

1 APPLICATION SUMMARY

Application information - Minor change to development approval	
Address	Lot 502 Homestead Drive, Stapylton
Lot and plan	Lot 502 SP316137
Site area	447,890m ²
Properly made date	4 May 2022
Originating and current Planning Scheme including version, domain / zone / precinct and constraints / overlays	M38 Industrial Estate Place Code • Car Parking, Access and Transport Integration Constraint Code; • Works for Infrastructure Development Code; and • Landscape Work Development Code
Originating approved development	Material change of use to establish a Warehouse (MCU/2021/638)
Date of originating development approval	7 March 2022
Originating approval authority	Delegated authority
Applicant and Applicant's consultancy team	Fpi Queensland Pty Ltd– (Applicant) Gassman Development Perspectives – (Town Planner) HLA architects – (Architect) Rytenskild – (Traffic Engineer) Acoustic Works – (Acoustic Engineer)
Owner details	Australand Industrial No. 89 Pty Limited
Referral agencies	SARA
Decision due date	1 June 2022
Officer's recommendation	Approval with conditions

2 PROPOSAL

The purpose of this report is to assess an application for a change to the development approval under Section 78 of the *Planning Act 2016* (PA) for a Material change of use to establish a Warehouse at Lot 501 SP295994 (MCU/2021/638).

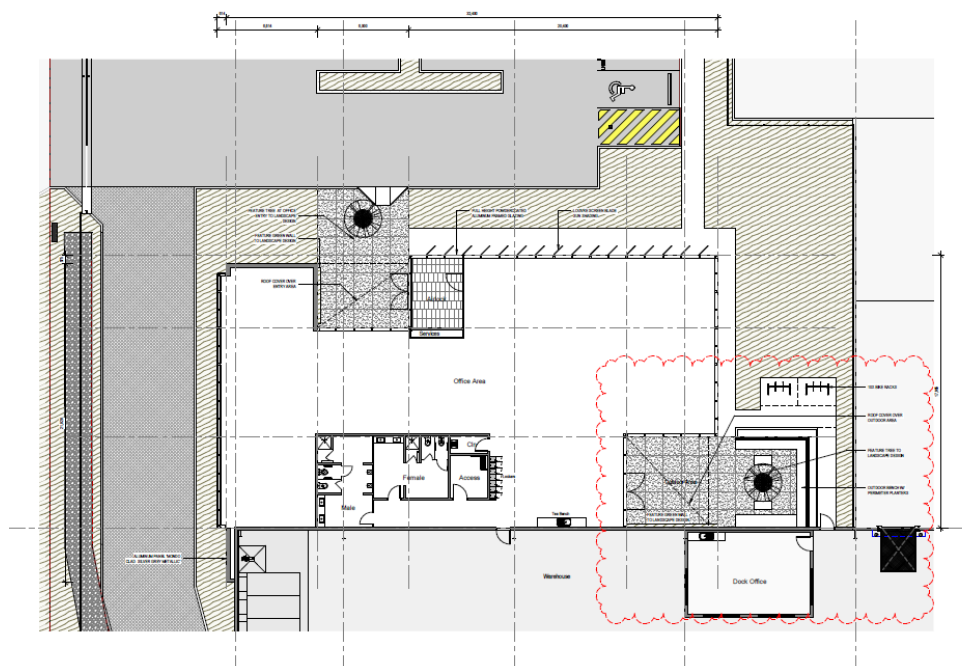
The applicant requests a change to the Development approval including seeking to alter the approved Warehouse plans. The proposed changes include:

- Increase in the number of recessed AV loading docks (from 6 to 10);
- Reduction in the number of roller door AV loading bays (from 7 to 6);
- Relocation of roller door loading bays (to the south);
- Relocation of ancillary office area; and
- Addition of battery charging station for warehouse equipment

The proposed changes will involve amendments to the following aspects of the original development approval:

- Updated plans and drawings

The following drawings reflect the proposed changes:



1 Office Ground Floor
1:100

Figure 1: Relocation of Dock office (Source: HLA architects)

