

1 APPLICATION SUMMARY

Application information	
Minor change to development approval	
Address	28 Eastridge Street, Stapylton
Lot and plan	Lot 117 SP316137
Site area	4,094m ²
Properly made date	1 May 2025
City Plan version	Not applicable
Preliminary approval	M38 Industrial Place Code
Originating approved development	Development permit for a Material change of use to establish a Warehouse
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 – Town Planning Two Clicks Design – Architectural Plans
Owner details	Eastridge 117 Pty Ltd
Referral agencies	Not applicable
Decision due date	1 June 2026
Officer's recommendation	Approval, with 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, Stapylton.

This change application seeks to amend the existing Warehouse approval by converting the three separate Warehouse tenancies into one Warehouse tenancy within the Vantage Industrial Estate.

The physical separations in built form will remain, however the applicant has identified the end user will occupy all three 'areas'.

The Vantage Industrial Estate was created subsequent to a Preliminary approval to override the Planning scheme for Industrial uses. The Preliminary approval included variations to the *Gold Coast Planning Scheme 2003* version 1.2, overridden by the Yatala Enterprise Area Place Code through the M38 Industrial Place Code.

3 BACKGROUND

On 28 March 2023, under Delegated Authority, the Executive Coordinator Planning Assessment of the City Development Branch of Council approved a Material change of use to establish a Warehouse (MCU/2022/525). The development consisted of one tenancy and 34 car parking spaces.

On 13 June 2024, under Delegated authority, the Executive Coordinator, Planning Assessment of the City Development Branch of Council, approved a Minor change application (MIN/2024/208). The Minor change sought to convert the existing one tenancy into three separate tenancies.

The proposed change seeks to convert the Warehouse back to a single tenancy.

