

CHANGE APPLICATION (MINOR CHANGE)

PROPOSAL: Amendment to building envelope and boundary realignment

SITE ADDRESS: 17 Courtney Drive, Upper Coomera - Lot 182 on RP156422

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DOCUMENT CONTROL

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1. EXECUTIVE SUMMARY

Elevate Development Solutions Pty Ltd have been engaged by the Applicant, Mo Chen and Ying Yuan, to pursue a Change Application (Minor) pursuant to section 78 of the Planning Act 2016 further to a Council approval for Reconfiguring a lot for a one (1) into two (2) lot freehold subdivision at 17 Courtney Drive, Upper Coomera also described as Lot 182 on RP156422.

According to online Council records, the most recent Development Approval was granted under the Manager of Implementation and Assessment dated 18 April 2023, to approve the issue of a development approval for Reconfiguring a lot for a one (1) into two (2) lot freehold subdivision (Council Reference: ROL/2023/1). A copy of the Decision Notice and stamped approved plans are provided within attachments.

The minor changes requested:

- Boundary realignment and an amended building envelope.
- The access to proposed lot 2 is where the previous access point was for proposed lot 1.
- New access is provided for Lot 1.
- The amended building envelope is offset from the front boundary 6m and side boundary 3m and located outside the landslide hazard overlay mapping.
- The amendments retain the 10m wide vegetation clearing buffer and no longer have any clearing within the koala habitat area.
- The amended plan also incorporates the proposed land resumption areas as per drawing 27144.P306 and existing Condition 5.

The **minor changes** sought are to the following conditions:

- **Condition 2 & 7** - Amend the approved plan to reflect the new lot sizes and configuration.

Our assessment concludes that the proposed changes sought are a 'minor change', as defined by the PA and having regard to the 'substantially different development' considerations set out at Schedule 1 of the DAR, with the findings set out within this application, including the accompanying revised plans concluding that the proposed change warrants approval by the Council.

Based on the findings of this report, and after careful consideration, we have formed the view that the amendments:

- Maintain all the desirable attributes of the "approved" development.
- Does not result in a "substantially different development".
- Does not generate any new or additional "adverse" or "significant" impacts to adjoining residents or the surrounding area.
- The changes are not "dramatic" in terms of scale, bulk, and appearance.
- Is a "Minor Change".

As such, it recommended the minor changes sought be supported and approved by Council.



2. HISTORY

Approval Date	Application	Details
18 April 2023	ROL/2023/1	Development Permit for a Reconfiguring a lot for a one (1) into two (2) lot freehold subdivision.

3. SITE DETAILS

SITE ADDRESS	17 Courtney Drive, Upper Coomera
REAL PROPERTY DESCRIPTION	Lot 182 on RP156422
SITE AREA	33,410m ²
EASEMENTS	N/A
LANDOWNER	Mo Chen and Ying Yuan
APPLICANT	Mo Chen and Ying Yuan C/- Elevate Development Solutions Pty Ltd.
LOCAL GOVERNMENT	City of Gold Coast
APPLICABLE PLANNING SCHEME	City Plan (version 10)
CITY PLAN ZONE	Emerging Communities – Upper Coomera Precinct
REFERRAL AGENCIES	N/A
SEQ REGIONAL PLAN DESIGNATION	Urban Footprint

3.1. Development Application Details

DESCRIPTION OF PROPOSAL	Minor Change to Development permit for a Reconfiguring a lot for a one (1) into two (2) lot freehold subdivision.
APPLICANT	Mo Chen and Ying Yuan C/: Elevate Development Solutions Pty Ltd
CONTACT	Scott Barrett - Director 0413 742 555 scott@elevateds.com.au



The subject site is located 17 Courtney Drive, Upper Coomera also described as Lot 182 on RP156422. The site falls within the Emerging Community Zone, Upper Coomera Precinct of the City of Gold Coast City Plan (Version 10). The site was previously classified as Rural Residential when the ROL application was approved under version 9 of the City Plan.

