1 APPLICATION SUMMARY

Application information	
Address	10 Homestead Drive, STAPYLTON QLD 4207
Lot and plan	Lot 122 SP329476
Site area	20,900m^2
Approved development	**COM/2023/162 –** Combined development permit for Material change of use and Operational works for Warehouse and Change to ground level.
Proposed development	**OTH/2024/20 –** Change (other) to a combined development permit for Material change of use and Operational works for Warehouse, Industry (Low Impact) and Change to ground level.
Categories of development and assessment	Code assessment
Properly made date	29 April 2024
Decision due date	5 September 2024
Applicant and Applicant's consultancy team	FPI Queensland Pty Ltd – **Applicant** Gassman Development Perspectives – **Town Planning / Engineering** Frasers Property **– Drawings**
Owner details	Australand Industrial No. 89 Pty Limited
Preliminary approval - Zone / Precinct	M38 Industrial Place Code
Overlays	Not applicable
Referral agencies	Schedule 10, Part 7, Division 3, Table 1, Item 1 – Material change of use for a hazardous chemical facility
Officer's recommendation	Approval, subject to conditions

2 PROPOSAL

The purpose of this report is to assess an application for a change (other) to the Development approval under Section 78 and 82 of the *Planning Act 2016* for a combined development permit for Material change of use and Operational works for Warehouse and Change to ground level.

This change application solely relates to the Material change of use component of the development permit and seeks the inclusion of a new land use (Industry (Low impact))) to allow for the storage of dangerous goods within part of the approved Warehouse. This change also involves a new State referral trigger under Schedule 10, Part 7 of the Planning Regulation 2017 as the new use involves a Hazardous Chemical Facility. This change application remains code assessable.

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 land uses as follows:

Warehouse:

> *'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.'*

Industry (Low impact):

> *'Any premises used or intended for use that, in the course of any trade or business, involves the manufacture, production, processing, repair, or storage of any article, material or thing whether solid, liquid or gaseous. This term includes any of the following ancillary activities, when carried out on the same land as the primary activity:*
>
> - *the storage of goods;*
> - *the provision of amenities for employees and clientele;*
> - *selling by wholesale goods resulting from the operation; and*
> - *accounting or administration in connection with the operation, provided that this activity does not exceed 20% of the total use area.'*

Table A of the Yatala Enterprise Area Local Area Plan Table of Development (As Modified) – Material Change of Use identifies both Warehouse and Industry (Low impact) development within Precinct B and Precinct C (General Impact Business and Industry and Limited Impact Business Industry) as Self Assessable. As the proposed development does not comply with all of the Self-Assessable benchmarks within the M38 Industrial Place Code. As such, the level of assessment for the proposal remains Code assessable.

As a result of the proposed changes, the development description will change to be as follows:

> *Combined development permit for Material change of use and Operational works for Warehouse, Industry (Low Impact) and Change to ground level.*

2.1 Brief description of proposed development

No changes are proposed to the approved built form as a result of this proposal, and it solely relates to the introduction of a Low impact industry land use to facilitate Dangerous Good (DG) storage areas, totalling 1,539m² (about 15% of the warehouse GFA). A 439m² DG room is proposed in the south-western corner of the Warehouse and a 1,100m² DG cage is proposed in the south-eastern corner of the Warehouse.

The materials proposed to be stored in the DG room and cage are retail products for distribution, including butane lighters, camping gas cartridges, soda bulbs and beverages gases, with individual packaging sizes ranging from 120mL to one litre. The DGs exceed the Hazardous Chemical Facilities (HCF) thresholds under the Work Health and Safety Act. Therefore, the use is classified as a Hazardous Chemical Facility under the Planning Regulation.

The below table provides a summary of the approved development parameters.

Development parameters	
Height	Warehouse: 14.6m and one (1) storey Office: 6.5m and one (1) storey
Setbacks	Front (Eastridge Street): 34.7m to Warehouse and 15.5m to Office Front (Homestead Drive): 7m Side: 41m Rear: 6.5m
Site cover	55.1%
Gross Floor Area	Warehouse: 9143m^2 Office: 460m^2
Car parking	57 spaces
Hours of operation	24 hours – Monday to Sunday
Servicing	The proposed service area can accommodate 7 Articulated Vehicles (AVs)
Access	One heavy vehicle VXO to Eastridge Street One singular light vehicle VXO to Fairway Street

The following drawings identify the development:

