

**REPORT ON MINOR CHANGE TO PRELIMINARY APPROVAL FOR MAKING A
MATERIAL CHANGE OF USE TO OVERRIDE THE PLANNING SCHEME FOR INDUSTRY
USES AT 31 YELLOWWOOD ROAD, 60 STAPYLTON JACOBS WELL ROAD AND 82
CHRISTENSEN ROAD, STAPYLTON QLD 4207
DIVISION 1
MIN/2019/762**

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	23 December 2019
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

**REPORT ON MINOR CHANGE TO PRELIMINARY APPROVAL FOR MAKING A
MATERIAL CHANGE OF USE TO OVERRIDE THE PLANNING SCHEME FOR INDUSTRY
USES AT 31 YELLOWOOD ROAD, 60 STAPYLTON JACOBS WELL ROAD AND 82
CHRISTENSEN ROAD, STAPYLTON QLD 4207
DIVISION 1
MIN/2019/762**

	Lot 500 – Waterway 30m buffer & Local 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	Preliminary Approval for making a Material Change of Use to override the Planning Scheme for industry uses (MCU201100650)
Date of originating development approval	4 March 2013
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,
Land owner	Frasers Property Pty Ltd
Decision due date	28 February 2020
Referral agency(s)	Not applicable to minor change. Referral agencies applicable to the original approval were: - Department of Natural Resources and Mines; - Department of Transport and Main Roads; and - Department of State Development Infrastructure and Planning
Officer's recommendation	Approval subject to conditions
Reference of most recent change application	MIN/2019/27
Date of most recent change application decision notice	20 February 2019

**REPORT ON MINOR CHANGE TO PRELIMINARY APPROVAL FOR MAKING A
MATERIAL CHANGE OF USE TO OVERRIDE THE PLANNING SCHEME FOR INDUSTRY
USES AT 31 YELLOWWOOD ROAD, 60 STAPYLTON JACOBS WELL ROAD AND 82
CHRISTENSEN ROAD, STAPYLTON QLD 4207
DIVISION 1
MIN/2019/762**

2 PROPOSAL

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

Minor change approval (MIN/2019/761) dated 4 May 2020 approved changes to the lot layout and operational works for changes to ground level. The applicant seeks changes to the Preliminary Approval for consistency with the amended lot layout and updates to supporting documents including:

- M38 Industrial Estate Place Code;
- Amended M38 Industrial Estate Land use Classification and Staging Plan;
- Amended Hester Land Stapylton Acoustic Report; and
- Amended Landscape Intent Plan.

The proposed amendments include changing the hours of operation for Precinct A to 24-hours.

The subject site has already been cleared in accordance with operational works approvals, so no changes are proposed to this part of the preliminary approval.

3 BACKGROUND

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

REPORT ON MINOR CHANGE TO PRELIMINARY APPROVAL FOR MAKING A MATERIAL CHANGE OF USE TO OVERRIDE THE PLANNING SCHEME FOR INDUSTRY USES AT 31 YELLOWOOD ROAD, 60 STAPYLTON JACOBS WELL ROAD AND 82 CHRISTENSEN ROAD, STAPYLTON QLD 4207

DIVISION 1

MIN/2019/762

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.
MIN/2019/761 4 June 2020	Change application to development permit 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)

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

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 changes 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
1	Approved drawings – The applicant requests to amend this condition to reflect the updated Place Code and Land Use Classification and Staging Plan date, drawing number and version.	The request to amend this condition is supported in part subject to amendments: Place Code - PC12 and AO12 - Hours of operation for Precinct A - is to remain unchanged.
2	Staged construction of development – The applicant requests to amend this condition to reflect the updated Place Code and Land Use Classification and Staging Plan date, drawing number and version.	The request to amend this condition is supported.
9	Staged development – The applicant requests to amend this condition to reflect the updated Place Code and Land Use Classification and Staging Plan date, drawing number and version.	The request to amend this condition is supported.
15(c)(ii)	Western boundary fence and landscaping – The applicant requests to amend this condition to reflect the updated Landscape Intent Plan.	The request to amend this condition is supported.
15(e)(ii)	Western boundary fence – The applicant requests to amend this condition to increase the maximum height of the fence to 2.4 metres in	The request to amend this condition is supported.

