

Our reference: MCU/2023/88

Decision notice — approval (with conditions)

(Given under section 63(2) of the *Planning Act 2016*)

Date of decision notice: 2 June 2023

Applicant details

Applicant name: Projects QLD 101 P/L

Applicant contact details: C/- Marc Joyce
9 Mount View Crescent
NARANGBA QLD 4504

Application details

Application number: MCU/2023/88

Approval sought: Material Change of Use (Code Assessment)

Details of proposed development: Food industry (supplement packaging)

Location details

Street address: 29 Homestead Drive, Stapylton Qld 4207

Real property description: Lot 108 SP316137

Decision

Date of decision 31 May 2023

Decision details: Under Delegated Authority, the Executive Coordinator Planning Assessment of the City Development Branch approves the issue of a development application in full, with conditions.

Referral agency(s) for the application

Not applicable – no part of the application required referral.

Details of the approval

Development approval Material Change of use (Code assessment) for Food industry (supplement packaging)

Conditions

The conditions that have been imposed by Council, as Assessment manager, are enclosed.

Further development permits

The following development permits are required to be obtained before the development can be carried out:

- Permit for plumbing and drainage work

Notwithstanding the above, other approvals/development permits may be required.

Properly made submissions

Not applicable—No part of the application required public notification.

Currency period for the approval (section 85 of the Planning Act 2016)

In accordance with section 85 of the *Planning Act 2016*, this approval has a currency period of six years

Approved plans and drawings

Approved plans and drawings are attached and are identified in the conditions imposed by Council as the Assessment manager.

Appeal rights

Applicant	You have appeal rights in relation to this decision. An appeal may be made against, as applicable: • the refusal of part of the development application; or • a provision of the development approval; or • if a development permit was applied for, the decision to give a preliminary approval. An appeal must be started within 20 business days after this notice is given to you. An appeal may be made to the Planning and Environment Court or, for certain matters which are identified in section 1(2) of Schedule 1 of the <i>Planning Act 2016</i>, to a development tribunal. An appeal is started by lodging a notice of appeal with the registrar of the Planning and Environment Court or a development tribunal, as applicable. The notice of appeal must be in the approved form, succinctly state the grounds of the appeal and be accompanied by the required fee. An appellant to the Planning and Environment Court must give a copy of the notice of appeal, within 10 business days after the appeal is started, to the persons identified in section 230(3) of the <i>Planning Act 2016</i>. A person who is appealing to the Planning and Environment Court must comply with the rules of the court that apply to the appeal. An extract of Chapter 6, Part 1 and Schedule 1 of the <i>Planning Act 2016</i> is attached to this notice, which sets out further information about the appeal rights.
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For further information please contact Natasha Sidabutar, Planner on p: 07 5582 8866 or via email mail@goldcoast.qld.gov.au who will be pleased to assist.

AUTHORISED BY



Emily Walsh

A/Supervising Planner (North)

For the Chief Executive Officer

Council of the City of Gold Coast

enc:

Conditions imposed by Council as Assessment manager

Statement of reasons (given under section 63(4) of *Planning Act 2016*)

Attach:

Stamped approved plans and drawings (MCU/2023/88)

