



SARA reference: 2201-26888 SRA
 Council reference: COM/1/2022
 Applicant reference: 10642

25 November 2022

Chief Executive Officer
 Logan City Council
 development@logan.qld.gov.au

Attention: Jonty Ryan

Dear Jonty Ryan

SARA response—130-138 and 140-148 Loganview Road, Logan Reserve

(Referral agency response given under section 56 of the *Planning Act 2016*)

On 26 October 2022 the State Assessment and Referral Agency (SARA) received representations from the applicant requesting SARA change its referral agency response. SARA has considered the representations and now provides this changed referral agency response which replaces the response dated 4 October 2022.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	25 November 2022
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2 .
Reasons:	The reasons for the referral agency response are in Attachment 3 .

Development details

Description:	Preliminary Approval that includes a variation request to vary the effect of the Logan Planning Scheme 2015 Development Permit for Reconfiguring a Lot (2 lots into 77 lots and new road)
SARA role:	Referral Agency
SARA trigger:	Schedule 10, Part 10, Division 3, Subdivision 3, Table 1 (Planning Regulation 2017)

Interfering with koala habitat in a mapped koala habitat area (KHA) but not a koala priority area

SARA reference: 2201-26888 SRA

Assessment Manager: Logan City Council

Street address: 130-138 and 140-148 Loganview Road, Logan Reserve

Real property description: Lots 4 and 5 on RP105335

Applicant name: QM PROP CO NO.2

Applicant contact details: c/- Saunders Havill Group
9 Thompson Street
Bowen Hills QLD 4006
reneeandrea@saundershavill.com

A copy of this response has been sent to the applicant for their information.

For further information please contact Ashleigh Slater, Principal Planning Officer, on 07 5644 3229 or via email SEQSouthPlanning@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Karley Lawler
Manager, Planning and Development Services (SEQ South)

cc QM PROP CO NO.2, reneeandrea@saundershavill.com

enc Attachment 1 – Changed referral agency conditions
Attachment 2 – Advice to the applicant
Attachment 3 – Reasons for referral agency response
Attachment 4 – Changed approved plans and specifications

Attachment 1—Changed referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 4)

No.	Conditions	Condition timing
Material change of use		
Schedule 10, Part 10, Division 3, Subdivision 3, Table 1 — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Science to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The development must be carried out generally in accordance with the following documents: <ul style="list-style-type: none"> • Proposal Plan, prepared by Saunders Havill Group, dated 26 October 2022, reference 10642 P 05 Rev M – PRO 01. 	At all times
Reconfiguring a lot		
Schedule 10, Part 10, Division 3, Subdivision 3, Table 1 — The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Science to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The development must be carried out generally in accordance with the following documents: <ul style="list-style-type: none"> • Proposal Plan, prepared by Saunders Havill Group, dated 26 October 2022, reference 10642 P 05 Rev M – PRO 01. 	Prior to sealing the plan of subdivision with the local government
2.	Clearing is limited to the removal of 240 non-juvenile koala habitat trees identified as Koala Habitat Development Assessment, prepared by Saunders Havill Group, dated 17 August 2022, reference 10642 E 04 KHA Development Assessment DA2 C.	At all times
3.	(a) Enter into an environmental covenant in accordance with Section 97A of the <i>Land Title Act 1993</i> for the area identified as 'Environmental Covenant' as outlined in Proposal Plan, prepared by Saunders Havill Group, dated 26 October 2022, reference 10642 P 05 Rev M – PRO 01 for the purpose of protecting mapped koala habitat area in perpetuity. The Covenant must detail the purpose, responsibilities, liabilities, measures, remedies and intents as necessary to ensure the management of the Covenant Area and must address the following: <ol style="list-style-type: none"> i. That the Owner(s) must comply with the Covenant. ii. That the Owner(s) must take reasonable measures to ensure the native vegetation and environmental values of the Covenant Area will be maintained and protected. iii. That the Owner(s) must take all reasonable measures to ensure the Covenant Area is only used in a manner that maintains and protects the native vegetation and habitat values within the Covenant Area. iv. That the Owner(s) is responsible for taking reasonable action to rectify any adverse impacts to the Covenant Area. 	(a) Prior to sealing the plan of subdivision with the local government and to be maintained at all times (b) Within 6 months of the local government's notation of the plan of subdivision (c) Within 2 weeks of the