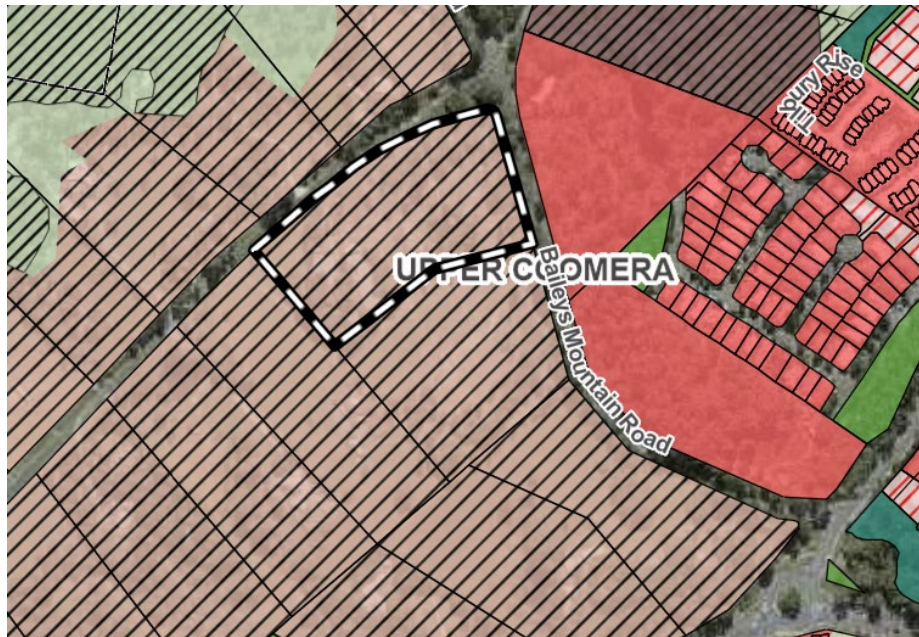


Figure 1: City Plan Interactive Mapping (GCCC)

3.1.1. Existing Development

- Legally described as Lot 182 on RP156422
- Currently improved by a single level Dwelling house.
- Located on a corner block fronting Courtney Drive and Baileys Mountain Road.
- Not encumbered by any easements or encumbrances.

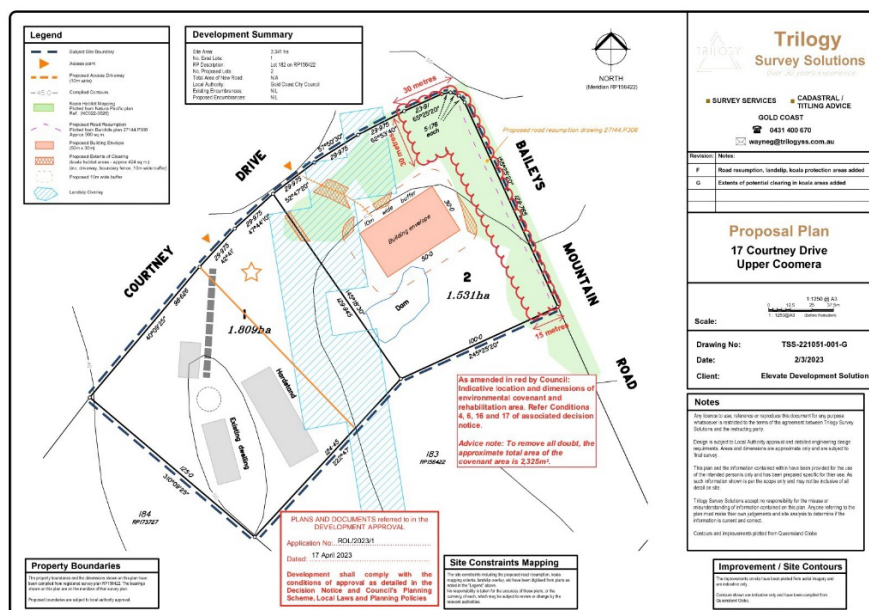


Figure 2: Approved ROL Plan



3.1.2. Surrounding Development

The immediate surrounding environment is characterized by large rural residential land uses located within the Emerging Communities Zone, with dwelling houses, dual occupancies and multiple dwellings to the east and south within the Medium Density Residential Zone. The site is also within close proximity to the Pacific Motorway, Upper Coomera State College, Upper Coomera Centre, as well as a variety of shops and commercial uses.

