

Your Reference: J001792
Enquiry Phone: Customer Service (07) 3412 5269
Property Key: 310447
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29 August 2024

DEVELOPMENT HOLDINGS PTY LTD
C/- PROPERTY PROJECTS AUSTRALIA
PO Box 1264
NEW FARM QLD 4005

Dear Sir

AMENDED DECISION NOTICE - PLANNING ACT 2016

APPLICATION NUMBER MCUI/12/2024
PROPERTY ADDRESS 21-31 STONELEIGH WAY, HOLMVIEW QLD 4207
PROPERTY DESCRIPTION LOT 901 SP 202036
APPLICATION DESCRIPTION

- **MATERIAL CHANGE OF USE – PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE FOR A VARIATION REQUEST TO VARY THE EFFECT OF THE LOGAN PLANNING SCHEME 2015;**
- **MATERIAL CHANGE OF USE (WAREHOUSE (SELF-STORAGE), FOOD AND DRINK OUTLET, INDOOR SPORT AND RECREATION, SHOWROOM AND SERVICE INDUSTRY)**

1. DECISION

The abovementioned development application was assessed and **approved** subject to conditions. The decision was made by Logan City Council as the Assessment Manager on 16 August 2024.

2. APPROVAL TYPE

- Preliminary Approval (Variation Approval) under section 49 of the *Planning Act 2016*;
- Development Permit – Material Change of Use for Warehouse (Self-storage), Food and drink outlet, Indoor sport and recreation, Showroom and Service industry

3. CONDITIONS OF APPROVAL - ASSESSMENT MANAGER

The Assessment Manager conditions are attached to this Decision Notice.

4. REFERRAL AGENCIES

The following were Referral Agencies applicable to this development application. The Referral Agency has provided advice, it is attached to this Decision Notice. The conditions have been included in the Development Permit.

ENERGEX	Advice provided
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5. VARIATIONS TO THE PLANNING SCHEME

In accordance with section 63(2)(g) of the *Planning Act 2016*, this Variation Approval varies the effect of the planning scheme as follows:

- Development condition 4.1

6. PROPERLY MADE SUBMISSIONS

The following are submitters who made properly made submissions about the development application during the public notification period:

Harmanjeet Randhawa	235 Tallagandra Rd, HOLMVIEW QLD 4207 Email Address: Harmanrandhawa01638@gmail.com
Amy Rebecca Fraser	47 Belyando St, HOLMVIEW QLD 4207 amyrebeccafraser@gmail.com
ENERGEX	26 Reddacliff St, NEWSTEAD QLD 4006 townplanning@energex.com.au

7. OTHER DEVELOPMENT PERMITS OR CERTIFICATES NECESSARY TO ALLOW THE DEVELOPMENT TO BE CARRIED OUT

- Operational Works - Stormwater Quantity, Earthworks, Sewer and Water, Stormwater Quality and Parks Temporary Works Approval.
- Building Works
- Plumbing and Drainage Works

8. STATEMENT OF REASONS

Description of the development	Material Change of Use - Variation Request and Material Change of Use Development permit for (Warehouse (Mini-Storage Establishment), Food and Drink Outlet, Indoor Sport and Recreation, Showroom and Service Industry).
Assessment benchmarks	The proposed development was assessed against the following assessment benchmarks: Zone Code: <ul style="list-style-type: none">• Low density residential zone code Development Codes: <ul style="list-style-type: none">• Filling and excavation code• Infrastructure code• Landscape code• Servicing, access and parking code Overlays: <ul style="list-style-type: none">• Acid sulfate soils overlay code• Bushfire Hazard area• Biodiversity areas overlay code• Landslide hazard and steep slope area• Waterway corridors and wetlands overlay code• Residential overlay• The Planning (Walkable Neighbourhoods) Amendment Regulation 2020, Schedule 12A

