

1 APPLICATION SUMMARY

Application information	
Minor change & Extension to development approval	
Address	1 Homestead Drive, STAPYLTON QLD 4207 5 Homestead Drive, STAPYLTON QLD 4207 6 Homestead Drive, STAPYLTON QLD 4207 9 Homestead Drive, STAPYLTON QLD 4207 10 Homestead Drive, STAPYLTON QLD 4207 13 Homestead Drive, STAPYLTON QLD 4207 17 Homestead Drive, STAPYLTON QLD 4207 21 Homestead Drive, STAPYLTON QLD 4207 24 Homestead Drive, STAPYLTON QLD 4207 25 Homestead Drive, STAPYLTON QLD 4207 29 Homestead Drive, STAPYLTON QLD 4207 33 Homestead Drive, STAPYLTON QLD 4207 37 Homestead Drive, STAPYLTON QLD 4207 48 Homestead Drive, STAPYLTON QLD 4207 Lot 504 Homestead Drive, STAPYLTON QLD 4207 6 Eastridge Street, STAPYLTON QLD 4207 10 Eastridge Street, STAPYLTON QLD 4207 14 Eastridge Street, STAPYLTON QLD 4207 20 Eastridge Street, STAPYLTON QLD 4207 24 Eastridge Street, STAPYLTON QLD 4207 28 Eastridge Street, STAPYLTON QLD 4207 32 Eastridge Street, STAPYLTON QLD 4207 36 Eastridge Street, STAPYLTON QLD 4207 82 Christensen Road South, STAPYLTON QLD 4207 1-43 Yellowwood Road, STAPYLTON QLD 4207
Lot and plan	Lot 101 SP316137, Lot 102 SP316137, Lot 111 SP316137, Lot 103 SP316137, Lot 122 SP316137, Lot 104 SP316137, Lot 105 SP316137, Lot 106 SP316137, Lot 121 SP316137, Lot 107 SP316137, Lot 108 SP316137, Lot 109 SP316137, Lot 110 SP316137, Lot 120 SP316137, Lot 504 SP329485, Lot 112 SP316137, Lot 113 SP316137, Lot 114 SP316137, Lot 115 SP316137, Lot 116 SP316137, Lot 117 SP316137, Lot 118 SP316137, Lot 119 SP316137, Lot 503 SP329485 and Lot 4 RP6843
Site area	771,610m ² (77.16ha)
Properly made date	24 February 2023
Originating and current Planning Scheme including version, domain / zone / precinct and constraints / overlays	Originating and current application: <u>Categorising instrument:</u> Preliminary Approval endorsing the M38 Industrial Estate Place Code <u>Zone</u> (as per the M38 Industrial Estate Place Code): Low impact service industry & General impact business & industry

	<u>Overlays:</u> • Good Quality Agricultural Land (OM02-1) • Potential Bushfire Hazard Areas (OM10-1) • Natural Wetland and Waterways Areas (OM11-1) • Acid Sulphate Soil Hazards Areas (OM14-1) • Natural Hazard (Flood) Management Areas (OM17-5) • Conservation Strategy Plan (OM20-1) • Scenic Tourist Routes (OM22-1) • Extractive Resources (OM23-1)
Originating approved development	Preliminary Approval for making a Material Change of Use to override the Planning Scheme for industry uses (Council ref: MCU201100650).
Date of originating development approval	4 March 2013
Originating approval authority	Council of the City of Gold Coast
Applicant and Applicant's consultancy team	Fraser's Property Australia Pty Ltd
Owner details	Apollo Holdings (Australia) Pty Limited, Australand Industrial No. 89 Pty Limited, Bhfm 103 Yatala Pty Ltd, Yatala 104 Pty Ltd, Yatala 105 Pty Ltd, Vicenza Nominees Pty Ltd, Yatala 106 Pty Ltd, Complete Strata Solutions Pty Ltd, Yatala 107 Pty Ltd, Projects QLD 101 Pty Ltd, Terrson Pty Ltd, Wellcor Projects Pty Ltd, Qkitchenware Pty Ltd, Agrobrest Properties Pty Ltd, Dhk Holdings (Vic) Pty Ltd, Eastridge 117 Pty Ltd, Bhfm 118 Yatala Pty Ltd, Commercial Hotel Twpg Pty Ltd, Mrs Patricia Ann Hester, William Arthur Hester and Australand Industrial No 89 Pty Limited
Referral agencies	Not applicable
Decision due date	25 May 2023
Reference of most recent change application	MIN/2020/659 - Minor change to a Preliminary Approval for making a Material Change of Use to override the Planning Scheme for industry uses
Date of most recent change application decision notice	3 December 2020
Officer's recommendation	Approval subject to 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 negotiated decision notice for a Preliminary Approval for making a Material Change of Use to override the Planning Scheme for industry uses pursuant to the M38 Industrial Estate Place Code at 82 Christensen Road South, 60 Stapylton Jacobs Well Road & 31 Yellowwood Road, Stapylton also known as the Vantage Industrial Estate.

