

OUR REF: 6337

4 April 2025

Chief Executive Officer
Council of the City of Gold Coast
PO Box 5042
GCMC QLD 9729

Dear Sir/Madam,

**RE: RESPONSE TO ACTION NOTICE – NOT PROPERLY MADE APPLICATION
RELATING TO PROPOSED MATERIAL CHANGE OF USE FOR CAFÉ, LOW
IMPACT INDUSTRY, SERVICE INDUSTRY, WAREHOUSE AND MANU-
FACTURER'S SHOP - MCU/2025/72**

**AT: 6 HOMESTEAD DRIVE AND 6 AND 10 EASTRIDGE STREET, STAPYLTON QLD
4207 – LOTS 111, 112 AND 113 ON SP316137**

We write on behalf of the Applicant, *Strathwyn Street Developments Pty Ltd*, providing a response to Council's Action Notice dated 3 April 2025 in accordance with section 3.2 of the Development Assessment (DA) Rules. The Applicant considers that all actions within the Action Notice have now been complied with and gives notice to the assessment manager as such.

A detailed response to each item is provided below.

Additional Land Use Identified (Office) – Amended DA Form 1 Required

Proposed tenancies 1, 2, 3, 4, 7, and 8 feature large mezzanine floors, accessible via a single staircase. Officers do not consider that the proposed built form is aligned with the land uses applied for. Officers characterise the built form and typology of these tenancies as consistent with an Office land use, in accordance with the definitions in the Gold Coast Planning Scheme 2003. Officers will not consider the first storey as currently proposed as 'ancillary' office areas.

'Office' is not a listed land use under the Tables of Assessment in Table A of the M38 Industrial Estate Place Code (Place Code) and therefore is subject to Impact Assessment.

- Accordingly, the applicant is requested, in the first instance, to amend the proposed design to reduce the size of the mezzanine levels to be commensurate with that of an ancillary office. As guidance, officers recommend the mezzanine does not exceed 20% of the total use area of the respective tenancy; or*
- Alternatively, submit an amended DA Form 1 that includes 'Office' as an additional land use.*
Note: If Office is included in the application, wholesale changes will likely be required to the proposed design as it has separate requirements under the Place Code. Key considerations include but are not limited to car parking, servicing and waste management. The inclusion of an additional land use will also attract additional fees. Please inform officers of the applicant's direction so a new fee quote can be issued for payment.

Access Business Park
76 Business Street Yatala Q 4207
Phone (07) 3807 3333
Fax (07) 3287 5461

Web www.gassman.com.au
Email mail@gassman.com.au
Post PO Box 392 Beenleigh Q 4207
A.B.N 62 010 752 388

Applicant response:

No changes are proposed in response to this item. The Applicant strongly disagrees with Council's position that the mezzanines can only be used for office purposes. The proposed mezzanines can be used for a wide variety of purposes associated with each proposed use, including product storage or workshop areas. As an example, Service Industry covers uses such as locksmiths, watch repairs, photography studios, engraving, computer services and more. The staircases don't preclude the mezzanines being used for such purposes. Further, the development proposes very small units which are designed to cater for such small-scale users. The warehouses/units are not intended for large-scale operations.

Reflective of the above, neither the proposal plans, nor the submitted planning report nominates the mezzanines solely as ancillary offices given the wide array of potential future users within each tenancy and their differing office/storage/workshop needs. The Applicant is willing to accept a condition that any ancillary office use associated with any of the approved industrial uses cannot exceed more than 20% of the Total Use Area of each tenancy.

Documents Required – Supporting Material (For Inclusion Of Office)

The following updated supporting material is required to be submitted for an Office to be included within the subject application.

- *Submit recalibrated supporting documents (Planning Report, Code Compliance Assessment, Specialist Reporting and Drawings).*

Applicant response:

No changes are proposed in response to this item. As discussed above, the development does not seek an independent office land use.

Documents Required – Supporting Material (Waste Management Plan)

The applicant has not submitted supporting documentation to address PC10 of the Place Code.

- *Submit a Waste management plan prepared by an environmental consultant to address PC10 of the Place Code.*

Applicant response:

No changes are proposed in response to this item. The application should not be considered 'not properly made' as the application has demonstrated that adequate bin storage is provided for the development. The application has demonstrated compliance with AS10.1, AS10.3 and AS10.4, with six 3,000L bins provided to cater for the proposed development (to be shared between all tenancies). Assessment against PC10 is only required due to non-compliance with AS10.2, with the development proposing a bin storage area within proximity to the site's front boundary. The application demonstrates compliance with PC10 on this basis. If Council requires further clarification on waste servicing/storage arrangements for the site, this should be requested as part of Council's Information Request.

Summary

In summary, the above correspondence provides a full response to Council's Action Notice dated 3 April 2025 in accordance with section 3.2 of the Development Assessment (DA) Rules. The Applicant considers that all actions within the Action Notice have now been complied with and gives notice to the assessment manager as such. Therefore, the application is now taken

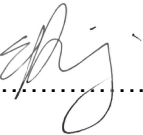
to be properly made in accordance with section 3.3 of the DA Rules and we request Council proceed with the assessment of the application.

We look forward to a timely and favourable determination of the application.

If you have any further queries, please do not hesitate to contact the undersigned.

Yours faithfully,

GASSMAN DEVELOPMENT PERSPECTIVES


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ERIKA DI LUIGI
SENIOR TOWN PLANNER