Appeal rights extracts

Development Conditions imposed by Council as Assessment Manager

General																																																																					
1	Timing a All conditions of this development approval must be complied with at no cost to Council at all times unless otherwise stated in another condition. b Where the timing in a condition is prior to commencement of the use and a Building Format Plan is lodged for approval, the timing in the condition changes from being prior to commencement of the use to being prior to the earlier of the commencement of the use and approval of the plan of subdivision. This timing requirement prevails despite any inconsistency with the timing requirement in another condition.																																																																				
2	Approved drawings Undertake and maintain the development generally in accordance with the following drawings including as amended in red by the Council: <table border="1"> <thead> <tr> <th>Drawing Title</th><th>Author</th><th>Date</th><th>Drawing No.</th><th>Ver</th></tr> </thead> <tbody> <tr> <td>SITE PLAN</td><td>TWO CLICKS DESIGN</td><td>20/10/2022</td><td>BP1300/BA1.01</td><td>D</td></tr> <tr> <td>INDICATIVE POSITIONING</td><td>-</td><td>-</td><td>RFI NO2</td><td>-</td></tr> <tr> <td>CAR PARK DIMENSION PLAN</td><td>TWO CLICKS DESIGN</td><td>20/10/2022</td><td>BP1300/BA1.02</td><td>D</td></tr> <tr> <td>GROUND FLOOR PLAN</td><td>TWO CLICKS DESIGN</td><td>20/10/2022</td><td>BP1300/BA3.01</td><td>D</td></tr> <tr> <td>FIRST FLOOR PLAN</td><td>TWO CLICKS DESIGN</td><td>20/10/2022</td><td>BP1300/BA3.02</td><td>D</td></tr> <tr> <td>ROOF PLAN</td><td>TWO CLICKS DESIGN</td><td>20/10/2022</td><td>BP1300/BA3.03</td><td>D</td></tr> <tr> <td>ELEVATIONS 1 & 2</td><td>TWO CLICKS DESIGN</td><td>20/10/2022</td><td>BP1300/BA4.01</td><td>D</td></tr> <tr> <td>ELEVATIONS 3 & 4</td><td>TWO CLICKS DESIGN</td><td>21.02.2023</td><td>BP1300/BA4.02</td><td>D</td></tr> <tr> <td>SECTION A & B</td><td>TWO CLICKS DESIGN</td><td>21.02.2023</td><td>BP1300/BA5.01</td><td>D</td></tr> <tr> <td>SECTION C & D</td><td>TWO CLICKS DESIGN</td><td>21.02.2023</td><td>BP1300/BA5.02</td><td>D</td></tr> <tr> <td>SECTION E & F</td><td>TWO CLICKS DESIGN</td><td>21.02.2023</td><td>BP1300/BA5.03</td><td>D</td></tr> <tr> <td>COLOURS AND MATERIALS</td><td>TWO CLICKS DESIGN</td><td>21.02.2023</td><td>BP1300/BA11.01</td><td>D</td></tr> </tbody> </table> The conditions of this approval are to be read in conjunction with the attached stamped approved drawings. Where a conflict occurs between the conditions of this approval and the stamped approved drawings, the conditions of this approval shall take precedence.				Drawing Title	Author	Date	Drawing No.	Ver	SITE PLAN	TWO CLICKS DESIGN	20/10/2022	BP1300/BA1.01	D	INDICATIVE POSITIONING	-	-	RFI NO2	-	CAR PARK DIMENSION PLAN	TWO CLICKS DESIGN	20/10/2022	BP1300/BA1.02	D	GROUND FLOOR PLAN	TWO CLICKS DESIGN	20/10/2022	BP1300/BA3.01	D	FIRST FLOOR PLAN	TWO CLICKS DESIGN	20/10/2022	BP1300/BA3.02	D	ROOF PLAN	TWO CLICKS DESIGN	20/10/2022	BP1300/BA3.03	D	ELEVATIONS 1 & 2	TWO CLICKS DESIGN	20/10/2022	BP1300/BA4.01	D	ELEVATIONS 3 & 4	TWO CLICKS DESIGN	21.02.2023	BP1300/BA4.02	D	SECTION A & B	TWO CLICKS DESIGN	21.02.2023	BP1300/BA5.01	D	SECTION C & D	TWO CLICKS DESIGN	21.02.2023	BP1300/BA5.02	D	SECTION E & F	TWO CLICKS DESIGN	21.02.2023	BP1300/BA5.03	D	COLOURS AND MATERIALS	TWO CLICKS DESIGN	21.02.2023	BP1300/BA11.01	D
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3	Scope of approval – Ancillary office (<i>Specific condition</i>) This approval permits an ancillary office area consisting of ground and first level areas of the single tenancy to be used in conjunction with, and subordinate to, the approved Food																																																																				

