

**CITY DEVELOPMENT BRANCH****REPORT ON MINOR CHANGE TO DEVELOPMENT APPROVAL FOR RECONFIGURING A LOT (1 INTO 22 INDUSTRIAL LOTS, STORMWATER DETENTION LOT, NEW ROAD AND A BALANCE LOT), OPERATIONAL WORK (CHANGE TO GROUND LEVEL) AND OPERATIONAL WORK (VEGETATION CLEARING) AT 82 CHRISTENSEN ROAD SOUTH, STAPYLTON QLD 4207****DIVISION 1****MIN/2020/454****1 APPLICATION SUMMARY**

| <b>Application information</b>                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| <b>Minor change to development approval</b>                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Address</b>                                                                                                  | 60 Stapylton Jacobs Well Road, 82 Christensen Road South and 1 Yellowwood Road, STAPYLTON QLD 4207                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Lot and plan</b>                                                                                             | Lot 500 SP295994, Lot 501 SP295994, Lot 4 RP6843                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Site area</b>                                                                                                | 771,610m <sup>2</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Properly made date</b>                                                                                       | 28 August 2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Originating and current Planning Scheme including version, domain/zone/precinct and constraints/overlays</b> | <p><b>Originating planning scheme:</b><br/>Preliminary Approval – M38 Industrial Estate Place Code<br/><u>Zone:</u><br/>Low impact service industry &amp; General impact business &amp; industry (M38 Industrial Estate Place Code)</p> <p><u>Overlays:</u></p> <ul style="list-style-type: none"><li>• Good Quality Agricultural Land (OM02-1)</li><li>• Potential Bushfire Hazard Areas (OM10-1)</li><li>• Natural Wetland and Waterways Areas (OM11-1)</li><li>• Acid Sulphate Soil Hazards Areas (OM14-1)</li><li>• Natural Hazard (Flood) Management Areas (OM17-5)</li><li>• Conservation Strategy Plan (OM20-1)</li><li>• Scenic Tourist Routes (OM22-1)</li><li>• Extractive Resources (OM23-1)</li></ul> <p><b>Current planning scheme:</b><br/>City Plan Version 7</p> <p><u>Zone:</u><br/>Lot 500 - Low impact industry, Future low impact industry precinct and Medium impact industry, Future medium impact industry precinct<br/>Lot 501 - Medium impact industry, Future medium impact industry precinct<br/>Lot 4 – Open space</p> <p><u>Overlays:</u></p> <ul style="list-style-type: none"><li>• Acid sulfate soils overlay – Land at or below 5m AHD and 20m AHD</li><li>• Airport environs overlay – PANS-OPS contour</li><li>• Bushfire hazard</li><li>• Environmental significance overlay<ul style="list-style-type: none"><li>○ Priority species – State significant species, Koala habitat areas, Local significant species</li><li>○ Vegetation management – Regulated vegetation and vegetation management</li><li>○ Wetlands and waterways<ul style="list-style-type: none"><li>Lot 500 – Waterway 30m buffer &amp; Local significant wetlands 100m buffer</li><li>Lot 501 -</li><li>Lot 4 - State significant wetlands and aquatic systems, Local significant wetlands, Waterway 30m buffer area, Major waterway 60m buffer area, Local significant wetlands</li></ul></li></ul></li></ul> |

