

1 INFORMATION NOTE

This Accepted to Code development application has been assessed against certain assessment benchmarks, limited to the subject matter of the Required outcomes with which there is non-compliance. This report addresses in section 5 the subject matter of the Required outcomes with which there is non-compliance. Development conditions are only relative to the limited scope of assessment against the Required outcomes to ensure the basis for the development application is accurate.

2 APPLICATION SUMMARY

Application information	
Address	84-160 Christensen Road South, Stapylton Qld 4207
Lot and plan	Lot 334 SP193431
Subject Site area	5,936m ²
Overall Site area	251,820m ²
Type of development and proposed use	Material change of use for Warehouse
Categories of development and assessment	Code assessable (accepted subject to requirements)
Properly made date	27 April 2021
Decision due date	14 July 2021
Applicant and Applicant's consultancy team	Burnside Developments P/L & Yellowstone Investments – Applicant iPlan – Town Planning Land and Consultants – Bushfire Management Plan Multi Span Australia – Drawings
Owner details	Burnside Developments P/L & Yellowstone Investment
City Plan version	City Plan Version 8
Zone / Precinct	High impact industry zone
Overlays	• Acid sulfate soils overlay • Airport environs overlay • Bushfire hazard overlay • Environmental significance – Priority species overlay • Environmental significance – Vegetation management overlay • Environmental significance – Wetlands and Waterways overlay • Extractive resources overlay • Flood overlay • Industry community infrastructure and agriculture land interface area overlay • Landslide hazard overlay • Water catchments and dual reticulation overlay • Minimum lot size (4,000m²)
Referral agencies	Not applicable
Officer's recommendation	Approval (with conditions)

3 PROPOSAL

The purpose of this report is to assess an application for a development permit for a material change of use to establish a Warehouse at 84-160 Christensen Road South, Stapylton.

The City Plan defines the proposed Warehouse as follows:

"The use of premises for:

- a) storing or distributing goods, whether or not carried out in a building; or*
- b) the wholesale of goods, if the use is ancillary to the use in (a)."*

Table 5.5.11 of the City Plan categorises the proposal as Accepted, subject to requirements. The development is elevated to Code assessment because it does not comply with one or more of the Required outcomes for certain codes (refer to section 5 for more details).

3.1 Brief description of proposed development

The proposal seeks to establish a 2,050m² Warehouse with an ancillary office (Tenancy 5) and is accessed via private shared driveway (Figure 1). The Warehouse is proposed within 1 of 17 future lots approved by Council on 23 August 2018 and recently amended by way of a minor change approval on 5 February 2021 (Council File Reference: MIN/2020/494) (Figure 2).



Figure 1: Proposed warehouse site plan and overlay site plan (Source: Multi Span Australia, Edited: Thomas Eaton)