	industry use on the same lot. The scope of approval includes: - a The Food industry tenancy and associated ground and first level ancillary office area must operate as a single business operation at all times. - b The ground and first level ancillary office area of the tenancy are not permitted to be used by any third parties not directly associated with the Food industry use on the site. - c The ground and first level ancillary office area is not permitted to be increased in size.
Amenity	
4	Screening of visually offensive components Locate and screen the following components of the development so that they are not visible from any road to which the site has frontage, adjoining premises or otherwise on display from any public thoroughfare or vantage point: - a Refuse storage areas - b Service equipment - c Mechanical ventilation - d Refrigeration units - e Storage areas for machinery, materials, vehicles or the like.
5	Hours of operation (<i>Specific condition</i>) Undertake all activities associated with the operation of the use only between the hours of 7:00 am to 8:00 pm Monday to Friday excluding public holidays. Operations of the use include the following activities: - a All activities internal to the Food industry associated with the operation of the use. - b Loading and unloading activities. - c Ancillary office activities.
6	Lighting to ensure pedestrian and community safety (<i>Specific condition</i>) Install and maintain lighting within the site boundary for all car parking areas, outdoor activity areas, and along all on-site pedestrian pathways, at no cost to Council. The design and construction of the lighting system must: - a Meet minimum requirements of Australian Standard AS/NZS1158.3.1: 2005 Pedestrian area (Category P) lighting. - b Meet the relevant requirements of the electricity supplier (e.g., Energex). - c Be installed prior to the commencement of the use and maintained at all times. - d Include vandal resistant structures such as high mounted lighting, anti-tamper screws, weather resistant bulkhead fitting, and robust material to withstand severe weather conditions.
7	Nuisance Undertake and operate the development in a manner that causes no detrimental effect upon surrounding premises by reason of noise nuisance, lighting nuisance or such other emissions. Specifically: - a Position and direct all lighting so as not to exceed beyond the site boundary. - b Future activities are not to generate noise emissions which would detract from the amenity of the nearest sensitive receivers. - c Future activities are not to generate odour and air emissions which would detract from the amenity of the nearest sensitive receivers.
Transport	
8	Security gate requirements (<i>Specific condition</i>) All security gates must remain open to allow vehicular and pedestrian access for employees

	and visitors during the approved hours of operation of the development.
9	Off street vehicle and car parking facilities a Retain off street vehicle facilities at no cost to Council, generally in accordance with the Car Parking, Access and Transport Integration Constraint code of Council's '03 Planning Scheme and include in particular: - i A minimum of 26 car parking spaces and standing area for an Articulated Vehicle. - ii All spaces are drained, sealed and line marked. - iii Clearly identified signage and directional markings, and equipment, including: • Delineation of parking spaces for people with disabilities. • Wheel stops shall be installed within car parking spaces 13-16 and 22-26 to prevent vehicle encroachment into pedestrian walkways. • A bollard shall be installed within the 'shared area' next to the PWD car parking space, consistent with AS2890.6 requirements. b Undertake and maintain the off street vehicle and parking facilities at no cost to Council at all times. c The off-street parking facilities must only be used for vehicle parking.
10	Off street bicycle parking facilities a Design and construct off street bicycle parking facilities at no cost to Council generally in accordance with the Car Parking, Access and Transport Integration Constraint code of Council's '03 Planning Scheme and include in particular: - i A minimum of two security level B (staff) bicycle parking spaces. - ii Bicycle parking devices shall be installed in the bicycle storage area in accordance with AS2890.3 requirements. - iii The bicycle storage area shall be secured by a gate (or similar) to meet 'Security Level B' requirements. - iv Signs and line marking to give direction to bicycle parking to be visible to cyclists upon entering the site in accordance with AS2890.3. Signage and line marking is to be provided along the route and where bicycle parking is provided. b Undertake and maintain all works prior to commencement of the use at no cost to Council at all times.
11	Loading and unloading (excluding waste collection vehicles) Loading and unloading of service vehicles must be undertaken generally in accordance with the Car Parking, Access and Transport Integration Constraint code of Council's '03 Planning Scheme and include in particular: - a Loading and unloading of any vehicle servicing the development must be conducted wholly within the site. - b A vehicle, or vehicles, waiting to be loaded or unloaded, must stand entirely within the site. - c All vehicles must enter and exit the site in a forward gear other than an Articulated Vehicle which is permitted to undertake a reverse manoeuvre into the site.
Construction Management	
12	Availability of approved plans, drawings and reports Retain a copy of this decision notice and stamped approved plans, drawings and reports on site at all times during construction. Any contractors undertaking approved work (including tree removal or relocations) must be directly provided with a copy of these conditions and instructed as to the need to comply with them.
13	Notice of works timetable Provide a Notice of works timetable for Commencement of use to Council's Development Compliance section prior to commencement of any works.