Subsequent approved boundary realignment of Lot 504 Homestead Drive and 82 Christensen Road South, Stapylton has resulted in additional land being allocated to the Vantage Industrial Estate. In

response to the new lot configuration, the Applicant seeks to make changes to the overall masterplan applying to approved Stage 2 and future stages within the Vantage Industrial Estate. The proposed changes require amendment to the preliminary approval to reflect the proposed staging and road layout of the subdivision.

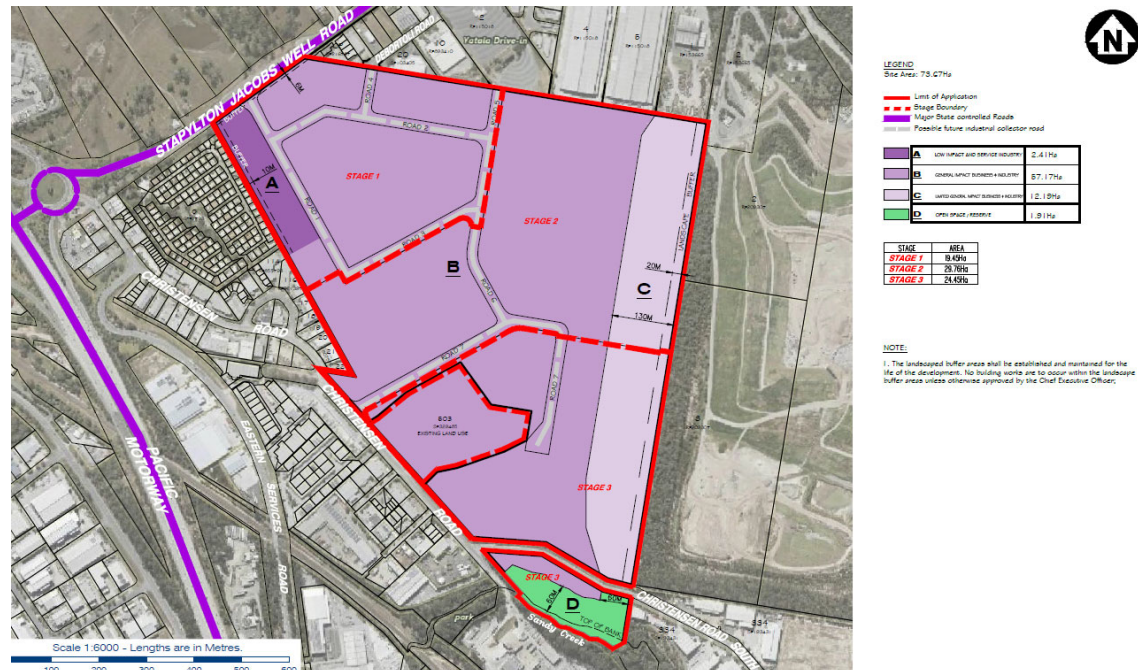


Figure 1: Proposed Staging Plan (Source: Gassman Development Perspective)