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|                                                               | <p>100m buffer area, State significant wetlands<br/>100m buffer area</p> <ul style="list-style-type: none"><li>• Extractive resources overlay – 100m transport route separation area</li><li>• Flood overlay</li><li>• Industry, community infrastructure and agriculture land interface area:<ul style="list-style-type: none"><li>○ Agriculture land interface area</li><li>○ Industry interface area</li><li>○ Community infrastructure interface area</li></ul></li><li>• Landslide hazard</li><li>• Minimum lot size – 4,000m<sup>2</sup> (only on southern portion of Lot 500)</li><li>• State controlled roads, rail corridor and transport noise corridors:<ul style="list-style-type: none"><li>○ Transport noise corridors</li><li>○ Property adjacent to State controlled road</li></ul></li><li>• Water catchments and dual reticulation:<ul style="list-style-type: none"><li>○ Woongoolba flood mitigation catchment area</li></ul></li></ul> |
| <b>Originating approved development</b>                       | 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)<br>(ROL/2018/79, OPW/2018/485 & OPW/2018/486)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Date of originating development approval</b>               | 27 November 2018 (Negotiated decision 01 March 2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Originating approval authority</b>                         | Council of the City of Gold Coast                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Level of assessment</b>                                    | Minor change                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Applicant and Applicant's consultancy team</b>             | Frasers Property Pty Ltd – Applicant<br>Gassman Development Perspectives – Planning consultant and Plans                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Land owner</b>                                             | Mrs Patricia Ann Hester and William Arthur Hester and Australand Industrial No. 89 Pty Limited                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Decision due date</b>                                      | 21 October 2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Referral agencies</b>                                      | State Development, Manufacturing, Infrastructure and Planning - Concurrence agency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Officer's recommendation</b>                               | Approval                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Reference of most recent change application</b>            | MIN/2019/761                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Date of most recent change application decision notice</b> | 04 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 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 and OPW/2018/486 –

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PN163781/23/DA2).

The extent of the proposed changes reflect a variety of functional changes dictated by the ongoing earthworks and delivery of the project. The extent of changes are listed below:

- Minor alterations to finished lot levels, including replacement of retaining walls with temporary batters until end users are confirmed;
- Approved road names added to plan;
- Relocation of Lot 120 pad mount transformer (PMT) site, being moved approximately five metres to the east;
- New PMT truncation to Lot 121;
- Truncation into Lot 900 provided along Stapylton Jacobs Well Road for electrical ring main unit;
- Revision of Lot 101 truncation at Stapylton Jacobs Well Road and Homestead Road intersection to ensure Department of Transport and Main Roads drainage infrastructure is wholly contained within the road reserve; and
- Removal of four metre wide services easement within Lot 122 as the change in lot levels allow the servicing of Lot 121 to occur directly off Homestead Drive.

Subsequently based on the changes above, relevant supporting plans and information have been updated, including:

- Amended Reconfiguring a Lot Plan; and
- Amended Bulk Earthworks Plans.

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

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| Approval Reference                      | Comment                                                                                                                             |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| MCU201100650<br>Dated: 6 May 2013       | Preliminary Approval for Making a Material Change of Use (Impact Assessment) to Override The Planning Scheme for Industry Uses      |
| MCU201601390<br>Dated: 1 November 2016  | Request to Change an Existing Approval (Extended 3 May 2023)                                                                        |
| MCU201701550<br>Dated: 23 November 2017 | Change Application approval including amended suite of development conditions for MCU201100650                                      |
| MCU201701550<br>Dated: 6 March 2018     | Submission to satisfy conditions of approval (Land use Classification and Staging Plan, and Generations Industrial Park Place Code) |
| MCU201800656<br>Dated: 27 November 2018 | Change application approval including amended suite of development conditions for MCU201100650                                      |
| OPW/201800486<br>27 November 2018       | Development approval for Operational Work – Tree Works                                                                              |
| OPW/201800485<br>27 November 2018       | Development approval for Operational Work – Change to Ground Level/Carparking                                                       |
| OPW/201801219<br>12 December 2018       | Development approval for Operational Work – Tree Works                                                                              |
| OPW/201801218<br>12 December 2018       | Development approval for Operational Work – Change to Ground Level/Carparking                                                       |
| ROL/2018/79<br>1 March 2019             | Development application approving Stage 1 ROL under the preliminary approval with supporting civil design and vegetation clearing.  |
| MIN/2019/27<br>20 February 2019         | Change application to the Preliminary Approval to amend staging and associated conditions.                                          |
| MIN/2019/761<br>4 June 2020             | Change application to Stage 1 of the industrial development to facilitate revised lot layout and amendment to staging boundary.     |

