DELEGATED AUTHORITY REPORT FOR CODE ASSESSMENT DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR INDUSTRY (LOW IMPACT) AND WAREHOUSE AT LOT 502 HOMESTEAD DRIVE, STAPYLTON
MCU/2022/242 **DIVISION NO. 1**

1 APPLICATION SUMMARY

Application information		
Address	Lot 502 Homestead Drive, STAPYLTON QLD 4207	
Lot and plan	Lot 502 SP316137	
Site area	447,890m^2	
Type of development and proposed use	Warehouse and Industry (Low impact)	
Categories of development and assessment	Code assessment	
Properly made date	26 May 2022	
Decision due date	5 August 2022	
Applicant and Applicant's consultancy team	Fpi Queensland Pty Ltd – (Applicant) Gassman Development Perspectives – (Planning Consultant) Guymer Bailey Architects – (Designer) Rytenskild Traffic Engineering – (Traffic Engineer) Acousticworks – (Acoustic Engineer) PE Consulting Engineers – (Engineer)	
Owner details	Australand Industrial No. 89 Pty Limited	
City Plan version	Not applicable	
Preliminary approval - Zone / Precinct	M38 Industrial Place Code	
City Plan - 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

- 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).
- A minor change to MIN/2021/637 was approved on 20 July 2022 which sought to relocate the boundary of the subject site to facilitate a subsequent Material change of use (MIN/2022/245).

2.2 Brief description of proposed development

The purpose of this report is to assess an application for a development permit for a Material change of use (Code assessable) to establish Industry (Low impact) and a Warehouse at Lot 502 Homestead Drive, Stapylton or more specifically future lot, Lot 201 within Stage 2 of the Vantage Industrial Estate.

The proposal includes the construction of a new Warehouse with ancillary office space providing a logistics hub for Woolworths for the purpose of storage and distribution of goods. The warehouse area includes a small storage cage for dangerous goods for the storage of alcohol and tobacco products triggering the need to include Industry (Low impact) land use.

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 M38 Industrial Place Code section 2.1.5 identifies that land use definitions are to be found within Part 4, Division 1, Chapters 1-3 of the Gold Coast City Planning Scheme 2003, as amended. The Our Living City Gold Coast Planning Scheme 2003 Version 1.2 (Amended November 2011) defines the proposed land uses as follows:

Warehouse:

> *'A building or enclosed land used to store and display goods, merchandise and materials and to sell these only by wholesale. This term does not include a Shop, Showroom, Salvage Yard or Toxic or Dangerous Goods Store.'*

Industry (Low impact):

> *'Any premises used or intended for use that, in the course of any trade or business, involves the manufacture, production, processing, repair, or storage of any article, material or thing whether solid, liquid or gaseous. This term includes any of the following ancillary activities, when carried out on the same land as the primary activity:*
>
> - *the storage of goods;*

- *the provision of amenities for employees and clientele;*
- *selling by wholesale goods resulting from the operation; and*
- *accounting or administration in connection with the operation, provided that this activity does not exceed 20% of the total use area.'*

Table A of the Yatala Enterprise Area Local Area Plan Table of Development (As Modified) – Material Change of Use identifies both Warehouse and Industry (Low impact) development within Precinct B and Precinct C (General Impact Business and Industry and Limited Impact Business Industry) as Self Assessable. As the proposed development does not comply with all of the Self Assessable benchmarks within the M38 Industrial Place Code, the development is elevated to Code Assessment.

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

Development proposal	
Height	Warehouse: 14.6m and 1 storey Office: 8.63m and two storeys
Setbacks	Front: 76.1m Side (south): 68.9m Rear: 72.4m Side (north): 34m
Site cover	37%
Gross Floor Area	Warehouse: 32,350m^2 Office: 1,660m^2
Car parking	270
Hours of operation	24 hours Monday to Sunday
Servicing	The development provides a loading bay for loading and unloading of an Articulated Vehicle (AV). An AV has been demonstrated to access the service bay and enter and exit the site in a forward gear.
Access	Two heavy vehicle VXOs to Fairway Street One singular light vehicle VXO to Fairway Street

The following drawing identifies the proposed development.

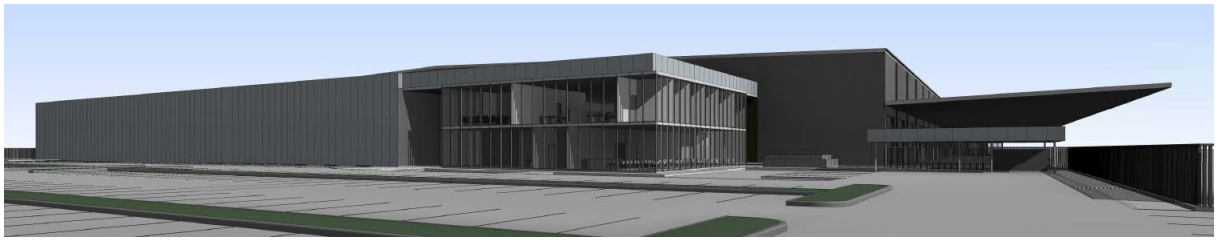


Figure 1: Perspective of proposed development (Source: Guymer Bailey Architects)