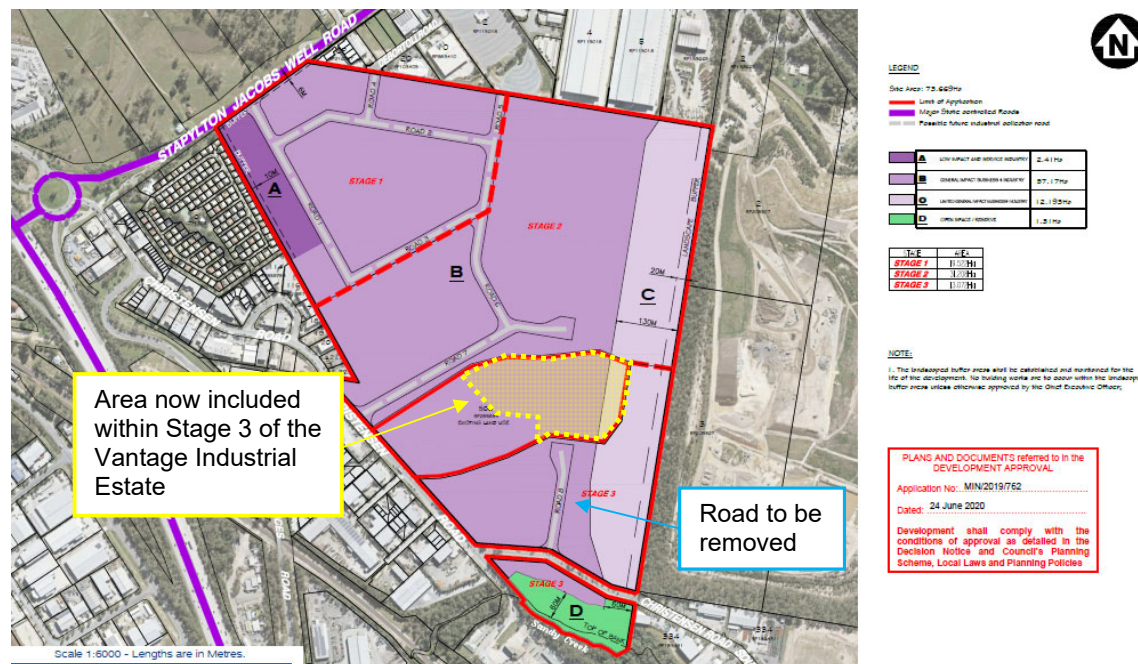


Figure 2: Approved Staging Plan (Source: MIN/2019/762)

3 BACKGROUND

Stage 1 of the development at the subject site has been approved and delivered within the north western area of the site. Stage 2 of the development has been approved with a number of minor changes occurring seeking amended lot layouts. The following table provides a summary of previous approvals over the subject site as provided by the applicant:

**REPORT ON MINOR CHANGE TO DEVELOPMENT APPROVAL FOR THE VANTAGE
INDUSTRIAL ESTATE AT 1 HOMESTEAD DRIVE, STAPYLTON
MIN/2023/64**

