

1 APPLICATION SUMMARY

Application information	
Minor change to development approval	
Address	Lot 504 Homestead Drive, STAPYLTON QLD 4207
Lot and plan	BAL Lot 504 SP329485
Site area	496,090m ²
Properly made date	30 March 2023
Originating and current Planning Scheme including version, domain/zone/precinct and constraints/overlays	Originating Planning Scheme: The site is subject to a Preliminary approval for making a Material change of use to override the Planning Scheme for industry uses granted on 4 March 2013 (Council ref: MCU201100650) and most recent Minor change approval (Council ref: MIN/2020/659). Zone: Land use classification for M38 Industrial Estate Place Code: • Low impact and service industry; and • Limited general impact business precinct. Development codes: • Car Parking, Access and Transport Integration Constraint Code; • Works for Infrastructure Development Code; and • Landscape Work Development Code
Originating approved development	MIN/2022/245: Minor change to MIN/2021/637 for a change to a Combined application for Reconfiguring a lot (Community Title Subdivision to create 1 into 7 Industrial lots, common property, balance lot, stormwater lot and new road) and Operational works for change to ground level.
Date of originating development approval	19 August 2022
Originating approval authority	Delegated authority
Level of assessment	Code assessment
Applicant and Applicant's consultancy team	Fpi Queensland Pty Ltd – (Applicant) Gassman Development Perspectives – (Planning Consultant)
Land owner	Australand Industrial No. 89 Pty Limited
Decision due date	26 July 2023
Referral agencies	Not applicable to minor change application under s.80 of the Planning Act 2016
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 Minor change to a Reconfiguring a Lot (Community Title Subdivision to create 1 into 7 Industrial lots, common property, balance lot, stormwater lot and new road) and Operational works for change to ground level (Major works) at Lot 504 Homestead Drive, Stapylton.

The applicant requests a change to the development approval seeking to alter the plan of subdivision including the staging plan. The proposed changes include:

- Boundary realignment excluding the 'Health and Wellbeing Precinct' from Stage 2;
- Realignment of 'New Road 02' to facilitate road extension into future Stage 3.
- Provision of a temporary easement benefitting Lot 901 (stormwater lot).
- Division of Stage 2 into two sub-stages being Stage 2A and Stage 2B to be delivered sequentially.
- Change to lot boundary of Lot 205 to allow for a new pad mount transformer within 'New Road 01'.
- Amended Stormwater Management Plan reflecting the revised plan of subdivision.

The proposed changes will involve amendments to the following aspects of the original development approval:

- Updated plans and drawings.

The following drawings reflect the proposed changes:

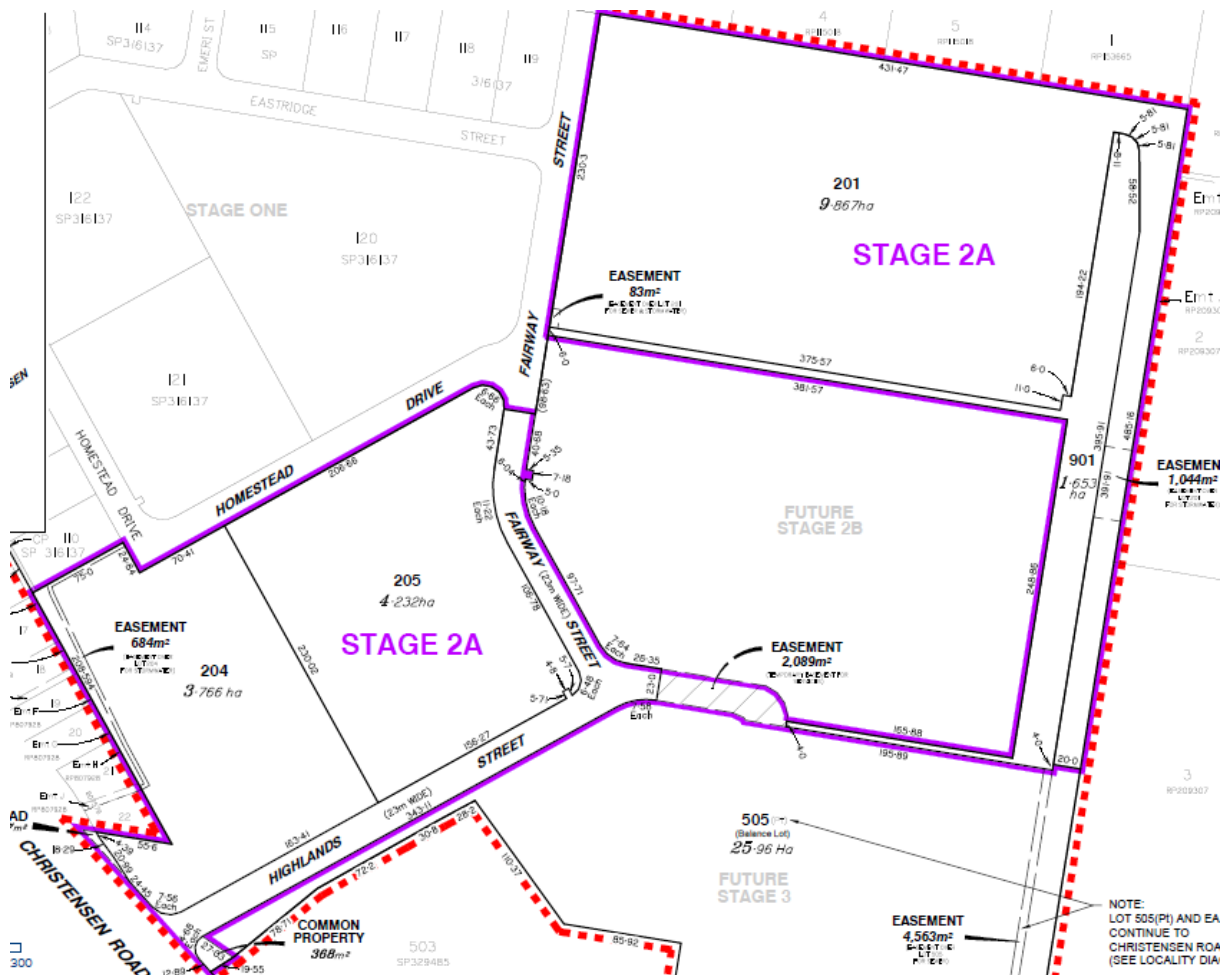
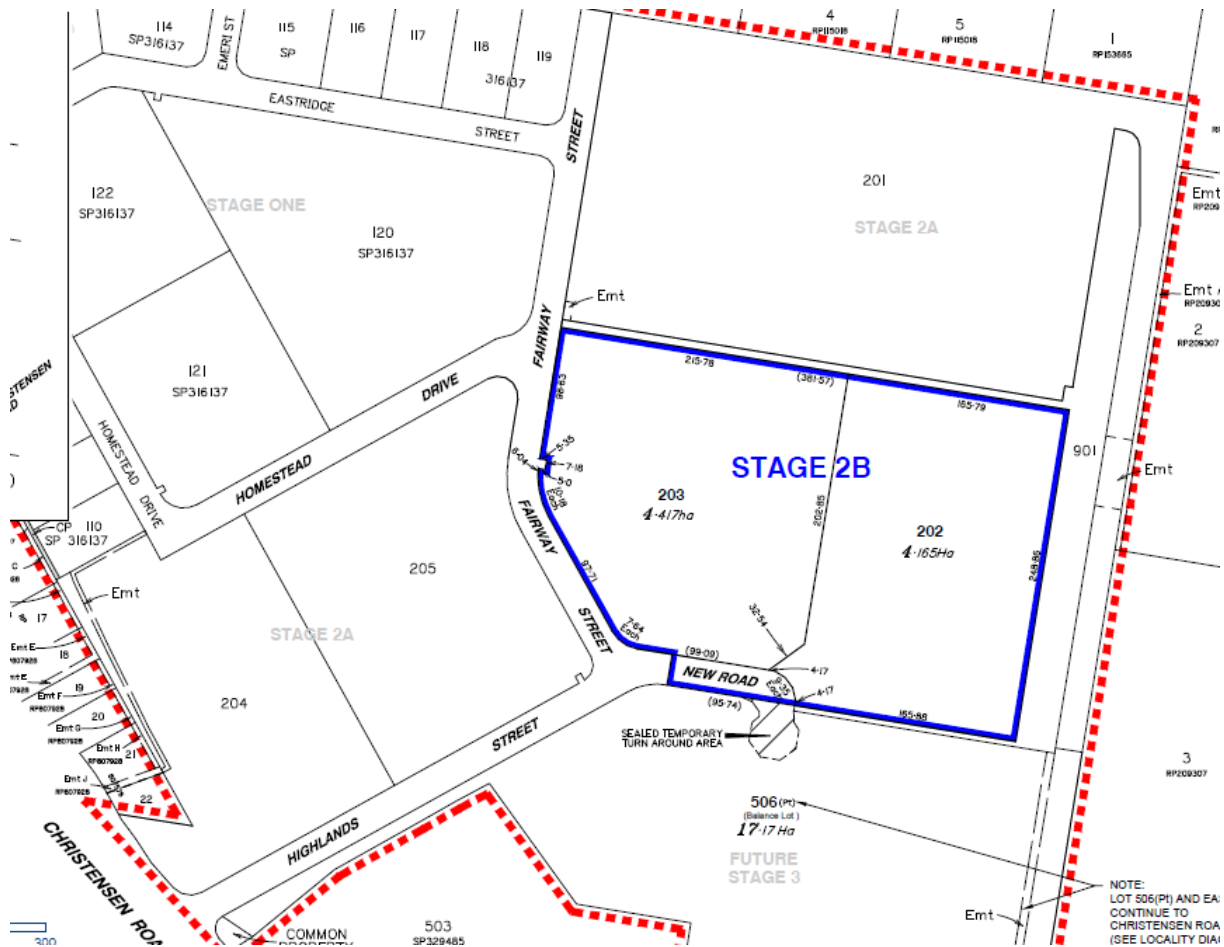


