

**REPORT ON A REQUEST TO CHANGE AN EXISTING APPROVAL AT 60 STAPYLTON
JACOBS WELL ROAD, 82 CHRISTENSEN ROAD AND 31 YELLOWWOOD ROAD,
STAPYLTON
DIVISION 1
MIN/2019/761**

1 APPLICATION SUMMARY

Application information	
Minor change to development approval	
Address	60 Stapylton Jacobs Well Road, Stapylton QLD 4207 82 Christensen Road South, Stapylton QLD 4207 31 Yellowwood Road, Stapylton QLD 4207
Lot and plan	Lot 500 on SP295994 Lot 501 on SP295994 Lot 4 on RP6843
Site area	Lot 500 – 642,390m ² Lot 501 – 94,300m ² Lot 4 – 40,470m ² Total site area – 771,610m ²
Properly made date	16/01/2020
Originating and current Planning Scheme including version, domain / zone / precinct and constraints / overlays	Originating planning scheme: Preliminary Approval – M38 Industrial Estate Place Code <u>Zone:</u> Low impact service industry & General impact business & industry (M38 Industrial Estate Place Code) <u>Overlays:</u> • Good Quality Agricultural Land (OM02-1) • Potential Bushfire Hazard Areas (OM10-1) • Natural Wetland and Waterways Areas (OM11-1) • Acid Sulphate Soil Hazards Areas (OM14-1) • Natural Hazard (Flood) Management Areas (OM17-5) • Conservation Strategy Plan (OM20-1) • Scenic Tourist Routes (OM22-1) • Extractive Resources (OM23-1) Current planning scheme: City Plan Version 7 <u>Zone:</u> Lot 500 - Low impact industry, Future low impact industry precinct and Medium impact industry, Future medium impact industry precinct Lot 501 - Medium impact industry, Future medium impact industry precinct Lot 4 – Open space <u>Overlays:</u> • Acid sulfate soils overlay – Land at or below 5m AHD and 20m AHD • Airport environs overlay – PANS-OPS contour • Bushfire hazard • Environmental significance overlay ○ Priority species – State significant species, Koala habitat areas, Local significant species ○ Vegetation management – Regulated vegetation and vegetation management ○ Wetlands and waterways Lot 500 – Waterway 30m buffer & Local

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	significant wetlands 100m buffer Lot 501 - Lot 4 - State significant wetlands and aquatic systems, Local significant wetlands, Waterway 30m buffer area, Major waterway 60m buffer area, Local significant wetlands 100m buffer area, State significant wetlands 100m buffer area • Extractive resources overlay – 100m transport route separation area • Flood overlay • Industry, community infrastructure and agriculture land interface area: ○ Agriculture land interface area ○ Industry interface area ○ Community infrastructure interface area • Landslide hazard • Minimum lot size – 4,000m² (only on southern portion of Lot 500) • State controlled roads, rail corridor and transport noise corridors: ○ Transport noise corridors ○ Property adjacent to State controlled road • Water catchments and dual reticulation: ○ Woongoolba flood mitigation catchment area
Originating approved development	Development permit for Reconfiguring a lot (2 lots into 38 industrial lots, stormwater detention lot, new road and a balance lot), Operational work (change to ground level) and Operational works (vegetation clearing) (ROL/2018/79, OPW/2018/485 & OPW/2018/486)
Date of originating development approval	27 November 2018
Originating approval authority	Council of the City of Gold Coast
Level of assessment	Minor change
Applicant and Applicant's consultancy team	Frasers Property Pty Ltd – Applicant Gassman Development Perspectives – Planning consultant, Landscape Intent, Stormwater management, Engineering Services Douglas Partners – Geotechnical Engineering
Land owner	Frasers Property Pty Ltd
Decision due date	28 February 2020
Referral agency(s)	State Development, Manufacturing, Infrastructure and Planning - Concurrence agency
Officer's recommendation	Approval subject to conditions
Reference of most recent change application	ROL/2018/79 (Negotiated decision)
Date of most recent change application decision notice	1 March 2019

2 PROPOSAL

The purpose of this report is to assess an application for a change to the development approval under

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Section 78 of the *Planning Act 2016* (PA) for reconfiguring a lot (1 into 38 industrial lots, stormwater detention lot, new road and a balance lot), operational work (change to ground level) and operational works (vegetation clearing) at 60 Stapylton Jacobs Well road, 82 Christensen Road and 31 Yellowwood Road, Stapylton (ROL/2018/79, OPW/2018/485 & OPW/2018/486 – PN163781/23/DA2).

The applicant proposes to make the following changes to the existing development permit:

- Revised lot layout and road network for Stage 1 of the M38 development. Includes a reduction from 38 to 22 lots to allow for larger scale industrial uses. Changes resulting in an increase in area of Stage 1 from 16.2Ha to 19.34 Ha.
- In support of changes, applicant has submitted revised Subdivision plans, Bulk earthworks plans, Stormwater management plans, Engineering services plans and Statement of Landscape Intent.

Specifically, the applicant seeks the minor change to the approvals for reconfiguring a lot (ROL/2018/79) and operational works for changes to ground level (OP/2018/485). No changes are proposed to the operational works for vegetation clearing (OPW/2018/486) as the site has already been cleared.

3 BACKGROUND

The M38 industrial development has recently changed ownership and is now owned by Frasers Property Pty Ltd. The new owner / applicant seeks an alternate lot layout and related changes to ground level to that originally approved.

The applicant also seeks a minor change to the preliminary approval over the development site (MCU201701550) to align it to the proposed changes to the subdivision layout and earthworks. This is the subject of a separate and concurrent change application (MIN/2019/762).

The following table provides a summary of previous approvals over the subject site.