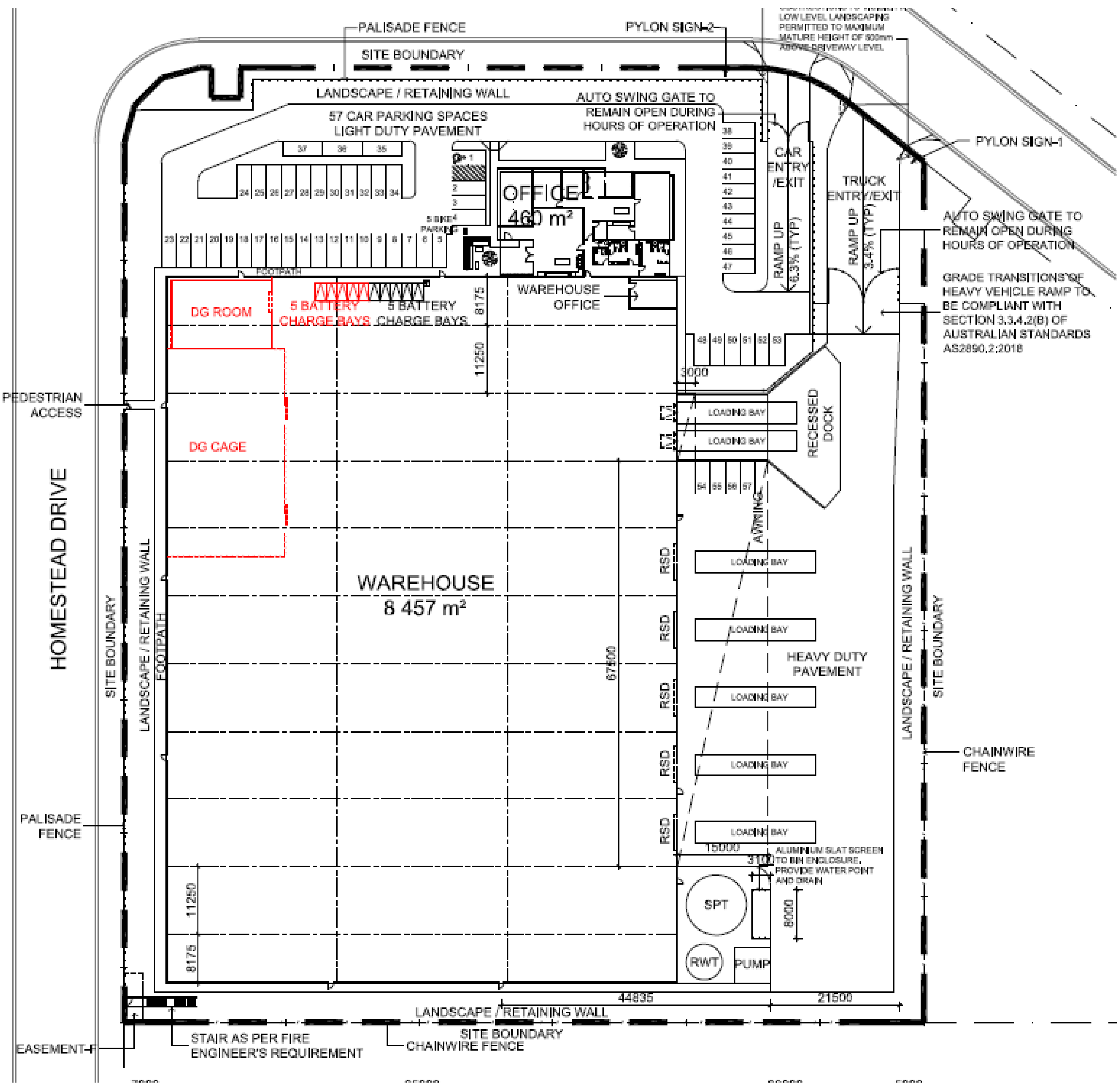

Figure 1 – Proposed site plan (Source: Frasers Property)