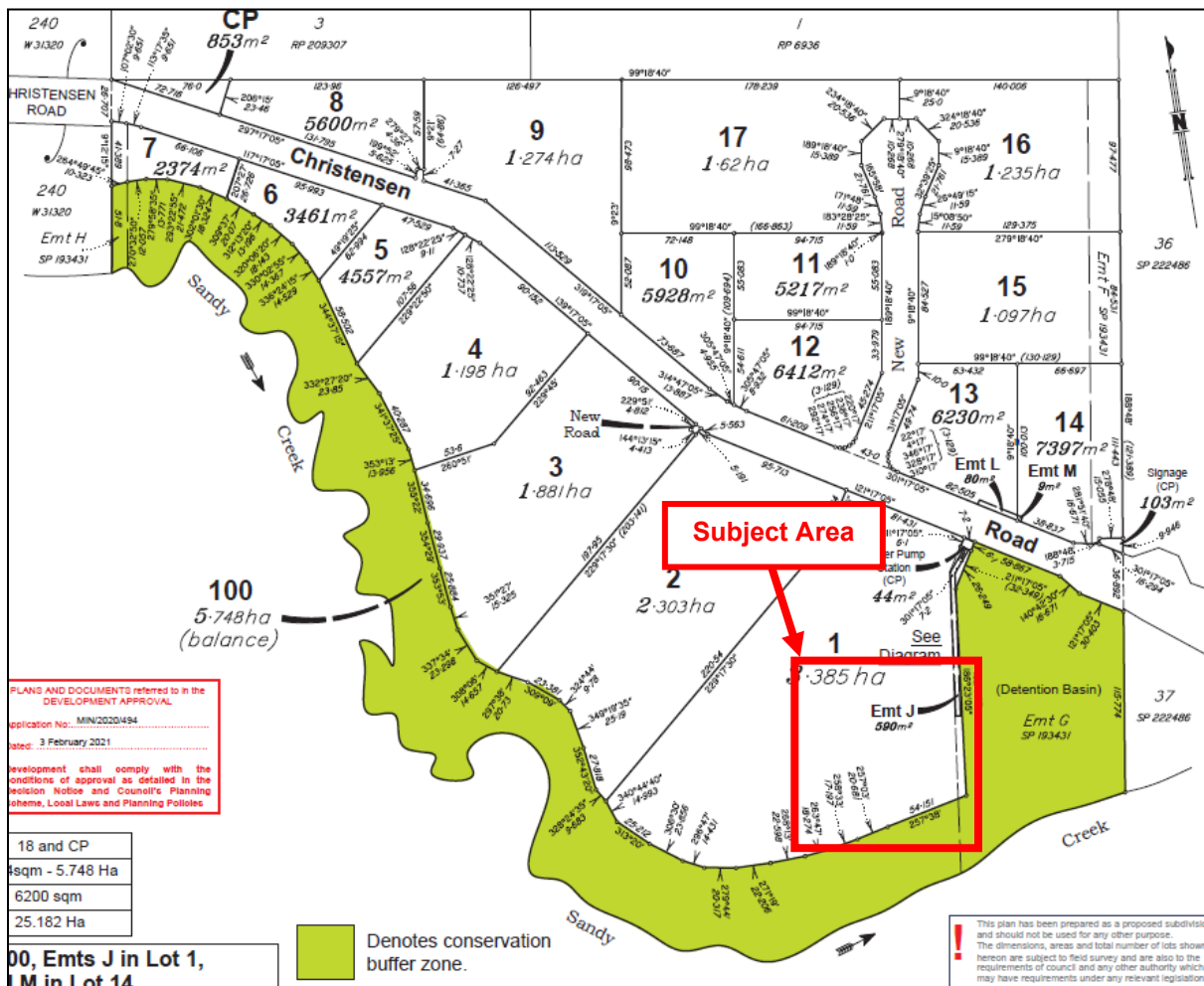


Figure 2: Underlying Reconfiguring a lot approval (Source: AJS Surveys, Edited: Thomas Eaton)

4 SITE CONTEXT

4.1 Subject site and immediate context

The subject site has a relatively flat topography and is clear of any notable vegetation due to the large extent of civil works undertaken on the site. It is divided by Christensen Road, which runs north-west to south-east through the entire site, and is encumbered by several stormwater easements, including a large detention basin in the south-east most corner. As shown in Figure 2, a large portion of the site, which adjoins Sandy Creek to the south, is denoted as a conservation buffer zone.

The subject site adjoins the Staplyton Land Fill to the north, undeveloped Special purpose zoned land to the east, and a continuation of medium and high impact industry uses to the west and south. Further south is the rail corridor, approximately 450 metres from the subject site.

The immediate area consists generally of medium to high impact industry uses, with small pockets of open space and environmentally significant vegetation corridors throughout. The area is well serviced by the Pacific Motorway and secluded from sensitive land uses (Figure 3).