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 (Land use 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
OPW201800486 27 November 2018	Development approval for Operational Work – Tree Works
OPW201800485 27 November 2018	Development approval for Operational Work – Change to Ground Level/Carparking

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

Table 1: Prior approvals over the subject site (Source: Application material)

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) are 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 A 2	Approved drawings – The applicant requests to amend this condition to reflect the updated ROL plans.	The request to amend this condition is supported. Officers have no objection to the change to the lot layout to provide a mix of lot sizes and consider the loop road system a better outcome.
Part A 3	Approved plans – The applicant requests to amend this condition to reflect the updated Site Based Stormwater Management Plan.	The request to amend this condition is supported. Hydraulic Assessment Section is satisfied that the amended Site Based Stormwater Management Plan complies with the Canals and Waterway Constraint Code, the Flood Affected Areas Constraint Code, and the Sediment and Erosion Control Constraint Code
Part A 8	Land transfer – The applicant requests to amend this condition to reflect the updated ROL plans.	The request to amend this condition is supported for reasons cited for Condition 2.
Part A 9	Requirement to register easements - The applicant requests to delete this condition as the amended lot layout provides a loop road that does not require turn around easements.	The request to delete this condition is supported as the easements are no longer required.
Part A 12(a)	Landscaping works on private land – The applicant requests to amend this condition to reflect the updated Landscape Intent Plan.	The request to amend this condition is supported. The updated Landscape Intent Plan has been assessed and is supported by Landscape Assessment.
Part A 12(a)(v)(C)	Landscaping works on private land – The applicant requests to amend this condition to update the lot reference from 241 to 101.	The request to amend this condition is supported. No objection to updated lot references.
Part A 12(a)(vi)(B)	Landscaping works on private land – The applicant requests to amend this	The request to amend this condition is supported. The 2.4m acoustic fence is

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	condition to reference the 2.4m acoustic fence as per the updated acoustic report to be approved through the change application to the Preliminary approval.	required to mitigate noise impacts to the adjacent residential area to the west. Dwelling houses are set back approximately 10m to the fence by an existing drainage swale and a 3.0m landscape buffer will screen the fence on the eastern side.
Part A 13(a)	Landscaping works on private land – The applicant requests to amend this condition to reflect the updated Landscape Intent Plan.	The request to amend this condition is supported for reasons cited above.
Part A 18(a)	New roads / intersections - The applicant requests to amend this condition to reflect the updated road numbers 01 to 03.	The request to amend this condition is supported.
Part A 19	Footpaths - The applicant requests to amend this condition to reflect the updated ROL Plan and amend road number references to new roads 01 to 03.	The request to amend this condition is supported.
Part A 20	Street lighting - The applicant requests to amend this condition to reflect the updated ROL Plan and amend road number references to new roads 01 to 03.	The request to amend this condition is supported.
Part A 29	Certificate of works – Hydraulics and Water Quality - The applicant requests to amend this condition to reflect the updated Site Based Stormwater Management Plan.	The request to amend this condition is supported for reasons cited above.
Advice Notes A	Stormwater - The applicant requests to amend this condition advice note to reflect the updated Site Based Stormwater Management Plan.	The request to amend this condition is supported.
Part B 3	Amended drawings - The applicant requests to replace this condition as a new set of Bulk Earthworks Plans are provided which the applicant requests be stamped.	The request to amend this condition is supported. Council's Operational Works have assessed the amended bulk earthworks plans and support the amended plans from an engineering perspective. Landscape Assessment Officers have advised that retaining walls provide setbacks to street fronts to accommodate landscape screening.
Part B 5	Amended drawings - The applicant requests to amend the advice in this condition to reflect the updated Site Based Stormwater Management Plan.	The request to amend this condition is supported.
Part B 15	Amended drawings - The applicant requests to amend the advice in this condition to reflect the updated Site Based Stormwater Management Plan.	The request to amend this condition is supported.

Hydraulic Assessment Section has also recommended consequential changes to update the wording of Part A Conditions 7 and 32 and Property notification A, and Part B Condition 20, in relation to the amended Site Based Stormwater Management Plan.

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As the operational works for vegetation clearing has been completed, no changes to Part C are proposed.

As identified above, further discussion is warranted for Conditions 2, 3, 9, 12(a), 12 (a)(v)(C) and 12(a)(vi) (B) of Part A, and Condition 3 of Part B as follows:

- **Part A Condition 2 currently reads:**

Approved drawings

Undertake and maintain the development generally in accordance with the following drawings:

Drawing Title	Author	Date	Drawing No.	Ver
Proposed Staged Reconfiguration of Land STAGE ONE	Gassman Development Perspectives	10-09-2018	5738 P ROL 01B	-

The conditions of this approval are to be read in conjunction with the attached stamped approved drawings. Where a conflict occurs between the conditions of this approval and the stamped approved drawings, the conditions of this approval shall take precedence.

The applicant requests that this condition be amended.

Applicant's representation

The proposed changes reflect a revised lot layout and road network for Stage 1 of the M38 Industrial development which results in a reduction from 38 lots to 22 lots to facilitate lot sizes and dimensions more suited to current market conditions and demand. Smaller lots are still proposed around the perimeter of the stage providing a mix of lot sizes and buffer of lower scale industrial uses. The proposed changes result in an increase in the Stage 1 area from 16.2 hectares to 19.34 hectares.