DIVISION NO. 1

Approval History	
Approval Reference	Comment
MCU201100650 Dated: 6 May 2013	Preliminary Approval for Making a Material Change of Use (Impact Assessment) to Override the Planning Scheme for Industry Uses
MCU201601390 Dated: 1 November 2016	Request to Change an Existing Approval (Extended 3 May 2023)
MCU201701550 Dated: 23 November 2017	Change Application approval including amended suite of development conditions for MCU201100650
MCU201701550 Dated: 6 March 2018	Submission to satisfy conditions of approval (Land use Classification and Staging Plan, and Generations Industrial Park Place Code)
MCU201800656 Dated: 27 November 2018	Change application approval including amended suite of development conditions for MCU201100650
OPW201800486 27 November 2018	Development approval for Operational Work – Tree Works
OPW201800485 27 November 2018	Development approval for Operational Work – Change to Ground Level/Carparking
OPW201801219 12 December 2018	Development approval for Operational Work – Tree Works
OPW201801218 12 December 2018	Development approval for Operational Work – Change to Ground Level/Carparking
ROL/2018/79 1 March 2019	Development application approving Stage 1 ROL under the preliminary approval with supporting civil design and vegetation clearing.
MIN/2019/27 20 February 2019	Change application to the Preliminary Approval to amend staging and associated conditions.
MIN/2019/761 4 June 2020	Change application to Stage 1 (ROL/2018/79) to provide an amended lot layout and bulk earthworks strategy.
MIN/2019/762 30 June 2020	Change application to the Preliminary Approval to amend staging extents and acoustic requirements of the approval.
MIN/2020/454 2 November 2020	Change application to Stage 1 (ROL/2018/79 + MIN/2019/761) for inclusion of pad mount transformers and amendment to earthworks strategy.
MIN/2020/659 8 December 2020	Minor change to preliminary approval to amend conditions relating to sewer. This Minor Change seeks to change this application.
COM/2020/262 27 April 2021	Development application approving Stage 2, for Reconfiguring a lot – subdivision (1 into 7 lots) with associated change to ground level.
OPW/2021/1255 27 October 2021	Operational works for infrastructure works for Stage 2 of the Vantage Industrial Estate (civil works).
MIN/2021/637 18 February 2022	Minor change to COM/2020/262 (Stage 2 ROL) to realign the boundary of approved Lot 205 to facilitate the development of a Warehouse.
MIN/2022/245	Minor change to MIN/2021/637 to realign the boundary of Lot 201, the deletion of Lot 207 and expansion of Lot 204, addition of services easement fronting Fairway Street and the removal of sub-staging for Stage 2.
ROL/2022/50 11 August 2022	Boundary realignment applying to Lot 502 Homestead Drive and 82 Christensen Road South, Stapylton where the eastern portion of Lot 500 was transferred into Lot 502.

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 Minor change request

This change application seeks to change the conditions of MIN/2020/659 (original approval MCU201100650) relating to staging, the road network layout and the endorsed acoustic report of the Vantage Industrial Estate. The changes to the staging and the road network plan are currently illustrated within the Land use classification and staging plan which accompanies the M38 Industrial Estate Place Code.

Staging and road network layout:

Proposed changes to the road network layout include the removal of the southern most public road connection to Christensen Road reflecting the proposed changes to Stage 3 following the acquisition of land through ROL/2022/50. Stage 3 will access through the proposed extended “New Road 2”. Additionally, the boundary of Stage 2 and Stage 3 has been amended to relocate the future park and recreational space centrally within the site.

The current conditions of approval reference Stage 4 of the Vantage Industrial Estate. Stage 4 was previously removed from the Land use classification and Staging plan in MIN/2019/762 with Stage 3 encompassing the former Stage 4 area. Proposed changes to conditions include the administrative amendment of all conditions referencing Stage 4.

Acoustic report:

It is noted that the approved acoustic report contains errors relating to the specific lots included within Precinct A of the Land use classification and Staging plan. The amended acoustic report submitted as part of this application removes reference to Lot 109 and 110 as being included within Precinct A and limiting operational hours.

Pursuant to the above changes, the applicant seeks changes to the development conditions as follows:

Cond No.	Applicant request	Officer discussion / recommendation
1	Approved plan – Amended condition to reflect amended Land Use Classification and Staging Plan	The request to amend this condition is supported. The amended Land Use Classification and Staging Plan reflects the approved lot configuration and the amended road layout.
2	Staged construction of development – Amend condition to reflect the amended Land Use Classification and Staging Plan.	The request to amend this condition is supported to reflect the amended Land Use Classification and Staging Plan reference.
9	Staged development - Amend condition to reflect the amended Land Use Classification and Staging Plan.	Officers have confirmed that the additional traffic impacts at Highlands Street and Christensen Road are acceptable and still result in satisfactory operation. The revised Land Use Classification and Staging Plan which removes the southern intersection is therefore supported.
10	External Roadworks – Delete requirements for intersection to	The request to amend this condition is supported. The amendment removes reference