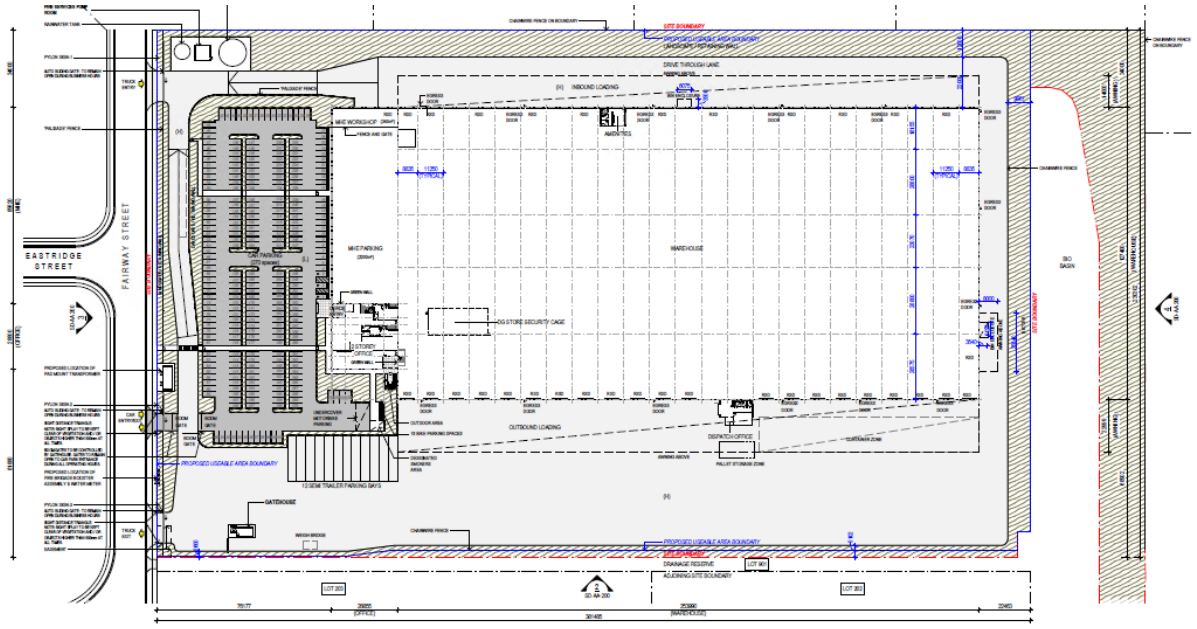


Figure 2: Proposed site plan (Source: Guymer Bailey Architects)

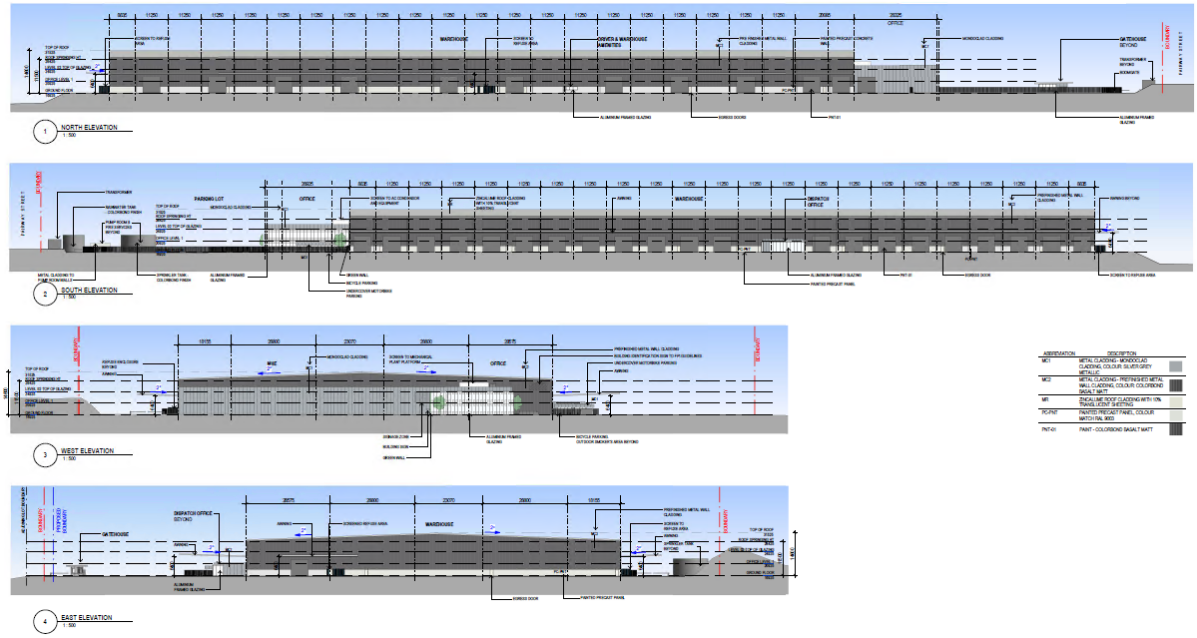


Figure 3: Proposed elevations (Source: Guymer Bailey Architects)

3 KEY CONSIDERATIONS

The key considerations of the proposal include:

Site configuration

The proposed development exceeds the bounds of the current approved lot configuration. As such the proposal requires a relocation of the shared boundary between approved Lot 201 (subject site) and Lots 202 and 203 and augmentation of approved earthworks and stormwater infrastructure. On 20 July 2022, a minor change to MIN/2021/637 was approved seeking to relocate the boundary of the subject site and the inclusion of a land dedication to Council for a drainage reserve. Following the

approval of the minor change, a timing condition is recommended as part of this approval to ensure that the use cannot commence prior to plan sealing.

Development interface with the public realm

The proposed development is part of a preliminary approval coordinated for the Vantage Industrial Estate. The desired outcome for the estate includes a standardised colour scheme which emphasises a contrast between built form and the landscaping works intended for the proposed development. The prosed building design and landscape intent is representative of the emerging design intent of the estate and results in a high aesthetic standard to enhance the intent of the Yatala Enterprise Area.

The subject site directly adjoins the Stapylton Landfill site to the east. Amenity impacts were considered within the preliminary approval to establish the Vantage Industrial Estate. Methods to ameliorate the amenity of future developments from potential negative impacts from the surrounding established activities include a 20 metre landscape buffer along eastern boundary of the subject site in addition to land use limitations within precinct C (figure 4). Limitations exclude land uses involving the production of food within precinct C to avoid the potential odour impacts. The proposed development includes a Warehouse and Industry (Low impact) which are supported land uses within precinct C. It is considered that the proposed development is unlikely to be effected by potential negative impacts on amenity from the established landfill site.

4 SITE CONTEXT

4.1 Subject site and immediate context

The subject site is:

- Part of Stage 2 of the Vantage Industrial Estate (precinct B and C);
- Subject to the M38 Industrial Estate Place Code;
- A vacant lot with no established services;
- Will gain access from future road Fairway Street; and
- The subject site is irregular in shape but the actual area for development represents only the north eastern portion of the balance lot identified in the figure below.