	A copy of Council's Notice of works timetable is available on Council website.
Plumbing and Drainage Act 2018	
14	Plumbing and drainage works Obtain a permit for all plumbing and drainage work prior to any compliance assessable work commencing. <i>Note:</i> <i>A permit for plumbing and drainage works does not approve the discharge of trade waste to Council's sewerage system. The generator of trade waste must complete an application for approval to discharge trade waste to Council's Sewerage System (available on Council's website).</i>
Advice Notes	
A	Land use definition The Food industry land use definition pursuant to the M38 Industrial Place Code Clause 3.2 is as follows: <i>'Premises used for the manufacturing, producing, processing, storing or distributing of food or food related products for human consumption.'</i>
B	Development infrastructure Development infrastructure required to be provided in implementing this development approval is non-trunk development infrastructure unless otherwise stated in a condition of the approval.
C	Council water and sewer mains to be protected during site works The developer is responsible at all times for ensuring that Council's water and sewerage infrastructure is protected during construction activities on site. This may require physical protection measures to be put in place during works such as deliveries, moving heavy equipment into and out of the site, or when doing works in close proximity to water and sewer assets. Where Council water and sewer infrastructure is damaged during construction, Council will undertake immediate repairs and any costs associated with these repairs will be charged to the landowner, principal contractor or other relevant party. If further, more permanent repairs are required, such as replacement of water and sewer mains, the landowner, principal contractor or other relevant party will first be given an opportunity to complete these works (other approvals may be required), or Council will undertake these works and pass the costs on to the landowner, principal contractor or other relevant party.
D	Connections and disconnections Any connection / disconnection to the existing water and sewerage networks will be at the applicant's cost. Prior to the connection / disconnection taking place, the applicant must obtain written approval from Water and Waste. Refer to Water and Sewerage Connections Policy, available on Council's website http://www.cityofgoldcoast.com.au
E	No open trenching of the road pavement for water connections across / in roadways Conduits must be installed to service the proposed development via trenchless technology the road (open cutting of the road is not permitted) to connect to Council's potable water supply network. In certain circumstances approval of open trenching of the road may be allowed, subject to Council approval. Refer to Water and Sewerage Connections Policy, available on Council's website http://www.cityofgoldcoast.com.au

