

Town Planning Report Code Assessment Application

**Material Change of Use (Development Permit) for the
purpose of *High Impact Industry* on approved Lot 11 at
84 – 160 Christensen Road South,
STAPYLTON QLD 4207**



**Prepared for MS Projects Pty Ltd
By
iPlan Town Planning Pty Ltd**

June 2022



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APPLICANT EXECUTIVE SUMMARY

RiskSMART	No		
Site address	84 – 160 Christensen Road South, Stapylton QLD 4207		
Division	1		
Real property description	Part of Lot 334 on SP193431 (being approved Lot 11)		
Area of Site	5,217m ²		
Applicant’s name	MS Projects Pty Ltd C/o I-Plan Town Planning Pty Ltd		
Zone / Neighbourhood Plan	High impact industry zone		
Overlays	▪ Acid sulfate soils overlay; ▪ Airport environs overlay; ▪ Bushfire hazard overlay; ▪ Environmental significance overlay; ▪ Flood overlay; ▪ Industry, community infrastructure and agriculture land interface area overlay. ▪ Water catchments and dual reticulation overlay.		
Proposed use as defined in Gold Coast City Plan 2014	High impact industry		
Details of proposal	Material Change of Use (MCU) or Building Work (BA)		
	▪ Gross Floor Area (GFA)	2,650m ²	
	▪ Total Use Area (TUA)	2,650m ²	
	▪ Building height	9.894m	
	▪ Site Cover	62.7%	
	▪ Number of car parks	Twenty-two (22)	
	▪ Number of storeys	One (1) storey	
	▪ Number of units / tenancies	One (1)	
	Reconfiguration of Lots		
	▪ Number of existing lots	N/A	
▪ Number of new lots	N/A		
Application type	Aspects of Development	Type of Approval Requested	
		Preliminary Approval	Development Permit
	Material Change of Use (MCU)		✓
	Reconfiguration of a Lot (ROL)		
	Building Work (BW)		
	Operational Work (OW)		
Categories of Assessment	Code Assessment		
Pre-lodgement / Consultation history	No		
Key planning issues e.g. vegetation, waterway corridors, overland flow	Proposed spray painting activities (no greater than 24,000L per annum); car parking relaxation; and stormwater management.		
Referral agencies	Agency	Concurrence/ Advice	
	N/A		
Specialist reports provided	▪ Landscape Concept Plan – Multi Span Australia Group Pty Ltd; and ▪ Stormwater Management Statement – iCubed Consulting Pty Ltd.		
Public notification	No		

SITE DESCRIPTION AND LOCALITY (INCLUDING PHOTOS)

Property Description

Address of Site	84 – 160 Christensen Road South, Stapylton QLD 4207
Real Property Description	Part of Lot 334 on SP193431 (being approval Lot 11)
Area of site	5,217m ² (Total site – 25.182 Ha)
Zone	High impact industry zone
Owner	Burnside Developments Pty Ltd & Yellowstone Investments Pty Ltd

The subject site comprises part of Lot 334 on SP193431 and has an area of 5,217m². The land is identified as Lot 11 in the approved industrial subdivision and is contained in the *High impact industry zone* under the *Gold Coast City Plan 2016*. The site forms part of the *Proximity@YATALA Industrial Park* which is an expanding industrial estate containing a range of industrial uses. Currently all existing developments within the industrial park are located on one lot, being Lot 334 on SP193431, which has a total area of 25.182 hectares.

Lot 334 on SP193431 is divided by Christensen Road South with the subject site forming part of the newly subdivided industrial estate granted under Council file reference ROL201800026. At the time of lodgement, all civil works associated with the approved subdivision have been completed however the survey plan is yet to be sealed by Gold Coast City Council. The development is contained within approved Lot 11 having a frontage of 55.83m to the new road which forms part of Stage 2 of the approved subdivision.

Christensen Road South is an industrial cul-de-sac identified as a distributor road on Council's *Functional road hierarchy map* and is fully constructed with concrete kerb and channel and a strip footpath in good condition to the ultimate alignment along the frontage.

The site is generally level as a result of the approved bulk earthworks carried out as part of the original subdivision approval. The land has been previously cleared and is devoid of vegetation. Street furniture along the frontage is limited to street lighting poles with no existing street trees evident. As a result of the approved subdivision, the site is already provided with all necessary urban services including reticulated water and sewer.