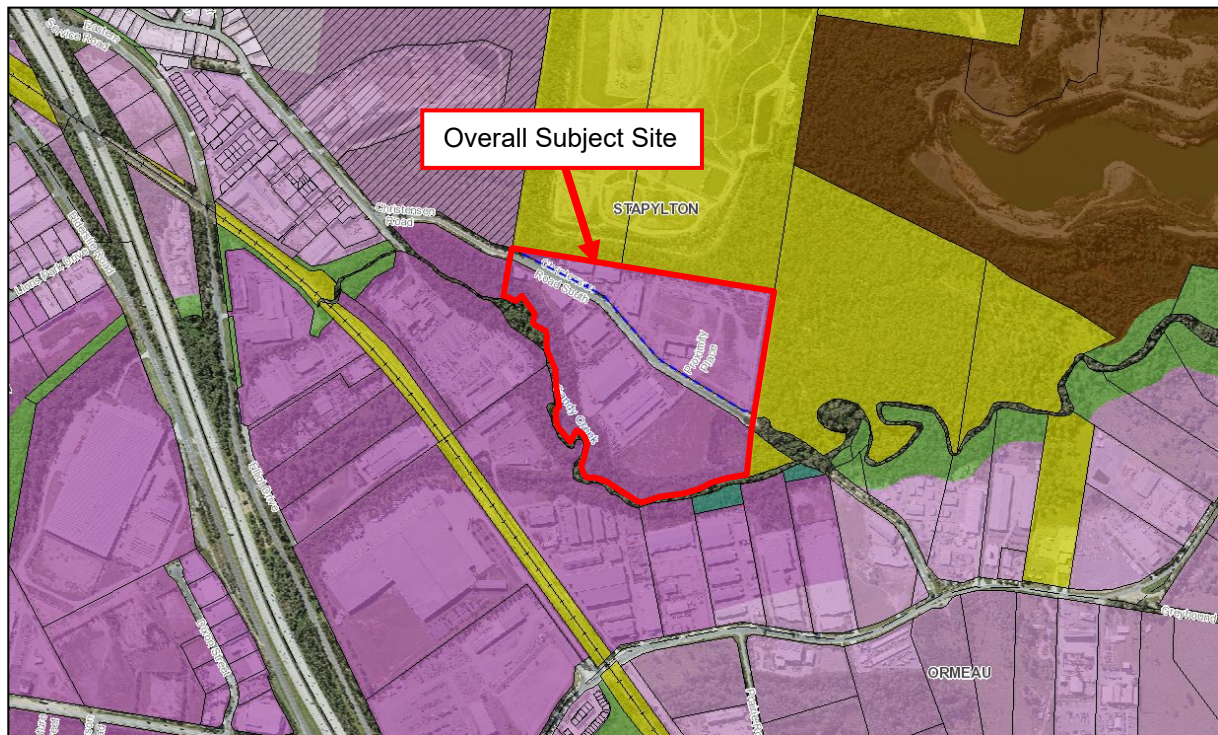


Figure 3: Overall subject site context (Source: City of Gold Coast, Edited: Thomas Eaton)

5 ASSESSMENT

Where a table of assessment in Part 5 of City Plan categorises development as “accepted subject to requirements”, the development must comply with the Required outcomes set out in the applicable codes which are listed in the table of assessment.

Section 5.3.3(2) of City Plan states:

- (2) *Accepted development that does not comply with one or more of the nominated required outcomes in the relevant parts of the applicable code(s) becomes code assessable development unless otherwise specified.*

The development application must be assessed in accordance with the requirements for code assessable development applications, subject to the limitation set out in section 5.3.3(4)b(i) of the City Plan which states:

- (4) *Code assessable development:*
 - (b) *that occurs as a result of development becoming code assessable pursuant to sub-section 5.3.3(2), must:*
 - i. *be assessed against the assessment benchmarks for the development application, limited to the subject matter of the required outcomes that were not complied with or were not capable of being complied with under sub-section 5.3.3(2);*

Section 45(3) of the *Planning Act 2016* 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.*

The proposed development triggers code assessment and has been assessed in accordance with section 45(3) of the *Planning Act 2016*.

5.1 Assessment against the assessment benchmarks applicable to the subject matter of the Required outcomes with which there is non-compliance

Under the City Plan, for accepted to code development, compliance with a code can be achieved by either compliance with the Purpose and Overall outcomes of the code, or the Performance outcomes of the code where non-compliant with the Required outcomes.