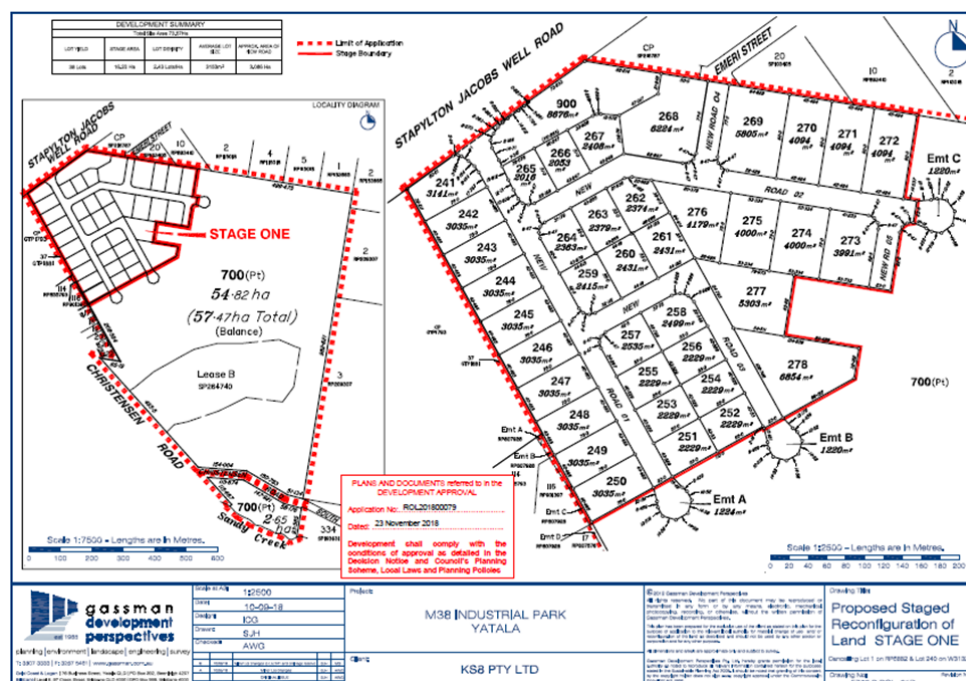


Figure 1: Approved ROL Plan (Source: Gassman Development Perspectives)

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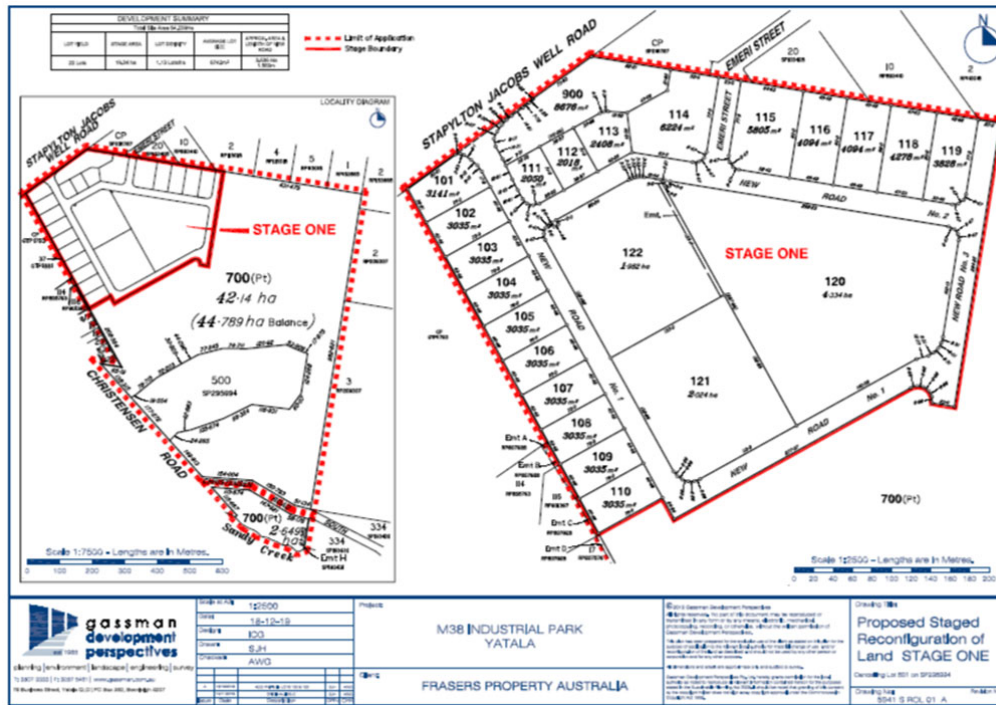


Figure 2: Proposed amended ROL Plan (Source: Gassman Development Perspectives)

In support of the proposed changes to the lot layout the applicant has provided the following updated information:

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

Officer's comment

It is considered that the above condition be amended.

The amended drawings have been reviewed by Council's Planning Assessment Section and Subdivision Engineering Section which support the proposed amendment to Condition 2. The amended subdivision layout provides a mix of lot sizes and the loop road will facilitate movements of service vehicles. The smaller lots along the western boundary provide a separation between the existing residential area to the west and larger scale industrial uses.

- **Part A Condition 3 currently reads:**

Approved Plans

Undertake and maintain the development generally in accordance with the following plans:

Hydraulics and Water Quality				
Plan Title	Author	Date	Plan Reference No.	Ver
Site Based Stormwater	Gassman	30 August	Job No: 5738	Rev.

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Management Plan – Development Application for Reconfiguration of Lot	Development Perspectives	2018		3
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The applicant requests that this condition be amended.

Applicant's representation

The applicant has advised the proposal is to develop the subject land at 60 Stapylton Jacobs Well Road and 82 Christensen Road, Stapylton, for the purpose of subdividing the land to create 22 industrial lots, balance lot, new road reserve and stormwater detention basin, forming the first stage of development for the 'M38 Industrial Park Yatala'. The land at 31 Yellowwood Road (Lot 4) will be used solely for the purpose of providing flood storage and conveyance of the floodplain within the Stapylton / Yatala area for this development. Earthworks over Lot 4 have been completed and a flood covenant registered confirming the compensatory cut as complete.

Officer's comment

It is considered that the above condition be amended.

Council's Hydraulic Assessment Section has reviewed the applicant's revised stormwater management report, being "Site Based Stormwater Management Plan – Change Application to ROL201800079 Stage 1, 22 Industrial Lots, Revision No. 3" dated 12 March 2020 prepared by Gassman Development Perspectives, in response to Council's information request. The following assessment comments are provided:

"The report has proposed two bioretention basins of filter area 1,545 and 660 square metres for stormwater treatment purposes. Stormwater detention of total volume 8,458 cubic metres has been proposed over the bioretention basin for peak flow mitigation purposes. The proposed basin will be dedicated to Council for its ownership and maintenance. However, Basin 1 has included a batter slope of 1 in 2 and height of approximately 2.5 metres with one metre wide benching. The proposed design has been discussed with City Assets and is supported by them. The report has proposed HES sediment basins for construction phase erosion and sediment control purposes.

The site is flood affected by Albert River. The applicant has proposed a significant cut within 31 Yellowwood Road (Lot 4 on RP6843) to balance flood storage loss at 60 Stapylton Jacobs Well Road (Lot 1 on RP6882)."