In relation to stormwater infrastructure, the newly constructed bioretention / detention basin to the south of Christensen Road has been designed to address all stormwater quantity and treatment for the entire industrial estate hence negating the requirement for individual onsite treatment devices.

The subject site is surrounded by newly constructed industrial development to the south and west with vacant industrial lots to the immediate north and directly opposite the site. Sandy Creek is located to the south of the estate with the Stapylton Landfill Facility to the north and the future Stapylton Sewage Treatment Plant to the east. Further to the northeast is an established extractive industry. No residential land or sensitive land uses are located in proximity to the subject site.

Given the industrial zoning of the site and its location within the industrial park, it is envisaged that land in the immediate area will continue to be used for industrial purposes in the long term, particularly medium and high impact industries.

The industrial nature of the locality is illustrated in the photographs of the surrounding locality below.

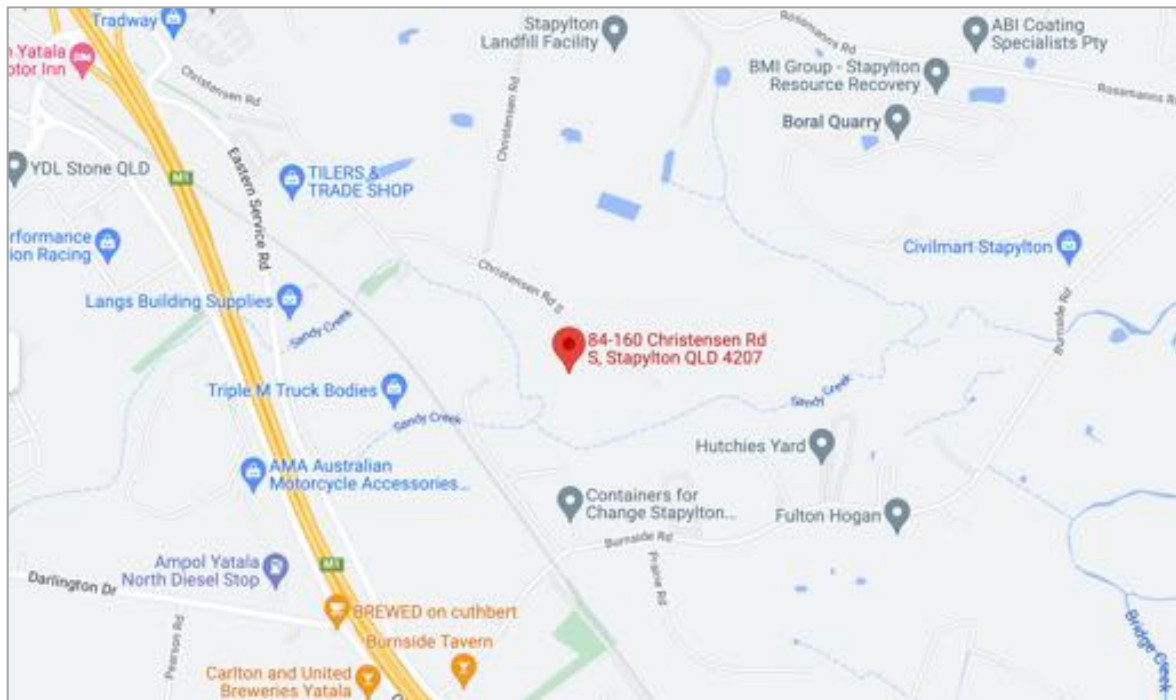


Figure 1: Site Locality (Source: Google 2017)

Photographs of Subject Site & Surrounds



Photograph 1: Aerial image of subject site and newly constructed road (Proximity Place) within the approved industrial estate. Whilst the survey plan is currently before Council for plan sealing, all civil works associated with the original subdivision approval including bulk earthworks, new road, services and stormwater detention / treatment have been completed.



Photograph 2: View of approved Lot 11 on Proximity Place. The proposed industrial premises adjoins a newly constructed industrial tenancy to the immediate south which includes access from the newly constructed road.



Photograph 3: View of finished industrial lots to the north and retaining walls along the boundary which adjoins the Stapylton Landfill facility.



