

1 APPLICATION SUMMARY

Application information		
Address	60 Stapylton Jacobs Well Road, Stapylton (Historical address)	
Lot and plan	Lot 120 SP316137, Lot 121 SP316137, and Lot 122 SP316137	
Site area	83,360m ²	
Type of development and proposed use	Combined application for:	
Categories of development and assessment	Code assessment	
Properly made date	4 February 2022	
Decision due date	22 April 2022	
Applicant and Applicant's consultancy team	Fpi Queensland Pty Ltd– (Applicant) Gassman Development Perspectives – (Town Planner)	
Owner details	Astraland Industrial No. 89 Pty Ltd	
City Plan version	Not applicable	
Preliminary approval	M38 Industrial Place Code	
Zone / Precinct	Low impact industry, Future low impact industry precinct, Medium impact industry, Future medium impact industry, High impact industry.	
Overlays	Not applicable	
Submissions	Objections	Support
	Not applicable	Not applicable
Key matters raised by submitters	Not applicable	
Referral agencies	SARA	
Officer's recommendation	Approval with conditions	

2 PROPOSAL

2.1 Site history

- MIN/2019/762: 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.

- MIN/2020/659: On the 3 December 2020, Under Delegated Authority, the Executive Coordinator Planning Assessment of the City Development Branch of Council resolved to approve a Minor change to the existing approval (Council reference MIN/2019/762) providing amended conditions relating to infrastructure.
- MCU/2021/718: On the 28 March 2022, Under Delegated Authority, the Executive Coordinator Planning Assessment of the City Development Branch approves the issue of a development application for a Warehouse and Manufacturer's shop. The approved use is reliant on the delivery of the proposed Boundary realignment and Change to ground level providing lots and infrastructure which facilitate the approved built form of the Warehouse and Manufacturer's shop (figure 1).

