

REPORT ON MINOR CHANGE TO DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT FOR A ONE INTO SEVENTEEN COMMUNITY TITLE SCHEME LOTS SUBDIVISION AT 84 – 160 CHRISTENSEN ROAD SOUTH, STYAPYLTON
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1 APPLICATION SUMMARY

Application information	
Minor change to development approval	
Address	84 - 160 Christensen Road South, Stapylton
Lot and plan	Lot 334 on SP193431
Site area	251,820m ²
Properly made date	13 October 2020
Originating and current Planning Scheme including version, domain / zone / precinct and constraints / overlays	Originating: City Plan Version 3 High impact industry zone Current: City Plan Version 7 High impact industry zone • Acid sulfate soils overlay • Airport environs • Bushfire hazard overlay • Extractive resources overlay • Flood overlay • Industry, community infrastructure and agriculture land interface area overlay • Landslide hazard overlay • Water catchments and dual reticulation overlay • Minimum lot size (4000m²) • Environmental significance ○ Priority species overlay ○ Vegetation management overlay ○ Wetlands and waterways overlay
Originating approved development	Development permit for Reconfiguration of a lot for a one into seventeen community title scheme lots subdivision (Council reference: ROL201800026)
Date of originating development approval	2 November 2018
Originating approval authority	Delegated authority
Level of assessment	Impact assessment
Applicant and Applicant's consultancy team	MS Projects Pty Ltd – Applicant iPlan Town Planning – Town Planning AJS Surveys – Drawings
Land owner	Yellowstone Investments Pty Ltd and Burnside Developments Pty Ltd
Decision due date	10 November 2020
Referral agency	Planning Group Queensland Treasury
Officer's recommendation	Approval (with conditions)
Reference of most recent change application	Not applicable

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 Reconfiguration of a lot for a one into seventeen

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community title scheme lots subdivision at 84 - 160 Christensen Road South, Staplyton.

The proposed change seeks to provide revised lot boundaries that; align with constructed fences and retaining walls, and provide a small additional area of common property (taken from lot 14) for future signage. The propose change also seeks to remove the approved staging.

Figures one and two below provide context of the change by showing the originally approved and proposed drawings respectively (Figures 1-2).