Photograph 4: View of newly constructed intersection at Christensen Road South and Proximity Place.



Photograph 5: View of newly constructed wetland area to the south of Christensen Road incorporating stormwater bioretention works which is sized to treat all stormwater runoff from both the new road and industrial lots.

PREVIOUS RELEVANT APPLICATIONS/SITE HISTORY

The subject site is located in the *Proximity@YATALA Industrial Park* and comprises part of Lot 334 on SP193431, being approved Lot 11.

The subject site is included in the *High impact industry zone* and contains several established industrial tenancies. The site is subject to multiple development approvals with the most recent being the Reconfiguration of a Lot which was granted by Council on 23 August 2018 and amended by way of a Negotiated Decision Notice on 2 November 2018 (Council File Reference: ROL201800026). The approval involved the creation of seventeen (17) Standard Format Lots with common property. A subsequent minor change approval was issued on 5 February 2021 for the proposed realignment of boundaries and inclusion of additional common property (refer to Council Ref: MIN/2020/494).

All civil works associated with the subdivision approval have been completed including the construction of the new road identified as Proximity Place together with the stormwater bioretention basin and wetland area to the south of Christensen Road. Whilst the survey plan is currently before Gold Coast City Council for plan sealing, it is evident that approved lot 11 is provided with all necessary urban services whilst any issues associated with the planning scheme overlays, including bushfire hazard and environmental overlays, have been addressed in the original subdivision approval. It is noted that the original Bushfire hazard management plan which was approved as part of the original subdivision approval did not identify the subject lot within a hazard zone.

DETAILED DESCRIPTION OF PROPOSAL

The proposed development is for a Material Change of Use (Development Permit) for the purpose of a *High impact industry* on approved Lot 11 at 84-160 Christensen Road South, Stapylton. It is reiterated that the subject site forms part of Lot 334 on SP193431 with the approved subdivision granted by Council involving the creation of seventeen (17) lots, common property, open space and new road over two (2) stages. All civil works associated with this approval have been completed with the survey plan currently before Council for sealing.

The development statistics of the proposal are as follows:

- Gross floor area of 2,650m² including a 150m² ancillary office component;
- Site cover of 62.7%;
- Building height a maximum of 9.894m above ground level;
- Landscape open space 266m² (or 5%);
- Parking for a total of twenty-two (22) cars including one (1) space for accessible parking; and
- Total number of staff being twelve (12) with the hours of operation being 24hrs, seven (7) days a week.

Proposed Uses

The proposed development provides a new facility for ACC Higgins which currently operates from a premises at 10-12 Union Circuit, Yatala. ACC Higgins specialise in the manufacture of caskets and coffins with all timber products, including chip board, delivered to the site. The intended use constitutes *High Impact Industry* in accordance with the Industrial Thresholds prescribed in Schedule 1 – Table SC1.1.3 of the *Gold Coast City Plan 2016* with the total quantity of paints sprayed per annum being in excess of 20,000L.

In accordance with the *Environmental Protection Regulations 2008*, the proposal will not trigger an application for an Environmentally Relevant Activity (ERA) 38, being Surface Coating, as the total quantity of spray paint product used per annum will not exceed 100t.

Operations on-site include cutting, sanding and assembly of coffins with the maximum quantity of spray painting material used per annum (including lacquers) being 24,000L. All spray painting will be carried out in two preassembled spray booths which will be located within the main factory towards the north west corner. Given all spray painting is carried out within the building and the enclosed spray booths, any vapour emissions beyond the boundaries of the site will be controlled in accordance with the *Environmental Protection (Air) Policy 2008* hence any further requirements associated with air quality impacts can be conditioned accordingly.

Built Form

The proposed building is to have an overall height of 9.894m which is substantially below the maximum allowable height of 15m prescribed in the *High impact industry zone code*. The development is to primarily be a single storey building with an ancillary office area extending forward of the main building envelope on the northern side boundary. The building is to be significantly recessed from the newly constructed road frontage being setback a minimum of 29.28m to the office component with increased setbacks to the main factory component of the development resulting in setbacks of approximately 44.980m to the road alignment.

The building is to be of a high quality contemporary finish and will be constructed from a variety of materials and finishes. The building is to feature significant articulation and will incorporate precast concrete panels with painted finish, metal roof sheeting, roller doors with a 15m deep cantilvered awning over the loading areas, and an extended sloping roof over the office area.