<p>Relevant matters</p>	<p>In consideration of the purpose of the Act and the obligation of Council to advance this purpose, the following relevant matters have been considered in the balanced assessment of the proposed development:</p> <ul style="list-style-type: none"> • A need has been demonstrated for the proposed uses. • The residential zoning of the land is considered to have been overtaken by events given residential and sensitive uses are unable to be developed on the site due to it being within 500m of High impact industry being the Teys Abattoir, and 1500m of Special industry, being the Teys Abattoir rendering plant. • The approval of a variation request would only allow for a limited range of non-residential, non-sensitive, low impact uses, providing detailed design outcomes such as a wide generous landscape buffers, and screened fencing to ensure a suitable transition between the residential uses to the south and the Mixed use zoned land to the north. • The design and built form of the self-storage and commercial uses are of a scale and intensity that will ensure an appropriate interface with the residential properties to the south. • The dedication of a public pedestrian access for the residents to access Teys Road from Stoneleigh Road will also benefit the local community. 							
<p>Matters raised in submissions</p>	<table border="1"> <thead> <tr> <th data-bbox="541 943 858 987">Issue</th> <th data-bbox="858 943 1465 987">How matter was dealt with</th> </tr> </thead> <tbody> <tr> <td data-bbox="541 987 858 1865"> <p>There is no need for any of the proposed industrial/commercial land uses at the subject site.</p> </td> <td data-bbox="858 987 1465 1865"> <p>The applicant has provided economic need reporting, demonstrating a need for each of the proposed land uses at the subject site. Council officers have engaged an economic expert to undertake a peer review of this reporting and they have provided feedback on the scope of land uses that can be supported. Whilst the Food and drink outlet, Indoor sport and recreation, Showroom and Service industry land uses can all be supported to varying extents (without impacting on the existing centres hierarchy), limitations on the floor area for these uses is also recommended as part of the development approval. Need was also demonstrated for the proposed self-storage facility albeit to a lesser extent, with an independent peer review undertaken to confirm that there was a need for this development and that it would not impact upon existing similar developments. Residential uses in accordance with the site's zoning are not possible, so the proposal represents an appropriate use of the site which will provide a suitable transition between the residential uses to the south and the Mixed use zoned land to the north.</p> </td> </tr> <tr> <td data-bbox="541 1865 858 2022"> <p>The site should remain residential.</p> </td> <td data-bbox="858 1865 1465 2022"> <p>The subject site is located within the 1500 metre buffer area from the Teys abattoir rendering activities, and within 500m of the abattoir itself. Residential development is not able to be supported at the site despite the residential</p> </td> </tr> </tbody> </table>		Issue	How matter was dealt with	<p>There is no need for any of the proposed industrial/commercial land uses at the subject site.</p>	<p>The applicant has provided economic need reporting, demonstrating a need for each of the proposed land uses at the subject site. Council officers have engaged an economic expert to undertake a peer review of this reporting and they have provided feedback on the scope of land uses that can be supported. Whilst the Food and drink outlet, Indoor sport and recreation, Showroom and Service industry land uses can all be supported to varying extents (without impacting on the existing centres hierarchy), limitations on the floor area for these uses is also recommended as part of the development approval. Need was also demonstrated for the proposed self-storage facility albeit to a lesser extent, with an independent peer review undertaken to confirm that there was a need for this development and that it would not impact upon existing similar developments. Residential uses in accordance with the site's zoning are not possible, so the proposal represents an appropriate use of the site which will provide a suitable transition between the residential uses to the south and the Mixed use zoned land to the north.</p>	<p>The site should remain residential.</p>	<p>The subject site is located within the 1500 metre buffer area from the Teys abattoir rendering activities, and within 500m of the abattoir itself. Residential development is not able to be supported at the site despite the residential</p>
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		zoning. For this reason, the applicant has instead proposed non residential and non sensitive land uses at the site.
Reasons for decision	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception(s) listed below.	
	Assessment benchmark	Reasons for the approval despite non-compliance with benchmark
	Low density residential zone code	<p>The proposed development has been assessed against the Acceptable Outcomes (AOs) and Performance Outcomes (POs) of the Low density (Small lot precinct) zone code and complies with all of these requirements, with the exception of those provisions that relate to AO1/PO1 land use and land uses in the Small lot precinct in AO14/PO14 for a Food and drink outlet having a maximum gross floor area of 200m² per tenancy and not being within 800 metres of another Food and drink outlet.</p> <p>The land uses proposed are not consistent with the Low density residential zone in AO1/PO1 or the purpose of the zone code, but have been proposed to be consistent uses in the Mixed Use zone, as a more suitable transition between residential development in the south and west of the site and the Teys abattoir to the east.</p> <p>In A014, a Food and drink outlet is to have a maximum gross floor area of 200m² per tenancy, so the proposal will not comply with PO14 of being small scale. The Food and drink outlet will have 178m² on ground level and a 50m² mezzanine area. A needs analysis has been provided by an economic consultant to demonstrate a need for the development and conditions have been set to address the emission and reverse amenity by including acoustic barriers to residential development with landscaping in front of the barriers.</p> <p>The proposed variations to the Low density residential zone code to apply Mixed use zone code provisions are a result of the site being unsuitable for residential uses and sensitive land uses, and the applicant demonstrating sufficient need for the uses proposed.</p>
	Strategic Framework 3.5.8.1 (1.a. iv.)	The proposal is considered to be in conflict with 3.5.8.1 (1.a. iv.) as it's likely the Indoor sport and recreation and Food and drink outlet uses could also be located in a principal centre, major centre, district centre, local centre or neighbourhood centre and these two uses are not proposed in the Specialised centre zone, or

		in an employment area. There a Relevant Matters that justify approval of the proposal despite these conflicts however. These Relevant Matters are discussed in more detail above.
	Strategic Framework 3.11.2.1 (1.b.)	The proposal cannot comply with 3.11.2.1 (1.b.) given the proposed uses will not reinforce the intended residential character. However there are Relevant Matters that warrant support for non residential uses given residential uses are unable to be supported due to the proximity to the Teys abattoir.
Matters prescribed by a regulation	Not applicable.	

For further details on the assessment of this development application, please see the Delegated Report available for public viewing on the Logan City Council Planning and Development Online website at: <https://devet.loganhub.com.au> When accessing Council's website please use the following Application Number: MCUI/12/2024.

9. CURRENCY PERIOD

In accordance with section 88(2)(b) of the *Planning Act 2016*, the variation approval for development lapses to the extent the development is not completed within 10 years.

In accordance with section 85 of the *Planning Act 2016*, the Material Change of Use Development Permit component of this approval has a currency period of 6 years.

10. RIGHTS OF APPEAL

This Decision Notice may be appealed in accordance with the following sections of the *Planning Act 2016*:

- Chapter 6 (Dispute Resolution), Part 1 (Appeal Rights); and
- Schedule 1 (Appeals).

Appeals to the Planning and Environment Court

Information about how to proceed with an appeal to the Planning and Environment Court may be found on the Court's website: <http://www.courts.qld.gov.au/courts/planning-and-environment-court>

For further information about this application please contact the Assessment Manager Tonnia Plail on (07) 3412 5269 or via email to development@logan.qld.gov.au

Yours faithfully,

Simon Short
Planning Assessment Coordinator

Cc: Energex