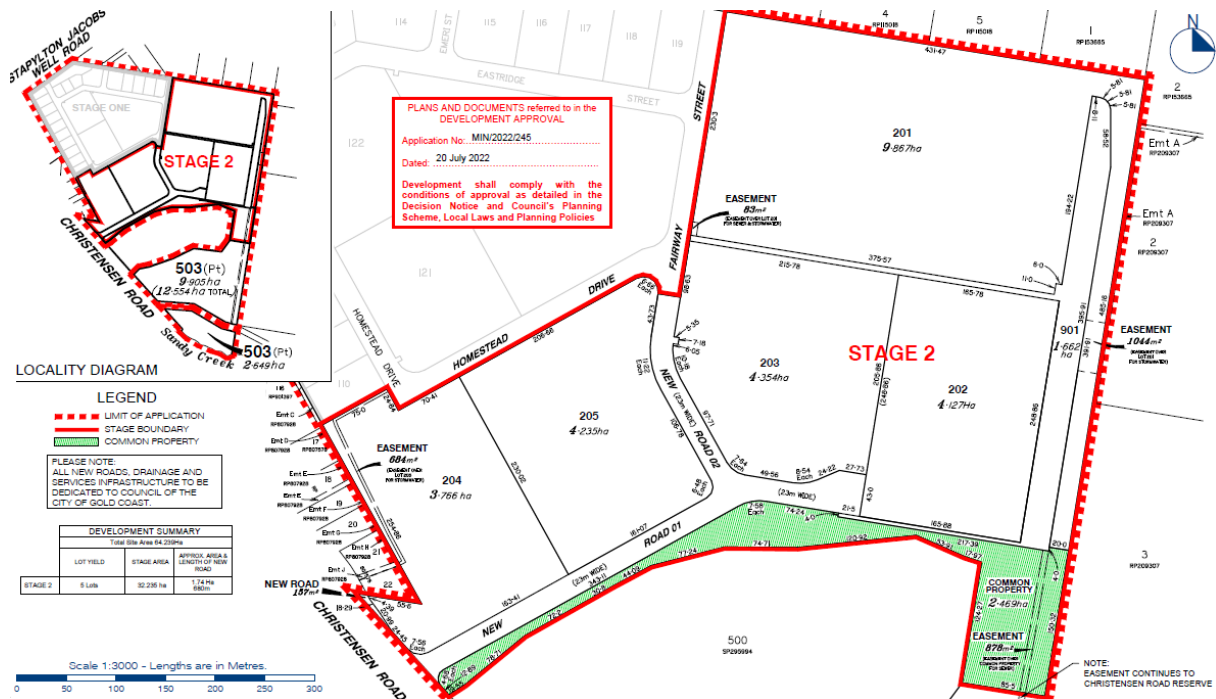
Figure 1: Proposed ROL Layout – Stage 2A (Source: Gassman Development Perspectives)