The design of the building also ensures that the pedestrian entry is easily identifiable and readily visible with pedestrian access to the site provided at the northern end of the site frontage linking the building to the footpath on the newly constructed road. The proposed built form will contribute positively to the streetscape whilst also providing for passive surveillance of the public domain.

Car Parking, Site Access and Servicing

Provision will be made for a total of twenty-two (22) car parking spaces on-site, including one (1) space for disabled persons, where thirty-four (34) are required in accordance with Table 9.4.13-3 of the *Transport code*. Parking is proposed to be located towards the front of the site.

As stated above, the total number of staff is limited to twelve (12) which allows for ten (10) car parks to be allocated for customers. Given the limited number of customers at the premises at any time, the proposed layout provides ample car parking for the intended use.

With respect to vehicular access, the design incorporates two (2) industrial type crossovers being 9m wide and 6m wide to the Proximity Place frontage. Provision has been made for standing and manoeuvring of an Articulated Vehicle (AV) on-site. The layout accommodates on-site turning movements and enables the AV to enter and leave the site in a forward direction.

In relation to refuse collection, a bin store is to be provided in front of the industrial building along the southern side boundary with refuse collection vehicles able to access and service the development on-site.

Landscaping

A total of 266m² (or 5%) of landscape open space will be provided on-site. A minimum 1.5m wide landscape strip has been provided along the newly constructed road frontage with the exception of the driveway crossover areas. The overall landscaping provision will soften the built form and hardstand areas and make a positive contribution to the new road streetscapes.

Refer to the accompanying Landscape Concept Plan prepared by Multi Span Australia Group Pty Ltd.

Infrastructure

The site forms part of the *Proximity@YATALA Industrial Park* which has previously been supplied with all necessary urban services including water and sewer reticulation, all of which are to be maintained. As previously stated, all civil works associated with the approved subdivision including new road construction, stormwater drainage and connection to utilities have been completed with the plan sealing application currently before Council for endorsement.

With respect to stormwater quantity and quality requirements, a Stormwater Management Statement has been prepared by iCubed Consulting Pty Ltd which addresses stormwater management for the proposal. The statement confirms that the newly constructed bioretention basin has been designed to accommodate treatment for all new road and lots within the estate. Consequently, onsite treatment of stormwater is not required.

Refer to attached 'Stormwater Management Statement' pdf.

PLANNING ACT 2016 REQUIREMENTS

Development Application Details

Type of Development	Code Assessment		Impact Assessment	
	Preliminary Approval	Development Permit	Preliminary Approval	Development Permit
Material Change of Use		✓		
Reconfiguring a Lot				
Operational Work				
Building Work				
Plumbing and Drainage Work				

Relevant Sections Planning Act 2016

The following sections of the *Planning Act 2016* are relevant to this application:

- 45(3)** *A code assessment is an assessment that must be carried out only –*
- (a) against the assessment benchmarks in a categorizing instrument for the development; and*
 - (b) having regard to any matters prescribed by regulation for this paragraph.*

In regard to the prescribed regulation, being the *Planning Regulation 2017*, the following sections apply in the assessment of this application:

Section 26 – Assessment Benchmarks generally

- (1) For section 45(3)(a) of the Act, the code assessment must be carried out against the assessment benchmarks for the development stated in schedules 9 and 10.**
- (2) Also, if the prescribed assessment manager is the local government, the code assessment must be carried out against the following assessment benchmarks—**
 - (a) the assessment benchmarks stated in—**
 - (i) the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and**
 - (ii) the State Planning Policy, part E, to the extent part E is not identified in the planning scheme as being appropriately integrated in the planning scheme; and**

(iii) a temporary State planning policy applying to the premises;

(b) if the local government is an infrastructure provider—the local government's LGIP.

(3) However, an assessment manager may, in assessing development requiring code assessment, consider an assessment benchmark only to the extent the assessment benchmark is relevant to the development.

State Planning Policy

Part 2 *State planning provisions* of the *Gold Coast City Plan* Version 8 identifies that all aspects of the state planning policy have been appropriately integrated into the City Plan with the exception of *Natural hazards, risk and resilience (coastal hazards)* which is not applicable to the site.

