration to the above compliance statement and attached information, it is considered that the proposed change to the conditions of approval are relatively minor in nature and are consistent with those that are generally envisaged under s78 of the PA.

If you require any further information or have any queries, please contact the undersigned.

Yours faithfully,

**GASSMAN DEVELOPMENT PERSPECTIVES PTY LTD**



**FRASER GASSMAN**

TOWN PLANNER

Enclosed:

- Attachment 1: Planning Act 2016 Form 5 Change Application
- Attachment 2: Council Change Application Form and Fee for Service approval
- Attachment 3: Owners Consent;
- Attachment 4: Decision Notice ROL/2018/79
- Attachment 5: Amended ROL Plan
- Attachment 6: Amended Bulk Earthworks Plans
- Attachment 7: Amended Site Based Stormwater Management Plan
- Attachment 8: Amended Engineering Services Report
- Attachment 9: Amended Landscape Intent Plan