

1 APPLICATION SUMMARY

Application information		
Address	82 Christensen Road South, Stapylton Lot 502 Homestead Drive, Stapylton	
Lot and plan	Lot 500 SP295994, Lot 502 SP316137	
Site area	Lot 500: 94,300m ² Lot 502: 447,890m ²	
Type of development and proposed use	Reconfiguring a lot two into two boundary realignment.	
Categories of development and assessment	Code assessment	
Properly made date	19 May 2022	
Decision due date	16 August 2022	
Applicant and Applicant's consultancy team	FPI Queensland Pty Ltd – (Applicant) Gassman Development Perspectives – (Planning Consultant) Icubed Consulting - (Environmental Rehabilitation Consultant)	
Owner details	Lot 500: Patrician and William Hester Lot 502: Astraland Industrial No. 89 Pty Ltd	
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).
- Lot 500 has previously established industrial activities which operate in accordance with an Environmental Authority. The Environmental Authority relates to two Environmentally Relevant Activities (ERA) including Fertiliser manufacture (over 5,000 t/yr) and Composting and soil conditioner manufacturing.

2.2 Brief description of proposed development

The purpose of this report is to assess an application for a development permit for Reconfiguring a lot (Code assessment) for a two into two lot boundary realignment at 82 Christensen Road South and Lot 502 Homestead Drive, Stapylton within the Vantage Industrial Estate.

The proposal includes the reduction in size of Lot 500 and an increase to Lot 502 for future industrial developments. In preparation of transferring land from Lot 500 to Lot 502, rehabilitation works on Lot 500 were carried out after ERAs were decommissioned on the eastern portion of the site, returning the area to a condition that is stable and non-polluting.

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

Development proposal		
Lots	Lot 500	Lot 502
Lot sizes	46,120m ²	469,600m ²
Road access	Christensen Road South	Christensen Road South and future Roads internal to the industrial estate.
Environmental	Rehabilitation Plan to decommission ERAs.	Previously cleared site.

The following plan identifies the proposed development.

