

ITEM# REQUEST FOR AN EXTENSION TO THE RELEVANT PERIOD PURSUANT TO SECTION 383 OF THE SPA 2009 FOR DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR INDUSTRY - LOT 334 ON SP193431 - 84 - 160 CHRISTENSEN ROAD SOUTH STAPYLTON – DIVISION 1
PN307555/01/DA7

Refer **insert number of pages** page attachment

1 OVERVIEW

Site address	84-160 Christensen Road South, Stapylton
Application description	Request for an extension to the relevant Period pursuant to Section 383 of the SPA 2009 for Development Permit for Material Change of Use for Industry
Original approval	Development Permit for Material Change of Use (Code assessment) to establish Industry
Proposed modifications to approved development	The subject application seeks an extension of four (4) years to the relevant period from 19 December 2016 to 19 December 2020.
Previous / Original approval details (for processing use)	
Original development application number	MCU201200768
Date of originating development application approval	19 December 2012
Most recent modified development application number	Not applicable.
Approval date of most recent modified decision notice	Not applicable.

REPORT STRUCTURE

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Internal referrals assessment of proposed change (as discussed within section) - **Not applicable**

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2 EXECUTIVE SUMMARY

On the 19 December 2016, Council of the City of Gold Coast (Council) received a request pursuant to section 383 of the *Sustainable Planning Act (SPA) 2009* to extend the relevant period for a further four (4) years for a Development Permit for Material Change of Use (Code assessment) to establish Industry at 84-160 Christensen Road South, Stapylton, properly described as Lot 334 on SP193431.

The proposed extension has been assessed and it is considered reasonable to extend the relevant period, by a further four (4) years for the subject Decision Notice. Therefore, it is recommended that the relevant period be extended until 19 December 2020 as detailed herein.

3 APPLICATION INFORMATION

Real property description	Lot 334 on SP193431
Applicant	MS Projects C/- I-Plan Town Planning Pt Ltd
Owner at time of lodgement	Burnside Developments Pty Ltd & Yellowstone Investments Pty Ltd
Current owner	Burnside Developments Pty Ltd & Yellowstone Investments Pty Ltd
Site area	251,820m ²
Date application received	19 December 2016
Date entered decision	19 December 2016
Zone	High impact industry zone
State planning policies	Not applicable
Decision type	Request for extension to the relevant period pursuant to section 383 of the <i>Sustainable Planning Act 2009</i>

4 BACKGROUND

On 19 December 2012, under Delegated Authority, the Manager of the Implementation & Assessment Branch approved the issue of a Development Permit for Material Change of Use for Industry at the subject site (MCU201601696, PN307555/01/DA7).



5.1 Characteristics of site

5.2 Characteristics of surrounding environment

The surrounding environment is characterised by industrial development and uses.

6 PROPOSAL

On the 19 December 2016, Council of the City of Gold Coast (Council) received a request pursuant to section 383 of the *Sustainable Planning Act (SPA) 2009* to extend the relevant period for a further four (4) years for a Development Permit for Material Change of Use (Code assessment) to establish Industry at 84-160 Christensen Road South, Stapylton, properly described as Lot 334 on SP193431.

The main purpose for the extension outlined by the applicant is as follows:

- The current development approval was to be purpose built for a specific tenant, and due to the economic downturn the tenant was unable to proceed with the development. The extension to the relevant period will allow more time to secure a tenant, obtain the necessary building works and operational works approvals, and construct the building.
- Additionally, lodgement of a fresh application under the City Plan is unlikely to result in refusal of the application as the development accords with the purpose of the High Impact Industry zone which is to provide for a range of industrial activities.

The applicant is requesting a four (4) year extension to the relevant period from 19 December 2016 until 19 December 2020.

7 DEVELOPMENT ASSESSMENT

7.1 Extension to the relevant period – Sustainable Planning Act 2009

The applicant seeks to extend the relevant period of the subject development approval by a further four (4) years in accordance with Section 388 of the *Sustainable Planning Act 2009* (SPA). In brief, Section 388 of the SPA requires the Assessment Manager to have regard to the following when deciding the request:

Section 388(1) of SPA	Officers' comments
(a) the consistency of the approval, including its conditions, with the current laws and policies applying to the development, including, for example, the amount and type of infrastructure contributions, or charges payable under chapter 8, part 1; and	The development approval is considered generally consistent with current laws, policies and applicable infrastructure charges.
(b) the community's current awareness of the development approval; and	The application was code assessable.
(c) whether, if the request were refused— (i) further rights to make a submission may be available for a further development application; and (ii) the likely extent to which those rights may be exercised; and	The request is not recommended for refusal.
(d) the views of any concurrence agency for the approval given under section 385.	Not applicable

Officer's comments:

It is considered that the requested extension to the relevant period is in accordance with the provisions of section 388 as detailed above.

7.2 Assessment against City Plan

The subject site is identified within the High impact industry zone.



The level of assessment for an industry use (low, medium or high) within the High Impact Industry zone would remain self or code assessable. It is envisaged that a range of higher impact industry uses should be approved at the subject site. As such, it is considered that the City Plan continues to support the approved use at the subject site and a four year extension to the relevant period should be supported.

8 AMENDMENTS TO THE APPROVED DEVELOPMENT

8.1 Assessment of other aspects of the proposal

Not applicable.

9 IDAS REFERRALS

9.1 Concurrence agencies - Not Applicable

10 CONSULTATION

10.1 Internal Referrals

Not applicable.

10.2 External Referrals

Not applicable.

11 ADOPTED CHARGE CALCULATIONS

Not applicable.

12 CONCLUSION

The proposed extension has been assessed and it is considered reasonable to extend the relevant period, by a further four (4) years for the subject Decision Notice. Therefore, it is recommended that the relevant period be extended until 19 December 2020 as detailed herein.

13 NOTIFICATIONS

Not applicable.

14 RECOMMENDATION

It is recommended Council of the City of Gold Coast (Council) resolve:

Real property description	Lot 334 on SP193431
Address of property	84 - 160 Christensen Road South Stapylton
Area of property	251,820m ²
Decision type	Request for extension to the relevant period pursuant to section 383 of the <i>Sustainable Planning Act 2009</i> for Development Permit for a Material Change of Use (Code Assessment) to establish Industry
Further development permits	Building Works, Operational Woks (Landscaping), Operational Works (Vegetation Clearing), Operational Works (Public Landscape Work), Operational Work (Advertising Device), Operational Work (Works for Infrastructure)
Further compliance permits	Plumbing and Drainage
Compliance assessment required for documents or works	N/A

REQUEST TO EXTEND RELEVANT PERIOD

Under Delegated Authority the Manager of the City Development Branch approves the extension to the relevant period for the development permit dated 19 December 2012 for material change of use for Industry.

For section 341 of the *Sustainable Planning Act 2009*, the relevant period is extended by a period of four (4) years, being 19 December 2020.

Author:

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January 2017

Authorised by:

Dyan Currie
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