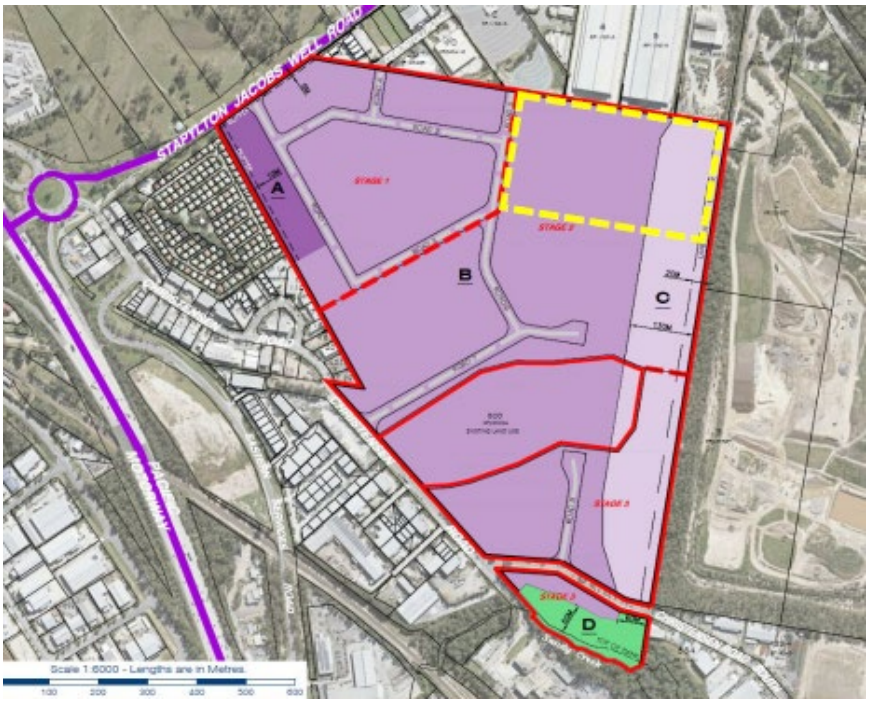


Figure 4: Subject site and future development site location (Source: Plan of subdivision)

4.2 Local context

The subject site forms part of the suburb of Stapylton including large areas of industrial zoned land strategically located in close proximity to the Pacific Motorway. The subject land is vacant and has been cleared and is subject to bulk earthworks.

Immediately to the:

- North: The subject site adjoins land zoned as Medium impact industry.
- East: The subject site directly adjoins Stapylton Landfill and further to the east a deactivated quarry.
- South: The location of the proposed development is directly north of other future industrial lots which form part of Stage 2 of the Vantage industrial estate. Further south lies Stage 3 and Christensen Road.
- West: The subject location is directly adjacent to Stage 1 of the Vantage industrial area which is already improved by roads and retaining structures supporting future approved industrial uses.

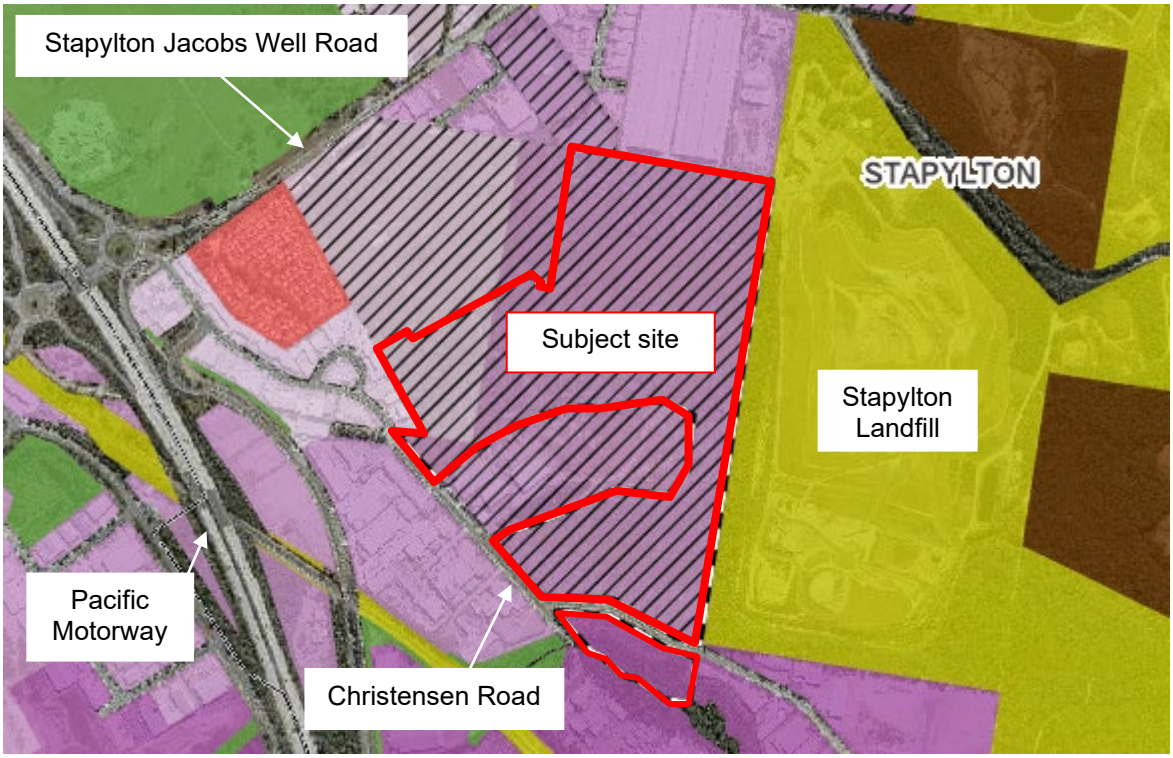


Figure 5: Aerial view of the subject site and local context (Source: CoGC)

5 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.*

5.1 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 1, Table 1 – Assessable development if the development exceeds thresholds). The application was referred to SARA who was identified in Schedule 10 to act as a Concurrence Agency . This is discussed in section 7.2 within this planning report.

5.2 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 5.2.1 within this planning report.
City Plan	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.

5.2.1 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	• Car parking, access and transport integration	• Works for infrastructure code; • Landscape work

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

Code	Performance Criteria	Subject matter
M38 Industrial Estate Place Code	PC7	Vehicular crossings
	PC8	Vehicular parking
	PC9	Environmental management
	PC14, 15 & 16	Siting
	PC19	Building and layout design, safety and comfort
	PC43 & 44	Site access
	PC46 & 47	Amenity protection
	PC51	On-site vehicle parking and movement
Car parking, access and transport integration	PC9	Access to Car Parks
	PC10	Driveways and Crossovers
	PC12	Car park layout

5.2.1.1 Assessment against the M38 Industrial Estate Place Code

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

Vehicular crossings - M38 Industrial Estate Place Code

The Acceptable Solution and corresponding Performance Criteria is provided below:

Performance Criteria	Acceptable Solution
PC7 Vehicular crossings associated with the development must be designed and constructed to ensure: a) A safe footpath environment; b) Safe vehicular access to the property; c) Appropriate hydraulic performance of the stormwater infrastructure; d) No damage to vehicle or road infrastructure; e) Minimal loss of on-street parking spaces; and f) Continued amenity of the neighbourhood..	**AS7** Driveways are designed and constructed in accordance with relevant sections of Planning Scheme Policy 11 Land Development Guidelines.