The subject site is in excess of 2,500m² and the proposed development will result in an impervious area greater than 25 per cent of the net developable area. Whilst assessment against the Healthy Waters Code is applicable, the accompanying statement prepared by iCubed Consulting Pty Ltd confirms that the newly constructed bioretention basin to the south of Christensen Road has been designed to treat all stormwater runoff for the entire estate.

Refer to the accompanying 'Stormwater Management Statement'.pdf.

ShapingSEQ - South East Queensland Regional Plan 2017

The subject site is identified within the *Urban Footprint* designation of the *ShapingSEQ South East Queensland Regional Plan 2017*. Land within the *Urban Footprint* is intended to accommodate the full range of normal urban uses, such as housing, industry, business, infrastructure, community facilities and urban open spaces. As such the proposed use does not conflict with the Plan.

Referral Agencies – SARA

No referral agencies are triggered in the assessment of this application. It is noted under the *Environmental Protection Regulations 2008*, where the quantity of spray paint product exceeds 100t per annum, an Environmental Assessment must be obtained from the *Department of Environment and Science*. In this instance, the total quantity of product utilised will be less than this threshold therefore an EA is not triggered.

In addition, in accordance with the *Planning Regulations 2016*, there is no referral trigger for such activities.

CATEGORIES OF DEVELOPMENT AND ASSESSMENT

Application Process – Code Assessment

The zoning for this site is *High impact industry zone* under the *Gold Coast City Plan*. Under Part 5.5 *Categories of Development and Assessment – Material Change of Use*, specifically Table 5.5.11 – *High impact industry zone (where not in a precinct)*, a proposed material change of use for *High impact industry* is subject to code assessment.

Therefore, this application is to be assessed using the code assessment procedures of the *Planning Act 2016* and the *Development Assessment Rules (DA Rules)*.

As the application is code assessable it is not required to undergo public notification procedures.

PLANNING SCHEME ASSESSMENT

Relevant Sections of Gold Coast City Plan 2016

The following sections of *Gold Coast City Plan 2016* are relevant to this application:

Part 5.3.3(4) requires that code assessable development:

(a) is to be assessed against all the assessment benchmarks identified in the assessment benchmarks column;

- (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);**
 - (ii) comply with all required acceptable outcomes identified in sub-section 5.3.3(1) other than those mentioned in sub-section 5.3.3(2);**
- (c) that complies with:**
- (i) the purpose and overall outcomes of the code complies with the code;**
 - (ii) the performance or acceptable outcomes complies with the purpose and overall outcomes of the code; and**
- (d) is to be assessed against any assessment benchmarks for the development identified in Schedule 11 of the Regulation.**

The application has been assessed against the applicable codes and accords with the acceptable outcomes and where applicable performance outcomes of the relevant assessment codes identified in the assessment benchmarks column of the categories of development and assessment table as discussed in detail below.

High Impact Industry Zone Code

The site is included in the *High impact industry zone*. As such, assessment against the purpose and overall outcomes of the *High impact industry zone code* is applicable.

The overarching purpose of the code is to 'provide for High impact industry uses.' It is intended that the purpose of the code be achieved through the overall outcomes set out in the code. In this instance the proposal is considered to be in compliance with the overall purpose of the *High impact industry zone code* with the proposed development providing for a high impact industrial use in the existing Proximity@YATALA Industrial Park.

The development provides for a functional industrial building which has been designed to positively contribute to the streetscape, has a maximum height consistent with nearby industrial developments and is not located in proximity to any sensitive uses. The intended land use conforms with the overall outcomes of the zone and in particular, Overall Outcome 2(a) which states:

Land uses –

- i. include a wide range of industrial activities which are appropriately located away from sensitive land uses, such as high impact industry, medium impact industry, marine industry, low impact industry, warehouses, research and technology and bulk garden supplies;*
- ii. which are industry based and have the potential for significant amenity impacts may be considered, these include aquaculture and renewable energy facilities.*

The proposed high impact industry use includes spray painting activities (in excess of 20,000L per annum) for which the separation distance to the nearest sensitive receiving areas mitigates the potential for adverse air quality impacts. This is demonstrated in detail in the assessment against the *High impact industry zone code* provided in the attached 'Appendix 1 - Code Compliance Statement' pdf.