Hydraulic Assessment Section is satisfied that the amended Site Based Stormwater Management Plan complies with the Canals and Waterway Constraint Code, the Flood Affected Areas Constraint Code, and the Sediment and Erosion Control Constraint Code.

- **Part A Condition 9 currently reads:**

Requirement to register easement/s

- Register easements A, B and C for temporary access purposes (turning areas) in favour of Council at the location marked on the drawings listed below:

Drawing Title	Author	Date	Drawing No.	Ver
Proposed Staged Reconfiguration of Land Stage One	Gassman Development Perspectives	10/09/2018	5738 P ROL 01B	-

- The terms of the easement must include:
 - Standard terms document 709956727 must be referenced on Form 9 – easement

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document.

- ii Easement plans and associated documents (i.e. Form 9 – easement document and general consent form 18) must be fully completed and signed by the owner of the burdened land (and any mortgagees, if necessary) and benefitting land before they are submitted to council for endorsement.
- c Registration of the easement must occur at the same time as registering the plan of subdivision. This condition attaches to the land the subject of the development approval and binds the owner(s) of the land and the owners' successors in title (even after the time when the easement is required to be registered). Therefore if this condition is not complied with at the time required by this condition, the owner(s) of the land and the owners' successors in title continue to be obligated to register the easement in accordance with this condition and must do so within 40 business days of becoming aware on the non-compliance with this condition.

The applicant requests that this condition be deleted.

Applicant's representation

The applicant requests that Condition 9 be deleted as the temporary access easements are no longer required.

Officer's comment

It is considered that the above condition be deleted.

Council's Subdivision Engineering Section has no objection to the deletion of Condition 9 as the amended subdivision layout proposes a loop road and the access easements are no longer required.

- **Part A Condition 12(a), 12 (a)(v)(C) and 12(a)(vi) (B) currently reads:**

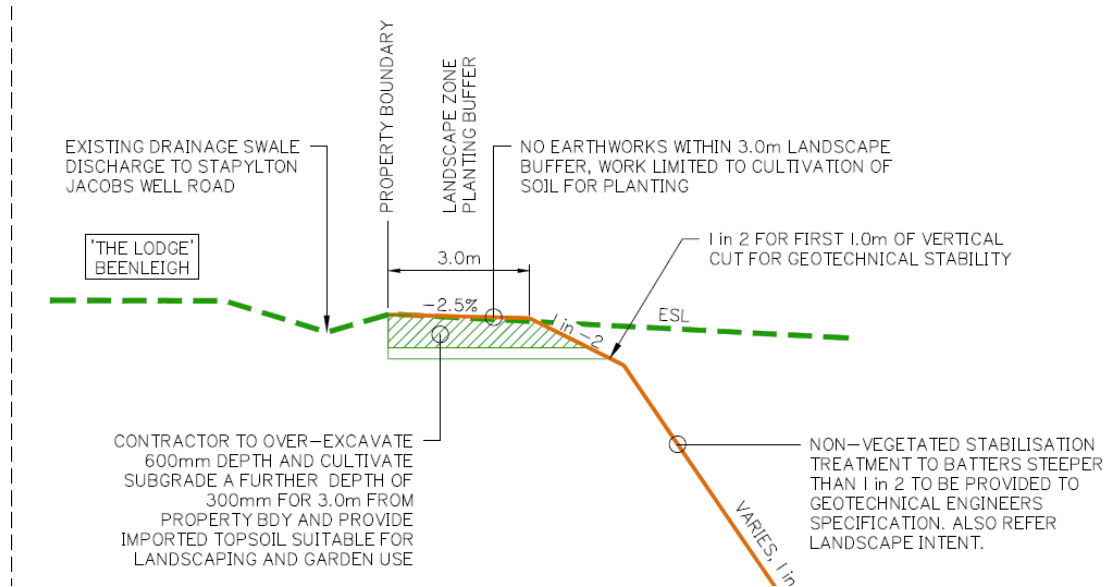
Landscaping works on private land

- a Obtain an operational works approval to landscape the 6 metre wide buffer along the Stapylton Jacobs Well Road frontage of the site, and the 10 metre wide buffer along the western boundary of Precinct A, generally in accordance with the Statement of Landscape Intent listed below, prior to a request is made to Council to approve the plan of subdivision at no cost to Council:

Drawing Title	Author	Date	Drawing No.	Ver
Landscape Intent Plan	Gassman Development Perspectives	August 2018	1-11	D
Concept Buffer Plan	Gassman Development Perspectives	29.10.18	01	A

- v The required landscaping plan for the northern boundary must demonstrate:
 - C The batter within lot 241 (Precinct A) must be no steeper than 1V:2H and incorporate a minimum 400mm soil depth, installed as per correspondence from Douglas Partners, Project 90520.00. L.002.docx, Dated 24 January 2019 titled Batter Treatment.
- vi The required landscaping plan for the western boundary must demonstrate:
 - B A solid fence with a maximum height of two (2) metres, located wholly within the subject site, for the length of the western property boundary of Precinct A. The fence must be of a durable fencing material with a minimum life span of 20 years. The fencing material and colour must be nominated;

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**Figure 4: Earthworks section through western boundary interface
(Source: Gassman Development Perspectives)**

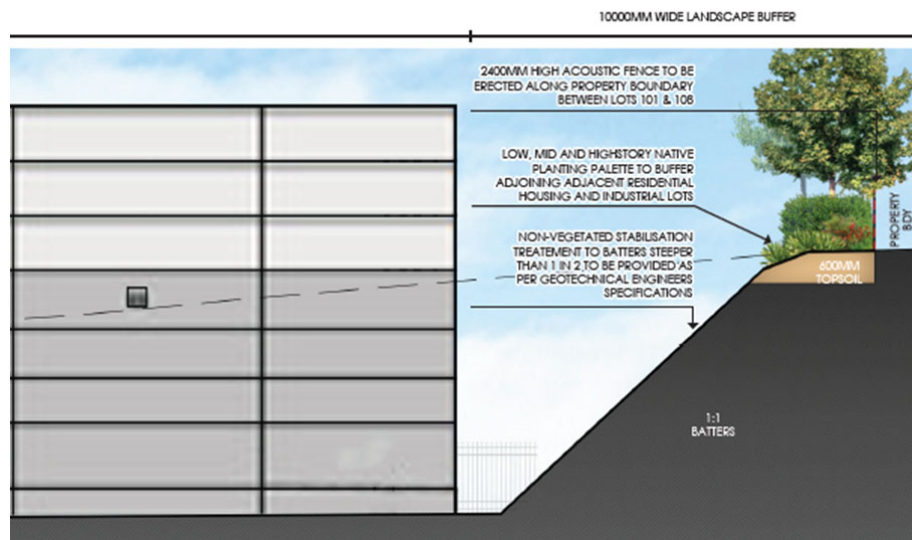


Figure 5: Landscape section through western boundary interface (Source: Gassman Development Perspectives)