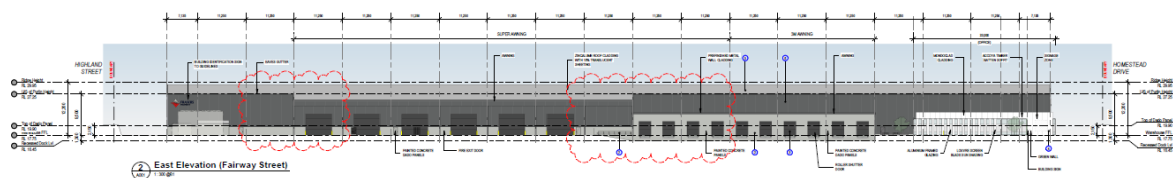


Figure 2: Proposed changes to loading bays (Source: HLA architects)

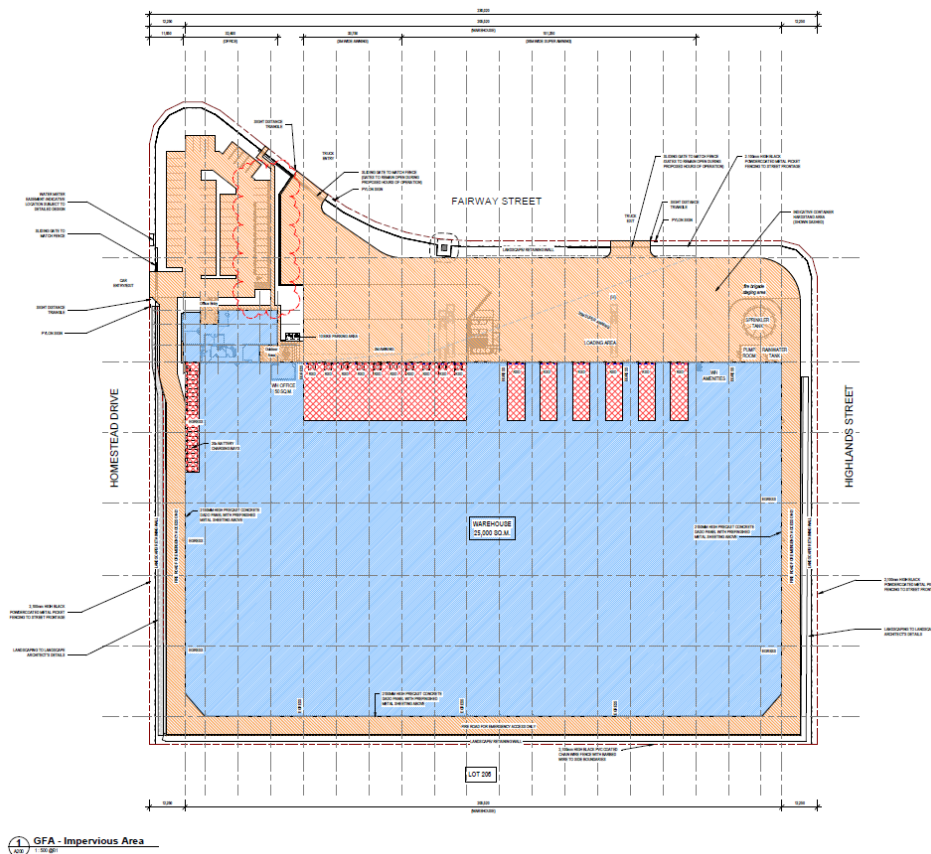


Figure 3: Proposed changes to loading bays and addition of battery charging area (Source: HLA architects)

3 BACKGROUND

- The Vantage Industrial Estate was created subsequent to a Preliminary approval to override the Planning scheme for Industry uses (MIN/2019/762). 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 subject site was established on 27 April 2021. Under Delegated Authority the Executive Coordinator Planning Assessment of the City Development Branch approved the issue of a Development permit for Reconfiguring a Lot (create 7 industrial lots), and Development permit for Operational works - Change to ground level (COM/2020/262).
- A minor change to COM/2020/262 was approved on 18 February 2022 which sought to relocate the boundary of the subject site to facilitate a subsequent Material change of use (MIN/2021/637).
- Under Delegated Authority, on 27 April 2020, the Executive Coordinator Planning Assessment of the City Development Branch approves the issue of a Development permit (Code assessment) for a Warehouse (MCU/2021/638). The proposed minor change seeks to amend this approval. The following drawings represent the current approval:

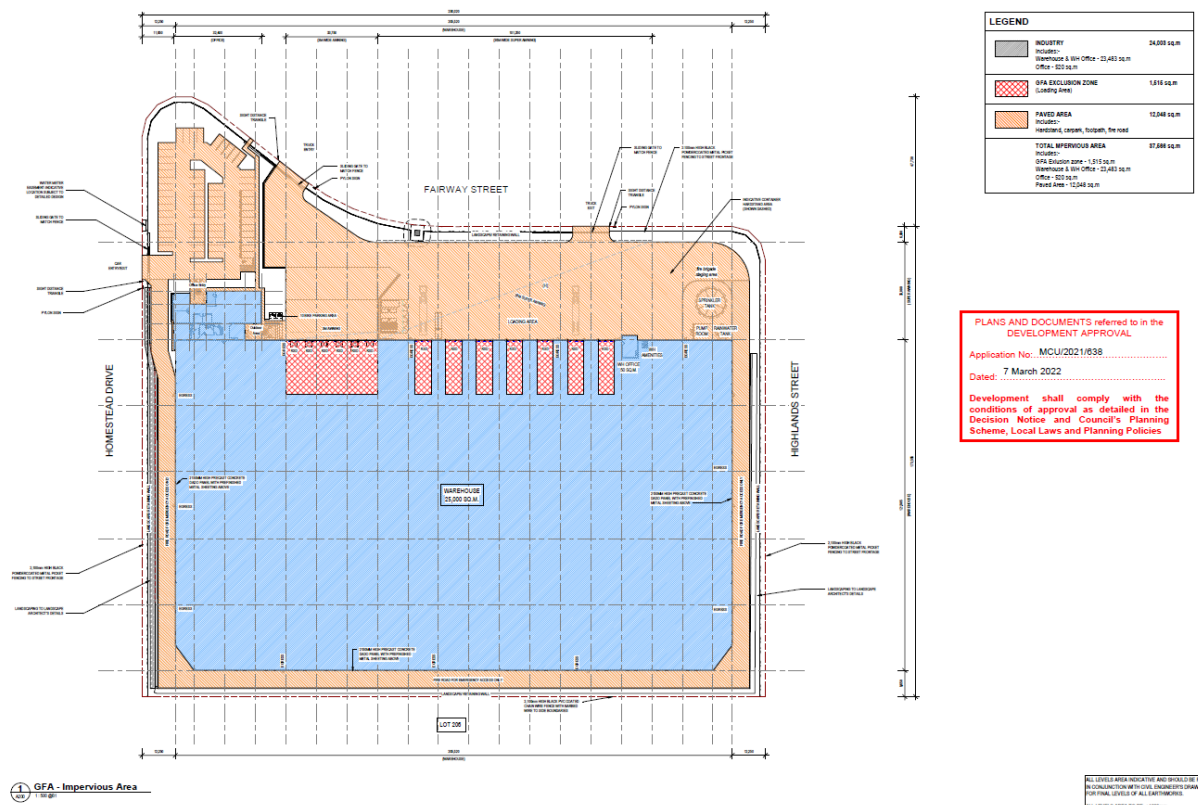


Figure 4: Approved site plan including GFA (Source: MCU/2021/638)