Officer's comment

Transport Assessment provided the following comment:

> *"The development does not comply with Acceptable solution AS7 but does comply with Performance criteria PC7.*
>
> *Driveway crossings have been designed in accordance with IPWEA Standard drawing RS-051 with B-Double and AV swept paths submitted to confirm widths are acceptable. The layout is considered safe and consistent with an industrial neighbourhood.*
>
> *Given this, the development complies with Performance Criteria PC7."*

Vehicular parking - M38 Industrial Estate Place Code

The Acceptable Solution and corresponding Performance Criteria is provided below:

Performance Criteria	Acceptable Solution
PC8 On-site vehicle parking is provided to meet expected demand, having regard to: a. The size of the proposed workforce; b. The likely number of visitors to the site; c. The likely size and number of service and transport vehicles to be on the site at any one time; d. On-site parking and loading/unloading activities within sites; e. The availability of conveniently located on-street parking; f. Any possible future expansion, redevelopment or change of use.	**AS8.1.1** The number of car parking spaces provided on- site generally meets the standards set out in the **Constraint Code 4 - Car Parking, Access and Transport Integration** in the Gold Coast City Planning Scheme (version 1.1 Amended January 2007) OR AS8.1.2 The number of car parking spaces provided onsite is generally in accordance with Table to Acceptable Solutions AS8.1.2.

Officer's comment

To comply with Acceptable solution AS8.1.1 of the M38 Industrial Estate Place Code, car parking must be provided in accordance with AS16.1 of the Car Parking, Access and Transport Integration Constraint Code (CPATICC) or in accordance with the Table to Acceptable Solutions AS8.1.2. Pursuant to AS8.1.1 of the M38 Industrial Estate Place Code, the development is required to provide 372 spaces. The development provides 270 spaces, as such Compliance with AS8.1.1 and AS8.1.2 of the M38 Industrial Estate Place Code is not achieved, requiring assessment against Performance criteria PC8.

Transport Assessment have reviewed the proposed development and provided the following assessment:

"To comply with Acceptable solution AS8.1.1 or AS8.1.2, warehouse developments must comply with the following car parking supply rates (note GFA = 36,510m^2):

Two (2) spaces per tenancy or lot:	*2 spaces*
One (1) space per 50m^2 of GFA up to 500m^2:	*10 spaces*
One (1) space per 100m^2 of GFA over 500m^2.	*360 spaces*
Total required spaces:	*372 spaces*
Total proposed spaces:	*270 spaces*

Therefore, the development does not comply with AS8.1.1 or AS8.1.2 and must comply with PC8 where parking supply must consider issues such as staff numbers.

The development proposes a total of 445 staff members operating across 3 shifts as follows:

5am shift:	*188 staff*
1pm shift:	*175 staff*
9pm staff:	*38 staff*

Given each shift will overlap, parking demand will peak when the 5am shift hands over to the 1pm shift.

If all 188 staff in the 5am shift drive, there will be a surplus of 82 spaces. 82 spaces equate to 46.85% of the 1pm staff and is considered sufficient to cater for the transition period between shifts without creating an over expansive area of bitumen hardstand.

The development is considered to comply with PC8."

Environmental Management - M38 Industrial Estate Place Code

The Acceptable Solution and corresponding Performance Criteria is provided below:

Performance Criteria	Acceptable Solution
PC9 The environmental mitigation methods for the development as detailed within the Environmental Management Plan must take into account and seek to ameliorate any negative aspects of the existing amenity of the local area having regard, but not	**AS9** For development located within Precinct C an Environmental Management Plan (EMP) has been prepared and approved by Council and the development complies with the requirements of the EMP. The EMP is to be prepared in accordance with ethe Planning Scheme Policy 10 – Guidelines for

limited to the impact of noise, emissions and dust.	Preparing Management Plans and Plans of Development.

Officer's comment

Although the subject site is partly located within Precinct C, the applicant has elected to omit a complete Environmental Management Plan. As such the proposed development cannot comply with Acceptable Solution AS9 and requires assessment against Performance Criteria PC9.

Precinct C is exclusively along the western boundary of the Vantage Industrial Estate, directly adjacent the Stapylton Landfill Facility. Due to the increased potential environmental impacts from the Landfill site such as noise odour and dust, land uses are limited within Precinct C. The precinct is responsive to the established nearby heavy industrial uses and mindful of likely odour impacts and therefore food industry and related uses are not envisaged within this precinct.

The proposed development consists of a Warehouse used for the storage of goods. Warehouse and Industry (Low impact) are both self assessable development within Precinct C. The subject site is predominantly within Precinct B and Partially encumbered by areas identifies as Precinct C identified in the figure below. It is of note that the rear of the Warehouse is the only portion of the site located within Precinct C, and the bulk of the Warehouse is setback 72.5m from the rear boundary. The ancillary office space is a potential sensitive receiver but is located exclusively within Precinct B and is orientated away from heavy industrial uses outside of the Vantage Industrial Area. Additionally, the warehouse is separated from the Landfill site by the large stormwater detention basin and the significant approved 20 mtere landscape buffer. As such, mitigation measures are currently in place to ameliorate any negative aspects of the existing surrounding areas.