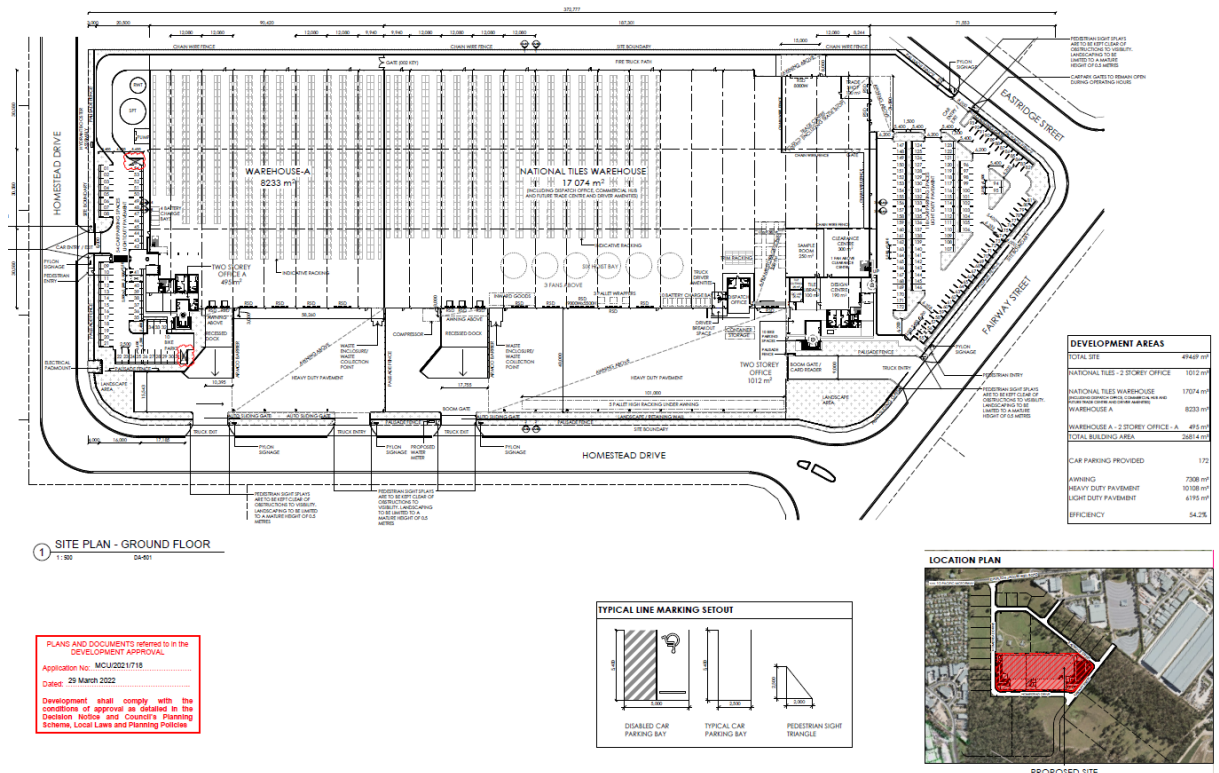


Figure 1: Approved Warehouse and Manufacturer's shop (source: MCU/2021/718)

2.2 Proposed development

The purpose of this report is to assess an application for a development permit for a boundary realignment (3 into 3 lots) and Operational works for a change to ground level at 60 Stapylton Jacobs Well Road, Stapylton within Stage 1 of the Vantage Industrial Estate.

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 proposed development includes a boundary realignment with a minimum lot size of 13,000m². Table F of the Yatala Enterprise Area Local Area Plan Table of Development (As Modified) identifies the proposed Reconfiguration of a Lot A Code assessable being within Precinct B and resulting in not lots with an area less than 2,000m².

Furthermore, the proposed development involves undertaking bulk earthworks to establish the surface level for future industrial uses including retaining walls along portions of the proposed boundary. Table B of the Yatala Enterprise Area Local Area Plan Table of Development (As Modified) categorises Operational works Changes to ground level as Code assessment for excavation or fill works that exceeds a volume of 100 cubic metres of fill or excavation, or is closer than 20 metres from the allotment boundary and is within or adjoins an allotment containing places, sites, or landscapes of indigenous cultural heritage significance listed on the Queensland Heritage Register – Cultural Records (Landscapes Queensland and Queensland Estate) Act 1987.

The development key details of the proposal are outlined in the table below:

Development proposal	
Lot sizes	Lot 120: 13,000m ² Lot 121: 49,470m ² Lot 122: 20,089m ²
Road access	Lot 120: Eastridge Street Lot 121: Eastridge Street, Fairway Street and Homestead Drive. Lot 122: Eastridge Street and Homestead Drive.
Frontage	Lot 120: 231m Lot 121: 615m Lot 122: 300

The following drawing identifies the proposed development.

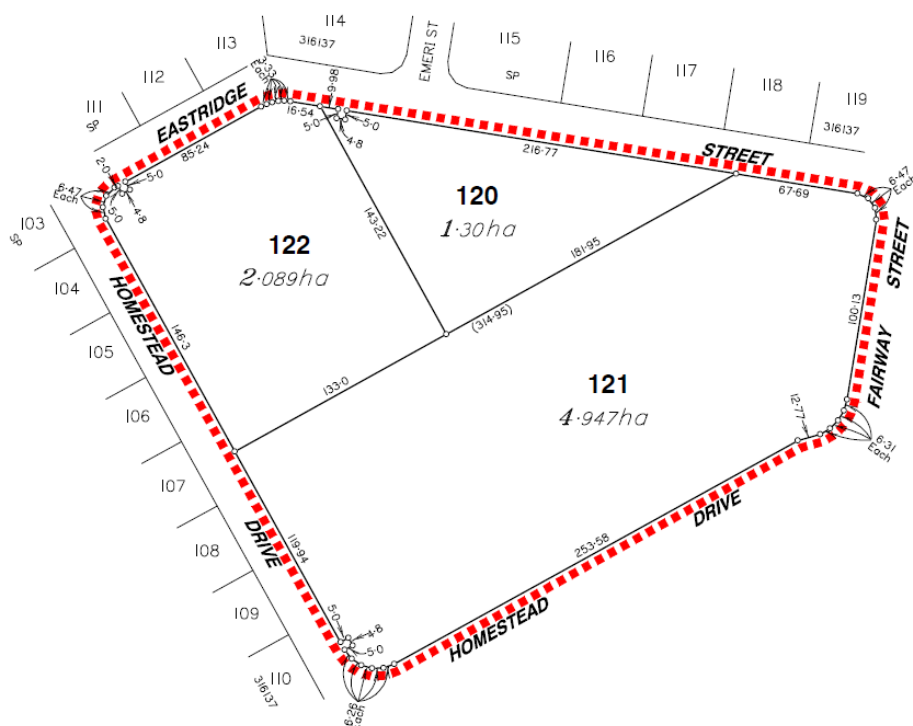


Figure 2: Proposed lot reconfiguration (source: Gassman Development Perspectives)

