**DELEGATED ASSESSMENT REPORT**

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| **REFER TO:** | Council's Delegate | |
| **REPORT BY:** | Leah Bagnall | |
| **DECISION DUE BY:** | 9 September 2024 | Doc ID: 16809111<br>File No: 1336693-1 |

**APPLICATION DETAILS**

| | |
|---|---|
| **Application Number & Proposed Development:** | MCUI/33/2023 - Warehouse |
| **Lodgement Date:** | 13 July 2023 |
| **Type of Approval sought:** | Development Permit |
| **Site Address:** | 24-28 Cairns Street, LOGANHOLME QLD 4129 |
| **Real Property Description:** | Lot 31 RP 88336 |
| **Site Area:** | 27110.00m² |
| **Owner Details:** | BOWHILL ENTERPRISES PTY LTD (TRUSTEE) |
| **Applicant Details:** | FERROUS TRANSPORT PTY LTD |
| **Submissions closed:** | 29 November 2023 |
| **Number of Properly Made Submissions:** | Zero (0) |

**PLANNING CONSIDERATIONS**

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|---|---|
| **Regional Plan:** | South East Queensland Regional Plan 2017 |
| **Planning Scheme:** | Logan Planning Scheme 2015 v9.0 |
| **Zone (Precinct):**<br>**Local Plan (Precinct):** | Environmental management and conservation – Environmental management |
| **Assessment Benchmarks:** | The Planning Scheme in its entirety including:<br>• Part 3 Strategic Framework, and;<br>Zone codes:<br>• 6.2.4 Environmental management and conservation zone code<br>• 6.2.10 Mixed use zone code<br>Development codes:<br>• 9.4.2 Filling and excavation code<br>• 9.4.3 Infrastructure code<br>• 9.4.4 Landscape code<br>• 9.4.5 Management of emissions and hazardous activities code<br>• 9.4.7 Servicing, access and parking code<br>Overlay codes:<br>• 8.2.1 Acid sulfate soils overlay code<br>• 8.2.2 Biodiversity areas overlay code<br>• 8.2.3 Bushfire hazard overlay code<br>• 8.2.5 Flood hazard overlay code<br>• 8.2.8 Landslide hazard and steep slope area overlay code<br>• 8.2.12 Waterway corridors and wetlands overlay code |

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| **Overlays:** | 0101A - ACID SULFATE BELOW 5 METRES AHD<br>Acid Sulfate Soils<br>0101B - ACID SULFATE ABOVE 5-20 METRES AHD<br>Acid Sulfate Soils<br>0201A (BIODIV) PRIMARY VEGETATION MANAGEMENT AREA<br>Biodiversity (Vegetation Management Area)<br>0202A (BIODIV) EMC ZONED AREA<br>Biodiversity (Corridor/Conservation Area)<br>0301C (BH) MEDIUM BUSHFIRE HAZARD AREA<br>Bushfire Hazard<br>0202B (BIODIV) BIODIVERSITY CORRIDOR<br>Biodiversity (Corridor/Conservation Area)<br>0500A (FLOOD) INUNDATION AREAS<br>Flooding & Inundation Areas<br>0301B (BH) HIGH BUSHFIRE HAZARD AREA<br>Bushfire Hazard<br>0801D (LH/SS) 15 PERCENT OR GREATER SLOPE HAZARD AREA<br>Landslide Hazard & Steep Slope<br>1402C (WCW) WETLAND BUFFER<br>Wetlands Area<br>1401C (WCW) MEDIUM WATERWAY AREA<br>Waterway Corridors<br>1402A (WCW) MAJOR WETLAND<br>Wetlands Area<br>0301D (BH) IMPACT BUFFER BUSHFIRE HAZARD AREA<br>Bushfire Hazard<br>0204B (BIODIV) MATTERS OF LOCAL ENVIRONMENTAL SIGNIFICANCE<br>Biodiversity Matters of Environmental Significance<br>0204C (BIODIV) MATTERS OF BOTH STATE AND LOCAL ENVIRONMENTAL SIGNIFICANCE<br>Biodiversity Matters of Environmental Significance<br>1000A RESIDENTIAL AREA<br>Residential Area |
| **Applicable Preliminary Approval:** | N/A |