REPORT ON MINOR CHANGE TO DEVELOPMENT APPROVAL AT LOT 504 HOMESTEAD DRIVE, STAPYLTON QLD 4207
MIN/2023/142

DIVISION NO.1



The following drawing depicts the approved development:



3 BACKGROUND

- 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 realigned the boundary of approved Lot 201 to facilitate the development of a Warehouse. Additionally, the change resulted in the deletion of approved Lot 204 and the expansion of Lot 203, addition of a services easement on Fairway Street and the removal of Stage 2 sub-staging. **The proposed minor change seeks to amend this approval.**
- On 11 August 2022 an approval was issued for Reconfiguring a lot to for a boundary realignment where the eastern portion of Lot 500 (Amgrow site) was amalgamated to form part of future Stage 3.
- A Minor change to the existing preliminary approval was approved on 16 May 2023 to reflect the inclusion of the additional 'Amgrow site' and the amended road network layout.

4 PLANNING ASSESSMENT

Reference is made to the relevant PA provisions (Attachment N^o.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.

The applicant seeks changes to a number of development conditions as follows:

Cond N^o.	Applicant request	Officer discussion / recommendation
2	Approved drawings: Amend condition to reflect updated ROL Plan, date, drawing number and version.	The request to amend this condition is supported. Council officers assessed the proposed changes to the staging and have no objection to the change. The request to amend this condition is supported for the reasons discussed below.
3	Approved plans: Amend condition to reflect updated Stormwater Management Plan, date, drawing number and version.	Officers have assessed the amended Stormwater Management Plan which reflects the updated ROL plan. The request to amend this condition is supported.
5	Community Management Statement (CMS): Amend condition to reflect updated ROL Plan, date, drawing number and version.	The request to amend this condition is supported.
6	Land transfer: Amend condition to reflect updated ROL Plan, date, drawing number and version.	The request to amend this condition is supported.
9	Requirement to register easement: Amend condition to reflect updated ROL Plan, date, drawing number and version.	The request to amend this condition is supported.

10	Requirement to register stormwater drainage easement: Amend condition to reflect updated ROL Plan, date, drawing number and version. Remove reference to 1,004m ² easement as this area is being dedicated to Council.	The request to amend this condition is supported.
17	New roads / intersections: Amend condition to reflect updated ROL Plan, date, drawing number and version.	The request to amend this condition is supported.
18	Existing roads / intersections: Amend condition to reflect updated ROL Plan, date, drawing number and version.	The request to amend this condition is supported.
19	Footpaths: Amend condition to reflect updated ROL Plan, date, drawing number and version.	The request to amend this condition is supported.
20	Street lighting: Amend condition to reflect updated ROL Plan, date, drawing number and version.	The request to amend this condition is supported.
30	Certification of works – Hydraulics and Water Quality: Amend condition to reflect updated Stormwater Management Plan, date, drawing number and version.	The request to amend this condition is supported.
New condition	Requirement to register access easement: Insert new condition reflecting the requirement to register new proposed access easements over Lots 202, 203 and 901.	The request for the proposed temporary access easement is not supported. The new condition requires an easement to be registered for the purpose of providing right of way, drainage reserve access in favour of Lot 901. Further discussions are required below.
Cond N°.	Officer recommendation	Officer discussion
New condition	Temporary turn around area	To facilitate access and heavy vehicle manoeuvring, a temporary turn around area is provided within the balance lot (future Stage 3). Further discussions are required below.

As identified above, further discussion is warranted for Condition(s) 2 and the New conditions as follows:

- **Condition 2 currently reads:**

Approved drawings

Undertake and maintain the development generally in accordance with the following drawings:

Drawing Title	Author	Date	Drawing No.	Ver
Proposed Staged Community Title Scheme Reconfiguration of Land Lots 201 to 205, Common Property, Drainage Reserve (Lot 901) & New Road	Gassman Development Perspectives	17/02/2022	5941 P STAGE 2 001 G	G

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.

The applicant requests that this condition be amended.