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**Figure 6: Landscape section through bio-basin and Stapylton Jacobs well Road interface
(Source: Gassman Development Perspectives)**

Officer's comment

It is considered that the above condition be amended.

Council's Landscape Assessment Section has assessed the amended Landscape Intent Plan and amended bulk earthworks plans and provides the following comments:

"The amended SLI demonstrates the requested batter grades along the frontage boundary of 1V:3H within the 6m buffer. While the SLI still shows excavation within the top 3 metres of the 10 metre buffer along the western boundary of Precinct A, the earthworks plans show no batter within that portion of the buffer. Additional wording is included in the amended condition to ensure that 'no excavation within the 3 metres width' is reinforced. Lot numbers have been updated to reflect the revised numbering on the ROL plan. Other aspects of the condition have been updated to reflect the current proposal including the height of western retaining wall.

In addition to the requested amendments, as a result of the proposed changes to lot design and retaining walls, officers consider that an additional point is required to be incorporated within the officer's recommendation relating to planting at the base of retaining structures within the site to maintain internal streetscape amenity. The earthworks plans demonstrate setbacks of 1.5m to 3.0m have been provided between the property boundary and the toe of the retaining wall. This should allow for sufficient screening of the walls."

Planning Assessment officers are satisfied that the high batter along the western boundary will be largely screened by industrial buildings. The 2.4 metre acoustic fence is set back 10 metres from adjacent residential dwellings by an existing drainage swale which has occasional trees. The eastern side of the acoustic fence will be screened by the 3.0 metre landscape buffer as illustrated above.

- **Part B Condition 3 currently reads:**

Amended drawings

Prepare and submit amendments to the drawings listed below for confirmation they constitute the approved drawings for the purposes of this development approval. All amended drawings must be submitted (and confirmed by Council) prior to commencement of any works on site.

Operational Works				
Drawing Title	Author	Date	Drawing No.	Ver
DRAWING INDEX & LOCALITY PLAN	GASSMAN DEVELOPMENT PERSPECTIVES	04/09/18	5738 ENG BE1 001	C
GENERAL NOTES	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 002	B
LEGEND	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 003	B
SEDIMENT AND EROSION TYPICAL DETAILS	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 004	B
EXISTING FEATURES SURVEY PLAN	GASSMAN DEVELOPMENT PERSPECTIVES	04/09/18	5738 ENG BE1 010	C

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EXISTING FEATURES SURVEY PLAN	GASSMAN DEVELOPMENT PERSPECTIVES	04/09/18	5738 ENG BE1 011	C
FUNCTIONAL ROAD LAYOUT PLAN OF PROPOSED SIGNALISED INTERSECTION	GASSMAN DEVELOPMENT PERSPECTIVES	04/09/18	5738 ENG BE1 012	B
SEDIMENT & EROSION CONTROL PLAN SHEET 1 OF 6	GASSMAN DEVELOPMENT PERSPECTIVES	04/09/18	5738 ENG BE1 020	C
SEDIMENT & EROSION CONTROL PLAN SHEET 2 OF 6	GASSMAN DEVELOPMENT PERSPECTIVES	04/09/18	5738 ENG BE1 021	C
SEDIMENT & EROSION CONTROL PLAN SHEET 3 OF 6	GASSMAN DEVELOPMENT PERSPECTIVES	04/09/18	5738 ENG BE1 022	C
SEDIMENT & EROSION CONTROL PLAN SHEET 4 OF 6	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 023	B
SEDIMENT & EROSION CONTROL PLAN SHEET 5 OF 6	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 024	B
SEDIMENT & EROSION CONTROL PLAN SHEET 6 OF 6	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 025	B
CONSTRUCTION PHASE SEDIMENT BASIN 1 LAYOUT PLAN & DETAILS SHEET 1 OF 2	GASSMAN DEVELOPMENT PERSPECTIVES	04/09/18	5738 ENG BE1 026	C
CONSTRUCTION PHASE SEDIMENT BASIN 1 LAYOUT PLAN & DETAILS SHEET 2 OF 2	GASSMAN DEVELOPMENT PERSPECTIVES	04/09/18	5738 ENG BE1 027	C
CONSTRUCTION PHASE SEDIMENT BASIN 2 LAYOUT PLAN & DETAILS SHEET 1 OF 2	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 028	B
CONSTRUCTION PHASE SEDIMENT BASIN 2 LAYOUT PLAN & DETAILS SHEET 2 OF 2	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 029	B
BULK EARTHWORKS CUT & FILL LAYOUT PLAN SHEET 1 OF 6	GASSMAN DEVELOPMENT PERSPECTIVES	04/09/18	5738 ENG BE1 050	C
BULK EARTHWORKS CUT & FILL LAYOUT PLAN SHEET 2 OF 6	GASSMAN DEVELOPMENT PERSPECTIVES	04/09/18	5738 ENG BE1 051	C
BULK EARTHWORKS CUT & FILL LAYOUT PLAN SHEET 3 OF 6	GASSMAN DEVELOPMENT PERSPECTIVES	04/09/18	5738 ENG BE1 052	C
BULK EARTHWORKS CUT & FILL LAYOUT PLAN SHEET 4 OF 6	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 053	B
BULK EARTHWORKS CUT & FILL LAYOUT PLAN SHEET 5 OF 6	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 054	B
BULK EARTHWORKS CUT & FILL LAYOUT PLAN SHEET 6 OF 6	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 055	B
BULK EARTHWORKS LAYOUT PLAN AND DETAILS	GASSMAN DEVELOPMENT PERSPECTIVES	04/09/18	5738 ENG BE1 056	C