F	Water meter sizing All water meters 50 mm in diameter or larger must be installed aboveground and on lot and require an Operational works approval and an easement over the water meter arrangement. Unrestricted access to the water service (including meters) must be provided at all times. Refer to Water and Metering Technical Specifications, available on Council's website http://www.cityofgoldcoast.com.au		
G	Further development permits / compliance permits Further development permits and/or compliance permits from Council are required to facilitate the development of the approved works identified in this decision notice. These include: <table border="1"><tr><td>Plumbing and Drainage</td></tr><tr><td>- Permit for plumbing and drainage work</td></tr></table> A copy of this decision notice and accompanying stamped drawings / plans must be submitted with any subsequent application identified above. Subsequent development applications (i.e.: Operational works) will be assessed in accordance with the City Plan Version at the time of lodgement (excluding instances where Variation / Preliminary approval exists).	Plumbing and Drainage	- Permit for plumbing and drainage work
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H	Connections to, alteration or realignment of Council infrastructure Where development works require the connection to, alteration, removal or realignment of Council infrastructure or impact on other public utility infrastructure (e.g. telecommunications, electricity and gas), the applicant must obtain the necessary approvals from the relevant public utility authority prior to works commencing. Connection to, alteration, removal or realignment of Council infrastructure includes (but is not limited to) fire hydrants, water service meters, sewer maintenance hole covers, stormwater drainage infrastructure, reinstatement of maintenance hole covers, stormwater drainage infrastructure, crossovers, footpaths, road pavement, kerb and channel, kerb ramps, medians, traffic islands, road furniture, signage and line-marking.		
I	Design, Constructability and Minor change applications The application has been approved based on the information provided by the consultant. Water and Waste are not liable for any design or constructability issues experienced on-site. All necessary steps must be taken prior to construction to validate the information in the designs, including locating services. Should any changes be required to the design to ensure it can be constructed in compliance with relevant engineering standards; a Minor Change application (Section 78 of the <i>Planning Act 2016</i>) must be submitted and approved by Council prior to lodging a request for a Pre-Start meeting.		
J	Compliance with conditions Once this development approval takes effect, the conditions attach to the land and are applicable in perpetuity. It is a development offence to contravene a development approval, including any of its conditions.		
K	Indigenous cultural heritage legislation and duty of care requirement The <i>Aboriginal Cultural Heritage Act 2003</i> ('ACHA') is administered by the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (DSDSATSIP). The ACHA establishes a duty of care to take all reasonable and practicable measures to ensure any activity does not harm Aboriginal cultural heritage. This duty of care: - a Is not negated by the issuing of this development approval; - b Applies on all land and water, including freehold land; - c Lies with the person or entity conducting an activity; and		

	d If breached, is subject to criminal offence penalties. Those proposing an activity involving surface disturbance beyond that which has already occurred at the proposed site must observe this duty of care. Details of how to fulfil this duty of care are outlined in the duty of care guidelines gazetted with the ACHA. The applicant should contact DSDSATSIP's Cultural Heritage Coordination Unit on 1300 378 401 for further information on the responsibilities of developers under the ACHA.
L	Infrastructure charges Infrastructure charges are now levied under a Charges Resolution by way of an Infrastructure Charges Notice, which accompanies this decision notice.
M	Applicant responsibilities The applicant is responsible for securing all necessary approvals and tenure, providing statutory notifications and complying with all relevant laws. Nothing in this decision notice alleviates the need for the applicant to comply with all relevant local, State and Commonwealth laws and to ensure appropriate tenure arrangements have been made where the use of/reliance upon land other than that owned by the applicant is involved. Without limiting this obligation, the applicant is responsible for: - a Obtaining all other/further necessary approvals, licences, permits, resource entitlements etc by whatever name called required by law before the development the subject of this approval can be lawfully commenced and to carry out the activity for its duration. - b Providing any notifications required by law (by way of example only, to notify the administering authority pursuant to the <i>Environment Protection Act 1994</i> of environmental harm being caused/threatened by the activity, and upon becoming aware the premises is being used for a 'notifiable activity'). - c Securing tenure/permission from the relevant owner to use private or public land not owned by the applicant (including for access required by conditions of approval). - d Ensuring existing survey marks, including cadastral marks at property corners, i.e pegs or cadastral reference marks in the road reserve (permanent surveys marks, buried iron pins, and various marks in concrete or bitumen structure) are not interfered with. A Consulting Cadastral Surveyor must be contacted if survey marks are disturbed or destroyed during any works in relation to this or related approvals, to investigate and determine if any further action is required. More information on interference with survey marks is available under Section 42 of the <i>Survey and Mapping Infrastructure Act 2003</i>. - e Ensuring the correct siting of structures on the land. An identification survey demonstrating correct siting and setbacks of structures may be requested of the applicant to ensure compliance with this decision notice and applicable codes. - f Providing Council with proof of payment of the Portable Long Service Leave building construction levy (or proof of appropriate exemption) where the total value of the building and construction works exceeds \$150,000 (excluding GST). Acceptable proof of payment is a Q.Leave –Notification and Payment Form approved by the Authority. Proof of payment must be provided before Council can issue a development permit for the Operational works. This is a requirement of section 77(1) of the Building and Construction Industry (Portable Long Service Leave) Act 1991. - g Making payment of any outstanding Council rates and charges applicable to the development site prior to the lodgement of subdivision plans. - h Obtaining any necessary local government/state approvals where works require the installation of temporary ground anchoring into adjacent Road Reserves. Where ground anchoring is proposed into an adjacent private property, approval from the relevant property owners(s) is required.
N	Weeds, pest animals and ants Biosecurity Queensland of the Department of Agriculture and Fisheries leads the Government's efforts to prevent, respond to and recover from pests and diseases threatening agricultural prosperity, the environment, social amenity and human health.