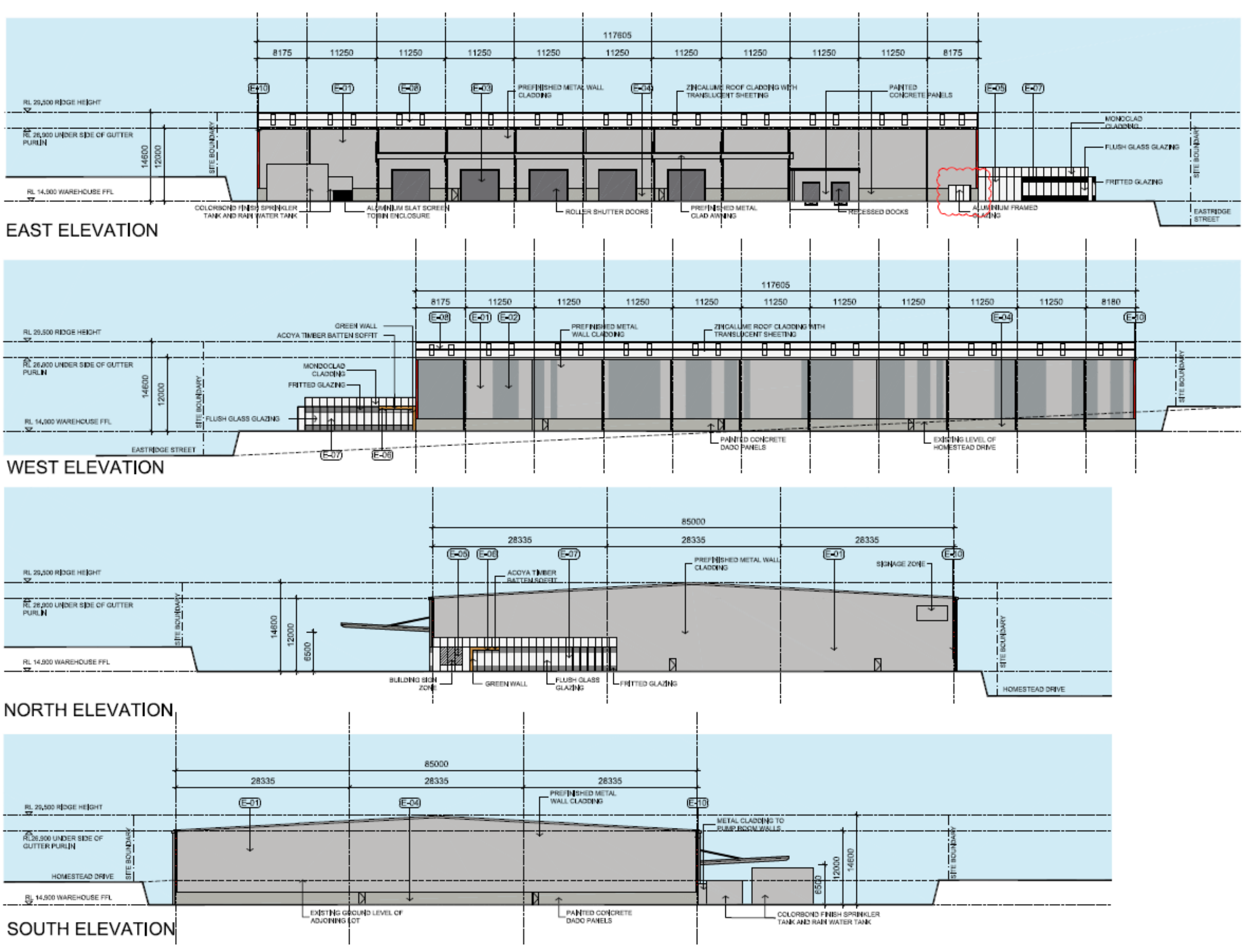

Figure 2 – Proposed elevations (Source: Frasers Property)

3 SITE CONTEXT

3.1 Subject site and immediate context

The subject site is:

- Part of Stage 1 of the Vantage Industrial Estate;
- Subject to the M38 Industrial Estate Place Code;
- 20,900m^2 in area;
- regular in shape and proposed associated earthworks;
- burdened by an easement in the south-western corner for drainage purposes; and
- benefitted by frontages to both Homestead Drive and Eastridge Street.

The subject site is located in the suburb of Stapylton which includes large areas of industrial zoned land strategically located in close proximity to the Pacific Motorway. The subject land is vacant, cleared, and is subject to bulk earthworks.

Immediately to the:

- North: a continuation of land zoned Low impact industry (Future low impact industry precinct) which form part of the Vantage Point Estate. Further north is Stapylton Jacobs Well Road

- East: a continuation of land zoned Low impact industry (Future low impact industry precinct) which form part of the Vantage Point Estate. Further east is Stapylton Landfill and a deactivated quarry.
- South: a continuation of land zoned Low impact industry (Future low impact industry precinct). The proposed development is directly north of other future industrial lots which form part of Stage 2 of the Vantage industrial estate. Further south lies Stage 3 and Christensen Road.
- West: a continuation of land zoned Low impact industry (Future low impact industry precinct) which form part of the Vantage Point Estate. Further west is Medium density residential zoned land utilised for a residential estate.