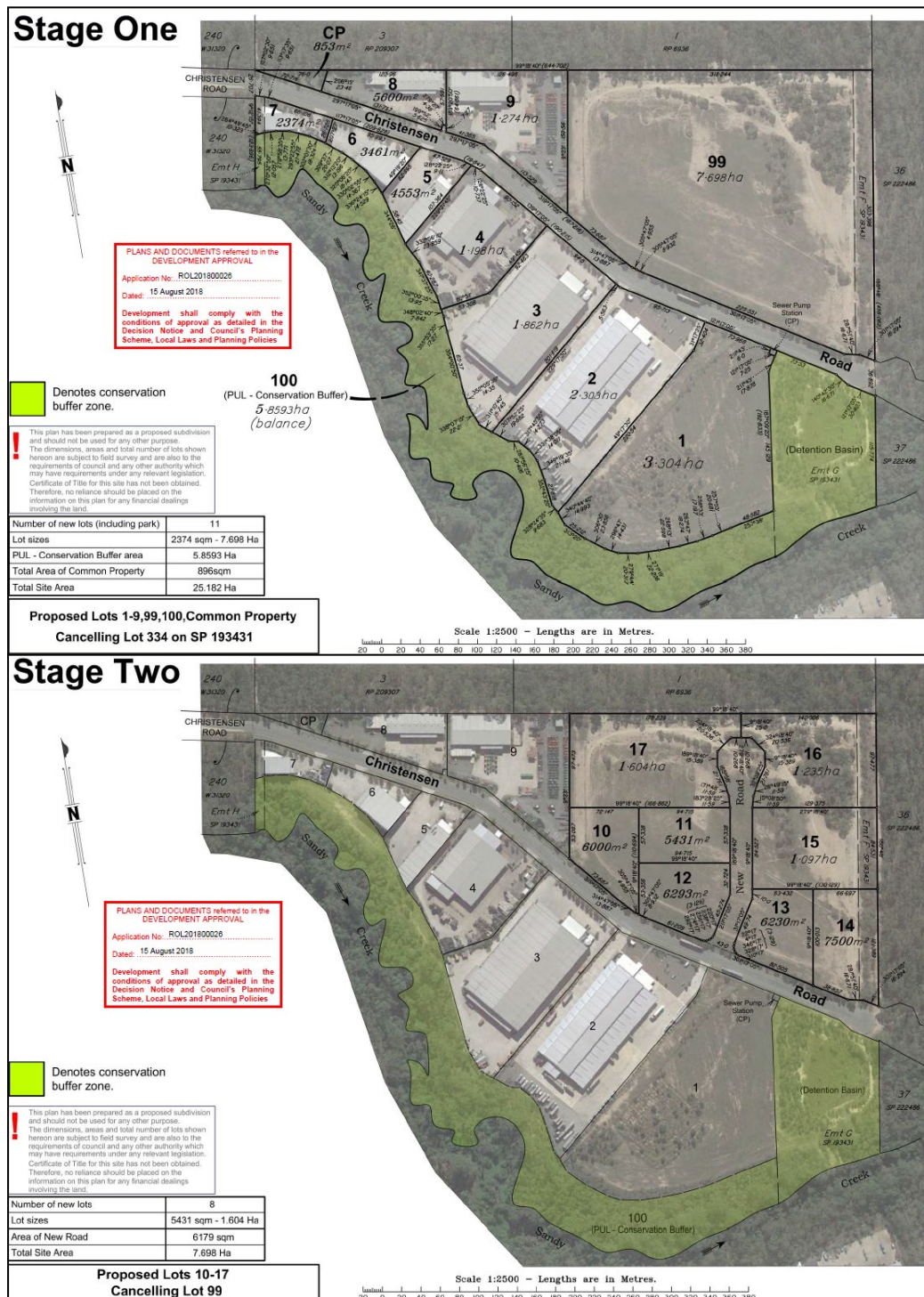


Figure 1: Original approved drawings, stage one and two (Source: AJS Surveys)

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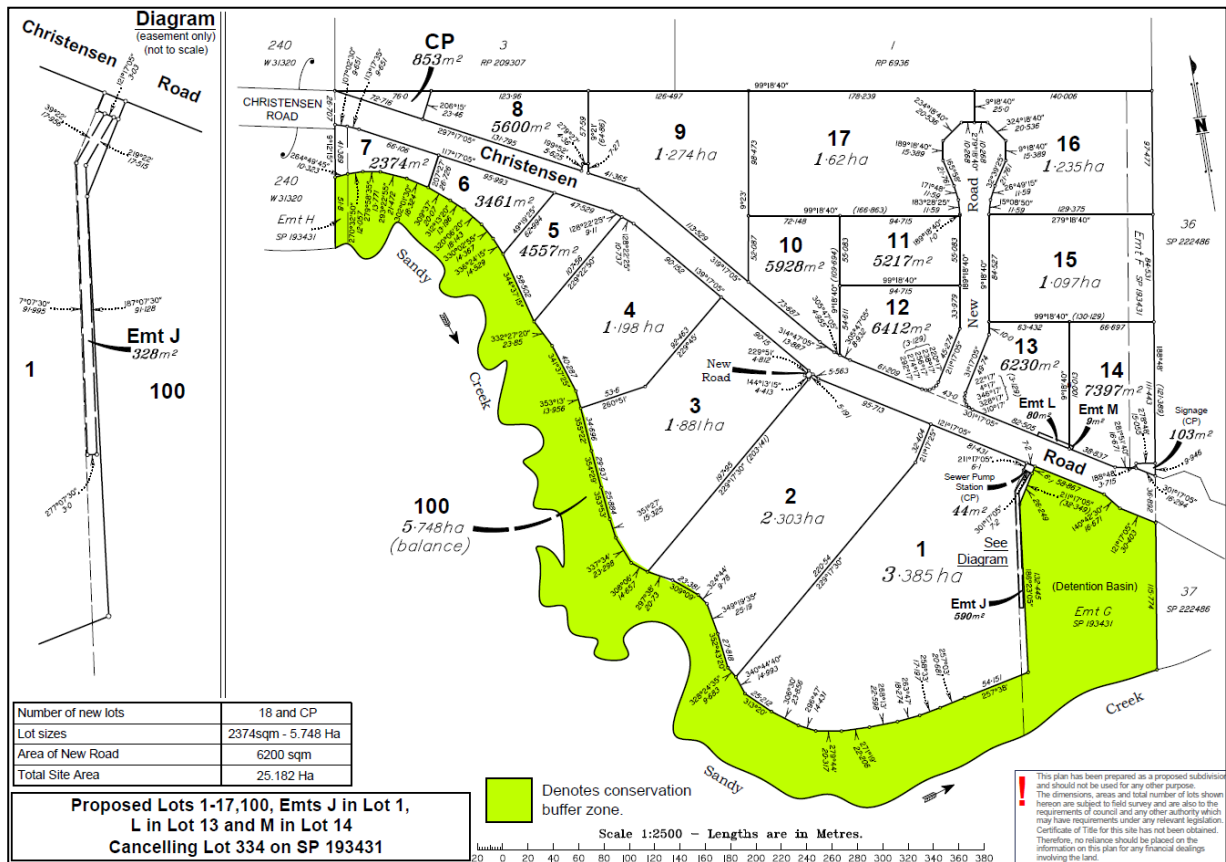