	<p>v. That the following will be excluded from the Covenant Area:</p> <ul style="list-style-type: none"> a. all buildings and structures including but not limited to swimming pools, tennis courts, retaining walls, stormwater infrastructure infrastructure (other than a grass and rock swale for the carriage of stormwater as identified as 'Swale for Stormwater Purposes' and described on Proposal Plan, prepared by Saunders Havill Group, dated 26 October 2022, reference 10642 P 05 Rev M – PRO 01), wastewater infrastructure, fences (other than koala-friendly fencing) b. firebreaks c. earthworks (other than for the construction of a grass and rock swale for the carriage of stormwater as identified as 'Swale for Stormwater Purposes' and described on Proposal Plan, prepared by Saunders Havill Group, dated 26 October 2022, reference 10642 P 05 Rev M – PRO 01) d. effluent and wastewater treatment and disposal e. placing or storing of soil, rock, rubbish, garbage, waste or similar materials f. vehicle access and maneuvering g. parking h. landscaping with species that are not endemic to the regional ecosystem i. keeping or permitting the entry of domestic animals or any other animals that are not indigenous to the Covenant Area j. any other act which may have an adverse impact on the values of the Covenant Area. <p>vi. Powers of entry.</p> <p>vii. A copy of the development approval that established the Covenant.</p> <p>(b) Lodge the endorsed Covenant Form 31 with the Registrar of Titles for the relevant Queensland State Government Authority.</p> <p>(c) Submit a copy of the registered Covenant to the Department of Environment and Science at: Koala.Compliance@des.qld.gov.au or GPO Box 2454 Brisbane Queensland 4001.</p>	<p>registration of the covenant</p>
4.	<p>(a) Undertake the management practices in accordance with section 6 of the Koala Management Plan, prepared by Saunders Havill Group, dated 18 August 2022, reference 10642.</p> <p>(b) Provide certification by a suitably qualified ecologist that the management works have been fulfilled to:</p> <p style="padding-left: 40px;">Koala.Compliance@des.qld.gov.au OR Koala Assessment and Compliance Department of Environment and Science GPO Box 2454 Brisbane Queensland 4001</p>	<p>(a) and (b) Prior to commencing any clearing works and no more than 1 month after the completion of the work</p>

5.	<p>(a) A rehabilitation plan must be prepared by an appropriately qualified person(s), and must detail at a minimum:</p> <ol style="list-style-type: none"> i. Details how the area will be protected from any unapproved activity ii. Details of assisted natural regeneration, such as mulch areas of sparse vegetation with site (or locally sourced) forest mulch to encourage natural regrowth of endemic native tree species, and weed management practices <p>(b) Provide the rehabilitation plan to the department at koala.compliance@des.qld.gov.au or mail to: Koala.Compliance@des.qld.gov.au OR Koala Assessment and Compliance Department of Environment and Science GPO Box 2454 Brisbane Queensland 4001</p> <p>(c) Undertake the rehabilitation of the development generally in accordance with the rehabilitation plan.</p> <p>(d) Certification by an appropriately qualified person(s) that (a), (b) and (c) have been fulfilled, is to be provided to department at: Koala.Compliance@des.qld.gov.au OR Koala Assessment and Compliance Department of Environment and Science GPO Box 2454 Brisbane Queensland 4001</p>	<p>(a) and (b) To commence no more than 1 month after the completion of clearing works</p> <p>(c) Prior to sealing the plan of subdivision with the local government</p> <p>(d) Within 3 months from the completion of the rehabilitation works</p>
6.	<p>Deliver an environmental offset in accordance with the <i>Environmental Offsets Act 2014</i> to counterbalance the significant residual impacts on the matter of state environmental significance being 240 non-juvenile koala habitat trees.</p> <p><i>Note: Section 16 of the Environmental Offsets Act 2014 provides that when an offset condition is imposed on an authority, a number of deemed conditions are taken to apply. These deemed conditions are detailed in sections 19B, 22, 24 and 25 of the Environmental Offsets Act 2014. Contravention of a deemed condition is taken to be contravention of an imposed condition.</i></p> <p><i>More information on offset delivery can be found here:</i> https://www.qld.gov.au/environment/pollution/management/offsets/delivering.</p> <p><i>Please send the notice of election to Koala.Assessment@des.qld.gov.au.</i></p>	<p>Prior to commencing any clearing works</p>
7.	<p>Prior to the commencement of clearing activities, notify the Department of Environment and Science at Koala.Compliance@des.qld.gov.au of:</p> <ul style="list-style-type: none"> • the expected date the clearing activity will commence • the expected duration of the clearing activity; • the name and contact details of the koala spotter that has been contracted for the clearing activity • the name, contact details and authority number of the spotter catcher that has been contracted for the clearing activity. 	<p>72 hours prior to commencement of vegetation clearing.</p>