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| **Category of Assessment:** | Impact |

## REPORT OVERVIEW

### EXECUTIVE SUMMARY

Council is in receipt of an impact assessable application for a Development Permit for a **Material Change of Use** to establish a Warehouse over land located at 24-28 Cairns Street, Loganholme QLD 4129 (Lot 31 RP 88336).

The proposed development seeks approval to erect two Warehouse buildings in the south-eastern portion of the site of 600m$^2$ and 1,200m$^2$. A hardstand area is proposed directly from the road frontage with a combined vehicular manoeuvring and car parking area allowing for 7 car spaces. A landscape screening buffer is located at the front of the site including trees and shrubs. Significant earthworks are proposed to create a level building pad with the buildings elevated on structures above the defined flood level for the site.

The key issues relating to the proposed development includes:

- Flood hazard - The proposal is unable to comply with AO1/PO1, AO8/PO8, AO10/PO10, AO19/PO19 and AO21/PO21 of the Flood hazard overlay code (TLPI No.1/2023), which has been assessed against as a relevant matter. This resulted in non-compliance with Overall outcomes 2(a)(i)(D), 2(g), 2(m)(ii) and the Purpose of the code, as well as the Strategic framework of the planning scheme, based on the following:
    - The proposal is unable to avoid or minimise, the exposure of people, property and infrastructure to an intolerable level of flood risk, due to the siting of proposed new buildings, vehicle manoeuvring and car parking areas within areas that are mapped as having a high flood risk and have deep areas of conveyance.
    - By proposing earthworks, buildings and structures with the mapped High flood risk and High flow areas, the proposal will not maintain the natural functions of the flood plain for storage and conveyance of flood waters, thereby potential impacting on other sites.
    - The proposal includes buildings which do not meet the minimum freeboard above the defined flood event.
    - The proposal is also unable to support safe self-evacuation, as no low flood hazard vehicle access to the site has been demonstrated.
- Biodiversity areas and Waterway corridor – Confirmation that there is no vegetation clearing proposed and the requirement for rehabilitation within the waterway corridor.
- Articulation and detailing of the built form oriented to the Cairns Street frontage, through the provision of variation in colours and inclusion of architectural elements, such vertical aluminium fins, to create visual interest.

The proposed development is subject to impact assessment in accordance with Table 5.5.4.1 of the *Logan Planning Scheme 2015 (v9*). The application was publicly notified between the dates of 8 November 2023 and 29 November 2023. No submissions were received during public notification. The proposed development did not trigger the need for any referral agencies.

Based on assessment of the proposed development against the assessment benchmarks of the *Logan Planning Scheme 2015 (v9)* and the Flood hazard overlay code (TLPI No.1/2023), Council officers conclude that it does not comply with the Acceptable outcomes, Performance outcomes, Overall outcomes and Purpose of the Flood hazard overlay code (TLPI No.1/2023). Furthermore, the proposal does not comply with the Strategic framework and there are no other Relevant Matters for the purpose of Section 45(5)(b) of the *Planning Act 2016* which justify approval of the proposed development. Accordingly, it is recommended that this application be refused.

## REPORT DETAIL

### BACKGROUND

*Existing Approval*

On 22 June 2011, Council issued a Preliminary Approval for a Material change of use – Light Industry (Contractors Yard) over land located at 24-28 and 30-34 Cairns Street, Loganholme (Council ref: MCUI/63/2006) **(Refer Figure 1)**. The approval consisted of an outdoor storage area to store concrete formwork within an area of approximately 2,112m$^2$. The use is predominately located over the land at 30-34 Cairns Street, including Parking area and Office. 24-28 Cairns

Street is utilised for access to the Storage Area located at the rear of 30-34. Due to flood free access not being achieved to the site, a Development permit was not issued, with only a Preliminary Approval being issued.