Figure 2: Proposed drawings (Source: AJS Surveys)

3 BACKGROUND

On the 2 November 2018, under Delegated Authority, Council issued a Development permit for Reconfiguration of a lot for a one into seventeen community title scheme lots subdivision (Council reference: ROL201800026).

Since then, several associated Operational works and Environmental management plan applications have been approved over the subject site to facilitate the approved subdivision.

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 .	Council / Applicant request	Officer discussion / recommendation
2	Amended Plans – The applicant requests to amend this condition to reflect the updated plans submitted.	The request to amend this condition is supported.
3	Community Management Statement – The applicant requests to amend this condition to reflect the updated plans submitted.	The request to amend this condition is supported.
7	Land Transfer – The applicant requests to amend this condition to	The request to amend this condition is supported.

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	reflect the updated plans submitted.	
9	Landscaping Works on Private Land – Council has amended this condition to resolve an error identified within the previous decision notice.	Private landscaping conditions were incorrectly imposed by the previous decision notice. The original application incorrectly listed the detention basin under private ownership and therefore the private landscape conditions were included to reflect this. Condition 9 for Private landscaping has been deleted as the detention basin will be transferred as public land and therefore it is not relevant to this approval.
11	Landscaping Works Within Public Open Space – Council has deleted this condition to resolve an error identified within the previous decision notice.	Public landscaping conditions were incorrectly imposed by the previous decision notice. An Operational works approval for Public landscaping over the subject site has already been issued and satisfies the requirements of City landscape officers. Minor amendments to the previous condition have been made to align with this Operational works approval and to allow the applicant to comply with the conditions of approval.

As identified above, further discussion is warranted for Conditions 2, 3 and 7 as follows:

- Conditions 2, 3 and 7 currently read:

2

Approved drawings

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

Subdivision Engineering				
Drawing Title	Author	Date	Drawing No.	Ver
Subdivision Proposal Plan (Stage one)	AJS Surveys	19 July 2018	S0204-P4 (B)	B
Subdivision Proposal Plan (Stage two)	AJS Survey	19 July 2018	S0204-P5(B)	B

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.

3

Community Management Statement (CMS)

a Proposed lots 1 - 17 and common property marked on the drawings listed below must be defined in the CMS as the scheme land:

Drawing Title	Author	Date	Drawing No.	Ver
Subdivision Proposal Plan (Stage one)	AJS Surveys	19 July 2018	S0204-P4 (B)	B
Subdivision Proposal Plan (Stage two)	AJS Survey	19 July 2018	S0204-P5(B)	B

b Undertake the above prior to a request is made to Council to approve the plan of subdivision as per relevant stages.

c Submit, immediately after its creation, the first CMS (signed by all relevant parties) to Council for notation and verification of the above.

d Should a new/amended CMS be created, a copy of the new/amended CMS must be provided to Council within 5 business days of its creation.

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Land transfer

a Transfer at no cost to Council, the land identified below:

Land to be dedicated	Purpose	Drawing Title & Drawing No.	Author	Date	Ver
Lot 100 (5.8593 ha)	Conservation / Waterway/Drainage purposes	Subdivision Proposal Plan, S0204-P4	AJS Surveys	19-07-18	AB
Land to be dedicated	Purpose	Drawing Title & Drawing No.	Author	Date	Ver
The area identified as "Detention Basin" on Subdivision proposal plans	Drainage Reserve	Proposed Lots 1-9, 99, 100 Common Property – Cancelling Lot 334 on SP193431 & Plan Ref. S0204-P4(B) & S0204-P5(B)	AJS Surveys	19/07/2018	B

b Transfer the land identified above at the same time as registering the plan of subdivision for Stage 1.

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 land transfer 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 other owners' successors in title continue to be obligated to transfer the land 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 amended as follows:

2

Approved drawings

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

Subdivision Engineering				
Drawing Title	Author	Date	Drawing No.	Ver
Subdivision Proposal Plan	AJS Surveys	17/07/2020	S0204-P7A	A

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.