Applicant's representation

"A recent boundary realignment (ROL/2022/50) has been sealed, creating Lot 504 Homestead Drive, Stapylton (Lot 504 SP329485) (formerly Lot 502 Homestead Drive, Stapylton – Lot 502 SP316137) and 82 Christensen Road South, Stapylton (Lot 503 SP329485) (formerly Lot 500 SP295994), resulting in additional land being allocated to the Vantage Industrial Estate (from the Amgrow land)... Following this boundary realignment, changes to the overall masterplan applying to approved Stage 2 and future Stage 3 of the Vantage Industrial Estate are required to deliver a more logical and efficient lot layout.

In anticipation of the new future Stage 3 layout, this minor change seeks to realign the road fronting approved Lots 202 and 203 to facilitate a road extension into the future Stage 3 area, realign the Stage 2 boundaries and introduce sub-staging into Stage 2....

Realignment of the Stage 2 boundary to exclude the Health and Wellbeing precinct, so that it may be reconfigured and delivered wholly as part of Stage 3. This will allow for a more logical, usable and accessible open space area and will ultimately deliver a higher quality outcome.

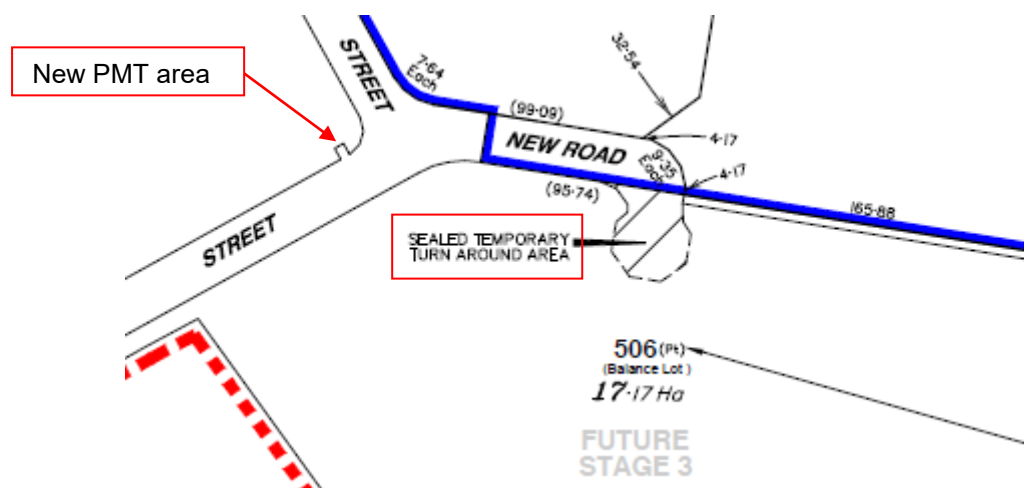
Realignment of 'New Road 2' fronting Lot 202 and 203 to facilitate a road extension into the future Stage 3 area. 'New Road 2' will no longer end in a cul-de-sac in front of Lot 202 and will instead provide access to future Stage 3 (which will no longer propose primary access via Christensen Road). This will align with the road network changes made to the Preliminary Approval plans....

Division of Stage 2 into two sub-stages (Stage 2A and Stage 2B) to allow sub-stage 2A to be delivered immediately, with sub-stage 2B to be delivered at a later date, given Stage 2A already has a number of approved land uses that need to commence more urgently. Change to lot boundary of Lot 205 to allow for a new pad mount transformer within 'New Road 01'."

Officer's comment

The proposed changes to the development includes realigning the staging boundaries and road configuration to reflect the amended preliminary approval which includes the 'Amgrow site' and augmented road network (MIN/2023/64). The amended road layout has minimal impact to the lots sizes of Lots 203 and 202 which both maintain the minimum lot sizes identified within the M38 Industrial Estate Place Code and legal access is maintained.

Officers support the request for sub-staging including Stage 2A and 2B which will be delivered sequentially. All services and access requirements will be achieved through the delivery of Stage 2A. Stage 2B includes the delivery of the new road extension which will provide access to future Stage 3. To facilitate access and heavy vehicle manoeuvring, a sealed temporary turn around area is provided prior to the delivery of the road extension and cul-de-sac to be delivered within the balance lot (future Stage 3) as identified in the figure below. Additionally, extension to the road reserve to facilitate the PMT located on the boundary of lot 205 is supported.



*Figure 4: Location of temporary turn around area and road reserve extension for new PMT
 (Source: Applicant material)*

It is considered that the above condition be amended.

