

OUR REF: 6097
YOUR REF: MCU/2021/638

22 April 2022

The Chief Executive Officer
Gold Coast City Council
PO Box 5042
GOLD COAST MC QLD 9729

Via email: mail@goldcoast.qld.gov.au

Dear Sir/Madam,

**RE: REQUEST TO MAKE A MINOR CHANGE APPLICATION TO DEVELOPMENT PERMIT
FOR MATERIAL CHANGE OF USE – WAREHOUSE**

**AT: 60 STAPYLTON JACOBS WELL ROAD, STAPYLTON QLD 4207 (LOT 502 ON SP316137
(FORMALLY LOT 501 ON SP295994))**

We act on behalf of the Applicant, FPI Queensland Pty Ltd, who seeks a request to make a minor change application under s78 of the *Planning Act 2016* (the Act) for the above-mentioned property.

We enclose the following:

- Forms and Consent, **Attachment A**;
- Current Approval Package MCU/2021/638, **Attachment B**; and
- Amended Proposal Plans, **Attachment C**.

As the application will be lodged electronically, the prescribed fee of **\$1,281.60** (20% of \$6,408.00) will be paid upon receipt of Council's invoice.

1.0 SITE DESCRIPTION

Table 1 - Site Summary	
Site Address	60 Stapylton Jacobs Well Road, Stapylton 4207 QLD
Real Property Description	Lot 502 on SP316137 (formally Lot 501 on SP295994)
Total Site Area	4.325ha (Site specific (approved Lot 205)) 44.789ha (Balance Lot 502)
Current Site Use	Industry (under construction)
Local Authority	Council of the City of Gold Coast
Zoning	Precinct B – General Impact Business and Industry

2.0 APPROVAL HISTORY

Table 2 - Approval History	
Approval Reference	Comment
MIN/2019/762 Originally Dated: 3 May 2013	This approval is the most recent iteration of the overarching preliminary approval affecting the entire site, formally Lot 501 on SP295994. The approval sought implementation of an endorsed Place Code as well as a Land Use Classification Plan supporting industrial uses through industrial subdivision and relevant land use precincts.
OPW201801218 Dated: 11 December 2018	This Operational Work approval sought the earthworks (change to ground level) aspect to create large scale, flat industrial pads and new roads within the subject site.
OPW201801219 Dated: 11 December 2018	This Operational Work approval sought the clearing of all vegetation on site.
COM/2020/262 Dated: 30 April 2021	This approval sought the formal subdivision of Stage 2 of the industrial estate, as well as the subsequently required earthworks. Stage 2 included approved Lot 205.
MIN/2021/637 Dated: 18 February 2022	This approval sought a minor relocation of approved Lot 205's boundary to facilitate the establishment of warehouse use and suitable earthworks.
MCU/2021/638 Dated: 7 March 2022	Material Change of Use for Warehouse on approved Lot 205. The proposed minor change seeks to alter this approval.

3.0 BACKGROUND

The original approval sought the establishment of an industrial warehouse with ancillary office space providing storage and logistical operations within the Vantage Industrial Estate. A high-quality, spacious outcome was approved for the warehouse, totalling 25,000m² under roof and featured a 520m² ancillary office space as well as a 50m² warehouse office including staff amenities area. The warehouse had originally provisioned six elevated AV receiving docks and seven larger roller door receiving bays adjacent to the covered loading area. Although approval was given for the warehouse in March of 2022, construction of the building is yet to commence.

4.0 CHANGES REQUESTED UNDER S.78 OF THE *PLANNING ACT 2016*

The proposed change seeks to alter the approved warehouse plans, with the relocation and alterations of some aspects within the warehouse. The proposed changes will see the relocation of the at grade loading bays to the south, as well as the loss of one. This allows for four additional recessed AV loading docks. In order to facilitate the above, the warehouse office has also been relocated adjacent to the ancillary office space. The warehouse amenities will remain as originally located. The waste storage areas/bin washdown facilities and the waste compactor are also proposed to be co-located. Finally, the inclusion of a 20-slot battery charging station is proposed along the northern wall of the warehouse. The station provides ample space to charge batteries for any necessary warehouse equipment, forklifts and the like.

The overall footprint of the warehouse will not change, nor will the building height, however, the changes will result in an increase to Gross Floor Area Exclusion Zone from 1,515m² to 2,035m², lowering the total GFA of the development. It is expected that a revised Infrastructure Charge Notice be issued by Council, reflecting the Decrease in GFA. Please see **Appendix C** for the full suite of amended proposal plans (changes identified in red).

Based on the above changes, the Applicant proposes the conditions be amended as outlined below:

Table 3 Summary of Requested Condition Changes			
Condition No.	Condition Aspect	Requested Change	Justification
General			
2	Approved drawings	Amend condition	Amend condition to reflect updated Proposal Plans, dates, drawing numbers and versions.