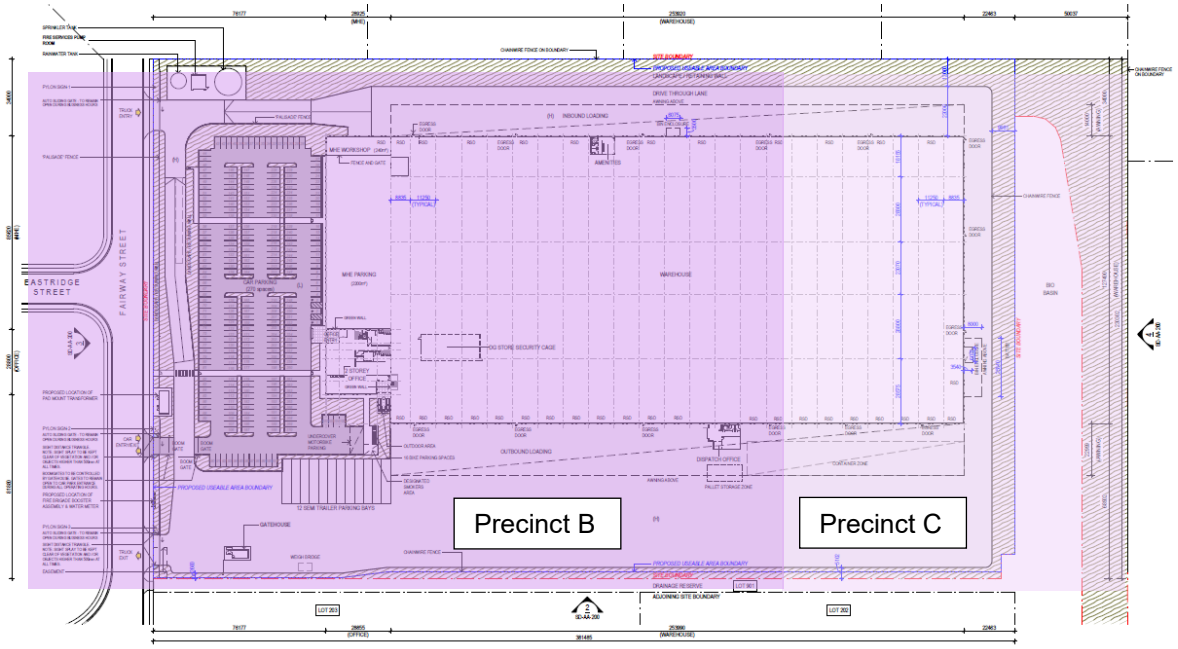


Figure 6: Identification of Precincts B and C over the subject site (Source: Applicant material amended by City officer)

Based on the above assessment it is considered that the proposed development achieves compliance with Performance Criteria PC9.

Siting - M38 Industrial Estate Place Code

The Acceptable Solution and corresponding Performance Criteria is provided below:

Performance Criteria	Acceptable Solution
PC14 All buildings must be sited to complement the industrial character and the predominant built form of the surrounding area and to reduce potential conflicts between uses having regard to a site analysis, prepared in accordance with **Planning Scheme Policy 17 - Site Analysis.**	**AS14** No acceptable solution provided.
PC15 The layout of the site must provide a clear separation between the public access areas and the areas set aside for servicing the building.	**AS15** No acceptable solution provided.
PC16 Industrial structures, storage or service areas, which are likely to appear visually dominating or unsightly, are located to the rear or sides of sites or are otherwise designed and screened to enhance their appearance, when viewed from the street.	**AS16** No acceptable solution provided.

Officer's comment

No Acceptable Solutions are provided under the subject matter of Siting within the M38 Industrial Estate Place Code, therefore assessment against Performance Criteria PC14, PC15 and PC16 is required.

PC14: While the majority of the estate is currently vacant, the design of the layout for the future lot supporting the proposed development is cohesive with the intent of the M38 Industrial Estate Place Code. The proposed development includes generous setbacks facilitating access around the entirety of the built form and maintaining an appropriate interface to future industrial uses on the adjacent future lots.

PC15: The proposed development clearly articulates a separation between public access and areas allocated for servicing the building. Access to the staff parking area and the ancillary office is gained through a single VXO to Fairway Street. The car parking areas are barriered by landscaping and fencing which prevents smaller vehicles accessing the heaving vehicle service area (see figure below).

The loading bay is accessed by two VXOs intended for use by heavy vehicles. With the exclusion of the VXOs, the proposed loading bay area is screened from the road reserve by fencing and landscaping treatment ensuring it is separated from the public realm. It is considered that the proposed site layout achieves separation between public access areas and areas intended for servicing the building.

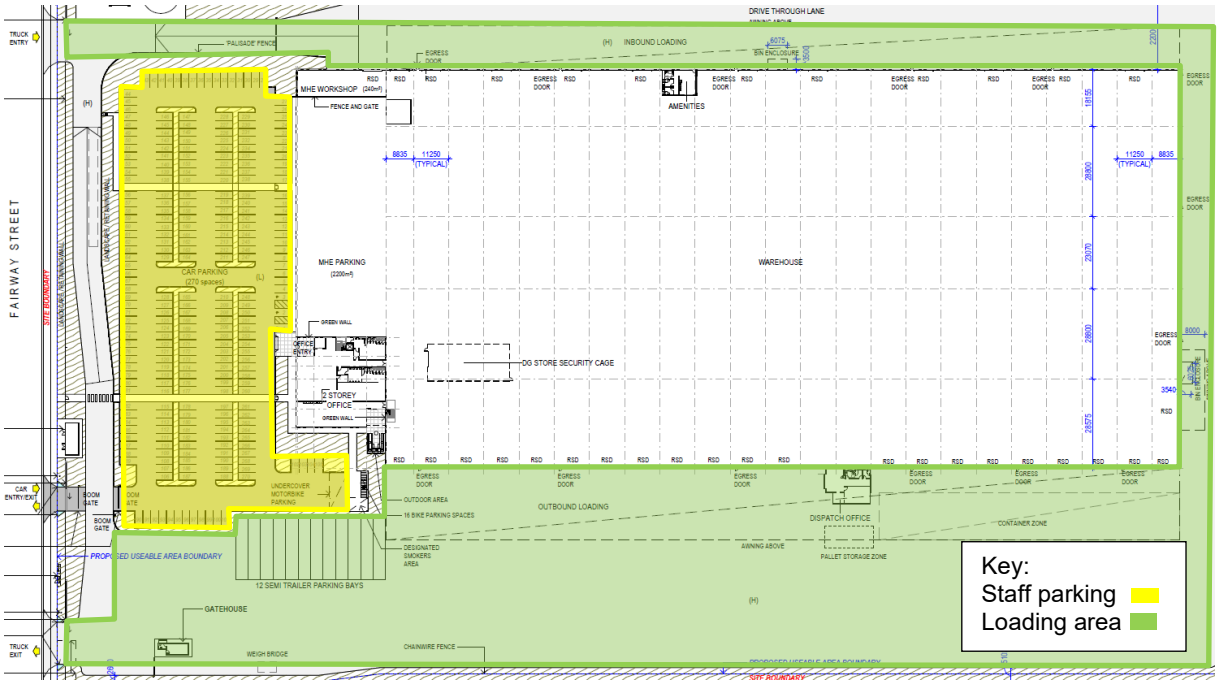


Figure 7: Site plan demonstrating the separation between the loading bay and staff car parking areas (source: Applicant material modified by Council officers).