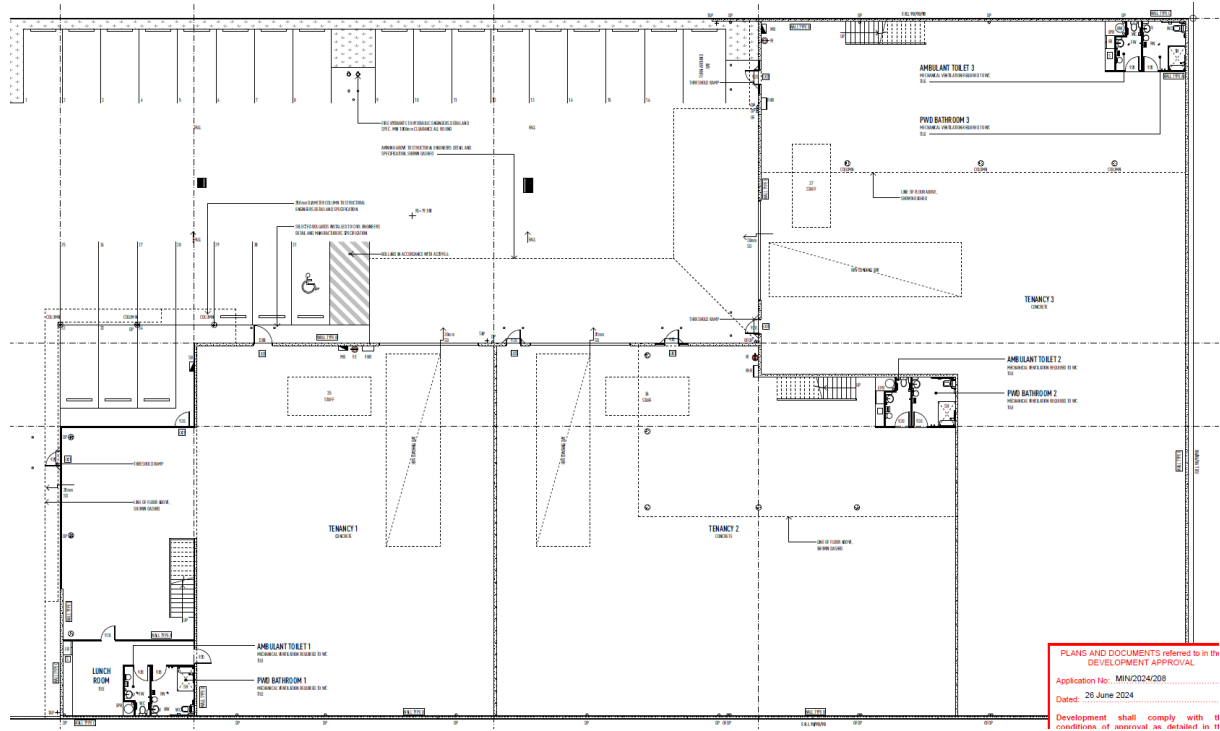


Figure 1: Approved ground floor plan (Source: Applicant's material)

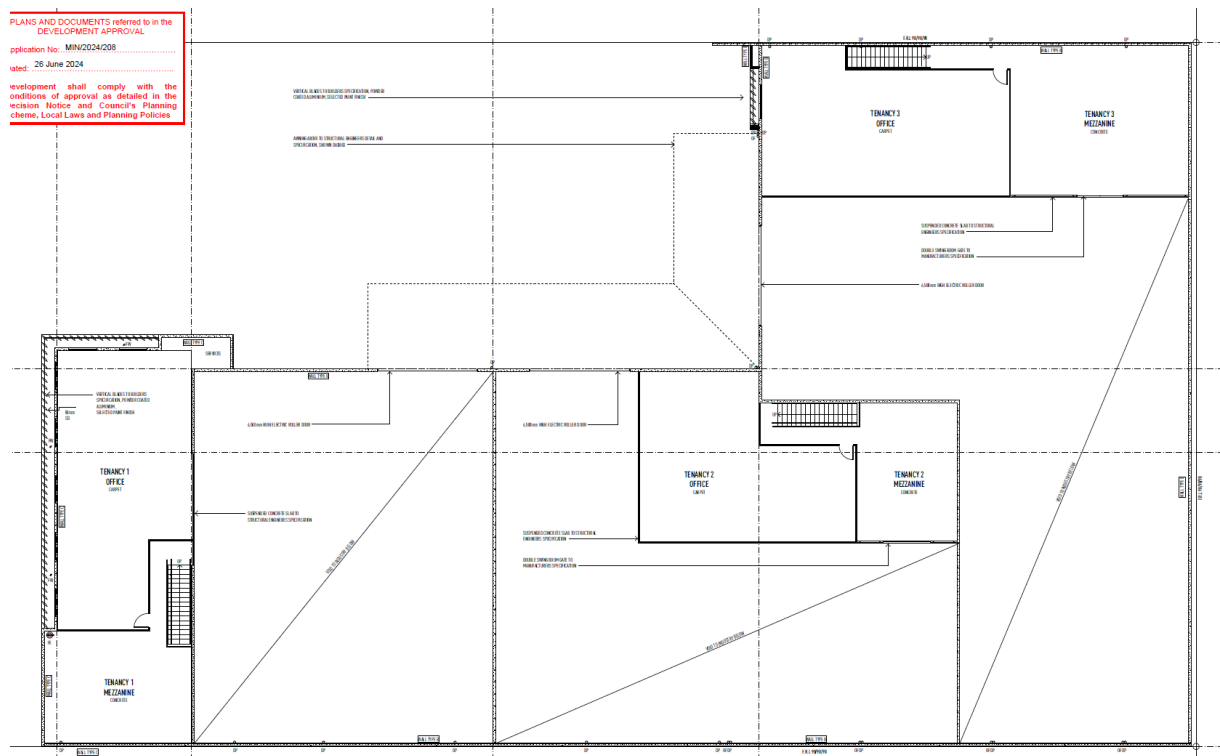
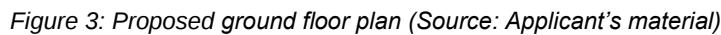


Figure 2: Approved first floor plan (Source: Applicant's material)



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) is considered to be a minor change.

