

CITY DEVELOPMENT BRANCH
REPORT ON MINOR CHANGE TO AN EXISTING APPROVAL AT 82 CHRISTENSEN
ROAD SOUTH, 60 STAPYLTON JACOBS WELL ROAD AND 1-43 YELLOWWOOD
ROAD, STAPYLTON
DIVISION 1
MIN/2020/659

1 APPLICATION SUMMARY

Application information	
Minor change to development approval	
Address	82 Christensen Road South, 60 Stapylton Jacobs Well Road & 31 Yellowwood Road, Stapylton QLD 4207
Lot and plan	Lot 500 SP295994, Lot 501 SP295994 & Lot 4 RP6843
Site area	771,610m ²
Properly made date	1 December 2020
Originating and current Planning Scheme including version, domain / zone / precinct and constraints / overlays	Originating planning scheme: Preliminary Approval – M38 Industrial Estate Place Code Zone: Low impact service industry & General impact business & industry (M38 Industrial Estate Place Code) Overlays: • 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 Zone: • Low impact industry (Future low impact industry precinct); • Medium impact industry (Future medium impact industry precinct); and • High impact industry • Open space. Overlays: • Acid sulfate soils; • Airport environs (PANS-OPS); • Bushfire hazard; • Environmental significance; • Flood; • Industry, community infrastructure and agriculture land interface area; • Landslide hazard; • Minimum lot size; • State controlled roads, rail corridor and transport noise corridors; and • Water catchments and dual reticulation.
Originating approved development	Preliminary Approval for making a Material Change of Use to override the Planning Scheme for industry uses (Council ref: MCU201100650).
Date of originating development	4 March 2013

**CITY DEVELOPMENT BRANCH
REPORT ON MINOR CHANGE TO AN EXISTING APPROVAL AT 82 CHRISTENSEN
ROAD SOUTH, 60 STAPYLTON JACOBS WELL ROAD AND 1-43 YELLOWWOOD
ROAD, STAPYLTON
DIVISION 1
MIN/2020/659**

approval	
Originating approval authority	Council of the City of Gold Coast
Level of assessment	Impact assessment
Applicant and Applicant's consultancy team	Fraser's Property Australia Pty Ltd (Applicant) Gassman Development Perspectives (Town planning consultant)
Land owner	Mrs Patricia Ann Hester, William Arthur Hester & Australand Industrial No. 89 Pty Limited
Decision due date	6 January 2020
Referral agency(s)	Not applicable
Officer's recommendation	Approval with amended conditions.
Reference of most recent change application	MIN/2019/762
Date of most recent change application decision notice	30 June 2020

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 negotiated decision notice for a Preliminary Approval for making a Material Change of Use to override the Planning Scheme for industry uses at 82 Christensen Road South, 60 Stapylton Jacobs Well Road & 31 Yellowwood Road, Stapylton.

The applicant has noted that *'based on the revised servicing strategy for Stapylton, the development will no longer connect to Pump Station BE45 or the new pump station near Stapylton Jacobs Well Road. Alternatively, an interim sewer pump station will be provided within Homestead Drive to pressure inject into Council's existing 100 millimeter diameter rising main within Stapylton Jacobs Well Road'*.

The changes result in the requirement for conditions to be amended to reflect alterations to the arrangements.

The concept interim gravity sewer connection plan is provided below:

**CITY DEVELOPMENT BRANCH
REPORT ON MINOR CHANGE TO AN EXISTING APPROVAL AT 82 CHRISTENSEN
ROAD SOUTH, 60 STAPYLTON JACOBS WELL ROAD AND 1-43 YELLOWWOOD
ROAD, STAPYLTON
DIVISION 1
MIN/2020/659**