PC16: The front of the Warehouse and ancillary office space is located directly adjacent to the public parking areas and Fairway Street. As such the loading areas are located to the side of the built form. Additionally, the proposed development includes substantial landscaping between 5m and 9m addressing the road frontages which is designed to soften the built form of the industrial use. Conditions are provided to ensure that any potentially visually offensive elements will be appropriately screened from the view of the street to achieve a high quality industrial appearance.

Based on the above assessment it is considered the development complies with Performance Criteria PC14, PC15 and PC16 of the M38 Industrial Estate Place Code.

Building and layout design, safety and comfort - M38 Industrial Estate Place Code

The Acceptable Solution and corresponding Performance Criteria is provided below:

Performance Criteria	Acceptable Solution
PC19 All buildings must be designed and constructed to a high aesthetic standard and to complement or enhance the local character of the YEA.	**AS19.1** The massing and proportions of new industrial buildings are consistent with those of adjoining industrial buildings. **AS19.2** Building materials, patterns, textures and colours used in new buildings are complementary to those of nearby buildings.

Officer's comment

As the entire site is still within the early stages of development, few developments have been completed. It is noted that the future lots directly surrounding the proposed development remain vacant, as such there are no nearby buildings for the proposed development to complement which is a

requirement within Acceptable Solution AS19.1 and AS19.2. For transparency, officers have provided assessment against Performance Criteria PC19.

The proposed development is part of a preliminary approval coordinated for the Vantage Industrial Estate and aligns with the design intent of the estate. The proposed building design achieves a modern finish which is representative of the emerging design intent within the estate (see figure below). The desired outcome for the estate includes a standardised colour scheme which emphasises a bold contrast between built form and the landscaping works intended for the proposed development.



Figure 8: The proposed development in the context of the landscape intent (Source: Gassman Development Perspective)

The following images provide examples of approved industrial buildings within the estate which are yet to be established. Similar to the proposed development, the below Warehouse designs include a contemporary finish complemented by an articulated office space addressing the street and the inclusion of landscaping surrounding all areas which are visible from the public realm.



Figure 9: Approved Warehouse within the Vantage Industrial Estate (Source: Council reference MCU/2021/718)



Figure 10: Approved Warehouse within the Vantage Industrial Estate (Source: Council reference MCU/2021/638)

Based on the above assessment it is considered the development complies with Performance Criteria PC19 of the M38 Industrial Estate Place Code.

Vehicular access - M38 Industrial Estate Place Code

The Acceptable Solution and corresponding Performance Criteria is provided below:

Performance outcome	**Acceptable outcome**

PC43 Site access is designed and constructed to provide for the safe ingress/egress of vehicles to the site.	**AS43** Vehicular access to the site is designed and constructed in accordance with Council, Department of Main Roads and AUSTROAD standards, and/or the following minimum requirements: a) comprises a single vehicular driveway (entrance/exit), wherever possible; b) is not closer than ten metres to an intersecting street on the same side of the street; c) provides a minimum sight distance of 110 metres; d) shares adjoining property access driveways, wherever possible; e) always enters the street at right angles; f) where the site has frontage to two roads, access is taken off the secondary/minor road, if possible; g) where separate entry and exit driveways are used, the first driveway reached from the kerbside land is clearly delineated and sign posted.

Officer's comment

The proposed development includes three separate vehicular driveways fronting Fairway Street and therefore does not comply with Acceptable Solution AS43, assessment is required against Performance Criteria PC43.

Transport Assessment have reviewed the proposed development and provided the following assessment:

> *"The development does not comply with AS43 as it proposes to three vehicular access points: a light vehicle access to staff parking, a Heavy Vehicle (HV) entry crossing and an HV exit crossing. While it is possible to adopt a single access, it is considered reasonable and safer to provide three. However, given it is split it does not comply with AS43.*
>
> *Given the split design is considered safer through separating entry and exit HV traffic it is considered compliant with PC43."*

Site Access - M38 Industrial Estate Place Code

The Acceptable Solution and corresponding Performance Criteria is provided below:

Performance Criteria	Acceptable Solution
PC44 Treatment of access points to the site maintains appropriate sight distances and visually enhances its identification.	**AS44** Access points incorporate decorative paving treatment and landscaping which distinguishes the access point, but which does not obstruct the safe sight distance requirements outlined above.

Officer's comment

Pavement treatments are not proposed to differentiate the site entry points so full compliance with Acceptable Solution AS44 cannot be achieved and assessment is required against Performance Criteria PC44. However, landscape treatment of access points visually

distinguishes the entry locations and maintains appropriate site lines/distances in accordance with PC44.

Based on the above assessment it is considered the development complies with Performance Criteria PC44 of the M38 Industrial Estate Place Code.

Amenity protection - M38 Industrial Estate Place Code

The Acceptable Solution and corresponding Performance Criteria is provided below:

Performance Criteria	Acceptable Solution
PC46 The proposed use must not detract from the amenity of the local area, having regard, but not limited, to the impact of: a. noise; b. hours of operation; c. traffic; d. lighting; e. signage; f. visual amenity; g. privacy; h. odour and emissions.	**AS46** No acceptable solution provided.
PC47 The proposed development must take into account and seek to ameliorate any negative aspects of the existing amenity of the local area, having regard, but not limited, to the existing impact of: a. noise; b. hours of operation; c. traffic; d. lighting; e. signage; f. visual amenity; g. privacy; h. odour and emissions; **i.** dust; and **j.** vibration.	**AS47** No acceptable solution provided.

Officer's comment

The M38 Industrial Estate Place Code does not provide Acceptable Solutions for the prevention of loss of amenity and threats to health and safety. As such, the development must be assessed against Performance Criteria PC46 and PC47 to maintain compliance with the M38 Industrial Estate Place Code.