The tables of assessment in Part 5 of City Plan identify the applicable assessment benchmarks for the proposal outlined in the table below:

Zone code	Overlay codes	Development codes
High impact industry zone code	- Airport environs overlay code - Bushfire hazard overlay code - Environmental significance overlay code - Flood overlay code - Landslide hazard overlay	- General development provisions code - Healthy waters code - Industrial design code - Transport code

The development complies with all the relevant Required outcomes identified in the codes above, with the exception of the assessment benchmarks applicable to the subject matter of the Required outcomes outlined in the table below:

Code	Required outcome	Subject matter of Required outcome
Environmental significance overlay code	RO2	Wetland and waterway buffer
Transport code	RO2	Access to car parking
	RO6	Bicycle parking supply

Assessment has been undertaken against either the applicable Performance outcome or Overall outcome and Purpose for the subject matter of each non-compliant Required outcome below:

Wetland and waterway buffer – Environmental significance overlay code

The Required outcome and corresponding Performance outcome is provided below:

Performance outcome	Required outcome
PO5 Buffers are provided to wetlands and waterways identified on the Environmental significance – wetlands and waterways overlay map to ensure the: (a) protection of matters of environmental significance mapped onsite or identified through an ecological site assessment; (b) unimpeded movement of fauna along the waterway; (c) water quality is maintained; (d) bank stability; and (e) protection of property and infrastructure. Note: The buffer width for wetlands is measured from the outer, landward boundary of the mapped wetland, as shown on Environmental significance – wetland and waterways overlay map. Note: Recommendations provided in an ecological site assessment (prepared in accordance with SC6.7 City Plan policy – Ecological site assessments) is Council's preferred method for determining alternative buffer	RO2 Development does not occur within the following areas: (a) 100m from the mapped boundary of a State significant aquatic area, as identified on Environmental significance – wetlands and waterways overlay map; (b) 100m from the outer landward boundary of a State significant wetland, as identified on Environmental significance – wetlands and waterways overlay map; (c) 100m from the outer landward boundary of a Local significant wetland, as identified on Environmental significance – wetlands and waterways overlay map; (d) 60m from the outer bank of a major waterway identified on Environmental significance – wetlands and waterways overlay map.; or

widths. Note Artificial waterways are to be addressed through the Coastal erosion hazard overlay code and map. Where a waterbody contains both natural and artificial banks, the natural banks are to be assessed in accordance with this performance outcome.	(e) 30m from the outer bank of a waterway identified on Environmental significance – wetlands and waterways overlay map. Note: Non-compliance with RO2 requires assessment against PO5.
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The proposed development occurs partially within the mapped waterway buffer area of Sandy Creek to the south (Figure 4). The proposed setback to Sandy Creek was established within the previous approval and is anticipated for the subject site. It is also noted that further earthwork approvals have been enacted and subsequent rehabilitation of the riparian buffer has been established to protect the waterway.

In context of these underlying approvals, the proposed development:

- Protects the mapped matters of environmental significance.
- Maintains fauna movement paths along Sandy Creek.
- Has no impact on bank stability.
- Introduces no additional risk to property or infrastructure.

Based on the above assessment it is considered the development complies with PO5 of the Environmental significance overly code.