4.1 Affected Entities

Under Section 80 of the Act, affected entities must be notified of minor changes if required. Under this section an affected entity is defined as:

if the assessment manager would be the responsible entity for the change application if it were made—a referral agency for the development approval other than the chief executive

The original development application was referred for the following matters:

- Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 – Aspect of development stated in Schedule 20; and
- Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 – Material Change of Use near a State transport corridor.

Whilst these referral matters were triggered, as they were referred to the chief executive, they are not defined as an affected entity. Based on the above no affected entities are identified for this minor change.

5.0 PLANNING ACT 2016 LEGISLATIVE AND STATUTORY CONSIDERATIONS

5.1 PLANNING ACT 2016 – MINOR CHANGE ASSESSMENT PROVISIONS

To assist the determination of this minor change application, detailed assessment of the requested changes has been undertaken against the assessment provisions as outlined within section 81 of the Act in which the responsible.

The outcome of this assessment is as follows:

s.81(4) *must assess against, or have regard to, the matters that applied when the development application was made; and*

Comment: The original development application was made under the active preliminary approval over the subject site being the M38 Place Code.

s.81(5) *may assess against, or have regard to, the matters that applied when the change application was made.*

Comment: The existing preliminary approval remains active over the subject site and therefore provides the same assessment benchmarks that were imposed upon the original development application.

5.2 PLANNING ACT 2016 SCHEDULE 2 (DICTIONARY)

Chapter 1 Section 6 of the Act provides the Definitions and meanings of particular words used throughout the Act, and refers specifically to the Dictionary in Schedule 2.

Schedule 2 provides the definition of 'minor change':

- (a) for a development application; and
- (b) for a development approval.

For this particular application request, a minor change 'for a development approval' is relevant.

The definition assists in providing a guideline to the compliance within meaning of minor change, and is presented in the below table.

Table 4 Minor Change	
(b) for a development approval-	Comment/Compliance
(i) would not result in substantially different development; and	Complies The proposal does not result in substantially different development, as indicated in Table 5 below.

Table 4 Minor Change

(b) for a development approval-	Comment/Compliance
	It is the same land use, within the same site area. As such, the proposal is seen as generally consistent with the original approval.
(ii) if a development application for a development including the change, were made when the change application is made would not cause – (A) the inclusion of prohibited development in the development; or (B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or (C) referral to extra referral agencies, other than to the chief executive officer; or (D) a referral agency to assess the application against, or have regard to, matters prescribed by a regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or (E) public notification if public notification was not required for the development application.	Complies The proposed change would not result in prohibited development. Complies Referral was applicable to the original development application. Complies No extra referral agencies will be triggered for referral. Complies No additional assessment matters are required to be assessed by a referral agency. Complies Public notification was not required for the original development application, nor will it be required because of the change.

Table 5 DA Rules Schedule 1 – Substantially different development

A change may be considered to result in a substantially different development if the proposed change:

Test	Comment/Compliance
(a) involves a new use; or	Complies Proposal does not involve a new use or additional impacts above what was originally approved.
(b) results in the application applying to a new parcel of land; or	Complies Whilst a new lot reference is applicable, the proposal is over the same parcel of land.
(c) dramatically changes the built form in terms of scale, bulk and appearance; or	Complies The proposal does not involve a dramatic change in built form in terms of scale, bulk and appearance.
(d) changes the ability of the proposed development to operate as intended; or	Complies The proposal does not change the ability of the land use to function or operate.
(e) removes a component that is integral to the operation of the development; or	Complies The proposal does not remove any integral component to the proposed development or operation of the development.
(f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or	Complies The proposed changes will not result in significant impacts on traffic flow or transport network. All traffic impacts are consistent with those already modelled and approved under previous approvals.
(g) introduces new impacts or increase the severity of known impacts; or	Complies The extent of the change will not introduce any new impacts, nor increase the severity of any known impacts.
(h) removes an incentive or offset component that would have balanced a negative impact of the development; or	Complies The proposal does not remove any incentive or offset component in relation to the proposed development.
(i) impacts on infrastructure provisions.	Complies The proposal does not involve a change that would impact on the provision of planned infrastructure.

Given the above, we are of the position that the proposed changes generally comply with the relevant provisions under the Act.

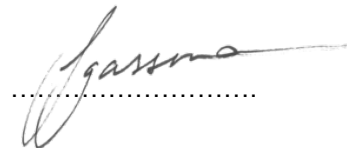
6.0 CONCLUSION

Having consideration to the above compliance statement and attached information, it is considered that the proposed change to the conditions of approval are relatively minor in nature and are consistent with those that are generally envisaged under s.78 of the Act.

If you require any further information or have any queries, please contact the undersigned.

Yours faithfully,

GASSMAN DEVELOPMENT PERSPECTIVES PTY LTD

A handwritten signature in black ink, appearing to read 'Gassman', is written over a horizontal dotted line.

FRASER GASSMAN
TOWN PLANNER

Enclosed: Attachment A: Forms and Consent
 Attachment B: Current Approval Package – MCU/2021/638
 Attachment C: Amended Proposal Plans