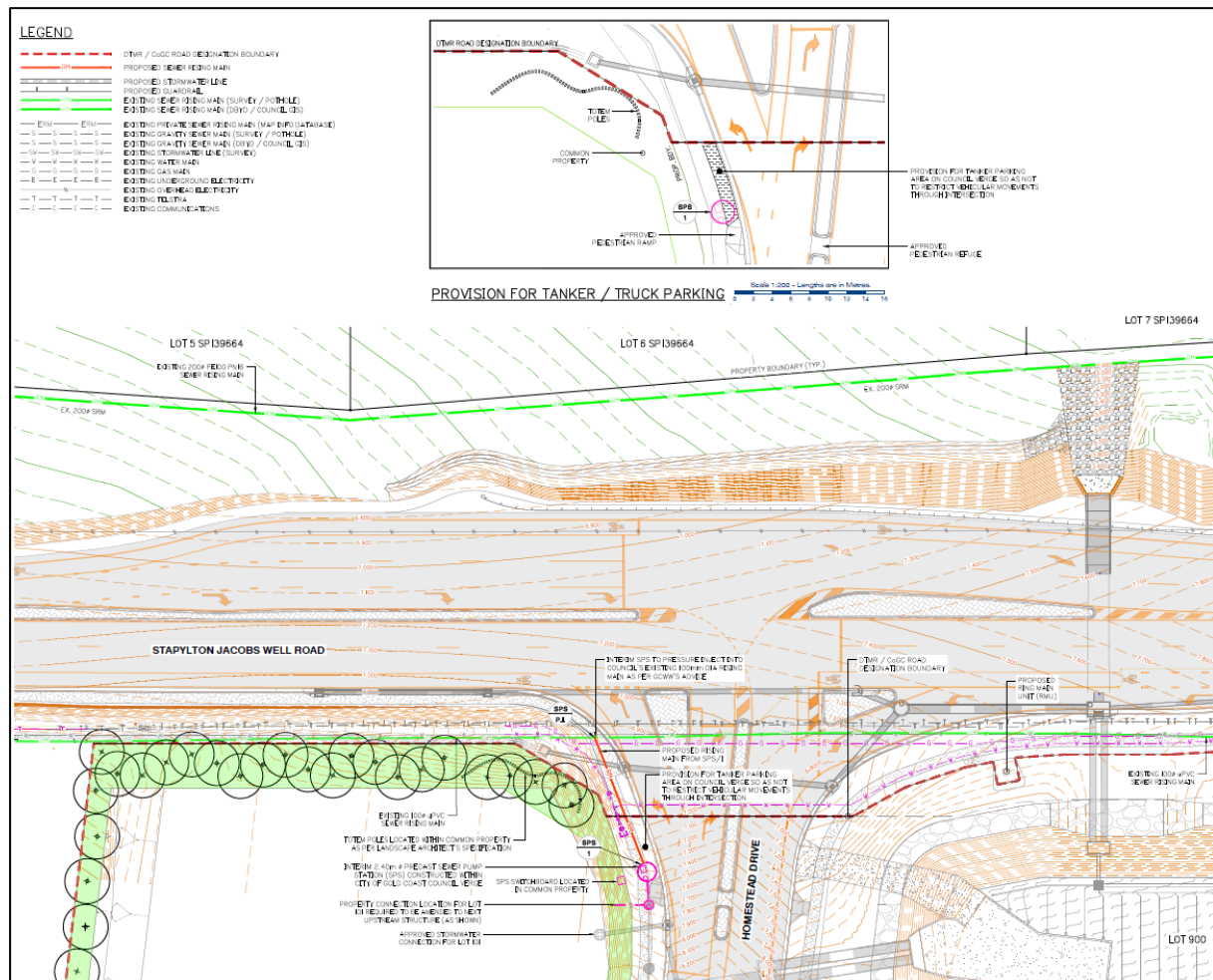


Figure1: Concept Interim Gravity Sewer Connection for Vantage Stage 1 dated 12 November 2020
(Source: Gassman Development Perspectives)

3 BACKGROUND

The following table provides a summary of previous approvals over the subject site as provided by the applicant:

Approval History	
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

CITY DEVELOPMENT BRANCH
REPORT ON MINOR CHANGE TO AN EXISTING APPROVAL AT 82 CHRISTENSEN
ROAD SOUTH, 60 STAPYLTON JACOBS WELL ROAD AND 1-43 YELLOWWOOD
ROAD, STAPYLTON
DIVISION 1
MIN/2020/659

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
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 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 Stage 1 (ROL/2018/79) to provide an amended lot layout and bulk earthworks strategy.
MIN/2019/762 30 June 2020	Change application to the Preliminary Approval to amend staging extents and acoustic requirements of the approval. This Minor Change seeks to change this application.
MIN/2020/454 2 November 2020	Change application to Stage 1 (ROL/2018/79 + MIN/2019/761) for inclusion of pad mount transformers and amendment to earthworks strategy.

4 PLANNING ASSESSMENT

Reference is made to the relevant PA provisions (Attachment N°.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°.	Applicant request	Officer discussion / recommendation
53	<i>General wastewater servicing arrangements – The applicant requests to amend this condition to reflect the changes to wastewater servicing arrangements.</i>	The request to amend this condition is supported.
55	<i>Wastewater reticulation schematic plan – The applicant requests that this condition be deleted as the requirements have already been provided to, and approved by Council.</i>	The request to delete this condition is supported.

As identified above, further discussion is warranted for Condition(s) 53 and 55 as follows:

- Condition 53 currently reads:

53 General wastewater servicing arrangement

Unless otherwise determined by Gold Cast Water, the wastewater servicing arrangements shall be generally in accordance with the following:

- i. Connect part of Stage 1 that naturally drains to Pump Station BE45, to BE45, via De Bortoli Street;
- ii. Connect the remaining part of Stage 1 and part of Stage 2 that naturally drains to the proposed new pump station (refer to drawing no.C028-AA003837-04 dated 15/6/2012 prepared by Hyder Consulting) located near Stapylton-Jacobs Well Road;
- iii. The balance of Stage 2, Stage 3 and Stage 4 shall gravitate into Council's future wastewater network;
- iv. The balance of Stage 2 and Stage 3 shall gravitate into Stage 4 (no pump station is permitted); and
- v. A temporary pump station sited in Stage 4 may be permitted where the wastewater network in Christensen Road remains unavailable (the wastewater network in Christensen Road serving lot 334 on SP193431 is serviced by a private pump station and therefore not currently available).