**Figure 1: Approved Plan of Development (MCUI/63/2006)**




**Chronology of Application**

On 12 July 2023, the application was accepted as properly made.

On 19 July 2023, a Confirmation Notice was issued.

On 2 August 2023, an Information Request was issued. Council officers raised critical concerns advising that the development cannot be supported as the proposed use is an unintended use within the Environmental management and conservation zone and the flooding impacts on the site.

On 19 October 2023, the applicant was contacted and advised that the proposed development is heavily impacted by the new flooding assessment benchmarks and revised modelling introduced under the TLPI No.1/2023.

On 1 November 2023, the applicant responded to the Information Request, and submitted the following information:

- Updated proposal plans;
- Amended Concept Landscape Plan;
- Ecological Assessment Report;
- Stormwater management plan;
- Traffic engineering submission; and an
- Updated Flood Impact Assessment Report.

On 1 November 2023, the applicant was advised that the submitted Flood impact assessment report has not considered the TLPI and that Request for Further Information would be issued.

On 6 November 2023, the assessment manager issued a Request for Further Information (RFI) to the applicant regarding further sewer and water servicing information.

On 8 November 2023, public notification of the application commenced.

Public notification was undertaken between 8 November 2023 and 29 November 2023.

On 5 December 2023, a Notice of compliance was received.

On 6 December 2023, the application entered to the decision period.

On 4 January 2024, the applicant was sent a further information request to provide the following:

- A further response regarding Flood hazard overlay code (TLPI No.1/2023), with concerns raised regarding PO8, PO19 and PO10.
- A concept drainage layout which demonstrates how the roof water will be conveyed to the legal point of discharge; and
- A conceptual rehabilitation and enhancement plan that addresses PO1(d) and (e) of the Biodiversity areas overlay code, and PO2(b) of the Waterway corridors and wetlands overlay code.

On 9 January 2024, the Planning officer sent further issues requests, seeking further information regarding the submitted acoustic report and for water and sewer concept servicing plans to be provided.

On 10 January 2024, the Planning officer requested an extension to the decision period and an extension to 14 February 2024 was agreed to with the applicant.

On 7 February 2024, the applicant and Planning officer agreed to an extension to the decision period to 17 April 2024.

On 20 March 2024, the applicant provided outstanding information in relation to flooding, environment and acoustics.

On 11 April 2024, the planning officer followed up with the applicant on the concept servicing plans on the assessment.

On 11 April 2024, the Planning officer forwarded on a further outstanding information request item for acoustics to the applicant.

On 16 April 2024, the applicant and Planning officer agreed to an extension to the decision period to 17 May 2024.

On 15 May 2024, the Planning officer advised the applicant that the application is not supported based on non-compliance with the Flood hazard overlay code.

On 16 May 2024, the applicant was advised via email regarding the recommendation for refusal and a request to extend the decision period was made.

On 16 May 2024, the applicant and Planning officer agreed to an extension to the decision period to 14 June 2024.

On 6 June 2024, the applicant and planning officer agreed to extend the decision period to 11 July 2024.

On 12 July 2024, Council officers met with the applicant and their engineers to discuss the application and confirmed that no developable area is available at the site for buildings and structures due to High flood hazard mapped at the site, as well as the mapped high flow area, which means that structures are not able to be supported within these mapped areas. Low hazard flood access would rely on including the adjoining site to the east within the application and for access to be provided through the neighbouring site, which is above the defined flood level.

On 5 September 2024, the Planning officer confirmed with the applicant that the recommendation was to refuse the application and the applicant directed Council officers to issue the decision.