3 SITE CONTEXT

3.1 Subject site and immediate context

- Part of Stage 1 of the Vantage Industrial Estate (precinct B);
- Subject to the M38 Industrial Estate Place Code;
- A vacant lot with no established services;
- Clear of all vegetation;
- Irregular in shape; and
- Has road frontages to future roads Fairway Street, Homestead Drive and Eastridge Street.

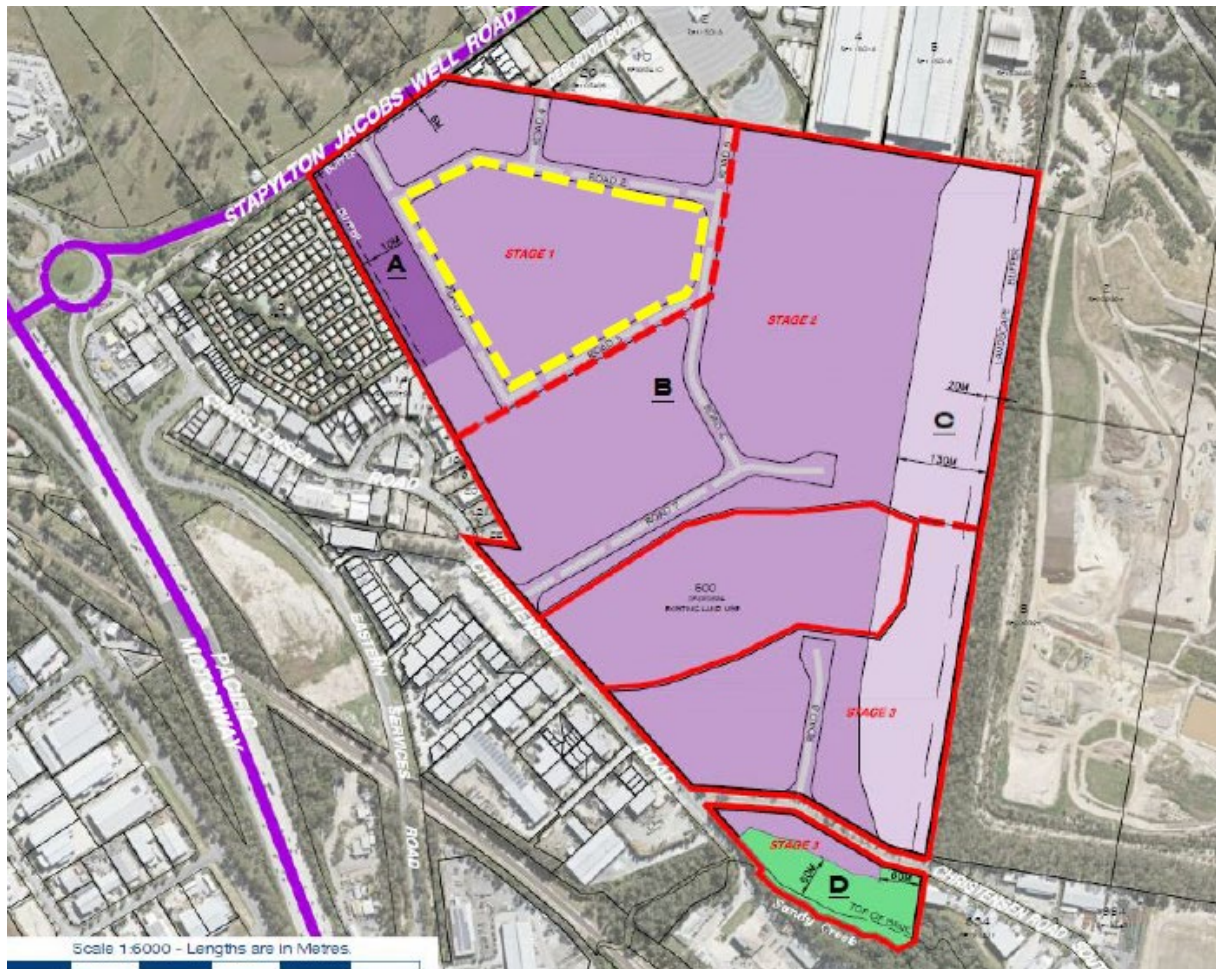


Figure 3: Subject site and future development site location (source: plan of subdivision)

3.2 Local context

The Vantage Industrial Estate is expected to be developed for a range of different industrial uses as contemplated within the M38 Industrial Estate Place Code.