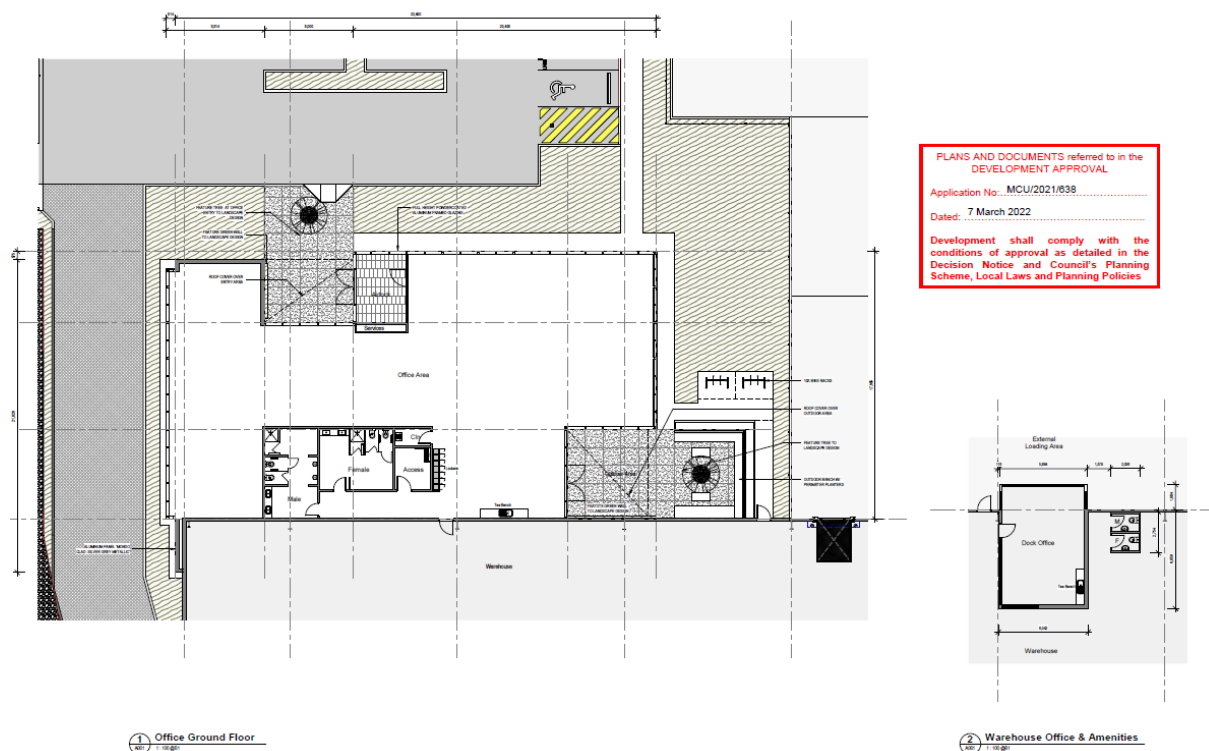


Figure 5: Approved office ground floor (Source: MCU/2021/638)