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FINISHED BULK EARTHWORKS SURFACE LEVEL PLAN SHEET 1 OF 6	GASSMAN DEVELOPMENT PERSPECTIVES	04/09/18	5738 ENG BE1 100	C
FINISHED BULK EARTHWORKS SURFACE LEVEL PLAN SHEET 2 OF 6	GASSMAN DEVELOPMENT PERSPECTIVES	04/09/18	5738 ENG BE1 101	C
FINISHED BULK EARTHWORKS SURFACE LEVEL PLAN SHEET 3 OF 6	GASSMAN DEVELOPMENT PERSPECTIVES	04/09/18	5738 ENG BE1 102	C
FINISHED BULK EARTHWORKS SURFACE LEVEL PLAN SHEET 4 OF 6	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 103	B
FINISHED BULK EARTHWORKS SURFACE LEVEL PLAN SHEET 5 OF 6	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 104	B
FINISHED BULK EARTHWORKS SURFACE LEVEL PLAN SHEET 6 OF 6	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 105	B
FINISHED EARTHWORKS SURFACE CROSS-SECTION SHEET 1 OF 4	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 150	B
FINISHED EARTHWORKS SURFACE CROSS-SECTION SHEET 2 OF 4	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 151	B
FINISHED EARTHWORKS SURFACE CROSS-SECTION SHEET 3 OF 4	GASSMAN DEVELOPMENT PERSPECTIVES	04/09/18	5738 ENG BE1 152	C
FINISHED EARTHWORKS SURFACE CROSS-SECTION SHEET 4 OF 4	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 153	B
CONTROL LINE LAYOUT PLAN SHEET 1 OF 2	GASSMAN DEVELOPMENT PERSPECTIVES	04/09/18	5738 ENG BE1 400	C
CONTROL LINE LAYOUT PLAN SHEET 2 OF 2	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 401	B
ROAD 01 LONGITUDINAL SECTION SHEET 1 OF 3	GASSMAN DEVELOPMENT PERSPECTIVES	04/09/18	5738 ENG BE1 402	C
ROAD 01 LONGITUDINAL SECTION SHEET 2 OF 3	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 403	B
ROAD 01 LONGITUDINAL SECTION SHEET 3 OF 3	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 404	B
ROAD 03 LONGITUDINAL SECTION SHEET 1 OF 4	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 405	B
ROAD 03 LONGITUDINAL SECTION SHEET 2 OF 4	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 406	B
ROAD 03 LONGITUDINAL SECTION SHEET 3 OF 4	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 407	B
ROAD 03 LONGITUDINAL SECTION SHEET 4 OF 4	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 408	B

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ROAD 04 LONGITUDINAL SECTION SHEET 1 OF 2	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 409	B
ROAD 04 LONGITUDINAL SECTION SHEET 2 OF 2	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 410	B
EMERI STREET EXT. LONGITUDINAL SECTION SHEET 1 OF 1	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 411	B
ROAD 07 LONGITUDINAL SECTION SHEET 1 OF 2	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 412	B
ROAD 07 LONGITUDINAL SECTION SHEET 2 OF 2	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 413	B
TYPICAL BULK EARTHWORKS ROAD CROSS SECTIONS	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 420	B
EXTENSION TO EXISTING BOX CULVERT	GASSMAN DEVELOPMENT PERSPECTIVES	04/09/18	5738 ENG BE1 421	C
PRE DEVELOPED Q100 FLOOD STORAGE VOLUME ASSESSMENT	GASSMAN DEVELOPMENT PERSPECTIVES	04/09/18	5738 ENG BE1 422	C
POST DEVELOPED Q100 FLOOD STORAGE VOLUME ASSESSMENT	GASSMAN DEVELOPMENT PERSPECTIVES	04/09/18	5738 ENG BE1 423	C
ROAD CONTROL LINE SETOUT TABLES SHEET 1 OF 3	GASSMAN DEVELOPMENT PERSPECTIVES	04/09/18	5738 ENG BE1 460	C
ROAD CONTROL LINE SETOUT TABLES SHEET 2 OF 3	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 461	B
ROAD CONTROL LINE SETOUT TABLES SHEET 3 OF 3	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 462	B
SWALE DRAIN CONTROL LINE SETOUT TABLES SHEET 1 OF 1	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 463	B
ROAD 01 BULK EARTHWORKS CROSS SECTIONS SHEET 1 OF 6	GASSMAN DEVELOPMENT PERSPECTIVES	04/09/18	5738 ENG BE1 480	C
ROAD 01 BULK EARTHWORKS CROSS SECTIONS SHEET 2 OF 6	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 481	B
ROAD 01 BULK EARTHWORKS CROSS SECTIONS SHEET 3 OF 6	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 482	B
ROAD 01 BULK EARTHWORKS CROSS SECTIONS SHEET 4 OF 6	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 483	B
ROAD 01 BULK EARTHWORKS CROSS SECTIONS SHEET 5 OF 6	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 484	B
ROAD 01 BULK EARTHWORKS CROSS SECTIONS SHEET 6 OF 6	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 485	B