• **New condition Requirement to register access easement:**

The applicant requests that a new condition is to be included for the registration of a temporary access easement. Officers reviewed the proposal and have determined that the temporary access easement arrangement to provide for services and turnaround area within Lots 202 and 203 and the 80m² temporary easement, specifically for public access, is not consistent with Section 89 of the Land Title Act. On this basis, City officers issued an Information request to remove the temporary easement for public access and to provide a temporary turnaround area.

The applicant responded to the Information request with amended plans which included a temporary easement for the purpose of providing right of way, drainage reserve access in favour of Lot 901 identified in the following image. Additionally, the applicant has provided a temporary turnaround area in the delivery of Stage 2B.

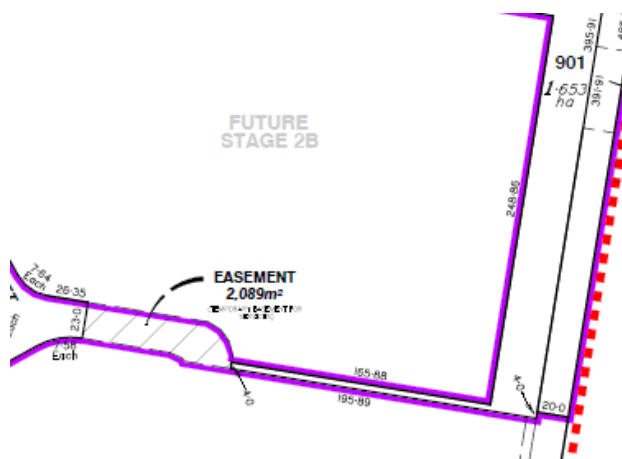


Figure 5: Proposed temporary easement for drainage reserve access (Source applicant material)

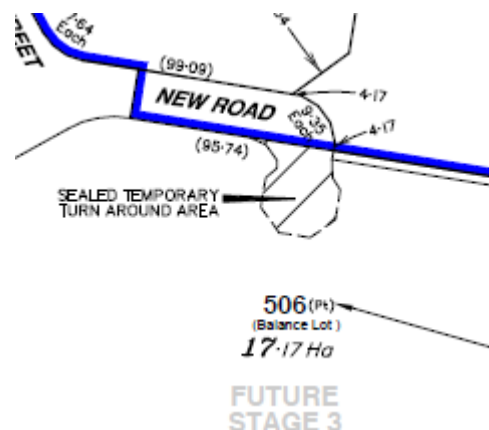


Figure 6: Temporary turnaround area Stage 2B (Source applicant material)

New condition will read:

Requirement to register easement/s

- a Register an easement for the purpose of providing right of way, drainage reserve access in favour of Lot 901 at the location marked on the drawings listed below:

Drawing Title	Author	Date	Drawing No.	Ver
Proposed Staged Community Title Scheme Reconfiguration of Land Lots 201, 204, 205, Drainage Reserve (Lot 901) & New Road	Gassman Development Perspectives	06.07.2023	5941 P Stage 2A 001	-

- b The terms of the easement must include:

- The responsibilities of the Grantor/Grantee for ongoing maintenance.
- Standard terms document 709956727 must be referenced on Form 9 – easement document.
- Easement plans and associated documents (i.e. Form 9 – easement document) must be fully completed and signed by the owner of the burdened land and benefitting land and submitted with the plan when the plan is submitted to Council for endorsement.

- c Registration of the easement must occur at the same time as registering the plan of

subdivision.

- d Ensure infrastructure is positioned in the centre of the easement.
- e This condition attaches to the land the subject of the development approval and binds the owner(s) of the land and the owners' successors in title (even after the time when the easement is required to be registered). Therefore if this condition is not complied with at the time required by this condition, the owner(s) of the land and the owners' successors in title continue to be obligated to register the easement in accordance with this condition and must do so within 40 business days of becoming aware on the non-compliance with this condition.

- **New condition Temporary turnaround area**

Officers comment

As identified above, to facilitate access and heavy vehicle manoeuvring, a sealed temporary turn around area is provided prior to the delivery of the road extension and cul-de-sac to be delivered within the balance lot (future Stage 3). Officers have recommended a new condition of approval in reference to the temporary turnaround area. The new condition ensures the construction and maintenance of the temporary turnaround area to be delivered as part of sub-stage 2B until new public roads including turning area is delivered within future Stage 3.