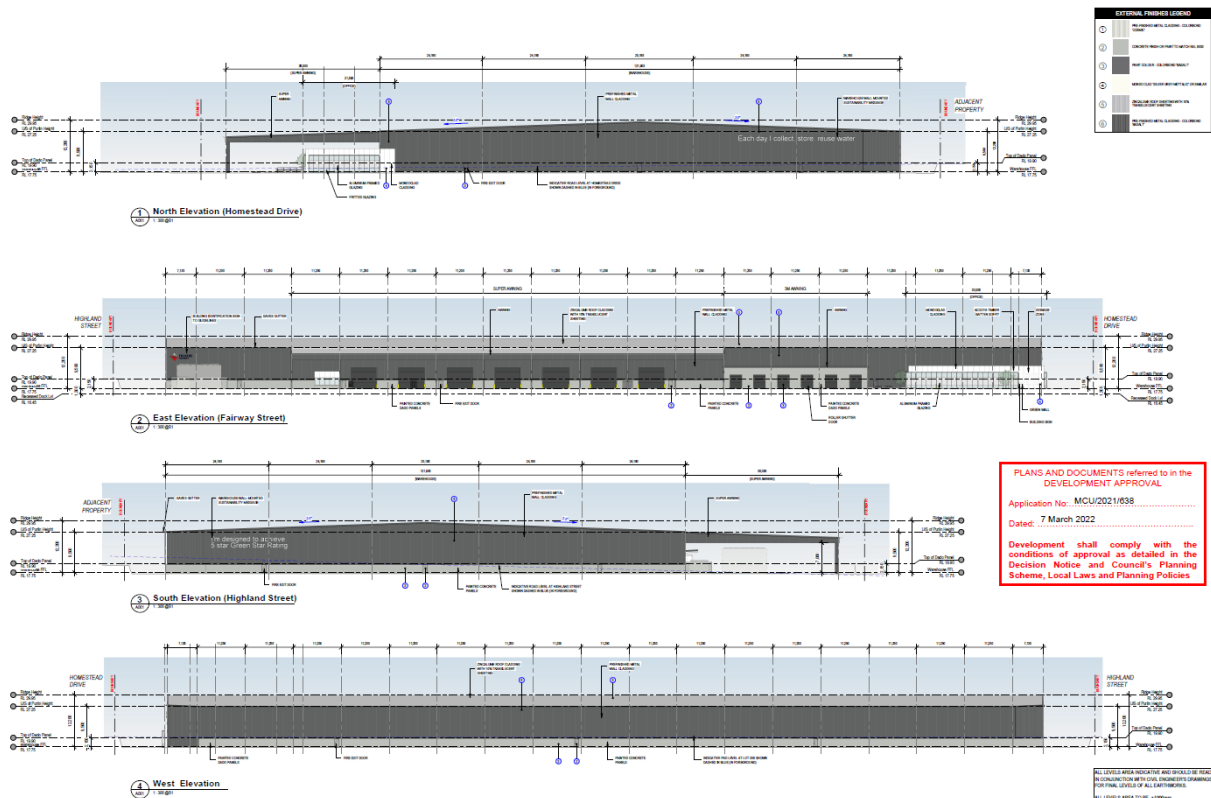


Figure 6: Approved site plan including GFA (Source: MCU/2021/638)

4 PLANNING ASSESSMENT

Reference is made to Attachment No.1 – “Assessment criteria for minor change to development approval”, attached to this report. Assessment has been undertaken against these provisions and the proposed change(s) are considered to be a minor change.

4.1 Summary of approved development and request

The proposed changes include minor changes to the development approval MCU/2021/638 to establish a warehouse. The proposed changes include amendments to the approved drawings to represent the following:

- Increase in the number of recessed AV loading docks (from 6 to 10);
- Reduction in the number of roller door AV loading bays (from 7 to 6);
- Relocation of roller door loading bays (to the south);
- Relocation of ancillary office area; and
- Addition of battery charging station for warehouse equipment

The applicant seeks changes to the development conditions as follows:

Cond No.	Applicant request	Officer discussion / recommendation
2	Approved Drawings – The applicant requests to amend this condition to reflect the updated plans submitted.	The request to amend this condition is supported. The request to amend this condition is supported for the reasons discussed below.

4.2 Further discussion

As identified above, further discussion is warranted for Condition 2 as follows:

Condition 2 currently reads:

Approved drawings

Undertake and maintain the development generally in accordance with the following drawings including as amended in red by the Council:

Drawing Title	Author	Date	Drawing No.	Ver
SITE LOCATION PLAN	HLA ARCHITECTS	18.11.2021	211011-DA-A000	P2
SITE PLAN	HLA ARCHITECTS	18.11.2021	211011-DA-A001	P4
SITE PLAN (GFA- IMPERVIOUS AREA)	HLA ARCHITECTS	18.11.2021	211011-DA-A002	P3
MAIN OFFICE & WAREHOUSE OFFICE FLOOR PLANS	HLA ARCHITECTS	13.01.2021	211011-DA-A120	P4
WAREHOUSE ELEVATIONS	HLA ARCHITECTS	18.11.2021	211011-DA-A200	P3

The conditions of this approval are to be read in conjunction with the attached stamped approved drawings. Where a conflict occurs between the conditions of this approval and the stamped approved drawings, the conditions of this approval shall take precedence.