**REPORT ON MINOR CHANGE TO PRELIMINARY APPROVAL FOR MAKING A
MATERIAL CHANGE OF USE TO OVERRIDE THE PLANNING SCHEME FOR INDUSTRY
USES AT 31 YELLOWOOD ROAD, 60 STAPYLTON JACOBS WELL ROAD AND 82
CHRISTENSEN ROAD, STAPYLTON QLD 4207
DIVISION 1
MIN/2019/762**

	accordance with the amended Acoustic Report.	
24	Transfer of open space – The applicant requests to amend this condition to reflect the updated Landuse Classification and Staging Plan date, drawing number and version.	The request to amend this condition is supported.
30	Acoustic Report – The applicant requests to amend this condition to reflect the updated Acoustic Report, date, drawing number and version.	The request to amend this condition is supported.
31	Acoustic Report – The applicant requests to amend this condition to reflect the updated Acoustic Report, date, drawing number and version, as well as specific building/fencing design requirements.	The request to amend this condition is supported.
32	Landscape buffer - The applicant requests to amend this condition to reflect the updated Landscape Intent Plan date, drawing number and version.	The request to amend this condition is supported.
33	Certificate of compliance - The applicant requests to amend this condition to reflect the updated Acoustic Report, date, drawing number and version.	The request to amend this condition is supported.
35	Hours of operation – The applicant requests to amend this condition to allow 24-hour operations.	The request to amend this condition is <u>not supported</u> .
36	Delivery and collection activities - The applicant requests to amend this condition to allow 24-hour operations.	The request to amend this condition is <u>not supported</u> .

As identified above, further discussion is warranted for Conditions 1, 15 and 35 as follows:

- **Condition 1 currently reads:**

Approved plans/drawings/documents

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

Title	Author	Date	Reference No.	Ver.
M38 Industrial Estate Place Code	Gassman Development Perspectives	October 2018	-	-
M38 Industrial Estate Landuse Classification and Staging Plan	Gassman Development Perspectives	07 August 2018	5738 P 001	D

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.

**REPORT ON MINOR CHANGE TO PRELIMINARY APPROVAL FOR MAKING A
MATERIAL CHANGE OF USE TO OVERRIDE THE PLANNING SCHEME FOR INDUSTRY
USES AT 31 YELLOWOOD ROAD, 60 STAPYLTON JACOBS WELL ROAD AND 82
CHRISTENSEN ROAD, STAPYLTON QLD 4207
DIVISION 1
MIN/2019/762**

The applicant requests that this condition be amended.

Applicant's representation

The applicant advises the M38 industrial development has recently changed ownership and is now owned by Frasers Property Pty Ltd. The new owner / applicant seeks an amendment to the preliminary approval to ensure consistency with a recently approved minor change (MIN/2019/761) which approved changes to the lot layout and related changes to ground level to that originally approved.

The applicant maintains the proposed changes will not change the location or extent of development provisions of any precinct. The following supporting documents are updated:

- M38 Industrial Estate Place Code;
- Amended M38 Industrial Estate Land use Classification and Staging Plan;
- Amended Hester Land Stapylton Acoustic Report; and
- Amended Landscape Intent Plan.

Notably, the applicant proposes 24-hour hours of operation within Precinct A and deletion of Performance Criteria PC12 and Acceptable Solution AS12 in the Place Code. To address noise and amenity impacts the applicant has provided an acoustic report which recommends mitigation measures including an increase to 2.4 metres for the acoustic barrier along the western boundary of Precinct A, and building and design requirements.

Officer's comment

It is considered that the above condition be amended in part.

Officers support changes to the Land Use Classification and Staging Plan to reflect the amended lot layout approved in minor change MIN/2019/761 and amendment to the Place Code to reference updated documents.

However, officers have advised the applicant the proposed change to 24 hours of operation for Precinct A is not supported and that Performance Criteria PC12 and Acceptable Solution AS12 within the Place Code are to remain unchanged.

Transport Assessment officers have requested that the Land Use Classification and Staging Plan be amended to delete notes 2 and 3 which address the timing of roadworks and land dedication. These are addressed in the existing conditions and are not needed on the plan. This will prevent the need for any updates due to staging with any subsequent change application.

The applicant has amended the Place Code and Land Use Classification and Staging Plan to respond to these requests and officers are satisfied with the amendments and support amendments to the relevant conditions to reference the updated Place Code and Land Use Classification and Staging Plan.