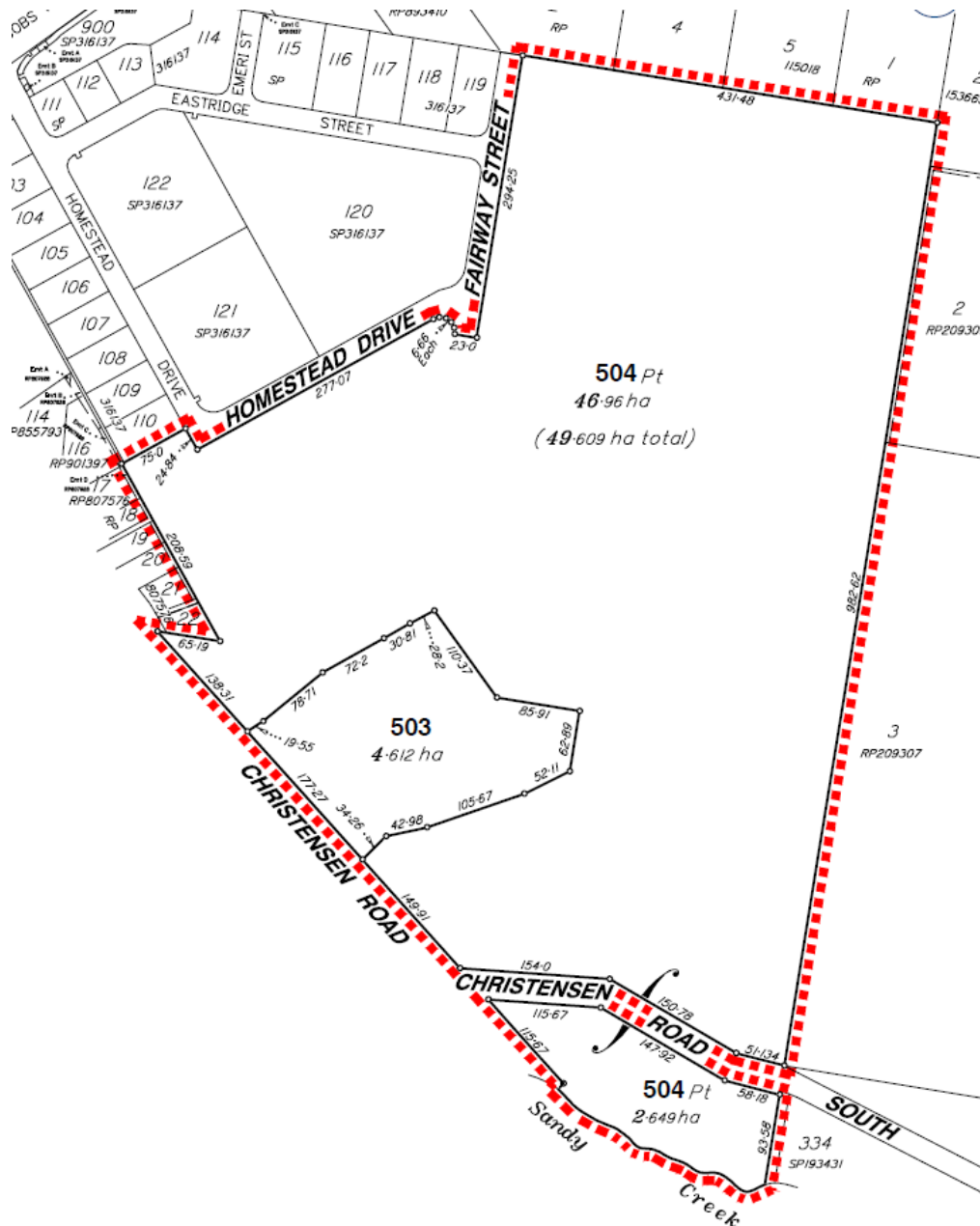


Figure 1: Reconfiguring a lot plan (Source: Gassman Development Perspectives)

3 SITE CONTEXT

3.1 Subject site and immediate context

The subject site is subject to the M38 Industrial Estate Place Code and forms part of Stage 3 within Precinct B and C of the Vantage Industrial Estate. The site has previously been cleared of all vegetation. The subject site is irregular in shape but the actual area for development represents only the portion of the lot identified in the figure below.

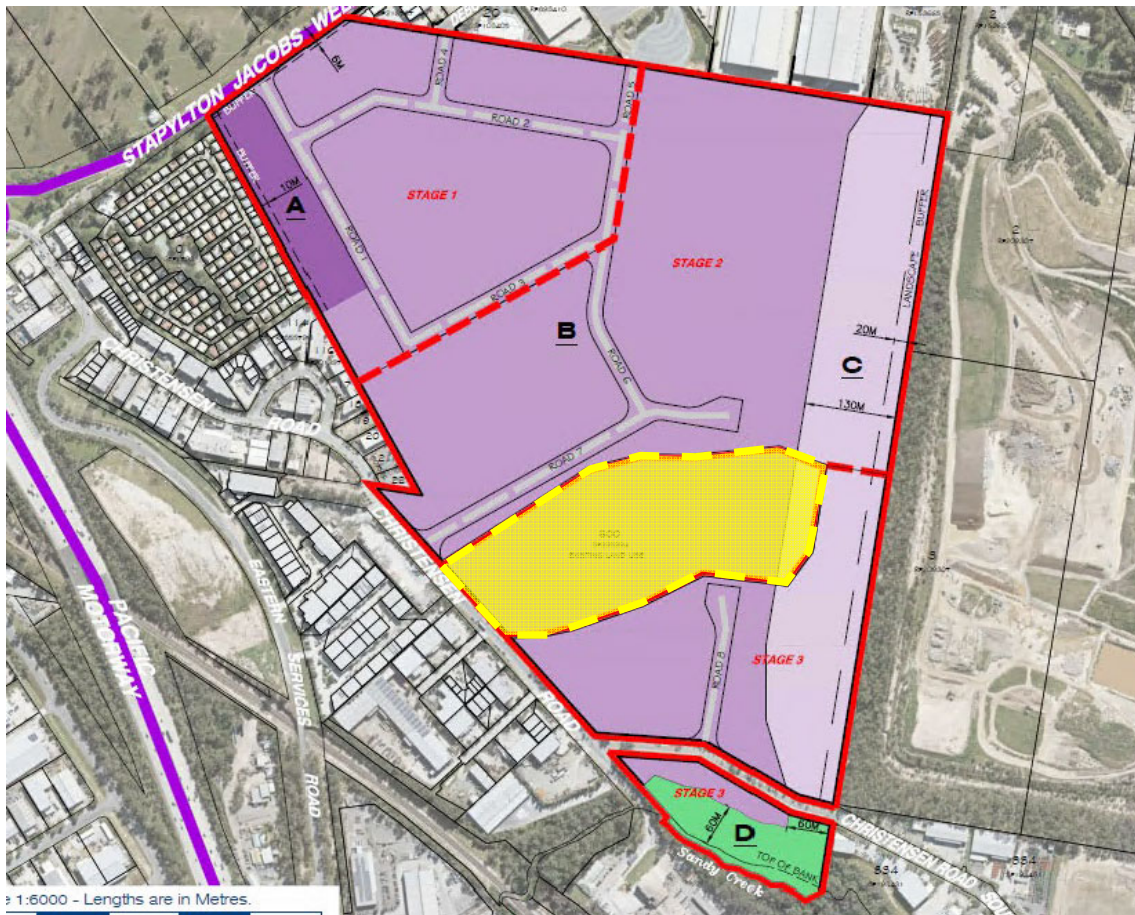


Figure 2: Location of subject site within the Vantage Industrial Estate (Source: Gassman Development Perspectives edited by Council officer)

Lot 502 is vacant lot with no established services. Lot 500 is improved by existing Warehouses supporting Fertiliser manufacturing and Composting and soil conditioner manufacturing. The Warehouses are to be maintained within the western portion of Lot 500 to continue the established uses, while activities on the eastern portion have been decommissioned to facilitate rehabilitation works depicted in figure 2 below.