The applicant requests that this condition be amended to include the following:

Approved drawings

Undertake and maintain the development generally in accordance with the following drawings including as amended in red by the Council:

Drawing Title	Author	Date	Drawing No.	Ver
SITE LOCATION PLAN	HLA ARCHITECTS	25.03.2022	211011-DA- A000	P3
SITE PLAN (GFA- IMPERVIOUS AREA)	HLA ARCHITECTS	7.06.2022	211011-DA- A002	P6
SITE & FACILITIES FLOOR PLAN	HLA ARCHITECTS	7.06.2022	211011-DA- A001	P7
MAIN OFFICE & WAREHOUSE OFFICE FLOOR PLANS	HLA ARCHITECTS	11.04.2022	211011-DA- A120	P6
WAREHOUSE ELEVATIONS	HLA ARCHITECTS	11.04.2022	211011-DA- A200	P5

The conditions of this approval are to be read in conjunction with the attached stamped approved drawings. Where a conflict occurs between the conditions of this approval and the stamped approved drawings, the conditions of this approval shall take precedence.

Applicant's representation

"The proposed change seeks to alter the approved warehouse plans, with the relocation and alterations of some aspects within the warehouse. The overall footprint of the Warehouse will not change, nor will the building height, however the changes will result in an increase to the Gross Floor Area Exclusion Zone from 1,515m² to 2,035m², lowering the total GFA of the development."

Officer's comment

The proposed changes to the development include increasing the number of loading docks from 13 to 16. This change resulted in outspreading the extent of the roller doors further south along the eastern façade. As such a swept path analysis was required to determine if access and manoeuvring by an AV could be achieved safely within the site. Assessment of the swept path analysis determined that an AV will be able to reach the extent of all loading docks.

The proposed changes include a reduction of the Gross Floor Area Exclusion Zone as a result of the inclusion of a battery charging station. The administrative definition of Gross floor area includes:

"For a building, the total floor area of all storeys of a building, measured from the outside of the external walls and the centre of any common walls of the building, other than areas used for:

- *building services, plant or equipment...*"

As the battery charging station will be use directly for equipment associated with the Warehouse use such as forklifts, pallet jacks, and platform stackers, the battery charging station meets the definition of areas which are excluded from the total Gross Floor Area.

It is considered that the above condition be amended.

5 CONCLUSION

This report assessed a request for a minor change for development permit dated 7 March 2022 for a Material change of use (Code assessment) to establish a Warehouse at Lot 501 SP295994.

The assessment of this request determined the minor change is acceptable and recommended for approval.

6 RECOMMENDATION

It is recommended that Council resolves as follows:

That under Delegated Authority the Executive Coordinator Planning Assessment of the City Development Branch approves the Minor change application for the development permit for a Material change of use (Code assessment) to establish a Warehouse, in accordance with the Attachment entitled: Decision notice – change application approval including amended suite of development conditions for MCU/2021/638.

Author:

Natasha Sidabutar

Planner

June 2022

Authorised by:

Roger Sharpe

Executive Coordinator Planning Assessment

Attachment No. 1 – Assessment criteria for minor change to development approval

Review of the proposed change to the development approval has been undertaken against the:

- Definition of minor change contained within Schedule 2 of the *Planning Act 2016*.
- Schedule 1 of the Development Assessment Rules that identifies criteria for determining if a change would result in a substantially different development; and
- Section 81 of the *Planning Act 2016* that applies to assessing and deciding an application for minor change to a development approval.

Definition of minor change under Schedule 2 of the *Planning Act 2016*:

(b) for a development approval:

Minor change for a development approval	Officer comment
(i) would not result in substantially different development; and	The proposed changes do not result in a substantially different development.
(ii) if a development application for the development, including the change, were made when the change application is made would not cause— (A) the inclusion of prohibited development in the application; or	The proposed changes do not involve the inclusion of prohibited development.
(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or	The proposed changes do not require referral to any concurrence agencies that were not required as part of the original application.
(C) referral to extra referral agencies, other than to the chief executive; or	The proposed changes do not trigger any extra referral agencies.
(D) a referral agency, in assessing the application under section 55(2), to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or	The proposed changes do not involve a referral agency as the assessment manager.
(E) public notification if public notification was not required for the development application.	Public notification is not required because of the changes.