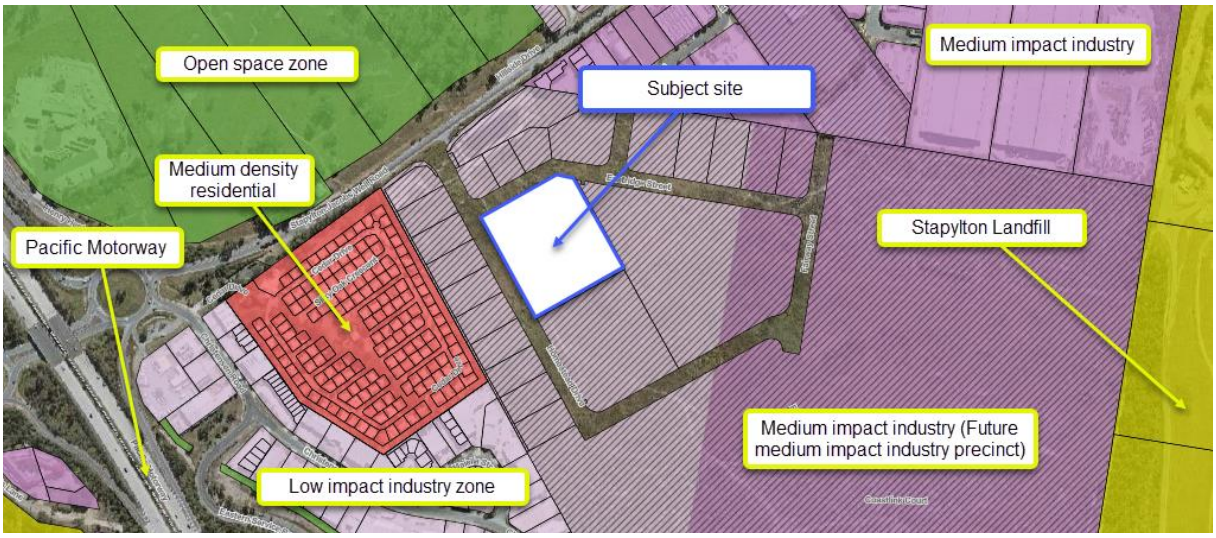

Figure 3 – Local context map (Source: City Plan Interactive Mapping)

4 PLANNING ASSESSMENT

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* (PA).
- Schedule 1 of the Development Assessment Rules that identifies criteria for determining if a change would result in a substantially different development.

The changes to the approved development are not considered a minor change as the proposal does not satisfy the criteria within Schedule 2(i) of the PA, specifically Schedule 1(4)(a) of the DA Rules which reads:

> *"A change may be considered to result in a substantially different development if any of the following apply to the proposed change:*
>
> > *(a) involves a new use;"*

And Schedule 2(ii) of the PA, which reads:

> *"if a development application for the development, including the change, were made when the change application is made would not cause —*
>
> > *(b) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or*

With regard to the above provisions, the introduction of an additional land use, being Low impact industry, and the introduction of a new referral trigger (Material change of use for a hazardous chemical facility) is considered 'substantially different development', and thus constitutes a change (other), pursuant to section 78 of the PA.

In accordance with section 78 of the PA, a person may make a change application (minor or other) to change a development approval. The application is an 'other change' application and therefore is assessed in accordance with section 82: *'Assessing and deciding change applications for other changes'*.

Section 82 of the PA reads:

82 Assessing and deciding change applications for other changes

(1) This section applies to a change application, other than for a minor change to a development approval.

(2) For administering the change application, and assessing and deciding the change application in the context of the development approval, the relevant provisions apply—

(a) as if—

(i) the responsible entity were the assessment manager; and

(ii) the change application were the original development application, with the changes included, but was made when the change application was made; and

(b) with necessary changes.

(4) To remove any doubt, it is declared that the following matters apply, only to the extent the matters are relevant to assessing and deciding the change application in the context of the development approval—

(a) the assessment benchmarks;

(b) any matters a referral agency must, may, or may only assess the application against or have regard to under section 55(2);

(c) if the development to which the change application relates requires code assessment - any matters the assessment must be carried out having regard to under section 45(3)(b);

(d) if the development to which the change application relates requires impact assessment – any matters the assessment must or may be carried out against or having regard to under section 45(5)(a)(ii) or (b).