## SITE DESCRIPTION

The subject site is 24-28 Cairns Street, Loganholme QLD 4129 (Lot 31 RP 88336) with an area of 27,110m$^2$ **(*Refer Figure 2*)**. The subject site is rectangular in shape with a frontage with of approximately 70 metres and a depth of approximately 316 metres. The majority of the site is heavily vegetated, with a small portion of historically cleared land in the southern-eastern portion of the site. An existing sealed crossover adjoining the eastern boundary currently provides access to the site and forms part of a shared single crossover which services the subject site and the adjoining property over 30-34 Cairns Street, Loganholme. An existing unsealed internal driveway runs along the eastern boundary of the site, providing access to the existing contractors yard which is located over the site and 30-34 Cairns Street, Loganholme. Part of the site's frontage contains kerb and channel on the preferred alignment for Cairns Street, however, this tapers at approximately 30 metres from the eastern property boundary.

The site has a low point of approximately 1.5 metres Australian Height Datum (AHD) in the middle of the site, due to the presence of a waterway, with highest points being approximately 6 metres AHD at the road frontage and 9 metres AHD at the rear boundary. The site generally falls in a north-westerly direction towards the existing waterway corridor and due to the site's lowest point being the waterway, it forms the lawful point of discharge for the site.

The surrounding development context consists primarily of industrial development or similar uses **(Refer Figure 3)**. The Cairns Street area is continuing to develop primarily of low impact industrial uses, similar to the existing established industrial area to the site's south, separated by a small buffer which is Crown reserve for Park and Recreation land. To the site's east and further to the north, large areas of bushland area present.

The surrounding zoning represents the surrounding development context (***Refer Figure 4***). The immediate Cairns Street area is zoned as Mixed use, the established industrial area to the south is zoned as Medium Impact Industry, and the area of bushland is zoned as Environmental management and conservation.

The site is located in the following overlay maps (***Refer Figure 5***):

- Acid sulfate soil overlay map;
- Biodiversity area overlay map;
- Bushfire hazard overlay map;
- Flood hazard overlay map (TLPI No.1/2023);
- Landslide hazard and steep slope area overlay map, and;
- Waterway corridor and wetland trigger overlay map.

The subject contains a 450mm diameter trunk sewer which traverses the site generally along the eastern bank of the waterway and contains multiple manholes. A further reticulated sewer pipeline is located within the southern verge of Cairns Street. Stormwater infrastructure is located within the northern verge of Cairns Street road reserve, including one stormwater pit adjoining the driveway crossover to the west. An open drain is located on the southern side of Cairns Street. A 150 mm diameter water supply pipe is located within the northern and southern road reserve of Cairns Street.

The subject site is located within the priority infrastructure area and does not include any mapped planned trunk infrastructure (***Refer to Figure6 and 7***).