**4 PLANNING ASSESSMENT**

Reference is made to the relevant PA provisions (Attachment N<sup>o</sup>.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 <sup>o</sup> . | Applicant request                                                     | Officer discussion / recommendation               |
|-----------------------|-----------------------------------------------------------------------|---------------------------------------------------|
| <b>PART A</b>         |                                                                       |                                                   |
| 2                     | Approved drawings – The applicant requests to amend this condition to | The request to amend this condition is supported. |

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|               | reflect the updated ROL plans submitted (Date, drawing number and version).                                                                                                                       |                                                      |
| 8             | Land transfer – The applicant requests to amend this condition to reflect the updated ROL plans submitted (Date, drawing number and version).                                                     | The request to amend this condition is supported.    |
| 12A           | Landscaping works on private land – The applicant requests a new condition has been included to ensure a landscaping outcome is achieved due to the amended earthworks.                           | The request to include a new condition is supported. |
| 18(a)         | New roads / intersections – The applicant requests to amend this condition to reflect the updated ROL plans submitted (Date, drawing number and version).                                         | The request to amend this condition is supported.    |
| 19            | Footpaths – The applicant requests to amend this condition to reflect the updated ROL plans submitted (Date, drawing number and version).                                                         | The request to amend this condition is supported.    |
| 20            | Street lighting – The applicant requests to amend this condition to reflect the updated ROL plans submitted (Date, drawing number and version).                                                   | The request to amend this condition is supported.    |
| <b>PART B</b> |                                                                                                                                                                                                   |                                                      |
| 3             | Amended drawings – A new set of Bulk Earthworks Plans has been provided with the change. The applicant requests these plans be stamped and the condition be amended to reflect Approved drawings. | The request to amend this condition is supported.    |

As identified above, further discussion is warranted for Condition 12A as follows:

- Condition 12A is to read:

***Landscape works on private land (future development)***

*Any future development applications lodged pursuant to this development approval must include the following landscape buffers:*

- A landscape buffer with a minimum width of 1.5 metres and average width of 3 metres must be established within private land along the interface between the individual industrial lots and the new road. The landscape buffers must contain screening shrubs at 1 metre centres and 100L tree planting at 6 metre centres.*
- Frontage fencing must be visually open in nature (e.g. palisade or chain mesh).*

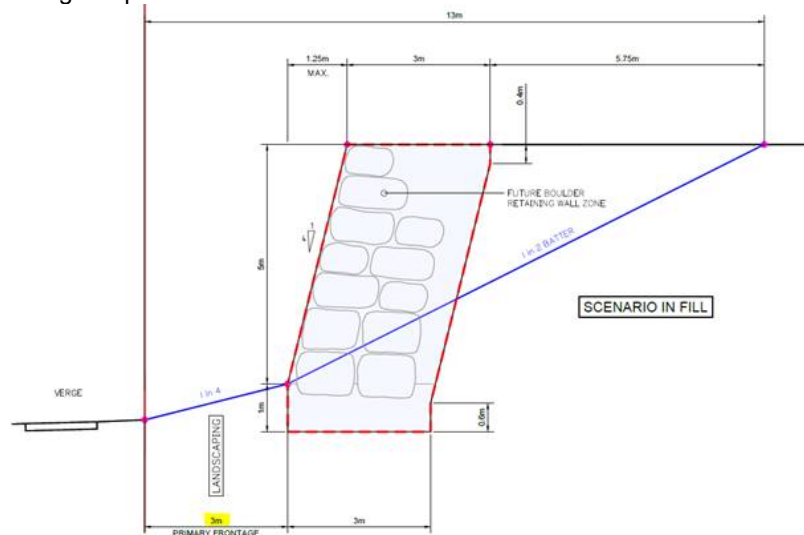
The applicant requests that this condition be included as a new condition.

