

9 September 2020

Chief Executive Officer  
Gold Coast City Council  
PO Box 5042  
GCMC QLD 9729

Dear Sir/Madam,

**RE: MINOR CHANGE TO A DEVELOPMENT APPROVAL ASSESSED UNDER SECTIONS 78 & 81 OF THE *PLANNING ACT 2016* IN RELATION TO THE APPROVED RECONFIGURATION OF A LOT ON LAND AT 84-160 CHRISTENSEN ROAD SOUTH, STAPYLTON (COUNCIL FILE REF: ROL201800026)**

On behalf of our client, MS Projects Pty Ltd, in accordance with the requirements of Section 78 of the *Planning Act 2016* in relation to the approved *Reconfiguration of a Lot* at 84-160 Christensen Road South, Stapylton QLD 4117, we hereby submit a change application requesting a minor change to the development approval to be assessed under section 81 of the Act.

#### **CURRENT APPROVAL**

The subject site, being Lot 334 on SP193431, is included in the *High impact industry zone* and contains several established industrial tenancies. The original approval for the Reconfiguration of a Lot was granted by Council on 23 August 2018 and amended by way of a Negotiated Decision Notice on 2 November 2018 (Council File Reference: ROL201800026). The approval involved the creation of seventeen (17) Standard Format Lots with common property.

The civil works associated with the original approval have been completed with all infrastructure charges paid.

#### **PROPOSED MINOR CHANGES TO THE APPROVED DEVELOPMENT**

No changes are proposed to the constructed civil works including the stormwater detention basin, new road networks and services with the extent of changes limited to the following:

- Minor changes to lot area due to aligning the boundaries with fence lines and newly constructed retaining walls;
- An additional area of common property at the eastern end of Christensen Road on the northern side (in Lot 14), to make provision for future signage; and
- Deletion of the approved staging plans.

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.

Whilst the original approval included staging, all Lots will now be constructed simultaneously

## CATEGORIES OF ASSESSMENT AND ASSESSMENT BENCHMARKS

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.

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.

## REQUESTED CHANGES TO CONDITIONS

As a result of the proposed changes to the existing development approval, it is necessary to amend the conditions of development. It is therefore requested that the existing conditions be amended as summarised below:

### **Conditions 2 & 3 – Approved Plans and Community Management Statement**

Based on the above minor changes, the schedule of approved plans referenced in conditions 2 and 3 of the original approval will need to be replaced with the following:

| Drawing Title                         | Author     | Date         | Drawing No. | Ver |
|---------------------------------------|------------|--------------|-------------|-----|
| Subdivision Proposal Plan – Lots 1-17 | AJS Survey | 17 July 2020 | S0204-P7A   | A   |

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. In addition, the infrastructure charges imposed over the entire development have been paid therefore no change is required to the original Infrastructure Charge Notice.

## CONCLUSIONS

Overall, the minor change application to the development approval to be assessed under section 81 of the *Planning Act 2016*, accords with the definition of 'minor change' as defined under Schedule 2 of the Act in that the proposed change:

- (i) *would not result in a substantially different development; and*
- (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*
  - (B) *referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or*
  - (C) *referral to extra referral agencies, other than to the chief executive; or*
  - (D) *a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55 (2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made;*  
*or*
  - (E) *public notification if public notification was not required for the development application.*

In reviewing the definition of 'substantially different development' under schedule 1 of the Development Assessment Rules, it has been demonstrated that the nature of the proposed changes to the development approval will not:

- (a) *involve a new use; or*
- (b) *result in the application applying to a new parcel of land; or*
- (c) *dramatically change the built form in terms of scale, bulk and appearance; or*

- (d) *change the ability of the proposed development to operate as intended; or*
- (e) *remove a component that is integral to the operation of the development; or*
- (f) *significantly impact on traffic flow and the transport network, such as increasing traffic to the site; or*
- (g) *introduce new impacts or increase the severity of known impacts; or*
- (h) *remove an incentive or offset component that would have balanced a negative impact of the development; or*
- (i) *impact on infrastructure provisions.*

It is important to reiterate that no changes are proposed to the approved uses on the site with the minor change application intended to facilitate an improved site layout particularly with respect to car parking, access and servicing. The proposed changes do not result in any additional impacts and as such it is requested the minor change application be approved.

Should you have any questions regarding the above request, please do not hesitate to contact me on 0407 291 104

Yours faithfully,

**IPLAN TOWN PLANNING PTY LTD**



**Ben Battist**  
**DIRECTOR**