

1 APPLICATION SUMMARY

Application information	
Minor change to development approval	
Address	28 Eastridge Street, STAPYLTON QLD 4207
Lot and plan	Lot 117 SP316137
Site area	4,094m ²
Properly made date	1 May 2024
City Plan version	Not applicable
Preliminary approval	M38 Industrial Place Code
Proposed development	Minor change to Development permit for a Material change of use to establish a Warehouse (MCU/2022/525)
Originating approved development	Development permit for a Material change of use to establish a Warehouse (MCU/2022/525)
Date of originating development approval	28 March 2023
Originating approval authority	Delegated authority
Applicant and Applicant's consultancy team	Eastridge 117 Pty Ltd – Applicant Gassman Development Perspectives – Planner Two Clicks Design – Drawings
Owner details	Eastridge 117 Pty Ltd
Referral agencies	Not applicable
Decision due date	30 May 2024
Officer's recommendation	Approval, subject to conditions

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* for an approved Material change of use for Warehouse at 28 Eastridge Street, Staplyton.

This change application seeks to amend the existing Warehouse approval by converting the single Warehouse into three separate Warehouse tenancies on a vacant lot within the Vantage Industrial Estate. The Vantage Industrial Estate was created subsequent to a Preliminary approval to override the Planning scheme for Industry uses. The Preliminary approval included variations to the Gold Coast Planning Scheme 2003 version 1.2, overriding the Yatala Enterprise Area Place Code through the M38 Industrial Place Code.

The M38 Industrial Place Code is the overarching categorising instrument for the overall Vantage Industrial Estate. The M38 Industrial Place Code section 2.1.5 identifies that land use definitions are to be found within Part 4, Division 1, Chapters 1-3 of the Gold Coast City Planning Scheme 2003, as

amended. The Our Living City Gold Coast Planning Scheme 2003 Version 1.2 (Amended November 2011) defines the proposed Warehouse use as follows:

'A building or enclosed land used to store and display goods, merchandise and materials and to sell these only by wholesale. This term does not include a Shop, Showroom, Salvage Yard or Toxic or Dangerous Goods Store.'

Table A of the Yatala Enterprise Area Local Area Plan Table of Development (As Modified) – Material Change of Use identifies Warehouse development within Precinct B (General Impact Business and Industry) as Self Assessable. As the proposed development does not comply with all of the Self-Assessable benchmarks within the M38 Industrial Place Code, the development is elevated to Code Assessment.

The development key details of the proposal are outlined in the table below:

	Approved	Proposed
Tenancies	1	3
Height	9.5 metres	No change
Site cover	70%	No change
Car parking	34 spaces including 1 PWD space.	34 spaces including 1 PWD
Gross floor area	2,855m ²	2,824.78m ²
Servicing	The development provides one (1) internal loading bay for Heavy Rigid (HRV).	The development provides three (3) internal loading bays for Heavy Rigid (HRV).

The following drawings identify the proposed development.