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ROAD 03 BULK EARTHWORKS CROSS SECTIONS SHEET 1 OF 6	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 486	B
ROAD 03 BULK EARTHWORKS CROSS SECTIONS SHEET 2 OF 6	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 487	B
ROAD 03 BULK EARTHWORKS CROSS SECTIONS SHEET 3 OF 6	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 488	B
ROAD 03 BULK EARTHWORKS CROSS SECTIONS SHEET 4 OF 6	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 489	B
ROAD 03 BULK EARTHWORKS CROSS SECTIONS SHEET 5 OF 6	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 490	B
ROAD 03 BULK EARTHWORKS CROSS SECTIONS SHEET 6 OF 6	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 491	B
ROAD 04 BULK EARTHWORKS CROSS SECTIONS SHEET 1 OF 4	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 492	B
ROAD 04 BULK EARTHWORKS CROSS SECTIONS SHEET 2 OF 4	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 493	B
ROAD 04 BULK EARTHWORKS CROSS SECTIONS SHEET 3 OF 4	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 494	B
ROAD 04 BULK EARTHWORKS CROSS SECTIONS SHEET 4 OF 4	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 495	B
EMERI STREET EXT. BULK EARTHWORKS CROSS SECTIONS SHEET 1 OF 2	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 496	B
EMERI STREET EXT. BULK EARTHWORKS CROSS SECTIONS SHEET 2 OF 2	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 497	B
ROAD 07 BULK EARTHWORKS CROSS SECTIONS SHEET 1 OF 1	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 498	B
SWALE 01 BULK EARTHWORKS CROSS SECTIONS SHEET 1 OF 1	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 499	B
SWALE 02 BULK EARTHWORKS CROSS SECTIONS SHEET 1 OF 3	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 500	B
SWALE 02 BULK EARTHWORKS CROSS SECTIONS SHEET 2 OF 3	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 501	B
SWALE 02 BULK EARTHWORKS CROSS SECTIONS SHEET 3 OF 3	GASSMAN DEVELOPMENT PERSPECTIVES	30/05/18	5738 ENG BE1 502	B

The following amendments must be included:

- a The ten (10) metre wide buffer for the length of the western property boundary of Precinct A, must illustrate no cut treatment within the first three (3) metres of the buffer closest to the western property with the exception of that required to allow for topsoil placement and reduce nuisance stormwater flows to the adjoining property. For the remaining seven (7) metres of the buffer, where the grade is steeper than 1V:3H, the notation for 'compost blanket' must be

removed, with an alternative, non-vegetative stabilising treatment nominated (if required).

- b The six (6) metres wide landscape buffer along the Stapylton Jacobs Well Road frontage, must illustrate the batter within lot 241 (Precinct A) to be no steeper than 1V:2H. The batter must be over-excavated, micro-benched and incorporate a minimum 400mm soil depth, as per correspondence from Douglas Partners, Project 90520.00. L.002.docx, Dated 24 January 2019 titled Batter Treatment.
- c Future retaining walls for lots 265, 266, 267, and 268 are to be located wholly within the private property boundaries.

All retaining walls, or future retaining walls are to be located wholly within private property and setback a minimum of 600mm from the property boundary.

The applicant requests that this condition be amended.

Applicant's representation

The applicant has provided amended earthworks plans to reflect the changes to the subdivision layout and requests that the earthworks plans be stamped and approved.

Officer's comment

It is considered that the above condition be amended.

Council's Operational Works Section has assessed the change to ground level aspect of the works and provide the following comments:

"The proposal relevant to the operational works section involves undertaking bulk earthworks to establish the surface levels required to facilitate the construction of the estate. The proposal includes the provision of retaining walls to a height of 4.8m without tiers which does not satisfy AO9 of the Change to ground level and new waterways code.

From an Engineering assessment perspective however, Officers are satisfied that the proposed treatment of the retaining walls (subject to amendments as conditioned) complies with PO9.

Council's Landscape Assessment Officer has confirmed that they do not have concerns with the retaining walls. Where high walls are proposed adjacent to internal roadways, setbacks of 1.5m to 3.0m have been provided between the property boundary and the toe of the retaining wall which will allow for sufficient space for landscape screening of the walls. Conditions for necessary screening are included in the recommended conditions of approval."

Landscape Assessment officers provide the following comments on Condition 3, points (a) and (b):

"The submitted earthworks drawings submitted in support of this change application demonstrate that the 10 metre buffer along the western property boundary of Precinct A will involve no cut treatment within the first 3 metres of the buffer other than required to allow for topsoil placement. Alternative non-vegetative batter treatments are proposed for the remaining seven metres.

The 6 metre buffer along the Stapylton Jacobs Well Road frontage will be no steeper than 1V:3H which has been reduced from a slope of 1V:2H. Officers support the reduced grade."

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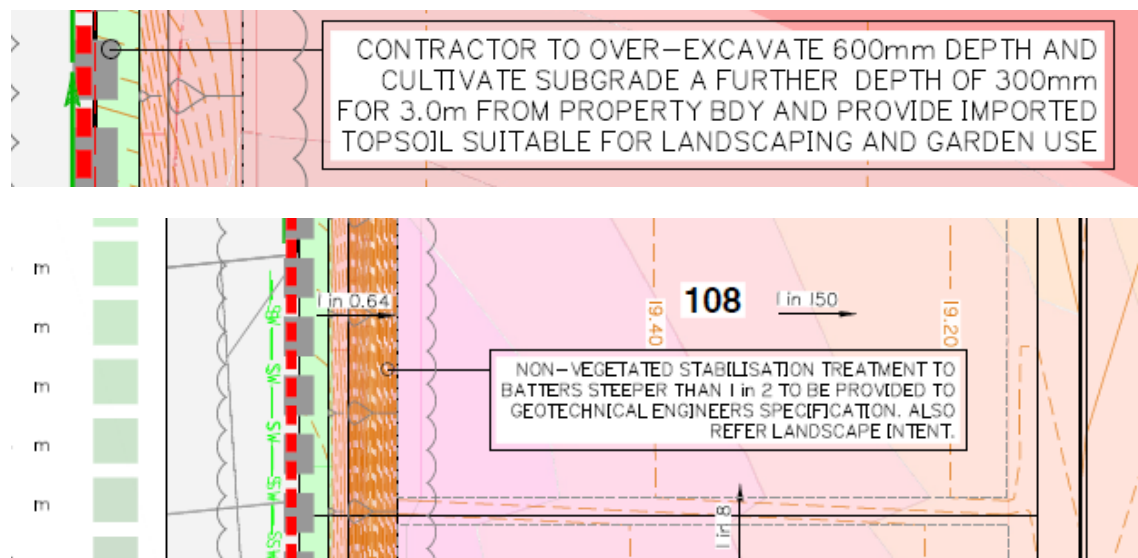


Figure 7: Earthworks details of western boundary interface
(Source: Gassman Development Perspectives)