Figure 3: Lot 500 before rehabilitation works (left) and after rehabilitation works (right) (Source: Icubed Consulting)

3.2 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 areas zoned as High impact industry.
- West: The West of the subject site includes small scale existing industrial uses between the subject site and the Pacific Motorway.



Figure 4: Aerial view of the subject site and local context (Source: CoGC)

4 PLANNING ASSESSMENT

Section 45(3) of the *Planning Act 2016* identifies:

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

The proposed development triggers code assessment and has been assessed in accordance with Section 45(3) of the *Planning Act 2016*.

4.1 State Planning instruments

The application has been assessed against the following instruments:

Instrument	Comment
State Planning Policy	The M38 Industrial Estate Place Code appropriately reflects all aspects of the State Planning Policy apart from aspects relating to natural hazards, risk and resilience (coastal hazards). The proposal does not trigger assessment against any assessment benchmarks relating to natural hazards, risk and resilience (coastal hazards).
South East Queensland Regional Plan	The proposal is consistent with the goals, elements and strategies; and the Southern Sub-regional directions of the South East Queensland Regional Plan 2017 (ShapingSEQ).
Planning Regulation 2017	The proposal triggers assessment against the State development assessment provisions (Schedule 10, Part 9, Division 4, Subdivision 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.

4.2 Local categorising instruments

The application has been assessed against the following instruments:

Local categorising instrument	Comment
Temporary Local Planning Instrument	The proposal does not trigger assessment against any temporary local planning instruments.
Variation approval	The proposal does trigger assessment against a variation approval. This is discussed in section 4.2.1 within this planning report.
City Plan	The subject site is within the City Plan area of the City of Gold Coast. However, the City Plan is not the local categorising instrument for the proposed development. <u>Local Government Infrastructure Plan</u> There is no new trunk infrastructure required as part of this development.

4.2.1 Assessment against a variation approval

The M38 Industrial Estate Place Code is a Preliminary Approval overriding the planning scheme for the subject site, approved pursuant to Section 3.1.6 of the *Integrated Planning Act 1997*.

The proposal has been lodged pursuant to The M38 Industrial Estate Place Code which is the local categorising instrument for the development.

Pursuant to the aforementioned approval, developments within the M38 Industrial Estate are to be assessed against the assessment criteria specified in the Gold Coast Planning Scheme 2003 Version 1.2 and The M38 Industrial Estate Place Code.

The following is an assessment of the application against the M38 Industrial Estate Place Code applicable codes in the table below:

The following assessment benchmarks identified in the City Plan for the site are listed below.

Place Code	Specific Development Codes	Constraint Codes
M38 Industrial Estate Place Code	- Reconfiguring a Lot code; - Works for infrastructure	Sediment and Erosion Control

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

Code	Acceptable / Performance Outcome	Subject matter
M38 Industrial Estate Place Code	Performance Criteria PC9	Environmental Management
	Performance Criteria PC47	Amenity Protection

4.2.1.1 Assessment against the M38 Industrial Estate Place Code

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

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 limited to the impact of noise, emissions and dust.	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 the Planning Scheme Policy 10 – Guidelines for 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.

As the proposed development exclusively includes a boundary realignment to increase the area of the industrial estate, assessment is not given to potential future land uses. It is expected that the potential environmental impacts from the Landfill site such as noise odour and dust will be assessed within future Material change of use applications specific to the sought uses.

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

Amenity protection - M38 Industrial Estate Place Code

The Acceptable Solution and corresponding Performance Criteria is provided below:

Performance Criteria	Acceptable Solution
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 PC47 to maintain compliance with the M38 Industrial Estate Place Code.

The proposed development includes a boundary realignment and does not introduce any sensitive land uses. Due to the Industrial nature of the site and surrounding areas a level of negative aspects of

amenity is expected. The existing amenity is not considered to unreasonably impact negatively on the proposed development.

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

6 INFRASTRUCTURE CHARGES

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

7 REFERRALS

7.1 Internal referrals

This application has been assessed by internal referral officers who, if required provide comments and reasonable and relevant conditions. Upon assessment by internal referral officers, no further comments have been provided.

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, Division 4, Subdivision 1, Table 1, Item 2 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 28 June 2022.

8 PUBLIC NOTIFICATION

No part of the proposed development required public notification.

9 CONCLUSION

Council is in receipt of an application for a Development permit for a Reconfiguring of a lot, two into two boundary realignment at 82 Christensen Road South and Lot 502 Homestead Drive, Stapylton.

After a detailed assessment, it has been determined the proposal meets the purpose of the M38 Industrial Estate Place Code and applicable constraint and specific development codes.

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

10 NOTIFICATIONS

Not applicable, no property notifications will be applied.

11 RECOMMENDATION

It is recommended that Council resolves as follows:

That under Delegated Authority, Executive Coordinator Planning Assessment approves (with conditions) the issue of a Development permit for a Reconfiguring a lot, in accordance with the Attachment entitled: Decision notice - approval.

Author:

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August 2022

Authorised by:

Roger Sharpe

Executive Coordinator Planning Assessment