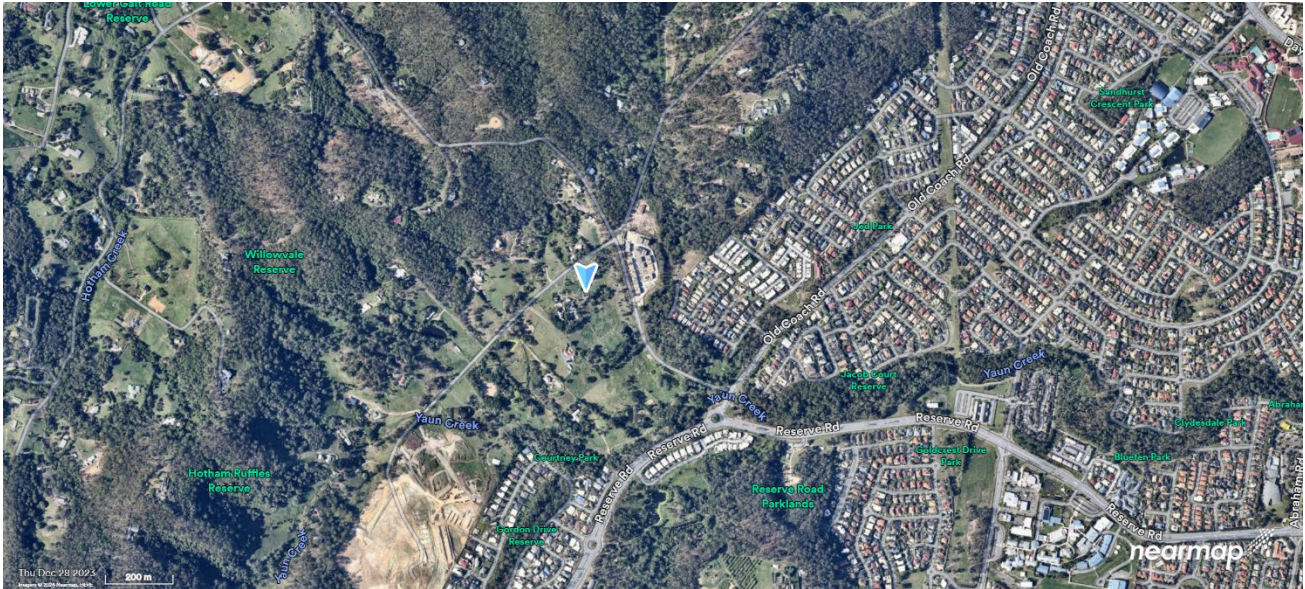


Figure 3: Site aerial (source: Near map)

4. PROPOSAL

A summary of the changes is outlined below:

- Boundary realignment and amended building envelope.
- The access to proposed lot 2 is where the previous access point was for proposed lot 1.
- New access is provided for Lot 1.
- The amended building envelope is offset from the front boundary 6m and side boundary 3m and located outside the landslide hazard overlay mapping.
- The amendments retain the 10m wide vegetation clearing buffer and no longer have any clearing within the koala habitat area.
- The amended plan also incorporates the proposed land resumption areas as per drawing 27144.P306 and existing Condition 5.
- The approved lot size for Lots 1 & 2 are 1.809ha (18,090m²) and 1.531ha (15,310m²) respectively. The new proposed lot sizes are 2.069ha for Lot 2 and 1.217ha for Lot 1.