(5) If a change application is made within 1 year after the development approval was given, any properly made submission for the application for the development approval is taken to be a properly made submission for the change application.

The following is an assessment against the provisions of Section 82 of the PA:

- Section 82(2), no change is proposed to level of assessment or built form, and solely relates to the introduction of a new use (Industry (Low impact) to an approved warehouse (and subsequent referral trigger). Therefore, pursuant to Section 82(4)(c) of the Planning Act, assessment is to be carried out having regard to the proposed change only.

- Section 82(4), City officers have assessed the proposed development in the context of the development approval, against:
    - The relevant assessment benchmarks; and
    - Matters the assessment must have regard to under section 45(3), given the proposal is Code assessable.

Section 45(3) of the PA identifies:

*(3) A **code assessment** is an assessment that must be carried out only –*

(a) against the assessment benchmarks in a categorising instrument for the development; and

(b) having regard to any matters prescribed by regulation for this paragraph.

4.1 State Planning instruments

The application has been assessed against the following instruments:

Instrument	Comment
State Planning Policy	The M38 Industrial Estate Place Code appropriately reflects all aspects of the State Planning Policy apart from aspects relating to natural hazards, risk and resilience (coastal hazards). The proposal does not trigger assessment against any assessment benchmarks relating to natural hazards, risk and resilience (coastal hazards).
South East Queensland Regional Plan	The proposal is consistent with the goals, elements and strategies; and the Southern Sub-regional directions of the South East Queensland Regional Plan 2017 (ShapingSEQ).
Planning Regulation 2017	The proposal triggers assessment against the State development assessment provisions (Schedule 10, Part 7, Division 3, Table 1, Item 1 – Assessable development if the development exceeds thresholds). The application was referred to SARA who was identified in Schedule 10 to act as a Concurrence Agency . This is discussed in section 7.2 within this planning report.

4.2 Local categorising instruments

The application has been assessed against the following instruments:

Local categorising instrument	Comment
Temporary Local Planning Instrument	The proposal does not trigger assessment against any temporary local planning instruments.
Variation approval	The proposal does trigger assessment against a variation approval. This is discussed in section 4.2.1 within this planning report.
City Plan	The subject site is within the City Plan area of the City of Gold Coast. However, the City Plan is not the local categorising instrument for the proposed development. <u>Local Government Infrastructure Plan</u> There is no new trunk infrastructure required as part of this development.

4.2.1 Assessment against a variation approval

The M38 Industrial Estate Place Code is a Preliminary Approval overriding the planning scheme for the subject site, approved pursuant to Section 3.1.6 of the *Integrated Planning Act 1997*.

The proposal has been lodged pursuant to The M38 Industrial Estate Place Code which is the local categorising instrument for the development.

Pursuant to the aforementioned approval, developments within the M38 Industrial Estate are to be assessed against the assessment criteria specified in the Gold Coast Planning Scheme 2003 Version 1.2 and the M38 Industrial Estate Place Code.

The following is an assessment of the application against the M38 Industrial Estate Place Code applicable codes in the table below:

Zone code	Constraint code	Development codes
• M38 Industrial Estate Place Code	• Car parking, access and transport integration	• Works for infrastructure code • Landscape work

4.2.1.1 Assessment against the M38 Industrial Estate Place Code, Constraint and Development Codes

This is a ‘report by exception’ and only discusses issues where the development does not meet the relevant acceptable solutions or where a relevant performance criteria does not have a stated corresponding acceptable solution.

Officers have undertaken as assessment of all relevant provisions in the context of the change only. The proposed development continues to comply with the applicable assessment benchmarks of the abovementioned codes. If the change was proposed when the original application was lodged, no additional benchmarks would trigger assessment. As such, it is considered that the development maintains the same level of compliance with the M38 Industrial Estate Place Code, Car parking, access and transport integration code, Works for infrastructure code and Landscape work code. Notwithstanding, assessment is provided against the following provisions as follows:

Vehicular parking - 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: 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	**AS8.1.2** The number of car parking spaces provided onsite is generally in accordance with Table to Acceptable Solutions AS8.1.2.

activities within sites; e. The availability of conveniently located on-street parking; f. Any possible future expansion, redevelopment or change of use.	