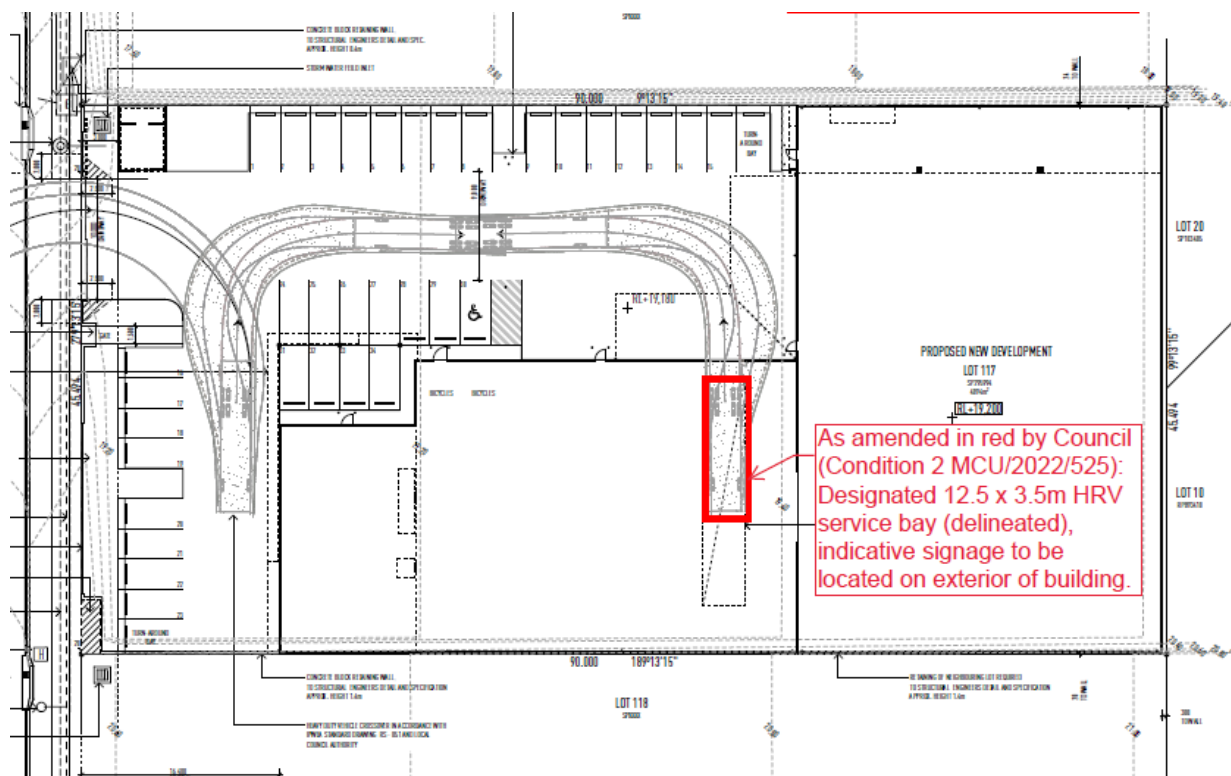


Figure 1: Approved Warehouse layout (Source: Two Clicks Design)