New condition will read:

Temporary turnaround area (*Specific condition*)

- a Construct a sealed temporary turnaround area within Balance Lot 506 providing connection to the New Road forming part of Stage 2B marked on the drawings listed below prior to a request is made to Council to approve the plan of subdivision at no cost to Council.

Drawing Title	Author	Date	Drawing No.	Ver
Proposed Staged Community Title Scheme Reconfiguration of Land Lots 201, 204, 205, Drainage Reserve (Lot 901) & New Road	Gassman Development Perspectives	06/07/2023	5941 P STAGE 2A 001	-
Proposed Staged Community Title Scheme Reconfiguration of Land Lots 202, 203, 205, Balance Lot 506, & New Road	Gassman Development Perspectives	06/07/2023	5941 P STAGE 2B 001	-

- b The temporary turning area must:
 - i Achieve a minimum 18 metre diameter.
 - ii Constructed as hard surfacing.
 - iii Connect to the 14 metre carriageway of the New Road (Stage 2B).
 - iv Be maintained by the owner/s of Balance Lot 506 until new public roads (including turning area/s) will be available within the subject future Stage 3.

5 CONCLUSION

This report assessed a request for a minor change for a development permit dated 20 July 2022 for a minor change to COM/2020/262 (MIN/2022/245) for a Reconfiguring a Lot (Community Title Subdivision to create 1 into 7 Industrial lots, common property, balance lot, stormwater lot and new road) and Operational works for change to ground level.

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 to the minor change to the development permit for a Combined application for Reconfiguring a Lot (Community Title Subdivision to create 1 into 7 Industrial lots, common property, balance lot, stormwater lot and new road) and Operational works for change to ground level, in accordance with the Attachment entitled: Decision notice – change application approval including amended suite of development conditions for MIN/2022/245.

Author:
Natasha Sidabutar
Planner
July 2022

Authorised by:
Roger Sharpe
Executive Coordinator Planning Assessment

Attachment No. 1 – Assessment criteria for minor change to development approval

The request has been assessed against the following criteria and is considered to be a minor change.

Review of the proposed change to the development approval has been undertaken against the:

- Definition of minor change contained within Schedule 2 of the PA (see below);
- Schedule 1 of the Development Assessment Rules which identifies the criteria listed below for determining if a change would result in a substantially different development ; and
- Section 81 of the PA applies to assessing and deciding an application for minor.

Definition of minor change under Schedule 2 of the PA:

(b) for a development approval:

Minor change for a development approval	Officers comment
would not result in substantially different development; and	The proposed changes do not result in a substantially different development.
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	The proposed changes do not involve the inclusion of prohibited development.
(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or	The proposed changes do not require referral to any concurrence agencies that were not required as part of the original application.
(C) referral to extra referral agencies, other than to a chief executive; or	The proposed changes do not trigger any extra referral agencies.
(D) a referral agency to assess the application against, or have regard to, matters prescribed by 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	The proposed changes do not involve a referral agency as the assessment manager.
(E) public notification if public notification was not required for the development application.	Public notification is not required because of the changes.

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 land uses are proposed
(b) results in the application applying to a new parcel of land; or	No new parcel of land is impacted by the change.
(c) dramatically changes the built form in terms of scale, bulk and appearance; or	The proposed changes will not result in any dramatic variations in built form.
(d) changes the ability of the proposed	The proposed changes will not result in variations to the development's intended functionality.

development to operate as intended; or	
(e) removes a component that is integral to the operation of the development; or	The proposed development 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	There are no new traffic impacts introduced.
(g) introduces new impacts or increase the severity of known impacts; or	There are no new anticipated impacts associated with the proposed change introduced into the development.
(h) removes an incentive or offset component that would have balanced a negative impact of the development; or	No incentive or offset components are removed as a result of the change.
(i) impacts on infrastructure provisions.	The minor change will have no impact on the approved infrastructure provision, location, or demand.

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 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	No changes were proposed which impact matters raised by a submitter.
(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	The original application was assessed against the superseded M38 Industrial Estate Place Code. This provision is requesting the responsible entity to assess the minor change component as if it was part of the original development application. Assessment against the M38 Industrial Estate Place Code revealed the proposed minor changes would still meet the intent of the relevant

	applicable codes.
(e) another matter that the responsible entity considers relevant.	Not applicable

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.	Noted and considered.
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	Noted
(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 <i>Planning Act 2016</i> 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.
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