3

Community Management Statement (CMS)

a Proposed lots 1 - 17 and common property marked on the drawings listed below must be defined in the CMS as the scheme land:

Drawing Title	Author	Date	Drawing No.	Ver
Subdivision Proposal Plan	AJS Surveys	17/07/2020	S0204-P7A	A

b Undertake the above prior to a request is made to Council to approve the plan of subdivision.

c Submit, immediately after its creation, the first CMS (signed by all relevant parties) to Council for notation and verification of the above.

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d Should a new/amended CMS be created, a copy of the new/amended CMS must be provided to Council within 5 business days of its creation.					
Land transfer a Transfer at no cost to Council, the land identified below:					
Land to be dedicated	Purpose	Drawing Title & Drawing No.	Author	Date	Ver
Lot 100 (5.748 ha) balance	Conservation/ Waterway/ Drainage purposes	Subdivision Proposal Plan - Proposed Lots 1-17, 100, Emts J in Lot 1, L in Lot 13 and M in Lot 14 Cancelling Lot 334 on SP 193431	AJS Surveys	17/07/2020	A
The area identified as "Detention Basin" on Subdivision proposal plans	Drainage Reserve	Proposed Lots 1-9, 99, 100 Common Property – Cancelling Lot 334 on SP193431 & Plan Ref. S0204-P4(B) & S0204-P5(B)	AJS Surveys	19/07/2018	B
b Transfer the land identified above 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 land transfer 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 other owners' successors in title continue to be obligated to transfer the land in accordance with this condition and must do so within 40 business days of becoming aware on the non-compliance with this condition.					

Applicant's representation

"The creation of common property along the eastern boundary of the site provides area for additional display signage. The future planned road network to be undertaken by Council includes a bridge crossing over the greenspace corridor to the east of the site with this work not forming part of the approval. The minor adjustments to the approved lot areas ensures the dividing fence lines and retaining walls align with the surveyed boundaries. It is important to note that the minor changes in the lot areas and frontage widths accord with the assessment benchmarks of the applicable Codes.

The original application (lodged and decided under the Planning Act 2009) triggered impact assessable development and as such, public notification was required. No submissions were received in relation to the application.

The nature of the changes, as discussed above, do not result in a development that is substantially different to the current approval. Furthermore, no changes are required to the Concurrence Agency Response issued by the Department of State Development, Infrastructure, Manufacturing, and Planning.

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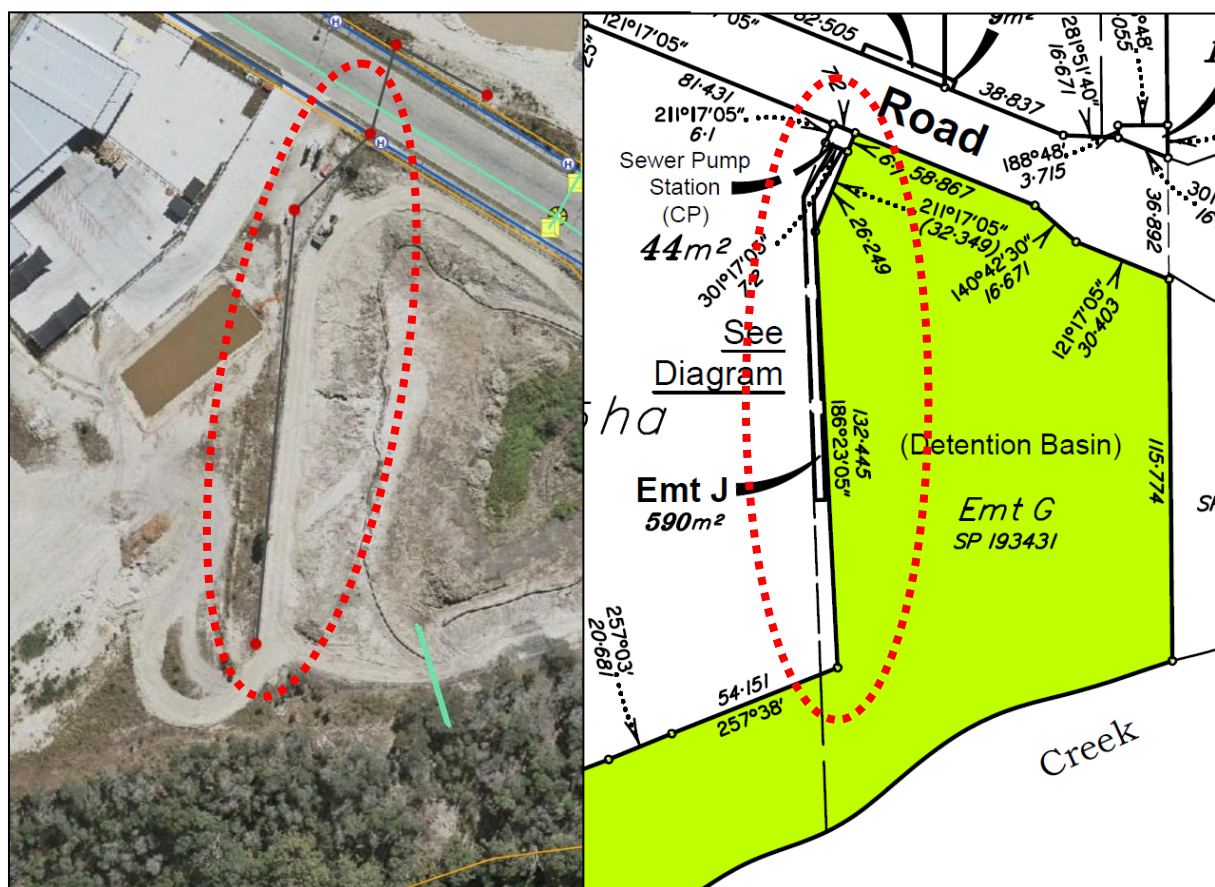
It is noted that the site is identified within several overlays however a detailed assessment against the overlay codes is not considered relevant to the Minor Change given the extent of the changes are limited to minor amendments to the approved dividing boundaries between the approved industrial Lots and the creation of additional common property over part of approved Lot 14.