**Applicant's representation**

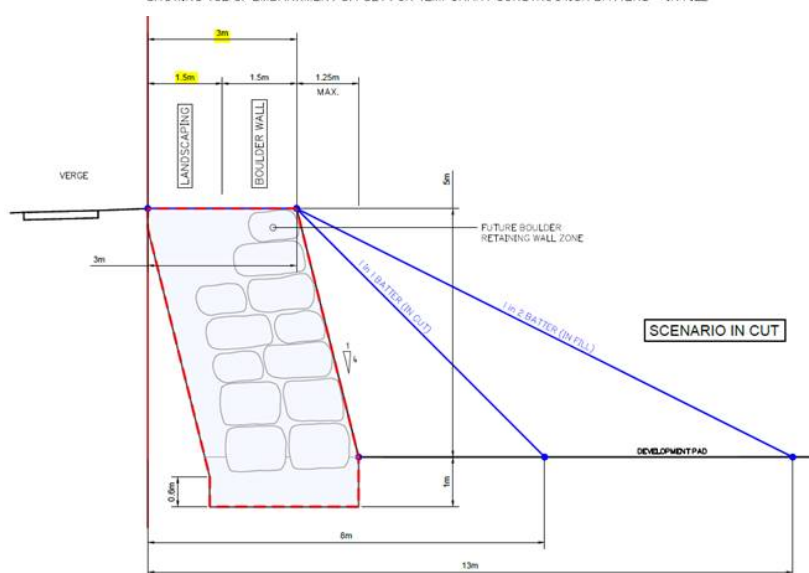
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The earthworks outcome proposed is that of batters only. From the road boundary, we proposed a 1:4 batter at 3 metres wide. This is immediately followed by temporary construction batters. If the temporary construction batter is within cut, it will be 1:1, or 1:2 if in fill. Sectional views of the outcomes proposed are shown below and in the attached plan originally submitted with the Minor Change request.



**TYPICAL SECTION OF:  
BOULDER RETAINING WALL (2.5m to 5.0m MAXIMUM HEIGHT)**  
SHOWING TOE OF EMBANKMENT OFFSET FOR TEMPORARY CONSTRUCTION BATTERS – IN FILL



**TYPICAL SECTION OF:  
BOULDER RETAINING WALL (2.5m to 5.0m MAXIMUM HEIGHT)**  
SHOWING TOE OF EMBANKMENT OFFSET FOR TEMPORARY CONSTRUCTION BATTERS – IN CUT

What this outcome seeks to address is a common problem within new industrial estates with a sloping profile, being the provision of retaining structures and landscaping at ROL stage, only to be removed once built upon. I'm sure you will understand this puts a significant cost burden upon the developer of the site, and future users. By providing temporary batters instead, the future users are unrestricted in design as far as building layout and access locations. When considering development of lots of this scale and the size, vehicular access and layout requirements of the end users, this flexibility is critical to ensure their needs are met. The proposed earthworks provide

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ample space for future landscaping buffers to be provided, regardless of the end user outcome. Council have historically conditioned such landscaping be delivered at a later stage during future development approvals, when the uses are applied for. Importantly, this two-step batter design approach ensures that the first batter zone proposed (and to be planted out at a later date) is compliant with Council's LDGs to ensure that an appropriate soft landscape outcome can be achieved. An example of such a previously approved condition is shown below:

**Landscaping works on private land – new road (*specific condition*)**

Any future development applications lodged pursuant to this development approval must include the following landscape buffers:

- a A landscape buffer with a minimum width of 1.5 metres and average width of 3 metres must be established within private land along the interface between the individual industrial lots and the proposed new road. The landscape buffers must contain screening shrubs at 1 metre centres and 100L tree planting at 6 metre centres.
- b Frontage fencing must be visually open in nature (e.g. palisade or chain mesh).

Regardless of the final development outcomes, the above condition will ensure appropriate landscaping is provided. Further, we can confirm all batters will be appropriately treated and designed to relevant engineering and geotechnical standards. The existing conditions package for the ROL already requires this through the Erosion and Sediment Control Plan (condition 32).