8.	<p>(a) Where any new fencing is to be installed (excluding dog containment areas), fencing must be constructed and maintained as koala-friendly fencing in accordance with the Koala Sensitive Design Guideline (Version 2), prepared by the Department of Environment and Science and dated 1 February 2020.</p> <p>(b) Where new fencing is to be installed to contain domestic dogs, fencing must be constructed and maintained as koala-exclusion fencing in accordance with the Koala Sensitive Design Guideline (Version 2), prepared by the Department of Environment and Science and dated 1 February 2020.</p>	At all times
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Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) [v2.6]. If a word remains undefined it has its ordinary meaning.
2.	The Nature Conservation (Koala) Conservation Plan 2017 includes mandatory requirements that applies to all persons undertaking the clearing of koala habitat trees, including that clearing be undertaken sequentially and in the presence of a koala spotter. Penalties for non-compliance apply. For further information please contact the Department of Environment and Science at koala.compliance@des.qld.gov.au .
3.	Despite this development approval, other permits or approvals may be required for the clearing of koala habitat. To determine if the proposed clearing requires other approvals under other local, State or federal laws go to www.qld.gov.au (search 'vegetation clearing requirements').

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for SARA's decision are:

- An offset for the clearing of 240 NJKHTs within the mapped koala habitat area will be required prior to any clearing of mapped koala habitat to ensure no net loss of koala habitat.
- The proposed development has been located away from the koala habitat area as far as practicable and will not contribute to fragmentation of koala habitat areas.
- The proposed development will maintain connectivity within koala habitat areas to ensure safe koala movement.
- The proposed development will not cause fragmentation as the retained KHA connects to KHA on adjoining properties to both the north and the south of the site.
- The proposed development proposes a covenant and exclusion fencing to protect the retained KHA.
- A rehabilitation plan has been conditioned to ensure appropriate rehabilitation works occur within to enhance the covenant area.
- A koala management plan has been conditioned to ensure all clearing and construction will minimise risks to koalas.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version [2.6]), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system

Attachment 4—Changed approved plans and specifications

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Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

PROPOSAL PLAN

NOT TO BE USED FOR ENGINEERING DESIGN OR CONSTRUCTION

NOTES

This plan was prepared as a provisional layout to accompany a development application. The information on this plan is not suitable for any other purpose.

Property dimensions, areas, numbers of lots and contours and other physical features shown have been compiled from existing information and may not have been verified by field survey. These may need verification if the development application is approved and development proceeds, and may change when a full survey is undertaken or in order to comply with development approval conditions.

No reliance should be placed on the information on this plan for detailed subdivision design or for any financial dealings involving the land.

Pavements and centrelines shown are indicative only and are subject to Engineering Design.

Saunders Havill Group therefore disclaims any liability for any loss or damage whatsoever or howsoever incurred, arising from any party using or relying upon this plan for any purpose other than as a document prepared for the sole purpose of accompanying a development application and which may be subject to alteration beyond the control of the Saunders Havill Group. Unless a development approval states otherwise, this is not an approved plan.

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Lidar Data © State of Queensland (Department of Natural Resources and Mines) 2016.

* This note is an integral part of this plan/data. Reproduction of this plan or any part of it without this note being included in full will render the information shown on such reproduction invalid and not suitable for use.

LEGEND

- Site Boundary
- Major Contour (1.0m interval)
- Staging Boundary
- Stage Number
- APZ (Bushfire Buffer)
APZ to be maintained by the land owner in accordance with the approved Bushfire Management Plan.
- Environmental Covenant
- Swale for Stormwater Purposes



Example of swale for stormwater purposes. Grass and rock swale only to allow for passage of fauna.