- **Condition 15 currently reads:**

15 Detailed landscape plan to be submitted for approval relating to landscape buffers within Stage 1, 2 and 4.

- a A landscape buffer ten (10) metres wide for the length of the western property boundary of Precinct A, six (6) metres wide for the entire length of the subject site adjoining the Stapylton Jacobs Well Road frontage and twenty (20) metres wide for the length of the

**REPORT ON MINOR CHANGE TO PRELIMINARY APPROVAL FOR MAKING A
MATERIAL CHANGE OF USE TO OVERRIDE THE PLANNING SCHEME FOR INDUSTRY
USES AT 31 YELLOWOOD ROAD, 60 STAPYLTON JACOBS WELL ROAD AND 82
CHRISTENSEN ROAD, STAPYLTON QLD 4207
DIVISION 1
MIN/2019/762**

- eastern boundary of Precinct C, the applicant must submit to Council for approval a detailed landscape plan, by making a development application for operational work (landscape work).
- b Approval of proposed landscaping plan must be obtained prior to the commencement of works relating to relating to the corresponding stages, being stages 1, 2 and 4, of this development. The approved landscape work must be completed prior to the commencement of use of any part of the corresponding stage, being stages 1, 2 or 4 of this development.
- c Without limiting the requirements of the planning scheme's Landscape Work Specific Development Code, the detailed landscape plan must:
- i Be prepared by a qualified landscape architect or similar landscape design professional;
 - ii Be in general accordance with the Statement of Landscape Intent, being drawing 5093 L LI 03 pages 1-3, Landscape Intent, dated 01/11/12 and prepared by Gassman Development Perspectives;
 - iii Reflect the approved layout (including any amendments to that layout required by these conditions) and the conditions of this approval; and
 - iv Comply with Planning Scheme Policy 13 – Landscape Strategy Part 2 – Landscape Works Documentation Manual.
- d The required landscaping plan for the northern boundary must demonstrate
- i A landscaped buffer six (6) metres wide for the entire length of the subject site adjoining the Stapylton Jacobs Well Road frontage; and
 - ii That the buffers contain dense tree planting to soften and screen the development.
- e The required landscaping plan for the western boundary must demonstrate
- i A buffer ten (10) metres wide for the length of the western property boundary of Precinct A;
 - ii A solid fence with a maximum height of 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;
 - iii Dense tree planting, at grade, with a minimum width of three (3) metres along the western boundary for the entire length of Precinct A;
 - iv Where a minimum batter of 1V:3H can be achieved, landscaping must be provided within the entire ten (10) metre width;
 - v Maximum batter grade of 1V:1.1H within the remaining seven (7) metres.
- f The required landscaping plan for the eastern boundary must demonstrate
- i A landscape buffer with a minimum width of twenty (20) metres for the entire length of the eastern property boundary, within Precinct C;
 - ii That the buffer contains dense tree planting to soften and screen the development;
 - iii An undisturbed corridor with a width of ten (10) metres from the boundary, where all existing vegetation is retained and no earthworks are permitted to encroach;
 - iv Earthworks, where required, must not encroach the ten (10) metre undisturbed corridor;
 - v All batters proposed within the buffer area have a maximum grade of 1V:2H where the batter is within fill and 1V:3H where the batter is within cut. The cut batter may have a maximum grade of 1V:2H, provided it is over-excavated, micro-benched and incorporates a minimum 400mm soil depth, as per correspondence from Douglas Partners, Project 90520.00. L.002.docx, Dated 24

REPORT ON MINOR CHANGE TO PRELIMINARY APPROVAL FOR MAKING A MATERIAL CHANGE OF USE TO OVERRIDE THE PLANNING SCHEME FOR INDUSTRY USES AT 31 YELLOWOOD ROAD, 60 STAPYLTON JACOBS WELL ROAD AND 82 CHRISTENSEN ROAD, STAPYLTON QLD 4207
DIVISION 1
MIN/2019/762

January 2019 titled Batter Treatment.

Applicant's representation

The applicant has requested amendments to parts (c)(ii) and (e)(ii) of Condition 15 to reference the updated Statement of Landscape Intent prepared by Gassman Development Perspectives dated 21 February 2020, and the proposed increase in height of the acoustic barrier to 2.4 metres.

The applicant's acoustic report prepared by Acoustic Works dated 18 December 2019 (reference: 2019338 R01B) undertakes an assessment of the acoustic impacts of the amended development proposal on the nearby residential development and recommends the following:

- The development can operate 24/7 subject to the below recommendations being implemented;
- Acoustic barrier of 2.4 metres in height;
- Specific design requirements for buildings including that all buildings constructed on Lots 101 – 110 in Precinct A have walls on west side constructed of tilt concrete panels or masonry, with no openings on western side except fire exits; and
- All new mechanical plant is to comply with background noise criteria identified in section 6.1.2 of the acoustic report.

The proposed 2.4 metre acoustic barrier is illustrated below.