The applicant requests that this condition be amended.

Applicant's representation

The applicant has requested that the condition be amended to reflect the wastewater servicing arrangements.

Officer's comment

It is considered that the above condition be amended.

Water and waste have reviewed the request for the proposed changes and have noted that *'the application can be conditioned to comply with all assessment benchmarks relevant to the change to the sewer servicing strategy'*.

- Condition 55 currently reads:

55 Wastewater reticulation schematic plan

- a The applicant must submit to Gold Coast Water a wastewater reticulation schematic plan for the proposed development that:
 - i. Demonstrates how the development is to be connected to Council's wastewater network,
 - ii. Provides the following details:
 - A. Average and peak weather flows;
 - B. Emergency storage;
 - C. Septicity and odour; and
 - D. Pump duty points.
 - iii. Makes allowance for any external catchments that may drain through the subject site; and
 - iv. Accommodates the extension of the wastewater main to the upstream property boundary to provide for future wastewater connectivity of the upstream external catchment.

**CITY DEVELOPMENT BRANCH
REPORT ON MINOR CHANGE TO AN EXISTING APPROVAL AT 82 CHRISTENSEN
ROAD SOUTH, 60 STAPYLTON JACOBS WELL ROAD AND 1-43 YELLOWWOOD
ROAD, STAPYLTON
DIVISION 1
MIN/2020/659**

- b The applicant must obtain Gold Coast Water approval of the wastewater reticulation schematic plan prior to making any development application for a Development Permit or Building Work.

The applicant requests that this condition be deleted.

Applicant's representation

The applicant has requested that the condition be deleted as the requirements have already been provided to, and approved by Council.

Officer's comment

It is considered that the above condition be cancelled.

Water and waste have reviewed the request and support the cancellation of this condition.

56 CONCLUSION

This report assessed a request for a minor change for the preliminary approval dated 30 June 2020 for Material Change of Use to override the Planning Scheme for industry uses at 82 Christensen Road South, 60 Stapylton Jacobs Well Road & 31 Yellowwood Road, Stapylton QLD 4207.

57 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 30 June 2020 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 MIN/2019/762.

Author:

Alex Ponomareva

Planner

3 December 2020

Authorised by:

Roger Sharpe

Executive Coordinator Planning Assessment

**CITY DEVELOPMENT BRANCH
REPORT ON MINOR CHANGE TO AN EXISTING APPROVAL AT 82 CHRISTENSEN
ROAD SOUTH, 60 STAPYLTON JACOBS WELL ROAD AND 1-43 YELLOWWOOD
ROAD, STAPYLTON
DIVISION 1
MIN/2020/659**

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 proposed change has been assessed against Schedule 1 of the Development Assessment Rules, Part 4 (see below). The assessment manager is of the opinion the proposed change would not result in substantially different development.
(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	No prohibited development is included.
(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or	Not applicable.
(C) referral to extra referral agencies, other than to the chief executive; or	Not applicable.
(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	Not applicable.
(E) public notification if public notification was not required for the development application.	The change to the application would not cause public notification.

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 uses are proposed as part of the Minor change application.

CITY DEVELOPMENT BRANCH
REPORT ON MINOR CHANGE TO AN EXISTING APPROVAL AT 82 CHRISTENSEN
ROAD SOUTH, 60 STAPYLTON JACOBS WELL ROAD AND 1-43 YELLOWWOOD
ROAD, STAPYLTON
DIVISION 1
MIN/2020/659

(b) results in the application applying to a new parcel of land; or	There are no new parcels of land included as part of the application.
(c) dramatically changes the built form in terms of scale, bulk and appearance; or	There is no drastic change to the built form in terms of scale and bulk.
(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	No components of the application are being removed that are integral to the operation of the development.
(f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or	The changes sought do not impact on the traffic flow or the transport network.
(g) introduces new impacts or increase the severity of known impacts; or	The changes sought do 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	The minor change does not remove an incentive or offset component.
(i) impacts on infrastructure provisions.	The proposed change will not have any additional impacts on infrastructure demand.

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*

**CITY DEVELOPMENT BRANCH
REPORT ON MINOR CHANGE TO AN EXISTING APPROVAL AT 82 CHRISTENSEN
ROAD SOUTH, 60 STAPYLTON JACOBS WELL ROAD AND 1-43 YELLOWWOOD
ROAD, STAPYLTON
DIVISION 1
MIN/2020/659**

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 -*
 - (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.*