

OUR REF: 6098-MCU-MC1
YOUR REF: MCU/2021/718

24 May 2023

The Chief Executive Officer
Gold Coast City Council
PO Box 5042
GOLD COAST MC QLD 9729

Via email: mail@goldcoast.qld.gov.au

Dear Sir/Madam,

**RE: REQUEST TO MAKE A MINOR CHANGE APPLICATION TO DEVELOPMENT PERMIT
FOR MATERIAL CHANGE OF USE – WAREHOUSE AND MANUFACTURER'S SHOP**

**AT: 24 HOMESTEAD DRIVE, STAPYLTON QLD 4207 – LOT 121 ON SP316137
(FORMALLY 60 STAPYLTON JACOBS WELL ROAD, STAPYLTON QLD 4207, LOT 501
ON SP295994)**

We act on behalf of the Applicant, FPI Queensland Pty Ltd, who seeks a request to make a minor change application under s78 of the *Planning Act 2016* (the Act) for the above-mentioned property.

We enclose the following:

- Forms and Consent, **Attachment A**;
- Current Approval Package MCU/2021/718, **Attachment B**;
- Amended Proposal Plan, **Attachment C**; and
- Traffic Advice Letter, **Attachment D**.

As the application will be lodged electronically, the prescribed fee of **\$1,332.80** (20% of \$6,664.00) will be paid upon receipt of Council's invoice.

1.0 SITE DESCRIPTION

Table 1 - Site Summary	
Site Address	24 Homestead Drive, Stapylton QLD 4207 (Formally 60 Stapylton Jacobs Well Road, Stapylton QLD 4207)
Real Property Description	Lot 121 on SP316137 (formally Lot 501 on SP295994)
Total Site Area	4.945 ha
Current Site Use	Industry (under construction)
Local Authority	Council of the City of Gold Coast
Zoning	Precinct B – General Impact Business and Industry

2.0 APPROVAL HISTORY

Table 2 below provides a targeted approval history relevant to the proposal minor change application.

Table 2 - Approval History	
Approval Reference	Comment
MIN/2020/659 Originally Dated: 3 May 2013	This approval is the most recent iteration of the overarching preliminary approval affecting the entire site. The approval sought implementation of an endorsed Place Code as well as a Land Use Classification Plan supporting industrial uses through industrial subdivision and relevant land use precincts.
MIN/2020/454 Dated: 2 November 2020	This approval is the most recent subdivision approval that created Stage 1 of the Vantage Industrial Estate, within which the subject site is located.
MCU/2021/718 Dated: 29 March 2022	Material Change of Use for Warehouse on approved Lot 121. The proposed minor change seeks to alter this approval.
COM/2022/13 Dated: 22 April 2022	Combined application for boundary realignment and bulk earthworks. This approval reconfigured the three large central lots of Stage 1 to provide a tailored shaped and scale for Lot 121 to suit National Tiles end user.
GIC/2023/3 Dated: 27 February 2023	Approved a small increase to the approved PMT location on Lot 121 at the southern end.

3.0 BACKGROUND

The original approval provided warehouse approval for two separate tenancies, one know to be for National Tiles and the other a spec warehouse for a future warehouse land user. National Tiles has since commenced construction on site. For the avoidance of any doubt, no changes are proposed to the northern warehouse area encompassing National Tiles as shown below in **Figure 1**.

Recently, FPI have entered into lease agreement with PFG Australia for the 'spec warehouse'. PFG is a family owned, multi generational company that provides a wide range of rural and agricultural machinery, equipment and accessories. Their establishment in the Yatala Enterprise Area is considered a great benefit to the city, particularly immediate proximity to the nearby cane fields and cane industry.