**Figure 2: Subject Site**



**Figure 3**: **Subject Site – Surrounding Development Context**

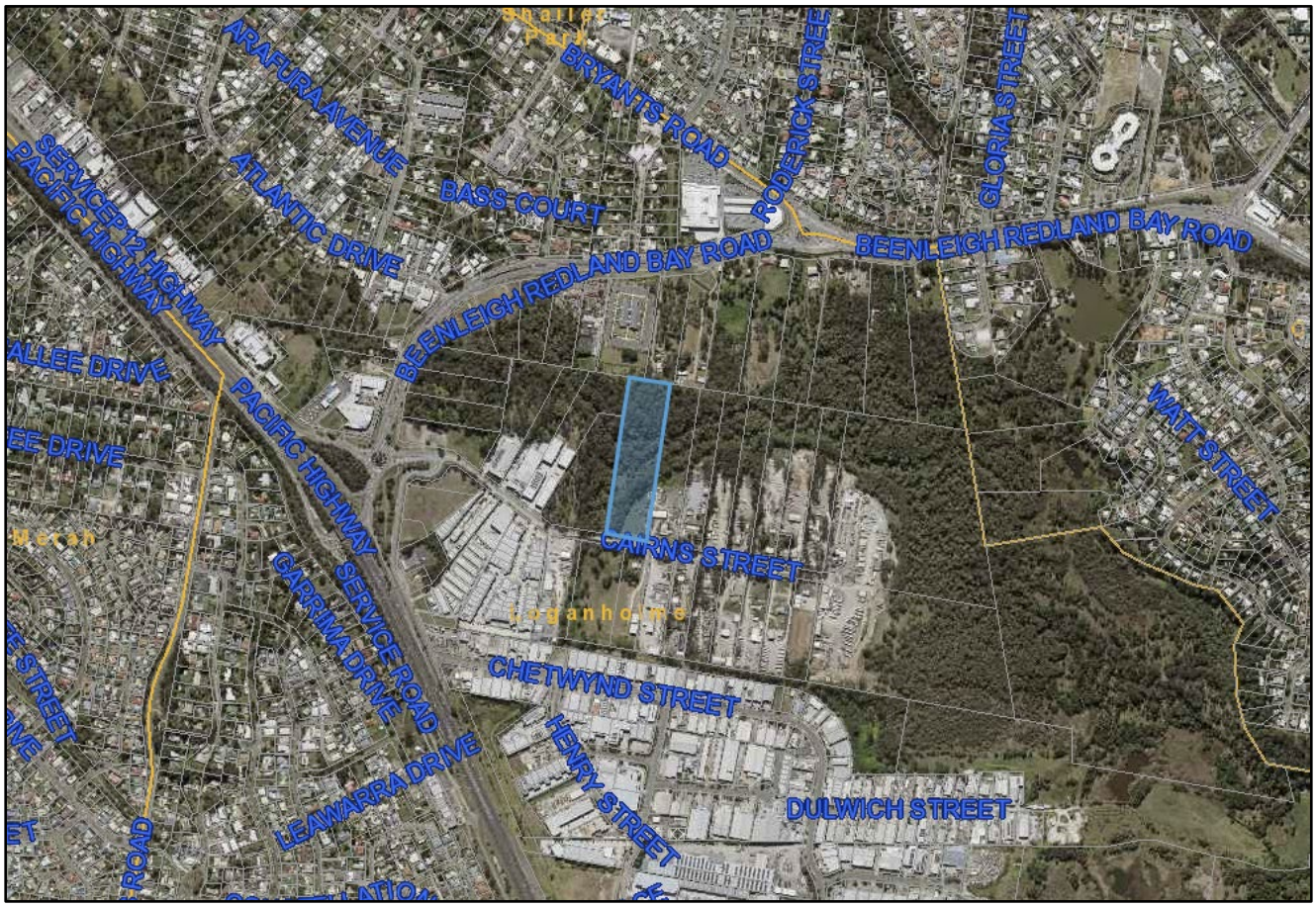