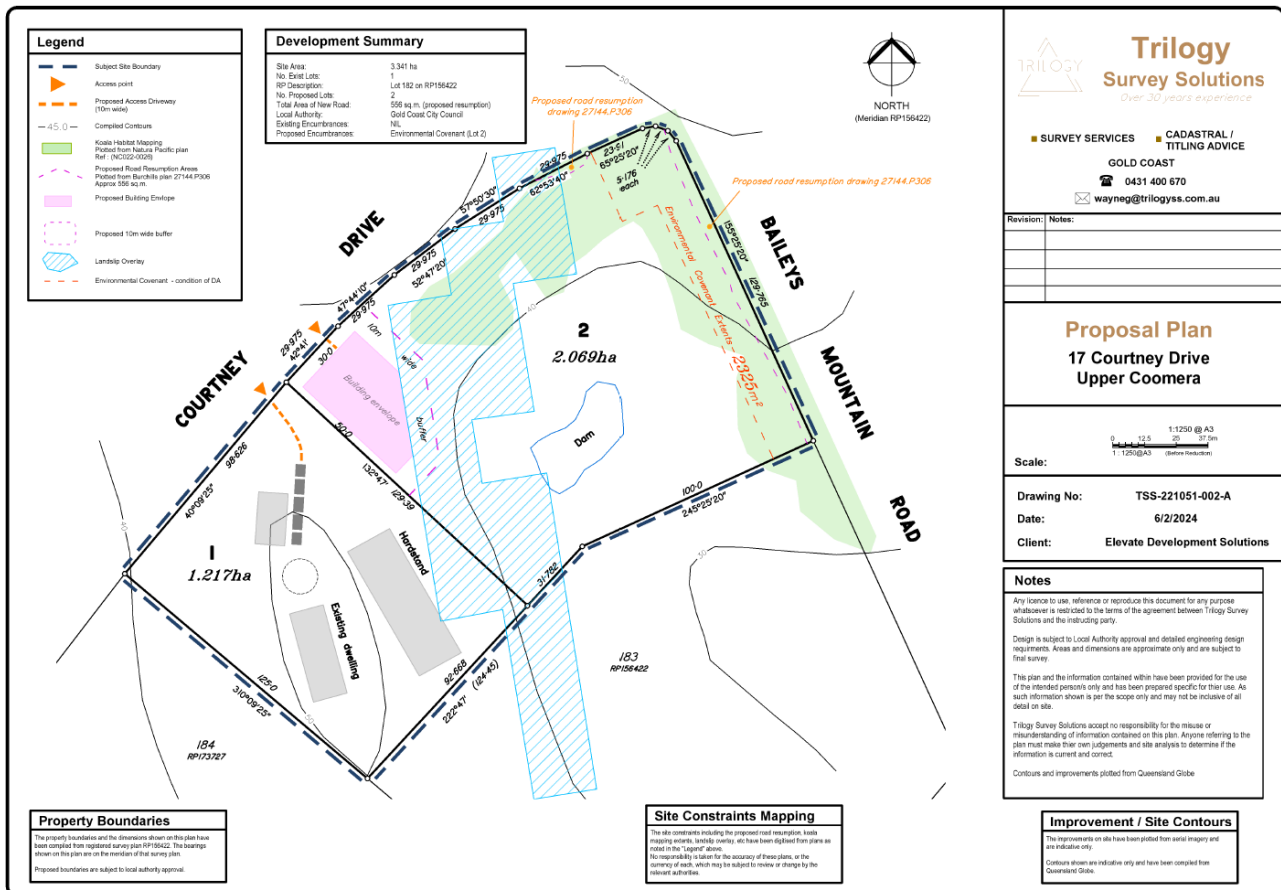


Figure 4: Proposed ROL Plan

Consequently, amendments are sought to **Conditions 2 & 7** to amend the approved plan to reflect the new lot sizes and configuration.

5. REVIEW OF CONDITIONS AND OUTLINE OF PROPOSED CHANGES AND ASSESSMENT

EDS has undertaken a review of the Conditions of Approval of the Decision Notice dated **18 April 2023**.

The application seeks to amend the approved plan to allow for an increase in area on Lot 2 allowing for greater development potential. In the most recent update to the City Plan (version 10), the site was rezoned from Rural Residential to Emerging Community – Upper Coomera Precinct. It is clearly envisioned by Gold Coast City Council that an increase in density is sought within the area. By amending the lot sizes to increase the area of Lot 2, it allows for significantly greater development potential on the site, whilst ensuring that the existing environmental covenant and koala habitat on site is protected. It is therefore considered that the changes to lot configuration is acceptable for the proposed development.