(a) **Noise:**
PC46: Environmental health provided the following assessment:

> *'In support of the application and in response to Health's Information Request, the applicant has responded and resubmitted the Noise Impact Assessment by 'Acoustics Works' dated 22 May 2022 (Ref: 2022064). The consultant has confirmed the unattended monitoring location was vacant at the time of monitoring and therefore not affected by extraneous noise (i.e. earthmoving equipment etc).*
>
> *The report has been reviewed in accordance with internal assessment processes and is considered to have appropriately address items in the Information Request. The report has predicted that noise from the proposed development will be adequately mitigated to within criteria levels and therefore reduce opportunity for nuisance to be created.'*

Compliance with PC46 will be ensured through conditions of approval and is considered to be achieved.
PC47: Due to the Industrial nature of the site and surrounding areas a level of noise emissions is expected but it is not considered to impact negatively on the proposed development.

(b) **Hours of operation:**
PC46: The proposed development is envisioned for the industrial estate, including extended hours of operation to facilitate logistic requirements. It is not anticipated that the proposed hours of operation will have negative impact on the surrounding industrial land uses.
PC47: The surrounding area will support other industrial activities expected to operate similarly to the proposed development including 24/7 operations. It is considered that the surrounding operating hours of the industrial area will have negligible impacts on the proposed development.

(c) **Traffic:**
PC46: The proposed land use of Industry (Low impact) and a Warehouse is Self Assessable development within the M38 Industrial Place Code. Due to the scale of the development under the *Planning Regulations 2017* the proposed development was referred to SARA as concurrence agency. General advice has been provided by SARA. It is considered that the traffic generated from the proposed development will be managed effectively to mitigate possible negative impacts on amenity.
PC47: The site and surrounding area is located close to the Pacific Motorway, common for industrial estates within the area. As such, there is an anticipated level of traffic expected to be generated from industrial areas. The traffic impacts have been considered in the prior staged approval and are not anticipated to have any negative impacts to the amenity of the subject site.

(d) **Lighting:**
PC46: No part of the proposed development includes any light spillage from the site which may impact the amenity of the surrounding area.
PC47: There are no existing activities in the surrounding area which includes lighting which may cause negative impact on the proposed development. Standard conditions have been included in the officer's recommendation to ensure this outcome is achieved.

(e) **Signage:**
PC46: The proposed development does not include any signage which may detract from the surrounding amenity.
PC47: There are no existing activities in the surrounding area which includes signage which may cause negative impact on the proposed development.

(f) **Visual amenity:**
PC46: The proposed development consists of a high quality industrial design with ample landscaping to soften the built form. It is considered that the outward appearance of the proposed development is cohesive with the intent of the industrial estate and is unlikely to have any negative impacts to the visual amenity of the surrounding area.
PC47: As the area surrounding the site is currently vacant land, it is not considered that the proposed development is impacted negatively by any activities which could compromise the quality of the visual amenity with the exception of the Landfill facility to the east. The visual impacts of the Landfill facility have been considered through the development of the Vantage industrial estate and mitigation measures including a significant landscape buffer has been implemented. As such, considerations of visual amenity have addressed appropriately.

(g) **Privacy:**
PC46: The proposed development is located within an industrial estate and all interfaces include other industrial land uses. As the nearest sensitive land use is sighted approximately 500m away and is separated from the subject site by other industrial land uses, it is considered that the proposed development will have negligible impacts on surrounding privacy.
PC47: It is not considered that any surrounding activities within the industrial estate will contribute negatively to the privacy of the proposed development, none the less the proposed development includes substantial landscaping providing screening.

(h) **Odour and emissions:**
PC46: It is not anticipated that the proposed development will produce any odour emissions other than what can be expected from loading and unloading activities. The proposed Warehouse and Industry (Low impact) does not include any activities which would contribute negatively to odour and emissions.
PC47: The surrounding area supports industrial uses, which can be expected to produce a reasonable level of odour or emissions. While the site is adjacent to the Staplyton Landfill Facility, the proposed development is setback significantly from the adjoining boundary and is separated by a 20m landscape buffer. Furthermore, sensitive receivers including office space is orientated away from potential odour creating existing activities.

(i) **Dust:**
PC47: It is considered unlikely that the amenity of the proposed development will be impacted by an unreasonable level of dust from the surrounding industrial area.

(a) **Vibration:**
PC47: It is considered unlikely that the amenity of the proposed development will be impacted by vibrations from the surrounding industrial area.

Based on the above assessment it is considered the development complies with Performance Criteria PC46 and PC47 of the M38 Industrial Estate Place Code.

On-site vehicle parking and movement - M38 Industrial Estate Place Code

The Acceptable Solution and corresponding Performance Criteria is provided below:

Performance Criteria	Acceptable Solution
PC51 On-site vehicle parking is located: a. to allow easy access to building entrances; b. to provide visitor spaces for short term/high turnover use clearly visible from the street and sign posted accordingly;	**AS51.1** In areas where visual amenity is important and/or where relatively large amounts of parking are provided, parking areas are generally situated to the rear or side of the site. In particular, employee parking is situated at the rear of the site, with staff entrances at the rear of the building.

c. to be adequately screened from the street; d. compatible with surrounding development and, where possible, facilitating shared use with adjacent land users.	

Officer's comment

The proposed development seeks to provide car parking including employee parking at the front of the site which conflicts with Acceptable Solution AS51.1 requiring parking areas to be situated to the rear or the side of the site. As such assessment is required against Performance Criteria PC51.

To achieve separation between loading bays and pedestrians, the car parking areas have been located adjacent to the ancillary office space at the front of the site. It is considered that locating parking areas to the side or rear of the site would potentially create conflicts between staff entering the building and heavy vehicles servicing the site.

The proposed siting of the car parking areas is considered to allow easy access to the building entrances for staff, given the large scale of the building it is considered impractical to locate the staff parking towards the rear if the development. The proposed parking areas includes the provision of substantial landscaping ensuring the parking areas do not dominate the street front.

Based on the above assessment it is considered the development complies with Performance Criteria PC51 of the M38 Industrial Estate Place Code.

5.3.3.2 Assessment against the Constraint Codes

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

Car park gateways - Car parking, Access and Transport Integration Code

The Acceptable Solution and corresponding Performance Criteria is provided below:

Performance Criteria	Acceptable Solution
PC9 Access to car parking spaces must be provided for employees and visitors.	**AS9.1** Car park areas have no gateways, doors or similar devices which restrict vehicular access by employees or visitors.