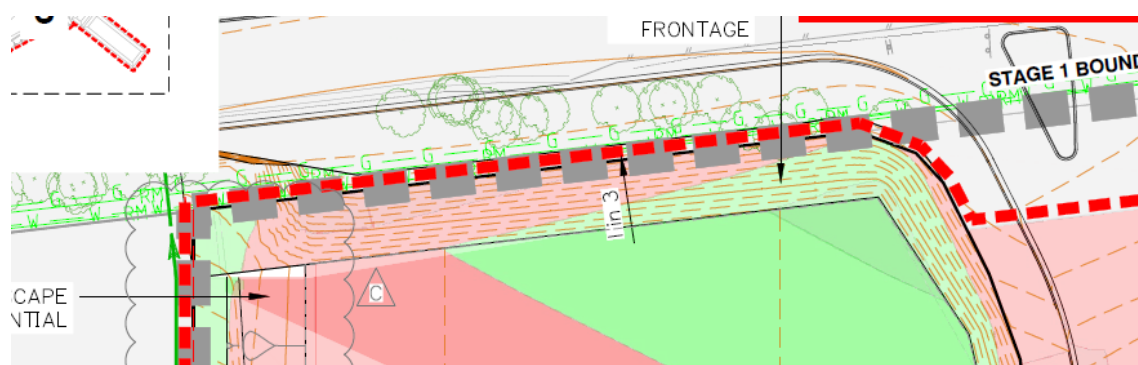


Figure 7: Earthworks details of Stapylton Jacobs Well Road interface
(Source: Gassman Development Perspectives)

While the retaining wall to the south of the bio-basin varies in height to a maximum of 4.8 metres, Landscape Assessment officers have advised that the landscape buffers provide adequate space for landscape screening of the retaining wall. Operational Works and Landscape Assessment support the amended changes to ground level plans and recommended that Condition 3 is amended to read as 'Approved drawings'.

5 CONCLUSION

This report assessed a request for a minor change for the development permit dated 1 March 2019 for a Combined application for Reconfiguring a lot (2 lots into 38 industrial lots, stormwater detention lot, new road and a balance lot), Operational works (Change to ground level) and Operational works (vegetation clearing) 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 for the following reasons:

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- The amended subdivision layout provides a mix of lot sizes and a more efficient road system. The smaller lots along the western boundary provide a separation between the existing residential area to the west and larger scale industrial uses;
- The 10 metre setback area to the western site boundary is maintained and includes a 3.0 metre wide landscape buffer to screen the acoustic fence;
- The 2.4 metre acoustic fence on the western boundary is set back from the adjacent residential uses by a 10 metre wide drainage corridor;
- Council's Operational Works Section is satisfied with the structural stability of the proposed retaining walls and batters;
- Council's Landscape Assessment Section is satisfied that retaining walls and batters fronting roads will be adequately screened by landscape buffers.

6 RECOMMENDATION

It is recommended that Council resolves as follows:

That under delegated authority the Executive Coordinator Planning Assessment of the City Development Branch approves the Minor change application for the development permit for Reconfiguring a lot , Operational Works for Change to Ground Level and Operational Works for Vegetation Clearing, in accordance with the Attachment entitled: Decision notice — change application approval including amended suite of development conditions for ROL/2018/79.

Author:

Sue Wilkinson

Senior Planner

1 June 2020

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 change.

Definition of minor change under Schedule 2 of the PA:

(b) for a development approval:

Minor change for a development approval	Officers comment
(i) would not result in substantially different development; and	The proposal does not result in substantially different development as indicated below. The proposal is generally consistent with the original approval as it is for the same land use and the same general development footprint.
(ii) 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	The proposal does not include any prohibited development.
(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or	No additional referral agency is triggered.
(C) referral to extra referral agencies, other than to the chief executive; or	The proposal does not trigger any extra 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	The proposal does not include any prohibited development.
(E) public notification if public notification was not required for the development application.	No additional referral agency is triggered.

Schedule 1 of the Development Assessment Rules, Part 4:

Substantially different development consideration	Officers comments
A change may be considered to result in a substantially different development if the proposed change:	
(a) involves a new use; or	No new use is proposed.
(b) results in the application applying to a new parcel of land; or	No new parcels of land are included.
(c) dramatically changes the built form in	Proposal does dramatically change the built form.

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terms of scale, bulk and appearance; or	
(d) changes the ability of the proposed development 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 development will operate as intended.
(e) removes a component that is integral to the operation of the development; or	The proposal does not remove any integral component of the application.
(f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or	The proposal will not impact upon traffic flow.
(g) introduces new impacts or increase the severity of known impacts; or	The proposal will not introduce any new impacts or increase the severity of known impacts.
(h) removes an incentive or offset component that would have balanced a negative impact of the development; or	No offset component is to be removed.
(i) impacts on infrastructure provisions.	The proposal does not impact on infrastructure provisions.

Section 81 of the PA applies to assessing 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) *In 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 78A(3), 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*
 - (da) *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*
 - (e) *another matter that the responsible entity considers relevant.*
- (2) *Subsections (4) and (5) apply if the responsible entity must, in assessing the change application under subsection (2)(d) or (da) consider –*
 - (a) *a statutory instrument; or*
 - (b) *another document applied, adopted or incorporated (with or without changes) in a statutory instrument.*
- (3) *The responsible entity must consider the statutory instrument, or other document, as in effect when the development application for the development approval was properly made.*
- (4) *However, the responsible entity may give the weight the responsible entity considers is appropriate, in the circumstances to –*

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- (a) the statutory instrument or other document as in effect when the change application was made; or*
- (b) if the statutory instrument or other document is amended or replaced after the change application is made but before it is decided – the amended or replacement instrument or document; or*
- (c) another statutory instrument –*
 - i. That comes into effect after the change application is made but before it is decided; and*
 - ii. That the responsible entity would have been required to consider if the instrument had been in effect when the development application for the development approval was properly made.*

Section 81A of the PA applies to deciding an application for minor changes, in particular Subsection (2) – deciding change applications for minor changes.

- (2) After assessing the change application under section 81, the responsible entity must decide to –*
 - (a) make the change, with or without imposing development conditions, or amending development conditions, in relation to the change; or*
 - (b) refuse to make the change.*