It is noted that several conditions in the original approved referenced the approved staging. Any changes to these conditions are not necessary in this instance as all operational works approvals have been granted with the civil works associated with the entire development having recently been completed."

Officer's comment

It is considered that the above conditions be amended.

The proposed change includes the minor realignment of lot boundaries to support established retaining walls and fence lines. The shape and size of each lot remains generally in accordance with each of the approved lots, with no changes to useability of each lot. A reduction of 0.1113ha is proposed to the conservation buffer zone. This change is the result of an additional easement over existing sewer infrastructure as required by condition 4 (Figure 3), and small changes to surrounding lot boundaries to support established retaining walls and fence lines. The reduced area does not undermine the intent of the conservation buffer zone.



**Figure 3: Existing sewer infrastructure and easement
(Source: ESRI and AJS Surveys, Edited: Thomas Eaton)**

The proposed change also includes a small area of additional common property (103m²), taken from the roadside of lot 14, for the purpose of future signage. The proposed change is not expected to have any impact of the lots useability and does not undermine the intent of the approved lots. Further, the

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additional common property is proposed over a drainage easement. City hydraulic engineers, water and waste officers, and plumbing and drainage officers have reviewed the proposed change and have identified no issues.

5 CONCLUSION

This report assessed a request for a Minor change for the Development permit for Reconfiguration of a lot for a one into seventeen community title scheme lots subdivision at 84 - 160 Christensen Road South, 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 Development permit for Reconfiguration of a lot for a one into seventeen community title scheme lots subdivision, in accordance with the Attachment entitled: Decision notice – Change application approval including amended suite of development conditions for ROL201800026

Author:

Thomas Eaton

Planner

18 November 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 proposed changes do not result in a substantially different development, see below.
(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 proposed changes do not involve the inclusion of 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	The proposed changes do not require referral to any concurrence agencies that were not required as part of the original application.
(C) referral to extra referral agencies, other than to the chief executive; or	The proposed changes do 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 proposed changes do not involve a referral agency as the assessment manager.
(E) public notification if public notification was not required for the development application.	Not applicable as public notification is not required because of the change/s.

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 land uses are proposed.
(b) results in the application applying to a new parcel of land; or	No new parcel of land are impacted by the change.
(c) dramatically changes the built form in terms of scale, bulk and appearance; or	The proposed changes will not result in any dramatic variations in 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	The proposed changes will have a negligible impact on the developments intended functionality.

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complex to service the intended catchment); or	
(e) removes a component that is integral to the operation of the development; or	The proposed development does not remove a component that is 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	There are no new traffic impacts introduced.
(g) introduces new impacts or increase the severity of known impacts; or	There are no new anticipated impacts associated with the proposed change introduced into the development.
(h) removes an incentive or offset component that would have balanced a negative impact of the development; or	No incentive or offset components are removed as a result of the change.
(i) impacts on infrastructure provisions.	The proposed changes do 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 –*
 - (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*

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(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.*