Use Codes

Part 5.5 *Categories of Development and Assessment* of the City Plan, specifically Table 5.5.11 – *High impact industry zone (where not in a precinct)*, identifies the *Industrial design code* as the relevant use code for the proposed development. Compliance with the acceptable outcomes, and

where relevant the performance outcomes, of the code is demonstrated in detail in the attached 'Appendix 1 - Code Compliance Statement' pdf.

Other Development Codes

The other development codes identified in Table 5.5.11 – *High impact industry zone (where not in a precinct)* as assessment benchmarks and required outcomes include the following:

- *Fire services in developments accessed by common private title code;*
- *General development provisions code;*
- *Healthy waters code;*
- *Solid waste management code;*
- *Transport code; and*
- *Driveways and vehicular crossings code.*

It is noted that whilst the *Fire services in developments accessed by common private title code* is listed as an applicable code in the assessment benchmarks and required outcomes column of Table 5.5.11, the subject development achieves access from a dedicated roadway and as such, assessment against the *Fire services in developments accessed by common private title code* is not applicable.

Compliance with the acceptable outcomes, and where relevant the performance outcomes, of the *General development provisions code* and the *Transport code* is demonstrated in accompanying 'Appendix 1 - Code Compliance Statement' pdf with the *Healthy waters code* addressed in the accompanying 'Stormwater Management Statement' prepared by iCubed Consulting Pty Ltd.

Overlays

The subject site, being part of Lot 334 on SP193431, is identified as being affected by the following overlays and is subject to assessment against the associated codes where applicable:

- *Acid sulfate soils overlay;*
- *Airport environs overlay;*
- *Bushfire hazard overlay;*
- *Environmental significance overlay;*
- *Flood overlay;*
- *Industry, community infrastructure and agriculture land interface area overlay; and*
- *Water catchments and dual reticulation overlay.*

In this instance the proposed development does not trigger assessment against the relevant overlay codes. The proposal does not result in the excavation or filling of land below the 5m contour and as such, assessment against the *Acid sulfate soils overlay* is not required whilst the *Industry, community infrastructure and agriculture land interface area overlay* is not applicable as the proposed development is for a *High impact industry* and does not involve a sensitive land use.

As the proposed development is for a material change of use in the 'Woongoolba flood mitigation catchment area' of the *Water catchments and dual reticulation overlay*, assessment against the *Healthy waters code* is not triggered by the overlay. However it is noted that assessment against the *Healthy waters code* is required under the categories of development and assessment tables for development in the *High impact industry zone* and as such, has been carried out. Compliance with the relevant acceptable outcomes and where relevant the performance outcomes of the *Healthy waters overlay code* is demonstrated in accompanying 'Stormwater Management Statement' pdf.

All aspects relating to the Environmental significance overlay including the interface to the waterway corridor and disturbance to native vegetation have been addressed as part of the previous subdivision approval and subsequent operational works approvals. This included the dedication of land for open space purposes. The approved Bushfire management plan issued with the original subdivision approval shows that the development envelope within approved Lot 11 is not impacted by bushfire hazard therefore no further assessment against the overlay code is required.

CONCLUSIONS AND RECOMMENDATIONS

The proposal is for a Material Change of Use (Development Permit) for the purpose of *High impact industry* on approved Lot 11 at 84-160 Christensen Road South, Stapylton.

The proposed development is an appropriate use for the *High impact industry zone* and the location of the site is suitable for the development of a high impact industrial use given the separation distance to the nearest sensitive receiving areas. The proposed building is of a scale, form and intensity which is consistent with the surrounding area and provides a high level of amenity. The building is to be of a high quality contemporary finish, significantly articulated and constructed from a variety of materials and finishes. Extensive landscape open space areas have been provided on-site which will soften the built form and make a positive contribution to the existing and future road streetscapes.

It has been demonstrated that the application is in accordance with the overall outcomes, applicable acceptable outcomes and where justifiable, the performance outcomes of the relevant codes of the *Gold Coast City Plan 2016* and will not have any adverse impacts on surrounding areas.

Based on the findings of this report there appears to be no grounds to warrant the refusal of this application and it is recommended that the proposed development be approved subject to reasonable and relevant conditions.

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iPlan Town Planning Pty Ltd
June 2022