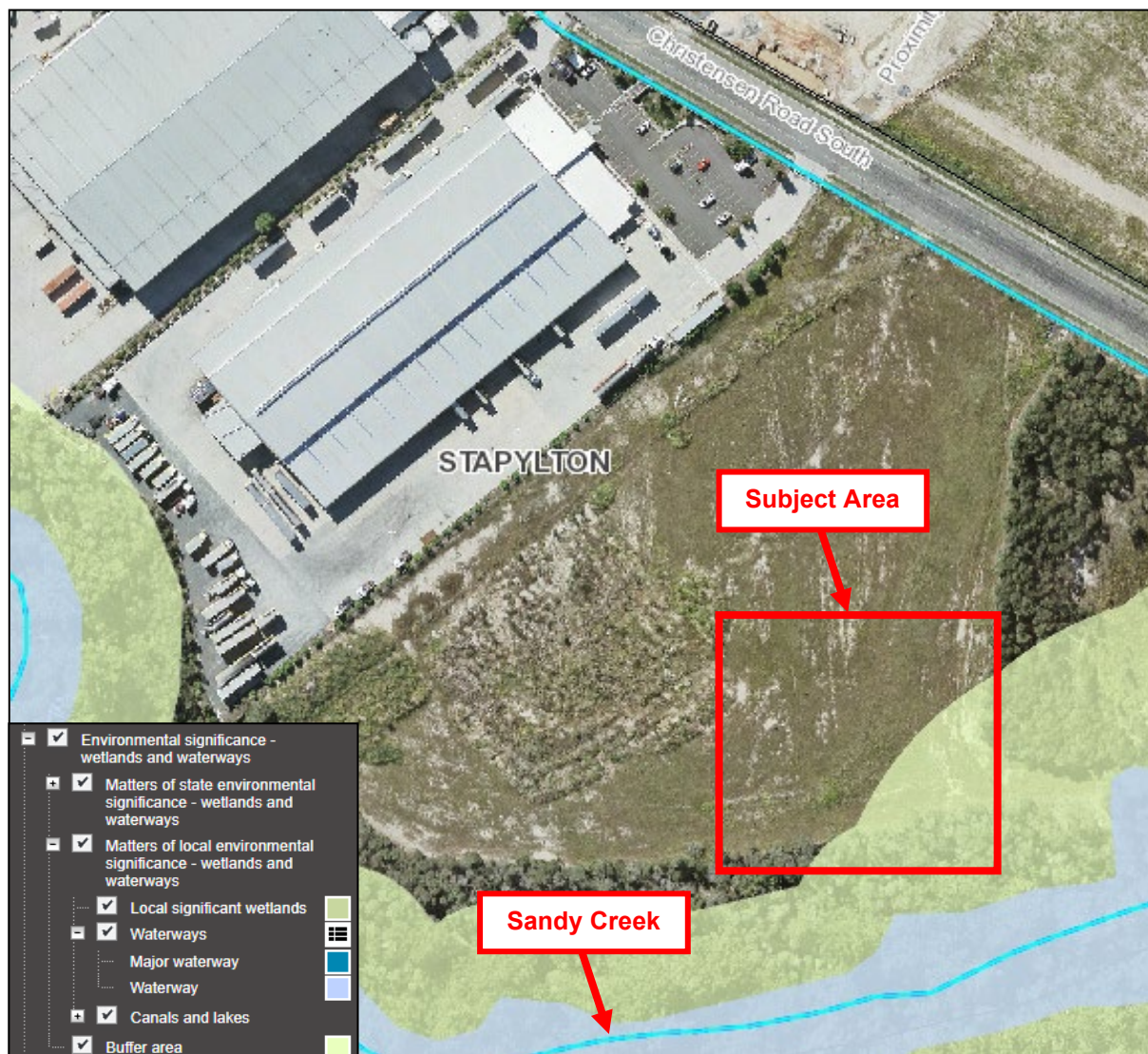


Figure 4: Subject area with wetland and waterways overlay
(Source: City of Gold Coast, Edited: Thomas Eaton)

Access to car parking – Transport code

The Required outcome and corresponding Performance outcome is provided below:

Performance outcome	Required outcome
PO2 Development ensures that access to car parking spaces is provided for employees and bona fide visitors.	RO2 Car parking spaces for employees and visitors do not have gateways, doors or similar devices which restrict vehicular access.

To meet RO2 of the Transport code, car parking spaces for employees and visitors must not have gateways which restrict vehicular access. The development includes a security gate at the access to the development, therefore compliance with RO2 is not met. Consideration must therefore be given to PO2.

