

19 July 2023

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, Burnside Developments Pty Ltd & Yellowstone Investments 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.

A subsequent minor change approval was granted by Council on 5 February 2021 under Council file reference MIN/2020/484.

As shown in the aerial image below, all works under the approved subdivision have been completed with monthly maintenance undertaken on the stormwater basin and open space area since their completion. In addition, all infrastructure charges have been paid.



Figure 1: Aerial imagery of developed industrial estate including the new road identified as Proximity Place

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 proposed staging of the development as follows:

Development Summary		
Stage	Lot Number	Area
1	100	5.7943ha
2	10-17	7.699ha
3	1-9	11.708ha

The first stage allows for the dedication of the open space and stormwater detention basin with the second stage involving approved Lots 10-17. The civil works associated with the creation of Lots 10-17 have been accepted off maintenance by Council with several material change of use approvals already granted including on approved Lot 11. The final stage involves approved lots 1-9 which contains existing industrial premises with the majority of these tenancies established prior to the original subdivision approval being granted by Council.

The minor change application is intended to provide for the dedication of the open space and stormwater detention basin as well as separation of the new vacant lots from the existing industrial tenancies. The staging of Lots 1 to 17 is consistent with the original development granted by Council.

It is important to note that the proposed staging accords with the relevant assessment benchmarks of the applicable Codes.

CATEGORIES OF ASSESSMENT AND ASSESSMENT BENCHMARKS

The original application (lodged and decided under the *Planning Act 2016*) 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 merely involves the staging of the approved development with all civil works associated with the development having been completed with the on-maintenance period already finished.

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 – Staging Plan	AJS Survey	19 May 2023	S0204-STG-A	A

In addition to the above amendment to the conditions, 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; or*
- (j) *change the ability of the proposed development to operate as intended; or*
- (k) *remove a component that is integral to the operation of the development; or*
- (l) *significantly impact on traffic flow and the transport network, such as increasing traffic to the site; or*
- (m) *introduce new impacts or increase the severity of known impacts; or*
- (n) *remove an incentive or offset component that would have balanced a negative impact of the development; or*
- (o) *impact on infrastructure provisions.*

It is important to reiterate that no changes are proposed to the approved lot layout with the minor change application limited to the proposed staging of the development which allows for the dedication of the open space and stormwater detention basin as well as separation of the new vacant industrial lots from the existing industrial tenancies. This is consistent with the original development approval granted by Council. 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