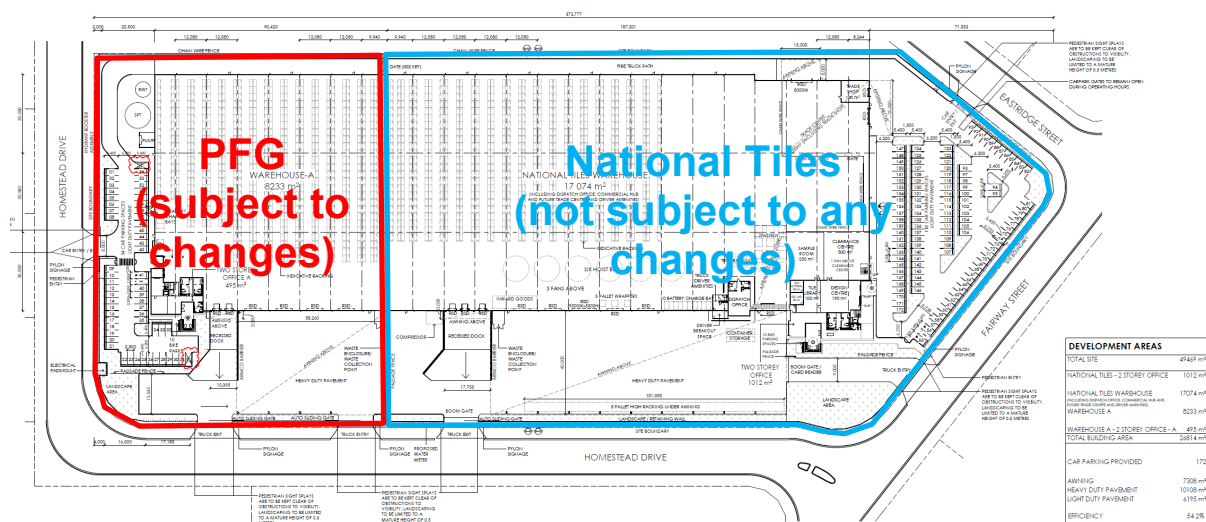


Figure 1: Approved Plans, MCU/2021/718 (GDP file, 2023)

4.0 CHANGES REQUESTED UNDER S.78 OF THE PLANNING ACT 2016

As mentioned above, the changes are completely limited to the PFG warehouse at the southern end of the subject site. These changes are proposed given an end user for this warehouse has been confirmed and more targeted development outcomes and operational characteristics can be confirmed and formalised through this land use approval.

The primary change proposed seeks a tailored use of the approved warehouse development, providing additional temporary outdoor laydown and storage area. This additional storage area is proposed to replace a number of light duty carpark spaces on site, however, maintains a suitable number of parking spaces to cater for PFG, who will employ roughly 18 people on the subject site. This request is supported by a Traffic Letter of Advice, supporting the proposed reduction in carparking based on PFG's specific needs.

Perhaps the most important consideration is the carparking area already approved by Council will not be changing in form or size. This is important as it enables the space to be used for hardstand storage to suit PFG's immediate needs, however, can be readily converted into the previously approved carparks without major works, being only that of line marking and wheel stops. The only change to the form of the area will be a small, 10m² increase in hardstand that provides a connection from this pad to

the heavy-duty pavement, allowing for relocation of goods via forklift without the need to go on the public road, nor conflict with light duty vehicles and pedestrians.

In addition to the above primary change, PFG also require a modest increase in office space internally. This will be within existing GFA and TUA areas and is only to provide two additional offices for higher level staff, a meeting room and board room. Finally, a wash bay has been included for cleaning of the PFG equipment. This will require additional trade waste connections, to be further detailed during detail design and subsequent works applications. Again, these changes are targeted to PFG as end user for this warehouse.

These amendments are reflected with the amended proposal plans provided within **Attachment A**.

Based on the above changes, the Applicant proposes the conditions be amended as outlined below:

Table 3 Summary of Requested Condition Changes			
Condition No.	Condition Aspect	Requested Change	Justification
General			
2	Approved drawings, specifically update to 'SITE PLAN'	Amend condition	Amend condition to reflect updated Proposal Plans, dates, drawing numbers and versions.
11	Off street vehicle and car parking facilities	Amend condition	Amend to require a total of 138 car spaces.
14	Operational restrictions	Amend condition	Amend 'Warehouse A' to a maximum of 20 staff – this aligns with the total number of staff equalling the total number of carparks.

Please note, the wash bay has been included for completeness, however, does not warrant any condition changes or amendments.

4.1 Affected Entities

Under Section 80 of the Act, affected entities must be notified of minor changes if required. Under this section an affected entity is defined as:

if the assessment manager would be the responsible entity for the change application if it were made—a referral agency for the development approval other than the chief executive

The original development application was referred for the following matters:

- Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 – Aspect of development stated in Schedule 20; and
- Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 – Material Change of Use near a State transport corridor.

Whilst these referral matters were triggered, as they were referred to the chief executive, they are not defined as an affected entity. Based on the above no affected entities are identified for this minor change.

5.0 PLANNING ACT 2016 LEGISLATIVE AND STATUTORY CONSIDERATIONS

5.1 PLANNING ACT 2016 – MINOR CHANGE ASSESSMENT PROVISIONS

To assist the determination of this minor change application, detailed assessment of the requested changes has been undertaken against the assessment provisions as outlined within section 81 of the Act in which the responsible.