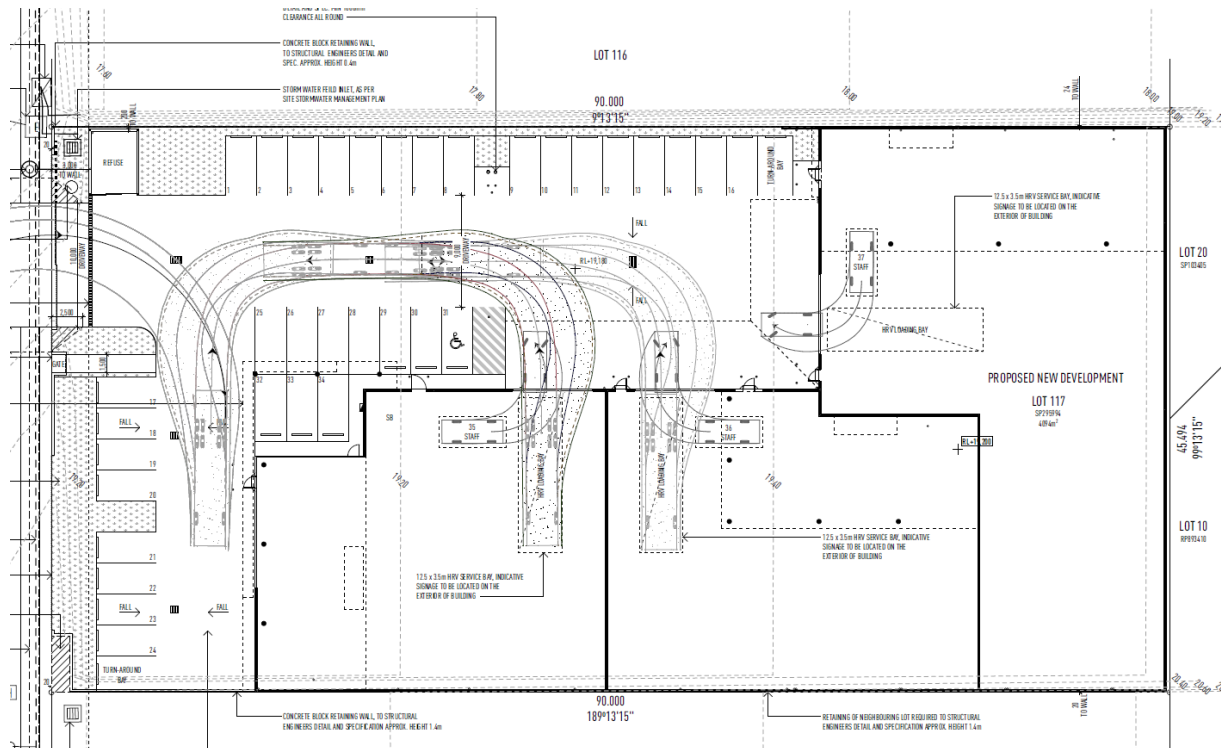


Figure 2: Proposed Warehouse layout (Source: Two Clicks Design)



Figure 3: Proposed Warehouse (Source: Two Clicks Design)

3 PLANNING ASSESSMENT

Reference is made to Attachment No.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.

3.1 Summary of approved development and request

The applicant seeks changes to the development conditions as follows:

Cond No.	Applicant request	Officer discussion / recommendation
2	Approved drawings – Applicant requests this condition be amended to reflect updated drawings.	The façade of the building will remain largely unchanged, and the development maintains all servicing points (i.e., Bin storage location within the south-west corner of the site), and no changes are proposed to the approved landscaping design. Based on this, the request to amend this condition is supported.
3	Scope of Approval – Ancillary office – The applicant requests this condition be amended to remove reference to double storey ancillary office and single tenancy.	The request to amend this condition is supported.
12	Off street vehicle and car parking facilities –The applicant requests this condition be amended to reflect updated parking supply.	The request to amend this condition is not supported. This is discussed further in Section 3.2 below.
14	Loading areas – The applicant requests this condition be amended to reflect the three tenancies proposed.	The request to amend this condition is supported.
18	Driveways and vehicle crossings – The applicant requests this condition be amended to reflect amended drawings.	The request to amend this condition is supported.

Officers recommend the inclusion of the following new condition:

24.1	Sub-metering Provide individual sub-metering for each lot / unit including common property generally in accordance with the Metering Technical Specifications and the Water and Sewerage Connections Policy.
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3.2 Further discussion

As identified above, further discussion is warranted for Condition(s) 37 as follows:

Condition 37 currently reads:

Off street vehicle and car parking facilities	
a	Design and construct off street vehicle facilities at no cost to Council prior to the commencement of the use, generally in accordance with the M38 Industrial Estate Place Code and include in particular: - i A total of 34 car parking spaces. - ii All spaces are drained, sealed and line marked. - iii Clearly identified signage and directional markings including: – Signage within the site directing entering motorists to visitor parking locations. – Delineation of parking spaces for people with disabilities. – Signage and line marking indicating ‘visitor parking’ and ‘staff parking’ for visitor and staff spaces.
b	Undertake and maintain the off street vehicle and parking facilities at no cost to Council at all

- times.
- c The off-street parking facilities must only be used for vehicle parking.

The applicant requests that this condition be amended.

Applicant’s representation

“As a result of the proposed changes, the development is required to provide a total of 38 parking spaces. The development provides 37 parking spaces, which is marginally below this requirement. The existing carparking layout will remain largely unchanged but will be altered slightly to fit the additional parking spaces. 34 parking spaces will be located externally, with three parking spaces located inside each tenancy (one per tenancy - reserved for staff). In addition, bicycle parking is provided within each tenancy at a rate of eight bicycle parking spaces per tenancy.