Figure 1: Proposed acoustic barrier (Source: Acoustic Works)

**REPORT ON MINOR CHANGE TO PRELIMINARY APPROVAL FOR MAKING A
MATERIAL CHANGE OF USE TO OVERRIDE THE PLANNING SCHEME FOR INDUSTRY
USES AT 31 YELLOWOOD ROAD, 60 STAPYLTON JACOBS WELL ROAD AND 82
CHRISTENSEN ROAD, STAPYLTON QLD 4207
DIVISION 1
MIN/2019/762**

Officer's comment

It is considered that the above condition be amended.

Officers support the amendment to the Statement of Landscape Intent and the proposed increase in height to the acoustic barrier from 2.0 metres to 2.4 metres. However, as discussed above, officers do not support the proposed change to 24-hour operating hours within Precinct A which are to remain restricted to between 7:00am and 8:00pm Monday to Friday.

The proposed acoustic barrier, landscaping and setbacks to the residential area are consistent with the approved minor change application for the subdivision and operational works (MIN/2019/761). 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 below:

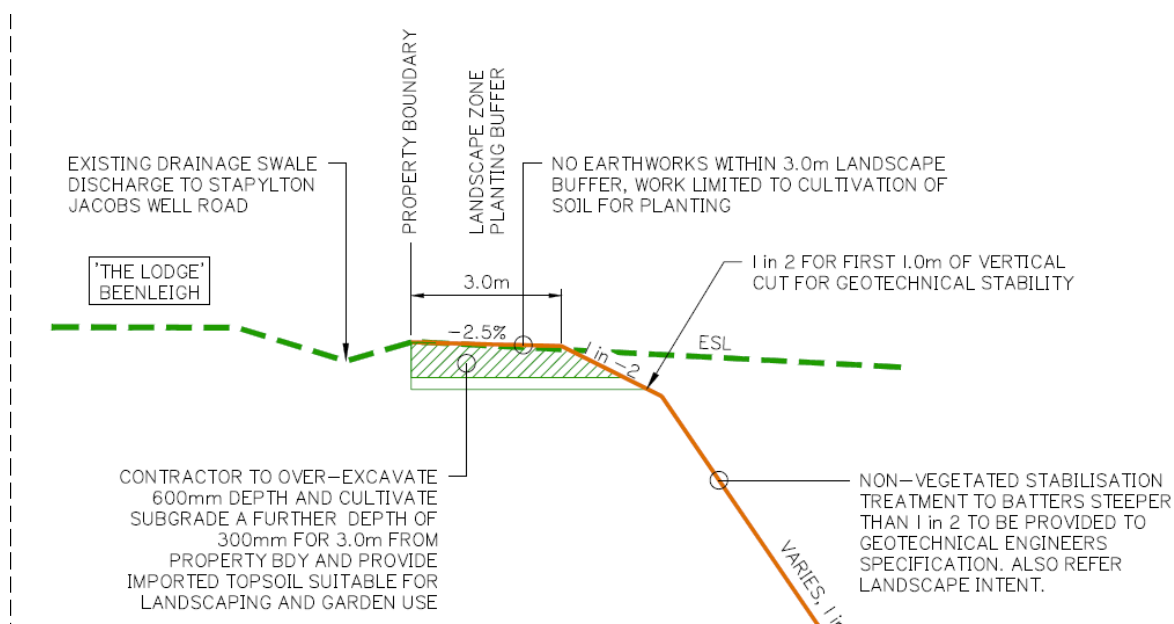


Figure 2: Western boundary interface
(Source: Gassman Development Perspectives)

As a consequential change and to ensure compliance with the recommendations of the updated acoustic report for the design of buildings, officers recommend that the following property notification be applied:

Noise/Acoustic

There are development approval conditions applicable in relation to acoustic issues on this lot/subsequent lots. All property owner(s) must ensure compliance with these conditions. Refer to Council of the City of Gold Coast's Decision Notice MIN/2019/762. A copy of Council's Decision Notice is available for viewing on Council's website www.goldcoastcity.com.au/pdonline

• **Condition 35 currently reads:**

35 Hours of operation within Precinct A

Hours of operation within Precinct A are restricted to between 7:00am and 8:00pm Monday to Friday or to the satisfaction of the Chief Executive Officer.