Development Assessment Rules - Schedule 1: Substantially different development

Substantially different development consideration	Officer comments
A change may be considered to result in a substantially different development if the proposed change:	
(a) involves a new use; or	No new land uses are proposed
(b) results in the application applying to a new parcel of land; or	No new parcel of land is impacted by the change.
(c) dramatically changes the built form in terms of scale, bulk and appearance; or	The proposed changes will not result in any dramatic variations in built form.

(d) changes the ability of the proposed development to operate as intended; or	The proposed changes will not result in variations to the developments intended functionality.
(e) removes a component that is integral to the operation of the development; or	The proposed development does not remove a component that is integral to the operation of the development.
(f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or	There are no new traffic impacts introduced.
(g) introduces new impacts or increase the severity of known impacts; or	There are no new anticipated impacts associated with the proposed change introduced into the development.
(h) removes an incentive or offset component that would have balanced a negative impact of the development; or	No incentive or offset components are removed as a result of the change.
(i) impacts on infrastructure provisions.	The minor change will have no impact on the approved infrastructure provision, location, or demand.

Section 81 of the *Planning Act 2016* applies to assessing an application for minor changes, in particular Subsection (2) (3) and (4) – matters the responsible entity must consider when assessing a minor change application.

Section 81 – Assessing change applications for minor changes	Officer comments
(1) In assessing the change application, the responsible entity must consider –	
(a) the information the applicant included with the application; and	The information submitted has been considered as part of the assessment of the minor change application.
(b) if the responsible entity is the assessment manager – any properly made submissions about the development application or another change application that was approved; and	No changes were proposed which impact matters raised by a submitter.
(c) any pre-request response notice or response notice given in relation to the change application; and	Not applicable
(d) if the responsible entity is, under section 78A(3), the Minister – all matters the Minister would or may assess against or have regard to, if the change application were a development application called in by the Minister; and	Not applicable
(da) if paragraph (d) does not apply – all matters the responsible entity would or may assess against or have regard to if the change application were a development application; and	The original application was assessed against the superseded M38 Industrial Estate Place Code. This provision is requesting the responsible entity to assess the minor change component as if it was part of the original development application. Assessment against the M38 Industrial Estate

	Place Code revealed the proposed minor changes would still meet the intent of the relevant applicable codes.
(e) another matter that the responsible entity considers relevant.	Not applicable

Section 81 – Assessing change applications for minor changes	Officer comments
(2) Subsections (4) and (5) apply if the responsible entity must, in assessing the change application under subsection (2)(d) or (da) consider – (a) a statutory instrument; or (b) another document applied, adopted or incorporated (with or without changes) in a statutory instrument.	Noted
Section 81 – Assessing change applications for minor changes	Officer comments
(3) The responsible entity must consider the statutory instrument, or other document, as in effect when the development application for the development approval was properly made.	Noted and considered.
Section 81 – Assessing change applications for minor changes	Officer comments
(4) However, the responsible entity may give the weight the responsible entity considers is appropriate, in the circumstances to –	
(a) the statutory instrument or other document as in effect when the change application was made; or	Noted
(b) if the statutory instrument or other document is amended or replaced after the change application is made but before it is decided – the amended or replacement instrument or document; or	Noted
(c) another statutory instrument – (i) That comes into effect after the change application is made but before it is decided; and (ii) That the responsible entity would have been required to consider if the instrument had been in effect when the development application for the development approval was properly made.	Noted
Section 81 – Assessing change applications for minor changes	Officer comments

Section 81A of the *Planning Act 2016* applies to deciding an application for minor changes, in particular Subsection (2) – deciding change applications for minor changes.

- (2) After assessing the change application under section 81, the responsible entity must decide to –
- (a) make the change, with or without imposing development conditions, or amending development conditions, in relation to the change; or
 - (b) refuse to make the change.

Noted and actioned.