Officer's comment

The proposed development includes boom gates restricting access to the site when necessary, as such the proposal does not comply with Acceptable Solution, assessment is required against Performance Criteria PC9.

Transport Assessment have reviewed the proposed development and provided the following assessment:

> *"Access into the site is controlled at all vehicular crossings via boom gates. These gates at the property boundary will typically be left open to permit access. The applicant has also stated that boom gates will also remain open except when a heavy vehicle is required to cross.*

Based on the above arrangement the development is considered compliant with PC9."

Driveways and Crossovers – Car Parking and Transport Integration Code

The Acceptable Solution and corresponding Performance Criteria is provided below:

Performance Criteria	Acceptable Solution
PC10 Driveways from car parks or developments into public roads must be minimised to reduce interference with public road traffic and pedestrians.	**AS10.2** The maximum number of crossovers for non-residential developments is two crossovers per property.

Officer's comment

The proposed development includes three crossovers and does not meet the maximum crossover limit for non-residential developments identified in Acceptable Solution AS10.2 and must be assessed against Performance Criteria PC10.

The purpose of the three crossovers includes singular VXO access to the staff car parking area separate to the dual VXOs provided to service the loading bay. The dual VXOs ensures all heavy vehicles can manoeuvre safely within the site and ingress and egress the site in a forward gear.

Due to the generous road frontage to Fairway Street, being approximately 230 metres, it is considered that the three proposed driveways accessing Fairway Street maintains a safe separation between driveways. The separation between the heavy vehicle VXOs reduces interference with both public road traffic and pedestrians, while maintaining separation between loading areas and staff parking.

Based on the above assessment it is considered the development complies with Performance Criteria PC10 of the Car Parking and Transport Integration Code.

Car park layout - Car parking, Access and Transport Integration Code

The Acceptable Solution and corresponding Performance Criteria is provided below:

Performance Criteria	Acceptable Solution
PC12 All developments must provide internal circulation to avoid use of the public road system for movement between different car parking and vehicle service areas in the development.	**AS12.2** Parking and circulation aisles have a maximum length of 100 metres.

Officer's comment

The proposed development includes circulation aisles which exceed 100 metres in length, as such the proposal does not comply with Acceptable Solution AS12.2, assessment is required against Performance Criteria PC12. Transport Assessment have reviewed the proposed development and provided the following assessment:

"The development does not comply with AS12.2 as aisle lengths are 120m long. In accordance with AS2890.1 Section 2.3.3, the primary concern with aisle lengths greater than 100m is the need to manage traffic speed. Therefore, to ensure safe speeds the

internal pedestrian pathways that cross the car park have been amended to include raised crossings.

Based on the above amendments and the fact no circulation is required within the public road system, the development is considered compliant with PC12."

6 INFRASTRUCTURE CHARGES

The final estimated infrastructure charge is $2,595,846.00.

For further information on this matter, refer to the draft notice attached to this report entitled as Attachment: Infrastructure charges notice for the approved development.

Charge calculation

Charges Resolution No. 1 of 2019

	Qty			Rate	Gross Charge Amount
Impervious Area	75,960	Square Metres	@	$ 11.10	$ 843,156.00
Industry	31,580	sq m Gross Floor Area	@	$ 55.50	$ 1,752,690.00
					$ 2,595,846.00

Net Charge Summary

Gross Charge Amount	Applied Credit Amount	Net Charge Amount
$ 2,595,846.00	$ 0.00	$ 2,595,846.00

Applied credit details Credit will become available to partially offset the charges on this development when the new Future Lot 201 is created and fully paid.

Office Use Only	
$ 1,815,820.00	DC011
$ 588,967.00	DC013
$ 191,059.00	DC020
$ 2,595,846.00	

7 REFERRALS

7.1 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)
Office of the Architecture and Heritage	The Office of Architecture and Heritage reviewed the proposed development and have provided the following conditions: • General - Amended drawings; • Amenity – Screening of visually offensive components *Note: Officers consider that the proposed development achieves the desired visual outcome of the Vantage Industrial Estate and amended drawings condition has not been included within the officers recommendation.*
Health and Regulatory	Health and Regulatory Services reviewed the proposed development

Services	and have provided the following conditions: • General – Approved acoustic plan • Construction management - Certification of works – Healthy and regulatory services.
Landscape Assessment	Landscape Assessment reviewed the proposed development and have provided the following conditions: • Environmental and Landscaping – landscaping works; • Engineering – Existing structures and services.
Plumbing and Drainage	Plumbing and Drainage reviewed the proposed development and have provided the following conditions: • Plumbing and Drainage Act 2018 – Plumbing and drainage works.
Subdivision Engineering	Subdivision Engineering reviewed the proposed development and have provided the following conditions: • Engineering: - Electrical reticulation; - Telecommunications network; • Construction Management – Certification of works – Subdivision engineering
Transport Assessment	Transport Assessment reviewed the proposed development and have provided the following conditions: • General – Approved drawings • Transport: - Off street vehicle and car parking facilities; - Off street bicycle parking and end of trip facilities; - Loading and unloading (excluding waste collections vehicles); and - Security gate requirements.
Water and Waste	Water and Waste reviewed the proposed development and have provided the following conditions: • General: - Timing; - Approved drawings; • Property: - Requirement to register easement;

	- Restriction regarding Council easements and infrastructure; • Amenity – Screening of visually offensive components; • Engineering – Rectification of Council's infrastructure • Sewer and Water Works: - Sewer connection; - Water connection; and - Fire loading

7.2 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, Divisison 4, Subdivision 1, Table 1 of the Planning Regulations: Development application for an aspect of development stated in schedule 20 that is assessable development under a local categorising instrument or section 21, the development exceeds thresholds.

SARA as a concurrence agency provided a referral agency response with General advice on 16 June 2022.

8 PUBLIC NOTIFICATION

No part of the application required public notification.

9 CONCLUSION

The purpose of this report is to assess an application for a development permit for a Material change of use to establish Industry (Low impact) and a Warehouse at Lot 502 Homestead Drive, Stapylton.

Assessment reveals the proposal has addressed the relevant benchmarks of the M38 Industrial Place Code.

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

10 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 a Material change of use for Industry (Low impact) and a Warehouse, in accordance with the Attachment entitled: Decision notice —approval (with conditions).

Author:	*Authorised by:*
Natasha Sidabutar	Roger Sharpe
Planner	Executive Coordinator Planning Assessment
August 2022	