The outcome of this assessment is as follows:

s.81(4) *must assess against, or have regard to, the matters that applied when the development application was made; and*

Comment: The original development application was made under the active preliminary approval over the subject site being the M38 Place Code.

s.81(5) *may assess against, or have regard to, the matters that applied when the change application was made.*

Comment: The existing preliminary approval remains active over the subject site and therefore provides the same assessment benchmarks that were imposed upon the original development application.

5.2 PLANNING ACT 2016 SCHEDULE 2 (DICTIONARY)

Chapter 1 Section 6 of the Act provides the Definitions and meanings of particular words used throughout the Act, and refers specifically to the Dictionary in Schedule 2.

Schedule 2 provides the definition of 'minor change':

- (a) for a development application; and
- (b) for a development approval.

For this particular application request, a minor change 'for a development approval' is relevant.

The definition assists in providing a guideline to the compliance within meaning of minor change, and is presented in the below table.

Table 4 Minor Change	
(b) for a development approval-	Comment/Compliance
(i) would not result in substantially different development; and	Complies The proposal does not result in substantially different development, as indicated in Table 5 below.

Table 4 Minor Change

(b) for a development approval-	Comment/Compliance
	It is the same land use, within the same site area. As such, the proposal is seen as generally consistent with the original approval.
(ii) if a development application for a development including the change, were made when the change application is made would not cause – (A) the inclusion of prohibited development in the development; or (B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or (C) referral to extra referral agencies, other than to the chief executive officer; or (D) a referral agency to assess the application against, or have regard to, matters prescribed by a regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or (E) public notification if public notification was not required for the development application.	Complies The proposed change would not result in prohibited development. Complies Referral was applicable to the original development application. Complies No extra referral agencies will be triggered for referral. Complies No additional assessment matters are required to be assessed by a referral agency. Complies Public notification was not required for the original development application, nor will it be required because of the change.

Table 5 DA Rules Schedule 1 – Substantially different development

A change may be considered to result in a substantially different development if the proposed change:

Test	Comment/Compliance
(a) involves a new use; or	Complies Proposal does not involve a new use or additional impacts above what was originally approved.
(b) results in the application applying to a new parcel of land; or	Complies Whilst a new lot reference is applicable, the proposal is over the same parcel of land.
(c) dramatically changes the built form in terms of scale, bulk and appearance; or	Complies The proposal does not involve a dramatic change in built form in terms of scale, bulk and appearance.
(d) changes the ability of the proposed development to operate as intended; or	Complies The proposal does not change the ability of the land use to function or operate.
(e) removes a component that is integral to the operation of the development; or	Complies The proposal does not remove any integral component to the proposed development or operation of the development.
(f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or	Complies The proposed changes will not result in significant impacts on traffic flow or transport network, as supported by the provided Traffic Advice Letter. The proposal also allows for immediate reestablishment of the removed carparks if required by PFG or a future user.
(g) introduces new impacts or increase the severity of known impacts; or	Complies The extent of the change will not introduce any new impacts, nor increase the severity of any known impacts.
(h) removes an incentive or offset component that would have balanced a negative impact of the development; or	Complies The proposal does not remove any incentive or offset component in relation to the proposed development.
(i) impacts on infrastructure provisions.	Complies The proposal does not involve a change that would impact on the provision of planned infrastructure.

Given the above, we are of the position that the proposed changes generally comply with the relevant provisions under the Act.

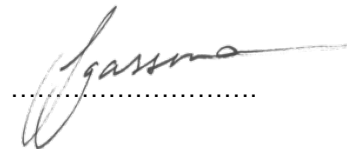
6.0 CONCLUSION

Having consideration to the above compliance statement and attached information, it is considered that the proposed changes to the conditions of approval are relatively minor in nature and are consistent with those that are generally envisaged under s.78 of the Act.

If you require any further information or have any queries, please contact the undersigned.

Yours faithfully,

GASSMAN DEVELOPMENT PERSPECTIVES PTY LTD

A handwritten signature in dark ink, appearing to read 'Fraser Gassman', is written over a horizontal dotted line.

FRASER GASSMAN

TOWN PLANNER

Enclosed: Attachment A: Forms and Consent
 Attachment B: Current Approval Package – MCU/2021/718
 Attachment C: Amended Proposal Plans
 Attachment D: Traffic Advice Letter