The reduced parking supply is considered appropriate given it is only marginally less than what would normally be required (a shortfall of only one parking space). The remaining parking bays are considered acceptable to cater to the demand of the proposed warehouse tenancies.”

Officer’s comment

The applicant has proposed a total of 37 off street car parking spaces. It is noted that 3 of these spaces are collocated within the tenancies.

Officers are not supportive of the proposed car parks located within the tenancies. It is considered that these parks will not be utilised in actuality and would result in confusion for future tenants if there were accepted.

Amendments in red have been included on the approved drawings which stipulates spaces 35, 36, and 37 are not endorsed as formal off-street car parking spaces and are to be included in all GFA calculations.

Acceptable solution AS8.1.2 of the M38 Industrial estate place code takes its car parking rate from Constrain code 4 – Car parking, access and transport integration (version 1.1). Therefore, car parking is prescribed at the following rate:

- 2 spaces per tenancy plus one (1) space per 50m² of GFA up to 500m² plus one (1) space per 100m² of GFA over 500m².

This equates to a total rate of 38 off street car parks spaces required for the proposed development. On the basis that the internal carparking spaces are not endorsed as formal off-street parking spaces, the development provides 34 spaces, which is a 4 space deficit.

As the original development provided compliant parking, it is considered that assessment against Performance criteria 8 of the M38 Industrial Estate Place Code is necessary.

Vehicle access - M38 Industrial Estate Place Code

The Acceptable solution and corresponding Performance criteria is provided below:

Performance criteria	Acceptable solution
PC8 On-site vehicle parking is provided to meet expected demand, having regard to:	AS8.1.2 The number of car parking spaces provided onsite is generally in accordance with Table to Acceptable

a) The size of the proposed workforce; b) The likely number of visitors to the site; c) The likely size and number of service and transport vehicles to be on the site at any one time; d) On-site parking and loading/unloading activities within sites; e) The availability of conveniently located on-street parking; f) Any possible future expansion, redevelopment or change of use.	Solutions AS8.1.2.
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Operational characteristics are not yet known, so in the absence of specific staffing/visitor information, so, in accordance with Performance criteria PC8n assessment is provided against provisions C, D, E and F below:

c) The likely size and number of service and transport vehicles to be on the site at any one time;

The development provides for a Heavy Rigid Vehicle (HRV) loading bay within each tenancy. The underlying approval allowed for HRV servicing in lieu of Articulated Vehicle (AV) servicing due to the size and shape of the site, which does not allow for full-on-site manoeuvring for an AV (noting that allowance for restricted manoeuvring for AVs will be maintained in accordance with the original approval). This arrangement will be maintained as a result of the proposed minor change and is considered consistent with the nature of the use, being a Warehouse. Swept paths for HRV manoeuvring are shown on the amended proposal plans. The proposed on-site vehicle parking arrangement is considerate of the servicing requirements.

d) On-site parking and loading/unloading activities within sites;

The proposed car parking arrangement will not impact on the ability for the development to undertake all loading/unloading activities within the site.

e) The availability of conveniently located on- street parking;

The subject site is located within the Vantage Industrial Estate and has a 45m frontage to Eastridge Street. In the instance that parking demand cannot be accommodated on site, there is sufficient and conveniently located on street parking availability.

f) Any possible future expansion, redevelopment or change of use.

The development only presents a 4 space shortfall. It is considered unlikely that there will be any future expansion of the proposed use, and any redevelopment or change of use would be subject to re-assessment by Council by virtue of non-compliance with the self-Assessable benchmarks within the M38 Industrial Place Code (i.e., parking).

Based on the above, it is considered that the proposed parking arrangement is compliant with Performance criteria PC8. There is no need to amend Condition 37 as accepted parking supply is the same as previously approved and conditioned (34 spaces).

4 CONCLUSION

This report assessed a request for a minor change to a Development permit for a Material change of use for Warehouse at 28 Eastridge Street, Stapylton.

The assessment of this request determined the proposed changes are acceptable and recommended for approval.