	All landscape materials, including but not limited to, soils, mulch, grass, gravel, potted or ex-ground plants, pavers and timber used in landscape treatments must be free from weeds, pest animals and ants.
O	Fire ant control A significant portion of the Gold Coast is within Fire Ant Biosecurity zone 2 and must remain vigilant for the presence of fire ants. Under the <i>Biosecurity Act 2014</i> individuals and organisations whose activities involve the movement or storage of fire ant carriers have a general biosecurity obligation to take all reasonable steps to ensure they do not spread fire ants. Movement of a fire ant carrier from within the fire ant biosecurity zone may need a biosecurity instrument permit. More information is available on the Department of Agriculture and Fisheries website www.daf.qld.gov.au/plants/weeds-pest-animals-ants/invasive-ants/fire-ants.
P	Incorporation of Equitable Access at the Detailed Design Stage All public spaces and facilities within the development must provide equitable access, including continuous accessible paths of travel, in compliance with the <i>Commonwealth Disability Discrimination Act (1992)</i> and the Disability (Access to Premises – Buildings) Standards 2010.
Q	Advertising Devices No advertising device(s) is to be erected on the premises without the necessary approval under Council's <i>Local Law No. 16 (Licensing) 2008 and Subordinate Local law 16.8 (Advertising Devices) 2016</i>. The applicant should contact Council's Customer Contact Centre on (07) 5667 5987 to discuss licensing requirements.

Statement of reasons (given under section 63(4) of the *Planning Act 2016*)

Details of proposed development	The proposed development is for a Material change of use (Code assessable) for Food industry (supplements packaging).
Assessment benchmarks	The following assessment benchmarks applied to the proposed development: • M38 Industrial Estate Place Code; • Car parking, access and transport integration code; • Works for infrastructure code; and • Landscape work code.
Relevant matters	Not applicable – Code assessment
Reasons for decision	An assessment of the development application was carried out against the assessment benchmarks listed above and was determined to comply. A summary of the main reasons for the decision are as follows: • The development is consistent with intent of the M38 Industrial Estate Place Code, being the overarching categorising instrument for the site; and • The development includes the internal fit-out of an existing industrial building and maintains the articulated façade to the street frontage and substantial landscaping which promotes a high quality industrial area. • The food packaging activities are a considerably low intensity industrial activity and are not anticipated to compromise the reasonable amenity impacts of the surrounding area. • All loading and unloading of service vehicles is achieved within the subject site. • A condition is imposed restricting the hours of all operations to the hours of 7:00am-8:00pm Monday to Friday to minimise potential disturbances to neighbouring residents.
Matters prescribed by a regulation	Not applicable