	Christensen Road South (item b), as future access only to be private crossover.	to the former proposed new intersection of Christensen Road South and the proposed new road. Further discussion required below.
15(b)	Landscape Intent Plan – Amend condition to remove reference to Stage 4, amend to reference Stage 3.	The request to amend this condition is supported. The amendment removes reference to Stage 4 which now forms part of Stage 3.
15(e)(ii)	Acoustic report – Amended condition to refer to amended Acoustic report.	The request to amend this condition is supported to reflect the amended Acoustic report. The nature of the amendments to the Acoustic report are limited to administrative changes and do not impact the operations or potential amenity impacts associated with lots within Precinct A.
24(a)	Transfer of open space – Amend condition to reflect amended Land Use Classification and Staging Plan.	The request to amend this condition is supported to reflect the amended Land Use Classification and Staging Plan reference.
25(b)	Open space management plan - Amend condition to remove reference to Stage 4, amend to reference Stage 3.	The request to amend this condition is supported. The amendment removes reference to Stage 4 which now forms part of Stage 3.
26	Compliance assessment of Open space management plan (OSMP) - Amend condition to remove reference to Stage 4, amend to reference Stage 3.	The request to amend this condition is supported. The amendment removes reference to Stage 4 which now forms part of Stage 3.
27	Compliance certificate with future operational work development applications	The request to amend this condition is supported. The amendment removes reference to Stage 4 which now forms part of Stage 3.
30(a)	Acoustic report – Amend condition to refer to amended Acoustic report.	The request to amend this condition is supported to reflect the amended Acoustic report.
31	Acoustic barrier - Amend condition to refer to amended Acoustic report.	The request to amend this condition is supported to reflect the amended Acoustic report.
33	Certificate of compliance - Amend condition to refer to amended Acoustic report.	The request to amend this condition is supported to reflect the amended Acoustic report.
53(b)	General wastewater servicing arrangement - Amend condition to remove reference to Stage 4.	The request to amend this condition is supported. The amendment removes reference to Stage 4 which now forms part of Stage 3.
54	Connection point - Amend condition to remove reference to Stage 4.	The request to amend this condition is supported. The amendment removes reference to Stage 4 which now forms part of Stage 3.
N/A	Property Notification – Noise/Acoustic - Amend notification to reflect new application number.	The request to amend this condition is supported to reflect the amended Acoustic report.

4.2 Further discussion

As identified above, further discussion is warranted for Condition 23 and New Condition 7A as follows:

Condition 10 currently reads:

10 External Roadworks
Prior to the issue of any development approval associated with the relevant stage, functional road layout plans (including land dedications) must be submitted for the following:
- a the upgrade of Christensen Road and Christensen Road South; - b the intersection of Christensen Road South and proposed new road; - c the intersection of Christensen Road and proposed new road; - d the intersection of Christensen Road and the Eastern Service Road; - e the re-prioritisation of the intersection of Christensen Road and Christensen Road South.
The functional road layout plans must be supported by a Traffic Impact Assessment Report, and must be completed at no cost to Council and to the satisfaction of the Chief Executive Officer.
Advice Note: Any identified roadworks supported by Council will be conditioned for construction as part of future development applications.

The Applicant requests that this condition be amended.

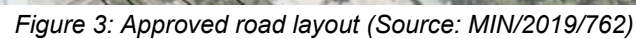
Applicant's representation

The Applicant provided the following explanation for the amended to the road network:

"Amendments to the road network as approved under the original preliminary approval are proposed. Specifically, the southern-most public road connection to Christensen Road which provides access to the Stage 3 area is proposed to be removed in accordance with the proposed future Stage 3 subdivision layout (lodged concurrently with this application). Instead, access to Stage 3 will be provided via extension and realignment of 'New Road 2' within Stage 2. This change provides a more logical and efficient road network and lot layout following the allocation of additional land to the Vantage Industrial Estate resulting from boundary Realignment ROL/2022/50. Importantly, this change does not result in any significant impacts to the road network in terms of increased traffic generation or intersection saturation at the retained Christensen Road/New Road 7 intersection."