5 RECOMMENDATION

It is recommended that Council resolves as follows:

That under Delegated Authority the Manager Planning Assessment of the City Development approves the Minor change application for the development permit for a Material change of use for Warehouse at 28 Eastridge Street, Stapylton, in accordance with Attachment entitled: Decision notice – approval.

Author:

Kyra Reid

Planner

June 2024

Authorised by:

Adam Brown

A/Manager Planning Assessment

Attachment No. 1 – Assessment criteria for minor change to development approval

Review of the proposed change to the development approval has been undertaken against the:

- Definition of minor change contained within Schedule 2 of the *Planning Act 2016*.
- Schedule 1 of the Development Assessment Rules that identifies criteria for determining if a change would result in a substantially different development; and
- Section 81 of the *Planning Act 2016* that applies to assessing and deciding an application for minor change to a development approval.

Definition of minor change under Schedule 2 of the *Planning Act 2016*:

(b) for a development approval:

Minor change for a development approval	Officer comment
(i) would not result in substantially different development; and	Complies - See response to Schedule 1 of the DA Rules 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	Complies - The proposal remains for industrial purposes, as such the proposal does not introduce 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	Not applicable. No part of the application requires referral.
(C) referral to extra referral agencies, other than to the chief executive; or	Not applicable. No part of the application requires referral.
(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	Not applicable. No part of the application requires referral.
(E) public notification if public notification was not required for the development application.	Not applicable.

Development Assessment Rules - Schedule 1: Substantially different development

Substantially different development consideration	Officer comments
A change may be considered to result in a substantially different development if the proposed change:	
(a) involves a new use; or	Complies - The proposal does not introduce a new use.
(b) results in the application applying to a new parcel of land; or	Complies – The proposal remains on the same parcel of land.

(c) dramatically changes the built form in terms of scale, bulk and appearance; or	Complies – The proposal does not include changes to built form.
(d) changes the ability of the proposed development to operate as intended; or	The proposal does not change the ability for the approved development to operate as intended.
(e) removes a component that is integral to the operation of the development; or	The proposal does not remove any components that are 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	The proposal will not significantly impact on traffic flow.
(g) introduces new impacts or increase the severity of known impacts; or	The proposal does not introduce new impacts that weren't already assessed in the original application.
(h) removes an incentive or offset component that would have balanced a negative impact of the development; or	The proposal does not remove any incentive or offset component that balanced negative impacts of the approved development.
(i) impacts on infrastructure provisions.	Council's asset custodians for Water and Waste have reviewed this application and are satisfied that any potential impact on existing infrastructure can be reasonable avoided through the addition of new condition 3A (as discussed above).

Section 81 of the *Planning Act 2016* 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.

Section 81 – Assessing change applications for minor changes	Officer comments
(1) In assessing the change application, the responsible entity must consider –	
(a) the information the applicant included with the application; and	The information submitted has been considered as part of the assessment of the minor change application.
(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	No submissions were received to the original application.
(c) any pre-request response notice or response notice given in relation to the change application; and	Not applicable
(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	Not applicable

(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	The original application was assessed against the M38 Industrial Place Code. This provision is requesting the responsible entity to assess the minor change component as if it was part of the original development application.
(e) another matter that the responsible entity considers relevant.	Officers have reconsidered the proposal against the M38 Industrial Place Code and the City Plan (Version 11) and revealed the proposed minor changes would still meet the intent of the relevant applicable codes.

Section 81 – Assessing change applications for minor changes	Officer comments
(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.	Noted
Section 81 – Assessing change applications for minor changes	Officer comments
(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.	Noted and considered.
Section 81 – Assessing change applications for minor changes	Officer comments
(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	Noted.
(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	Noted.
(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	Noted.

have been required to consider if the instrument had been in effect when the development application for the development approval was properly made.	
Section 81 – Assessing change applications for minor changes	Officer comments
Section 81A of the <i>Planning Act 2016</i> 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.	Noted and actioned.