The local areas is comprised of industrial uses, landfill (Special purpose zone), and Extractive industry zone. The west of the site includes a small area of Medium density residential surrounded by Low impact industry zone (see figure 4).

The site is within close proximity, approximately 0.5km to the Pacific motorway (M1), with the nearest onramp accessed via Stapylton Jacobs Well Road.

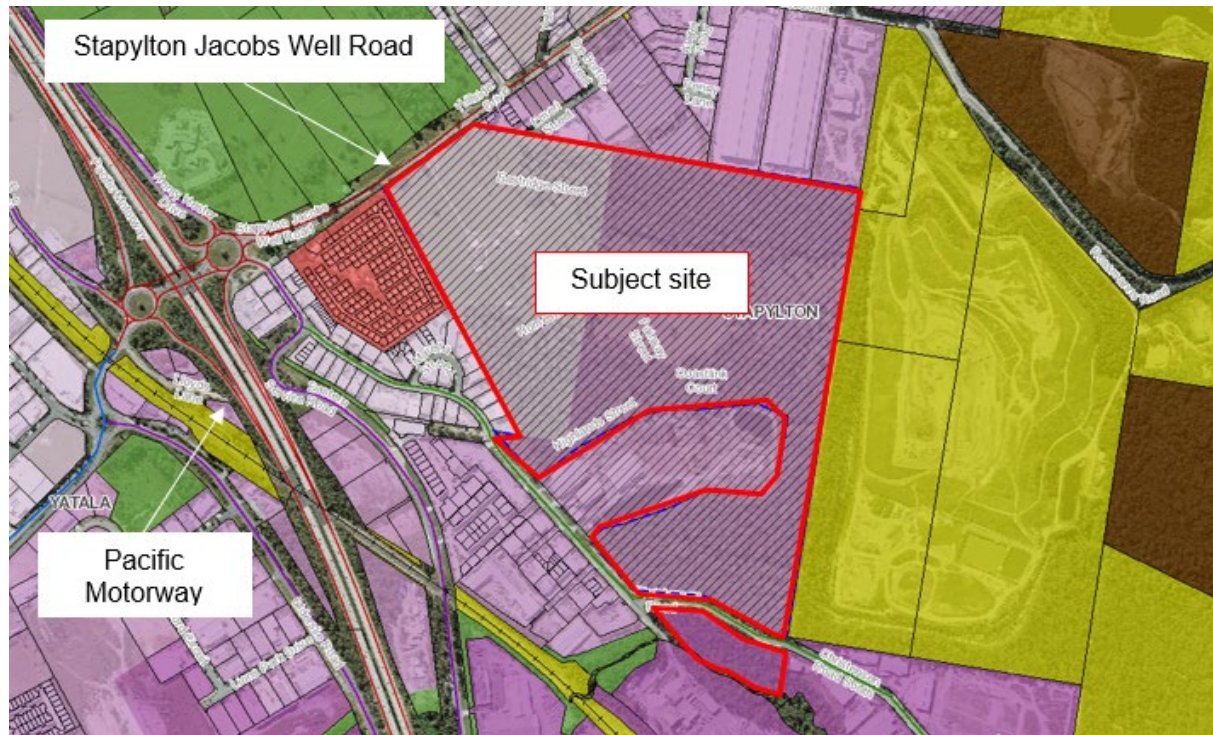


Figure 4: Aerial view of the Subject site and local context (source:CoGC)

4 PLANNING ASSESSMENT

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*.