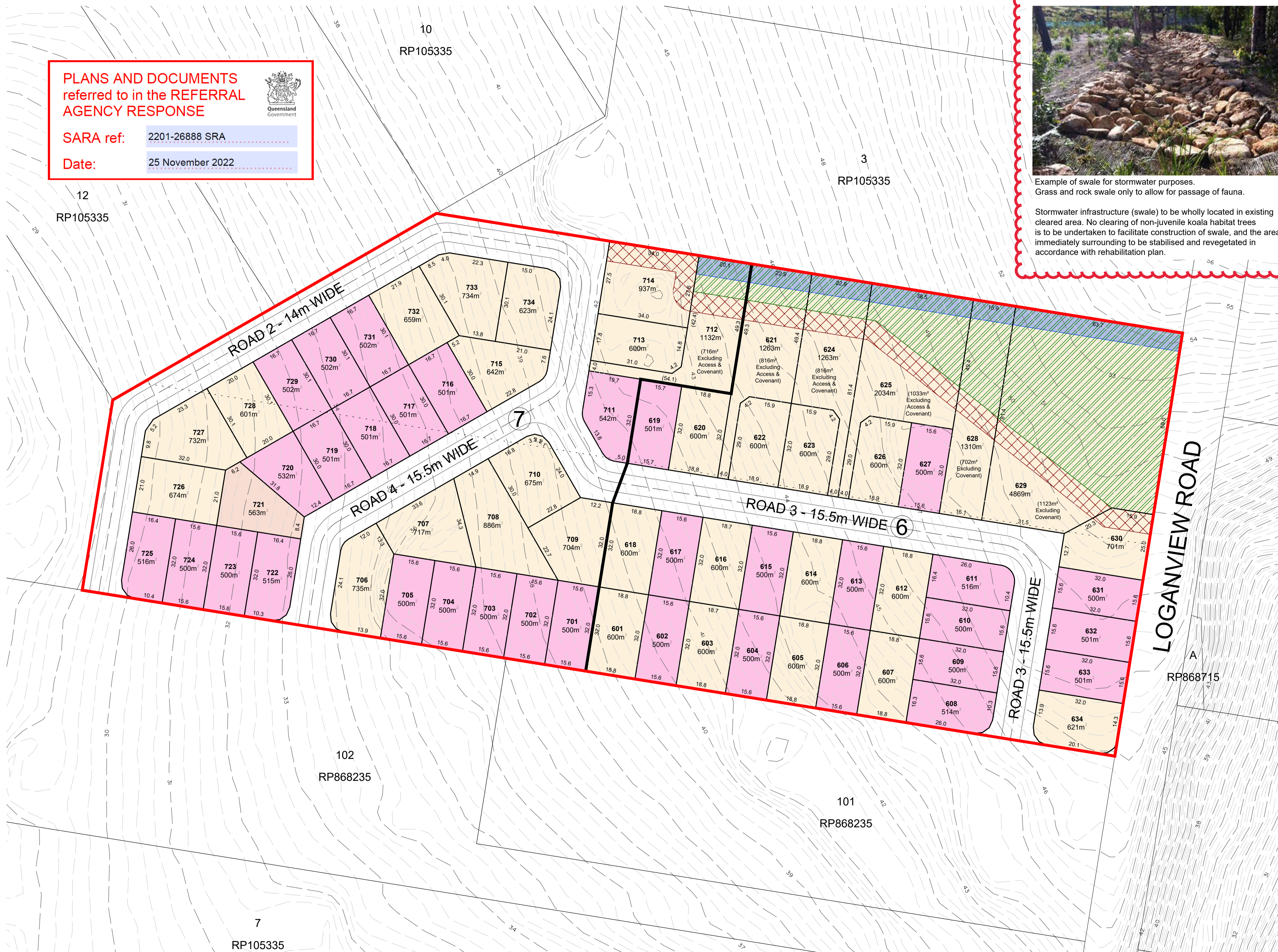
Stormwater infrastructure (swale) to be wholly located in existing cleared area. No clearing of non-juvenile koala habitat trees is to be undertaken to facilitate construction of swale, and the area immediately surrounding to be stabilised and revegetated in accordance with rehabilitation plan.

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE



SARA ref: 2201-26888 SRA

Date: 25 November 2022



DEVELOPMENT STATISTICS - Overall			
RESIDENTIAL ALLOTMENTS	No. Lots	%	Nett Area
500m ² - < 550m ²	33	48.5%	1,665 ha
550m ² - < 600m ²	1	1.5%	0.056 ha
> 600m ²	34	50.0%	3,031 ha
Total Residential Allotments	68	100.0%	4,752 ha
Land Budget		Area (Ha)	%
Area of Subject Site / Stage		5.837 ha	—
Nett Residential Area (no roads)		4.752 ha	81.4%
Road Areas		1.085 ha	18.6%
Total		5.837 ha	100.0%
DEVELOPMENT STATISTICS - Stage 6			
RESIDENTIAL ALLOTMENTS	No. Lots	%	Nett Area
500m ² - < 550m ²	15	44.1%	0.753 ha
> 600m ²	19	55.9%	1.926 ha
Total Residential Allotments	34	100.0%	2,679 ha
Land Budget		Area (Ha)	%
Area of Subject Site / Stage		3.042 ha	—
Nett Residential Area (no roads)		2.679 ha	88.1%
Road Areas		0.363 ha	11.9%
Total		3.042 ha	100.0%
DEVELOPMENT STATISTICS - Stage 7			
RESIDENTIAL ALLOTMENTS	No. Lots	%	Nett Area
500m ² - < 550m ²	18	52.9%	0.912 ha
550m ² - < 600m ²	1	2.9%	0.056 ha
> 600m ²	15	44.1%	1.105 ha
Total Residential Allotments	34	100.0%	2,073 ha
Land Budget		Area (Ha)	%
Area of Subject Site / Stage		2.795 ha	—
Nett Residential Area (no roads)		2.073 ha	74.2%
Road Areas		0.722 ha	25.8%
Total		2.795 ha	100.0%

SCALE @A1 1:750 @A3 1:1500 - LENGTHS ARE IN METRES



RP DESCRIPTION: Lots 4 & 5 on RP105335

Q M PROP CO No.2 PTY LTD