Officer's comments

The Applicant proposes to delete the intersection to Christensen Road South identified within figure 3. This will result in a re-distribution of traffic within the Vantage Industrial Estate, placing increased pressure on the intersection with Christensen Road (figure 4 below). Rytenskild Traffic Engineering undertook a SIDRA intersection assessment of the recently constructed Highlands Street and Christensen Road intersection demonstrating sufficient capacity exists to accommodate the addition of stage 3 development traffic. Officers have confirmed that the additional traffic impacts at the Highlands Street/Christensen Road are acceptable and still result in satisfactory operation. It is considered that the above condition be amended.



New Condition 10 reads:

10 External Roadworks

Prior to the issue of any development approval associated with the relevant stage, functional road layout plans (including land dedications) must be submitted for the following:

- a the upgrade of Christensen Road and Christensen Road South;
 - b the intersection of Christensen Road and proposed new road;
 - c the intersection of Christensen Road and the Eastern Service Road;
 - d the re-prioritisation of the intersection of Christensen Road and Christensen Road South.
- The functional road layout plans must be supported by a Traffic Impact Assessment Report, and must be completed at no cost to Council and to the satisfaction of the Chief Executive Officer.

Advice Note: Any identified roadworks supported by Council will be conditioned for construction as part of future development applications.

5 CONCLUSION

This report assessed a request for a minor change to the development approval under Section 78 of the *Planning Act 2016* (PA) for the Minor change to a preliminary approval dated 3 December 2020 for a Material Change of Use to override the Planning Scheme for industry uses at 82 Christensen Road South, 60 Stapylton Jacobs Well Road & 31 Yellowwood Road, Stapylton QLD 4207.

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 a change to a preliminary approval dated 3 December 2020 for a Material Change of Use to override the Planning Scheme for industry uses at 1 Homestead Drive, Stapylton QLD 4207 in accordance with the Attachment entitled: Decision notice— change application approval including amended suite of development conditions for MCU/2020/659.

Author:

Natasha Sidabutar

Planner

May 2023

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 change is minor and does 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	No prohibited development proposed.
(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or	Not applicable.
(C) referral to extra referral agencies, other than to the chief executive; or	No new referral agency is triggered by the minor change.
(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	No new referral agency is triggered under section 55(2).
(E) public notification if public notification was not required for the development application.	No further public notification is required.

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 use is proposed.
(b) results in the application applying to a new parcel of land; or	The minor change does not apply to any additional parcels of land.
(c) dramatically changes the built form in terms of scale, bulk and appearance; or	The proposed change does not dramatically change the appearance of the proposed development which will remain generally

	consistent with the original approval.
(d) changes the ability of the proposed development to operate as intended; or	The development will continue to operate as intended.
(e) removes a component that is integral to the operation of the development; or	The proposed change 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	Change will not significantly impact traffic flow nor the transport network as demonstrated within Officer assessment.
(g) introduces new impacts or increase the severity of known impacts; or	The change does not introduce new impacts of the severity of known impacts. The proposed external roadworks have been deemed appropriate.
(h) removes an incentive or offset component that would have balanced a negative impact of the development; or	The change does not remove an incentive or offset component of the development.
(i) impacts on infrastructure provisions.	There is no impact on infrastructure provisions.

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 by all relevant officers 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	Considered.
(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	Considered.
(e) another matter that the responsible entity	Considered.

considers relevant.	
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.	The original application was assessed against the Gold Coast Planning Scheme 2003, Version 1.2, Amended November 2011, and the minor change application has been assessed against preliminary approval. Assessment benchmarks and matters are generally consistent between both applications.
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	The original application was assessed against the Gold Coast Planning Scheme 2003, Version 1.2, Amended November 2011, and the minor change application has been assessed against preliminary approval. Assessment benchmarks and matters are generally consistent between both applications.
(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.