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 9, Division 4, Subdivision 2, Table 4, Item 1 – Material change of use of premises near a State transport corridor). The application was referred to SARA who was identified in Schedule 10 to act as a Concurrence Agency . This is discussed in section 6.2 within this planning report.
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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 (Version 8)	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	- Bushfire management areas; - Canals and waterways; - Car parking, access and transport integration;	- Changes to ground level and creation of new water bodies; - Landscape work;

Zone code	Constraint code	Development codes
	• Cultural heritage (historic); • Cultural heritage (indigenous); • Flood affected areas; • Natural wetland areas and natural waterways; • Nature conservation; • Rail corridor environs; • Road traffic noise management; • Sediment and erosion control; • Steep slopes or unstable soils; and • Unsewered land	• Reconfiguring a lot; • Vegetation management; and • Works for infrastructure

This is a 'report by exception' and only discusses issues where the development does not meet the relevant acceptable outcomes or where a relevant performance outcome does not have a stated corresponding acceptable outcome. This is outlined in the table below:

Code	Performance Criteria	Subject matter
Changes to ground level and creation of new water bodies code	PC4	Geotechnical site requirements
Reconfiguring a lot code	PC14	Energy efficient design

4.2.1.1 Assessment against the M38 Industrial Estate Place Code

Assessment has been undertaken against the applicable Acceptable solutions of the M38 Industrial Estate Place Code. The proposal has demonstrated compliance with all of the Acceptable solutions of the M38 Industrial Estate Place Code, and therefore complies with the code.

4.2.1.2 Assessment against the Constraint codes

Assessment has been undertaken against the Acceptable solutions of the applicable Constraint codes. The proposal has demonstrated compliance with all of the Acceptable solutions of the applicable Constraint codes identified above, and therefore complies with the codes.

4.2.1.3 Assessment against development codes

Assessment has been undertaken against the applicable Performance Criteria for each subject matter as follows:

Geotechnical site requirements - Changes to ground level and creation of new water bodies code

The Acceptable solutions and corresponding Performance criteria is provided below:

Performance Criteria	Acceptable Solution
PC4 All earthworks must be geotechnically stable, and must not decrease the geotechnical stability of the subject or adjacent sites.	AS4 The earthworks are undertaken in a manner which: a) Involves a maximum cut and/or fill of less than 1 metre in height; b) Involves batters no steeper than one in two.

Officer's comment

The proposed development includes changes to ground level more than 1 metre in height and does not meet the requirements of Acceptable solution AS4 and requires assessment against Performance Criteria PC4 of the Changes to ground level and creation of new water bodies code.

The proposed changes to ground level are in response to the proposed boundary realignment ensuring the site can accommodate industrial uses. The proposed changes to ground level require a retaining wall separating lots 121 and lot 122. Portions of the retaining structure are up to 2.9 in height. Review of the submitted Bulk Earthworks Plan determines that the proposed changes to ground level ensures that all earthworks are geotechnically stable.

Based on the above assessment it is considered the development complies with Performance criteria PC4 of the Changes to ground level and creation of new water bodies code.

Energy efficient design – Reconfiguring a lot code

The Acceptable solutions and corresponding Performance criteria is provided below:

Performance Criteria	Acceptable Solution
PC14 The street and lot orientation must facilitate the construction of energy efficient buildings that respond to the local climate conditions by: a) Maximising solar access to the north in winter; b) Minimising solar access to the east and west in the summer; c) Maximising access to any prevailing summer breezes; d) Minimising exposure to the prevailing winter winds.	AS14 No acceptable solution is provided.

Officer's comment

The Reconfiguring a lot code does not provide an Acceptable solution for AS14 Energy efficient design. As such, assessment is required against Performance criteria PC14 to maintain compliance with the Reconfiguring a lot code.

The proposed development includes a boundary realignment of 3 into 3 lots. The proposal maintains the existing approved (Council reference MIN/2020/454) street layout and only internal boundaries are altered. Figure 5 provides a comparison of the existing approved lot and street layout with the proposed lot configuration.