A condition of approval is recommended to ensure that the security gate at the access driveway remain open from 6am to 6pm to allow employees and visitors to access car parking spaces. Compliance with PO2 will be achieved through conditions of approval.

Bicycle parking supply – Transport code

The Required outcome and corresponding Performance outcome is provided below:

Performance outcome	Required outcome
PO10 Development ensures that adequate off-street bicycle parking and end-of-trip facilities are provided to encourage use and meet the needs and volumes of predicted pedestrian and cyclist users.	RO6 Development provides off-street bicycle parking and end-of-trip facilities in accordance with Table 9.4.13-10: Bicycle parking rates and Table 9.4.13-11: End-of-trip facilities for active travel users . Note: This RO does not apply to the following uses: • Dwelling house; • Secondary dwelling; • Dual occupancy; or • Multiple dwelling (where there are 3 dwellings or less).

To meet RO6 of the Transport code, the proposed extension is required to provide 3 Security Level B bicycle parking spaces for staff and 9 Security Level C bicycle parking spaces for visitors. The proposal includes 8 Security Level C spaces for visitors only, therefore compliance with RO6 is not met. Consideration must therefore be given to PO10. Given the nature of the use and the location of the site, the proposed development is expected to generate minimal demand for both staff and visitor bicycle parking. A condition of approval has been recommended requiring a bicycle parking sign in accordance with Figure 2.5(b) of AS2890.3 at a location internal to the tenancy that can accommodate staff bicycle parking and in line of sight to the tenancy entrance. On that basis, it is considered adequate bicycle parking is provided to meet the needs and volumes of predicted cyclist users. Compliance with PO10 of the Transport code is considered to be achieved.

6 INFRASTRUCTURE CHARGES

The final estimated infrastructure charge is \$177,505.12.

Charges Resolution No. 1 of 2019				
	Qty		Rate	Gross Charge Amount
Impervious Area	5,817	Square Metres	@ \$ 10.98	\$ 63,870.66
Industry	2,074	sq m Gross Floor Area	@ \$ 54.79	\$ 113,634.46
				\$ 177,505.12
Net Charge Summary				
Gross Charge Amount		Applied Credit Amount		Net Charge Amount
\$ 177,505.12		\$ 0.00		\$ 177,505.12

7 REFERRALS

7.1 Internal referrals

This application has been assessed by internal referral officers who have provided comments and reasonable and relevant conditions identified below:

Internal referral area	Conditions/Comments (if not included within report)
Plumbing and Drainage	Plumbing and Drainage officers have provided conditions regarding: - Plumbing and drainage works
Queensland Fire Rescue	Queensland Fire Rescue officers have provided conditions regarding: - Approved plans Advice notes and Property notifications: - Bushfire management
Transport Assessment	Transport Assessment officers have provided conditions regarding: - Approved drawings - Off street bicycle parking
Water and Waste	Water and Waste officers have provided conditions regarding: - Approved drawings - Private infrastructure - Sewer connections - Water connection - Fire loading Advice notes: - Council water and sewer mains to be protected during site works - Connections and disconnections - Further development permits / compliance permits - Connection to, alteration or realignment of Council infrastructure - Design, Constructability and Minor change application

8 CONCLUSION

The purpose of this report is to assess an application for a development permit for a material change of use to establish a Warehouse at 84-160 Christensen Road South, Stapylton.

Assessment reveals the proposal has addressed the relevant Performance outcomes of the assessment benchmarks relevant to the subject matter of the Required outcomes where non-compliance was identified.

It is recommended the application be approved, subject to conditions.

9 NOTIFICATIONS

The following property notifications will be applied:

- Bushfire management

10 RECOMMENDATION

It is recommended that Council resolves as follows:

That under Delegated Authority, the Executive Coordinator Planning Assessment of City Development approves (with conditions) the issue of a development permit for a material change of use for an Accepted to code assessment for a Warehouse, in accordance with the Attachment entitled: Decision notice – Approval (with conditions).

Author:

Thomas Eaton

Planner

6 July 2021

Authorised by:

Roger Sharpe

Executive Coordinator Planning Assessment