**REPORT ON MINOR CHANGE TO PRELIMINARY APPROVAL FOR MAKING A
MATERIAL CHANGE OF USE TO OVERRIDE THE PLANNING SCHEME FOR INDUSTRY
USES AT 31 YELLOWWOOD ROAD, 60 STAPYLTON JACOBS WELL ROAD AND 82
CHRISTENSEN ROAD, STAPYLTON QLD 4207
DIVISION 1
MIN/2019/762**

Applicant's representation

In support of the proposed amendment of hours of operation to 24-hours in Precinct A the applicant has submitted an amended acoustic report with recommendations for a 2.4 metre acoustic barrier to the residential area to the west and requirements relating to building design and mechanical plant.

Officer's comment

It is considered that the above condition be unchanged.

Officers do not support the proposed change to 24-hour operations within Precinct A.

Council's Health and Regulatory Services officers have reviewed the applicant's response to the Information Request and advise they are *"not satisfied that the proposal responds to concerns relating to the impact of noise from the development on the nearby residential development. This is an unusual site where there is a residential development in the middle of an industrial area. It is worth noting that Health and Regulatory Services did not support the original development application due to the risk of excessive noise, poor air quality and dust impacting the nearby residential development."*

Health and Regulatory Services' information request requested the applicant utilise the original background noise level monitoring specified within the 2011 approved acoustic report. The original noise monitoring done resulted in quieter noise levels being logged therefore resulting in a stricter noise criteria." The amended acoustic report utilises current noise monitoring data with the result that noise levels creep up on the levels originally approved.

Planning Assessment officers have given consideration to the recommendations of the amended acoustic report. The proposed increase in the height of the acoustic barrier on the western boundary is accepted as this will assist to mitigate the increased noise levels referenced in the amended acoustic report. However, the change to 24-hour operations in Precinct A is not supported as this will impose additional amenity impacts on the residents to the west.

5 CONCLUSION

This report assessed a request for a minor change for the Preliminary Approval dated 20 February 2019 for making a Material Change of Use to override the Planning Scheme for industry uses at 31 Yellowwood Road, 60 Stapylton Jacobs Well Road and 82 Christensen Road, Stapylton.

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

6 RECOMMENDATION

It is recommended that Council resolves as follows:

That under Delegated Authority the Executive Coordinator Planning Assessment of the City Development Branch approves the Minor change application for the preliminary approval dated 20 February 2019 for a material change of use to override the Planning Scheme for industry uses, in accordance with the Attachment entitled: Decision notice— change application approval including amended suite of development conditions for MCU201100650.

Author:

Authorised by:

**REPORT ON MINOR CHANGE TO PRELIMINARY APPROVAL FOR MAKING A
MATERIAL CHANGE OF USE TO OVERRIDE THE PLANNING SCHEME FOR INDUSTRY
USES AT 31 YELLOWOOD ROAD, 60 STAPYLTON JACOBS WELL ROAD AND 82
CHRISTENSEN ROAD, STAPYLTON QLD 4207
DIVISION 1
MIN/2019/762**

Sue Wilkinson
Senior Planner
18 June 2020

Roger Sharpe
Executive Coordinator Planning Assessment

**REPORT ON MINOR CHANGE TO PRELIMINARY APPROVAL FOR MAKING A
MATERIAL CHANGE OF USE TO OVERRIDE THE PLANNING SCHEME FOR INDUSTRY
USES AT 31 YELLOWOOD ROAD, 60 STAPYLTON JACOBS WELL ROAD AND 82
CHRISTENSEN ROAD, STAPYLTON QLD 4207
DIVISION 1
MIN/2019/762**

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.

**REPORT ON MINOR CHANGE TO PRELIMINARY APPROVAL FOR MAKING A
MATERIAL CHANGE OF USE TO OVERRIDE THE PLANNING SCHEME FOR INDUSTRY
USES AT 31 YELLOWOOD ROAD, 60 STAPYLTON JACOBS WELL ROAD AND 82
CHRISTENSEN ROAD, STAPYLTON QLD 4207
DIVISION 1
MIN/2019/762**

(c) dramatically changes the built form in terms of scale, bulk and appearance; or	Proposal does dramatically change the built form.
(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.*

**REPORT ON MINOR CHANGE TO PRELIMINARY APPROVAL FOR MAKING A
MATERIAL CHANGE OF USE TO OVERRIDE THE PLANNING SCHEME FOR INDUSTRY
USES AT 31 YELLOWOOD ROAD, 60 STAPYLTON JACOBS WELL ROAD AND 82
CHRISTENSEN ROAD, STAPYLTON QLD 4207
DIVISION 1
MIN/2019/762**

- (4) *However, the responsible entity may give the weight the responsible entity considers is appropriate, in the circumstances to -*
- (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.*