The applicant seeks changes to the development conditions as follows:

Cond No.	Applicant request	Officer discussion / recommendation
2	Amended Drawings – The applicant requests to amend this condition to reflect the updated drawings submitted.	The request to amend this condition is supported. The proposed change is minor in nature and does not dramatically change the built form. The change seeks to amalgamate the building for the purpose of a single tenancy. To ensure the development does not continue to operate as three separate tenancies, officers have included an additional condition requiring the development to operate as a single tenancy/operator only.
3	Scope of approval – The applicant requests the following: - Allow ancillary office on both the ground floor and mezzanine levels. - Limit the Warehouse to operate as a single business operation at all times (i.e. cannot operate as three separate tenancies); - Delete the condition that the ancillary office cannot increase in size (instead allowances up to 20% TUA should be permitted as per the definition of ‘ancillary office’ under Schedule 1 Definitions of the City Plan).	The request to amend this condition is supported in part. The addition of the ground floor ancillary office is supported, however, will be limited to the proposed location. Limiting the Warehouse to a single tenancy is consistent with the proposal and does not limit the development to operate as intended. This request is supported. The request to change the allowance for increases in the ancillary office is not supported.
12	Car parking – The applicant requests to amend the condition to reflect a total car parking requirement of 37 spaces.	The request to amend this condition is not supported. As one single tenancy, the development is required to provide 34 spaces, as shown on the proposed plans.
14a	Loading areas – The applicant requests to amend this condition to remove reference to ‘each warehouse tenancy’ to reflect new single tenancy.	The request to amend this condition is supported.
24.1	Sub-metering – The applicant requests the condition to be deleted as the development operates as one tenancy.	The request to delete this condition is supported.

5 CONCLUSION

This report assessed a request for a minor change for development permit dated 13 June 2024 for Material change of use for a Warehouse at 28 Eastridge Street, Stapylton.

The assessment of this request determined the Minor change is acceptable and recommended for part approval and part refusal. Officers agree to amend the Condition 2, Condition 14. Officers agree to delete Condition 24.1.

Officers agree in part to amend the Condition 3. Officers do not agree to amend Condition 12.

6 RECOMMENDATION

It is recommended that Council resolves as follows:

That under Delegated Authority the Manager Planning Assessment of the City Development Branch approves in part the Minor change application for the development permit dated 13 June 2024 for a material change of use for Warehouse, in accordance with the Attachment entitled: Decision notice— change application approval including amended suite of development conditions for MIN/2024/208.

Author:

Chelsea O'Connor

Planner

May 2026

Authorised by:

Roger Sharpe

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	The proposed change will not result in a substantially different development.
(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	The proposed change does not result in 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.
(C) referral to extra referral agencies, other than to the chief executive; or	The proposed change does not result in referral to additional agencies.
(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.
(E) public notification if public notification was not required for the development application.	The proposed change does not require public notification.

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	The proposed change does not involve a new use.
(b) results in the application applying to a new parcel of land; or	The proposed change does not involve a new parcel of land.
(c) dramatically changes the built form in terms	The proposed change does not dramatically alter the appearance, bulk or scale of the

of scale, bulk and appearance; or	development.
(d) changes the ability of the proposed development to operate as intended; or	The proposed change does not change the ability of the development to operate as intended.
(e) removes a component that is integral to the operation of the development; or	The proposed change does not remove a component that is integral to the development.
(f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or	The proposed change does not significantly impact on traffic flow.
(g) introduces new impacts or increase the severity of known impacts; or	The proposed change does not introduce new impacts or increase the severity of known impacts.
(h) removes an incentive or offset component that would have balanced a negative impact of the development; or	The proposed change does not remove an incentive or offset component.
(i) impacts on infrastructure provisions.	The proposed change does not impact on infrastructure provisions.

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	Not applicable
(e) another matter that the responsible entity considers relevant.	Not applicable

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	Not applicable
(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	Not applicable
(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 have been required to consider if the instrument had been in effect when the development application for the development approval was properly made.	Not applicable
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	Noted and actioned.

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.	
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