Officers comments:

To comply with Acceptable solution AS8.1.2 of the M38 Industrial Place Code, the development must provide 104 car parking spaces. The approved development includes a total of 55 car parking spaces, and was considered to comply with Performance criteria PC8 for the following reasons:

> *"In the absence of specific staffing information, based on the supply of 55 car parking spaces, officers are prepared to accept a Warehouse use with maximum of 50 staff onsite at any one time. This allows for shift change over and leaves a nominal 5 spaces for visitors. Officers have imposed a condition to this effect. Compliance with Performance criteria PC8 is achieved through conditions of approval."*

The proposed development seeks to introduce approximately 1500m^2 of Industry (low impact) to an approved, 9143m^2, Warehouse. In accordance with Table to Acceptable Solutions AS8.1.2, Warehouse and Industry (low impact) have the same parking rate, being two (2) spaces per tenancy or lot, plus one (1) space per 50m^2 of GFA up to 500m^2, plus one (1) space per 100m^2 of GFA over 500m^2. As such, the proposed development maintains a 49 space shortfall as previously approved.

The Industry component is related to the storage of dangerous goods for distribution (i.e., butane lighters, camping gas cartridges, soda bulbs and beverages gases). It is not considered that the proposal would generate any additional trips or staff to the site than originally anticipated. It is also noted that the applicant has not requested to amend Condition 9 of the associated decision notice, which imposes operational restrictions limiting the number of staff to be on site at any one time.

As such, the development remains compliant with Performance criteria PC8.

6 INFRASTRUCTURE CHARGES

The final estimated infrastructure charge is $ 772,642.67.

For further information on this matter, refer to the draft notice attached to this report entitled as Attachment: Infrastructure charges notice for the approved development.

Charges Resolution No. 1 of 2023

	Qty			Rate	Gross Charge Amount
Impervious area	17,587	Square Metres	@	$ 12.30	$ 216,320.10
Other industry	9,603	sq m Gross Floor Area	@	$ 61.52	$ 590,776.56
					$ 807,096.66

Net Charge Summary

Gross Charge Amount	Applied Credit Amount	Net Charge Amount
$ 807,096.66	$ 34,453.99	$ 772,642.67

Applied credit details	*Standard lot credit applied under the Charges Resolution No.1 of 2023.*

7 REFERRALS

7.1 Internal referrals

This application has been assessed by internal referral officers who have provided comments and reasonable and relevant conditions. If not previously included, internal referral comments and an overview of the recommended conditions are provided in the table below:

Internal referral area	Conditions/Comments (if not included within report)
Water and Waste	To amend an administrative error within the decision notice dated 4 December 2023, Condition 25 is to be amended to read as follows: **Storage / servicing point** Design the bin storage point prior to the use commencing and in accordance with City Plan Policy SC6.15 - Solid waste management at no cost to Council: i. No steps or lips on bin-carting route. ii. Hose cock for bin washing. iii. Concrete slab graded to drainage point within the storage point. iv. Drainage point connected to sewerage network with trade waste requirements. v. Roofed and designed to prevent entry to rainwater. vi. Fly and vermin proofed, well-ventilated and solely used for the storage of waste vii. Screened

7.2 External referrals

The application was referred to the following external agency(s):

7.2.1 Concurrence agency(s)

The application was referred to the State Assessment and Referral Agency (SARA) due to the following trigger identified within the Planning Regulation 2017:

- Schedule 10, Division 4, Subdivision 1, Table 1 of the Planning Regulations: Development application for an aspect of development stated in schedule 20 that is assessable development under a local categorising instrument or section 21, the development exceeds thresholds.

SARA as a concurrence agency provided a referral agency response with General advice on 26 July 2024.

8 PUBLIC NOTIFICATION

No part of the application required public notification.

9 CONCLUSION

Council is in receipt of an application for a change (other) to the development approval under Section 78 and 82 of the Planning Act 2016 for a combined Development permit for a Material change of use and Operational works (Code assessment) for Warehouse, Industry (low impact) and Change to ground level at 10 Homestead Drive, Stapylton.

Assessment reveals the proposal has addressed the relevant benchmarks of the M38 Industrial Place Code. It is recommended the application be approved, subject to conditions.

10 RECOMMENDATION

It is recommended that Council resolves as follows:

That under Delegated Authority, the Manager of Planning Assessment approves (with conditions) the issue of a change (other) to a combined Development permit for a Material change of use and Operational works (Code assessment) for Warehouse, Industry (low impact) and Change to ground level at 10 Homestead Drive, Stapylton in accordance with the Attachment entitled: Decision Notice – approval.

Author:	*Authorised by:*
Kyra Reid	Roger Sharpe
Planner	Manager Planning Assessment
August 2024	