Having regard to the amendments still being well above the minimum and average lot sizes and extent of variation of key development parameters approved, it is concluded that the proposed amendments are minor and do not result in substantially different development.

Therefore, it is concluded that the above changes warrant the favorable consideration of Council.

6. PLANNING ACT 2016

The proposed changes to the development application are consistent with the requirements for a Minor Change Application under the *Planning Act 2016*. The key consideration as to whether the proposal can be dealt with as Minor

Change is the test as to whether the changed proposal is 'substantially the same'. This section addresses the Planning Act 2016 requirements that relate to changing development approvals.

Section 81 of the PA sets out what the Council, in their role as the Responsible Entity, needs to consider during the assessment and to decide a Minor Change to a Development Approval.

Schedule No.2- defines a 'Minor Change' for a development approval as:

"Minor change means a change that—

(b) for a development approval—

(i) would not result in 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"

From a review of the relevant criteria, it is evident the change is consistent with the test for a minor change. Furthermore, the following assessment in accordance with Schedule 1(4) of the Development Assessment

Rules made under the Planning Act 2016, section 68(1), confirms the proposed change is a minor change in that it does not result in a substantially different development as required by (b)(i).

As demonstrated above, the Change Application meets all the prescribed requirements for a Minor Change and accordingly section 81 applies.

Other assessment aspects under Schedule 2 of Planning Act 2016

- 1(b)(ii)(A) – The proposed change does not cause the development to include any prohibited development.
- 1(b)(ii)(B) – The original application did not require a referral to a referral agency.
- 1(b)(ii)(C) – The proposal does not require referral to any new referral agencies.
- 1(b)(ii)(D) – This is not relevant to the proposal.
- 1(b)(ii)(E) – The original application did not require public notification.

7. SUBSTANTIALLY DIFFERENT DEVELOPMENT TEST

The below table identifies all the components of the substantially different development and provides comment where necessary.



DA Rules Schedule 1 Table

Substantially Different Development Test	Assessment of Proposal
A change may result in a substantially different development if the proposed change:	
Involves a new use	No new uses are proposed.
Results in the application to a new parcel of land	No new parcels of land have been included in the development application.
Dramatically changes the built form in terms of scale, bulk and appearance	The approved development is for a subdivision, and there are no proposed changes to the existing built form.
Changes the ability of the proposal to operate as intended	The proposal will be able to operate as intended.
Removes a component that is integral to the operation of the development	The proposal retains all integral components to the operation of the development.
Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site	The proposed changes will not significantly impact on traffic flow and the transport network.
Introduces new impacts or increases the severity of known impacts	The proposal does not introduce any new impacts or increase the severity of known impacts.
Removes an incentive or offset component that would have balanced a negative impact of the development; or	The change does not remove an incentive or offset component that would have balanced a negative impact of the development.
Impacts on infrastructure provision.	The amendments will result in no increase to infrastructure demand of the development.

8. CONCLUSION

This is a Development Application ('Development Application') which seeks City of Gold Coast (the 'Council') for a Minor Change for a Reconfiguring a lot for a one (1) into two (2) lot freehold subdivision at 17 Courtney Drive, Upper Coomera also described as Lot 182 on RP156422.

This development application and supporting information confirms that the proposed changes are acceptable when considering all aspects of development.

Our assessment finds that the proposal is in keeping with the intent of the City Plan and responds positively to the relevant assessment criteria. The assessment, set out within this report, also finds that this Reconfiguration of Lot is consistent with the statutory requirements of the *Planning Act 2016* and the associated *Planning Regulation 2017*, and Development Assessment Rules.

Based on the information provided, it is our opinion that the proposed development represents a highly appropriate and desirable outcome for the subject site and for these reasons, warrants the approval of Council subject to reasonable and relevant conditions.

As such, it recommended the changes sought be supported and approved by Council.