**Officer's comment**

It is considered that the above condition be included to ensure a landscape outcome is achieved within the lot frontages once future users confirm the desired building and access layouts.

**5 CONCLUSION**

This report assessed a request for a minor change for the combined development permit (negotiated decision) dated 01 March 2019 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.

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 of the City Development Branch approves the Minor change application for the development permit dated 27 November 2018 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), in accordance with the Attachment entitled: Decision Notice – change application approval – MIN/2020/454 – 60 Stapylton Jacobs Well road, 82 Christensen Road and 31 Yellowwood Road, Stapylton.**

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*Author:*

Thalia Allsop

Senior Planner

22 October 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.

**Definition of minor change under Schedule 2 of the PA:****(b) for a development approval:**

| Minor change for a development approval                                                                                                                                                                                                                                       | Officers comment                                                                                                                                                                                                                                                                                                         |
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| would not result in substantially different development; and                                                                                                                                                                                                                  | The proposal does not result in substantially different development, as indicated in Table 5 below.<br><br>It is the same land use, within the same development footprint and site area for the same amount of industrial lots.<br><br>As such, the proposal is seen as generally consistent with the original approval. |
| if a development application for the development, including the change, were made when the change application is made would not cause—<br>(A) the inclusion of prohibited development in the application; or                                                                  | The proposed change would not result in 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                                                                                                                                  | There were referral agencies triggered for the original development application.                                                                                                                                                                                                                                         |
| (C) referral to extra referral agencies, other than to a chief executive; or                                                                                                                                                                                                  | No extra referral agencies will be triggered for referral.                                                                                                                                                                                                                                                               |
| (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 | No additional assessment matters are required to be assessed by a referral agency.                                                                                                                                                                                                                                       |
| (E) public notification if public notification was not required for the development application.                                                                                                                                                                              | Public notification was not required for the original development application, nor will it be required because of the change.                                                                                                                                                                                            |

**Schedule 1 of the Development Assessment Rules, Part 4:**

| Substantially different development consideration | Officers comments |
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| involves a new use; or                                                                                                                                                                       | Proposal does not involve a new use or additional impacts above what was originally approved.                                                                                                                |
| results in the application applying to a new parcel of land; or                                                                                                                              | The proposal is over the same parcels of land.                                                                                                                                                               |
| dramatically changes the built form in terms of scale, bulk and appearance; or                                                                                                               | The proposal does not involve a dramatic change in built form in terms of scale, bulk and appearance.                                                                                                        |
| changes the ability of the proposal 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 proposal does not change the ability of the land use to function or operate.                                                                                                                             |
| removes a component that is integral to the operation of the development; or                                                                                                                 | The proposal does not remove any integral component to the proposed development or operation of the development.                                                                                             |
| significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or                                                                                  | The proposal will not increase the amount of lots, nor developable industrial area. All traffic impacts are consistent with those already modelled and approved under the overarching preliminary approvals. |
| introduces new impacts or increase the severity of known impacts; or                                                                                                                         | The extent of the change will not introduce any new impacts, nor increase the severity of any known impacts.                                                                                                 |
| removes an incentive or offset component that would have balanced the negative impact of the development; or                                                                                 | The proposal does not remove any incentive or offset component in relation to the proposed development.                                                                                                      |
| impacts on infrastructure provisions.                                                                                                                                                        | The proposal does not involve a change that would impact on the provision of planned infrastructure.                                                                                                         |

Section 81 of the PA applies to assessing and deciding 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) *When 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 78(3)(ba) or (bb), 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*
  - (e) *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*
  - (f) *Another matter that the responsible entity considers relevant.*
- (2) *For subsection (2)(d) and (da), the responsible entity –*
  - (a) *must assess against, or have regard to, the matters that applied with the development application was made; and*
  - (b) *May assess against, or have regard to, the matter that applied when the change application was made.*

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- (3) *After assessing the change applications, the responsible entity must decide to—*
- (a) *make the change, with or without imposing development conditions, or amending development conditions, relating to the change; or*
  - (b) *refuse to make the change.*