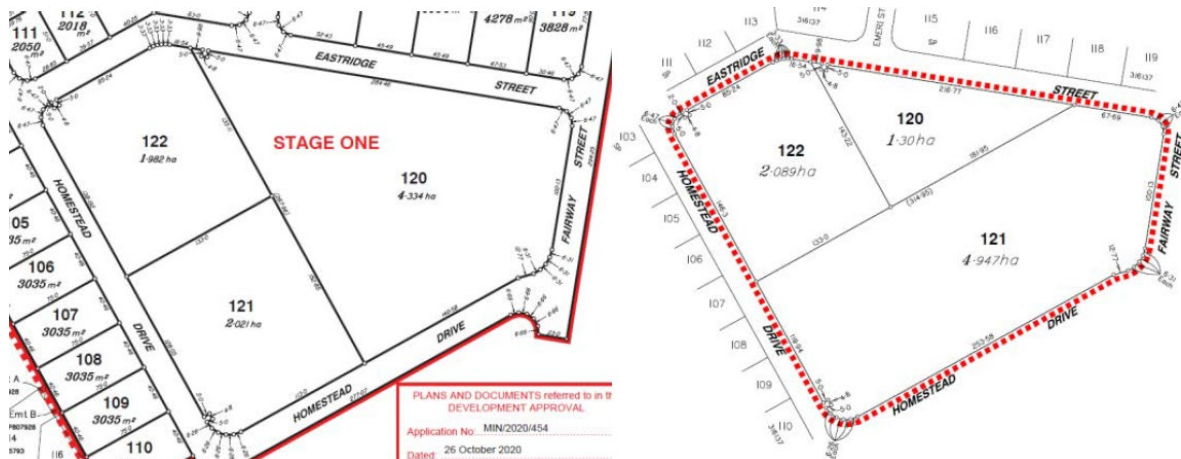


Figure 5: Approved (left) and proposed (right) lots 120, 121, 122 (source: applicant material)

The proposed lot layouts maintain similar road access and lot orientation to the previously approved layout. The approved street and lot layout was assessed against the Reconfiguring a lot code and considered accommodate the construction of energy efficient buildings.

Based on the above assessment it is considered the development complies with Performance criteria PC14 of the Reconfiguring a lot code.

5 INFRASTRUCTURE CHARGES

As the development does not create additional lots, no infrastructure charges are applicable.

6 REFERRALS

6.1 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)
Hydraulics and Water Quality	Hydraulics assessed the application and recommend the following conditions be included: - General – Approved plans; - Stormwater Drainage – Overland flow paths and hydraulics alterations; - Construction Management:

	- Certification of works – Hydraulic and water quality; and - Erosion and sediment control.
Landscape Assessment	Landscaping assessed the application and recommend the following conditions be included: • Environmental and Landscaping: Landscape works on private land (future development)
Operational Works	Operational works assessed the application and recommend the following conditions be included: • General: - Approved drawings; - When the approval lapses if works is not completed; • Engineering: - Rectification of Council's infrastructure; - Earthworks and private retaining walls; • Stormwater Drainage: - Overland flow paths and hydraulic alterations; - Erosion and sediment control; • Construction Management: - Certification of works; - Availability of approved plans, drawings and reports; - Transport of soil/fill/excavated material; - Pre-start inspection; - Hold point inspection; - Practical completion; and - Bond.
Water and Waste	Water and Waste assessed the application and recommend the following conditions be included: • General: - Timing; - Approved drawings; • Property – Restrictions regarding Council easements and infrastructure; • Engineering – Rectification of Council's infrastructure; • Sewer and Water Works: - Sewer connection; and - Water connection.

6.2 External referrals

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, Part 9, Division 4, Subdivision 1, Table 1, Item 1 (10.9.4.1.1.1) – Development for a combination of purposes – State transport thresholds

SARA as a concurrence agency provided a referral agency response with General advice on 17 February 2022.

7 CONCLUSION

Council is in receipt of an application for a combined development permit for Reconfiguring a lot, boundary realignment 3 into 3 lots and Operational works for a change to ground level at 60 Stapylton Jacobs Well Road, Stapylton.

After a detailed assessment, it has been determined the proposal meets the purpose of the M38 Industrial Estate Place Code and applicable Constraint and Development Codes.

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

8 RECOMMENDATION

It is recommended that Council resolves as follows:

That under Delegated Authority, the Executive Coordinator Planning Assessment approves (with conditions) the issue of a development permit (Code assessment) for Reconfiguring a lot (3 into 3 lots) and Operational works (change to ground level), in accordance with the Attachment entitled: Decision notice —approval (with conditions).

Author:

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Planner

March 2022

Authorised by:

Roger Sharpe

Executive Coordinator Planning Assessment