**Figure 4**: **Subject Site – Zoning**

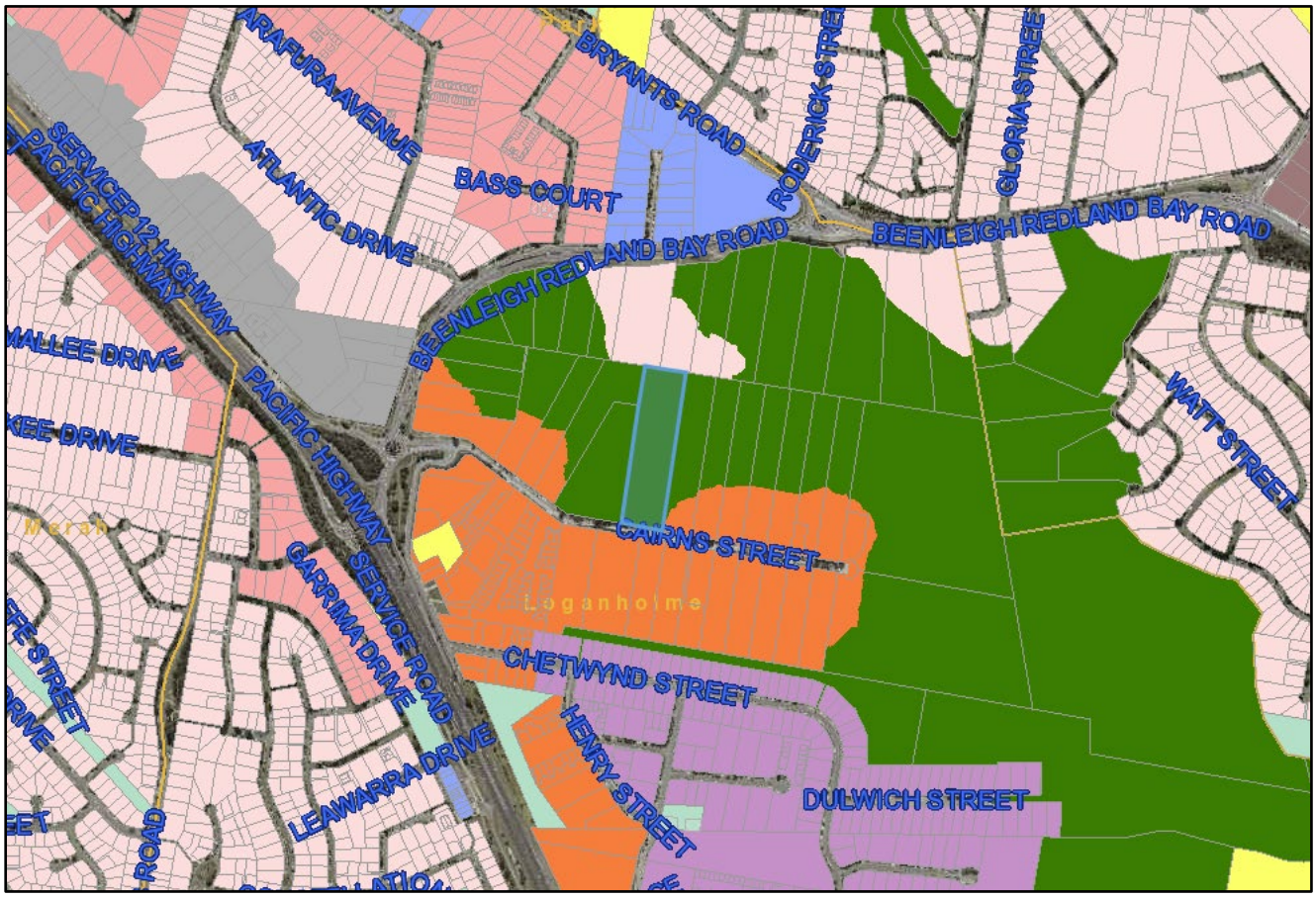
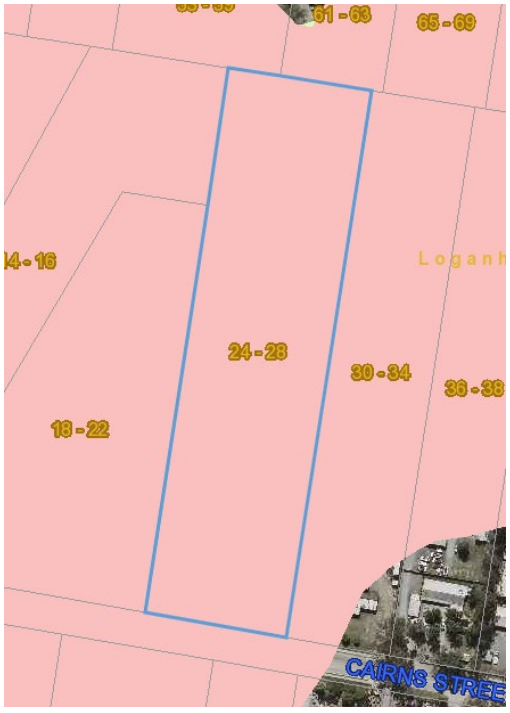
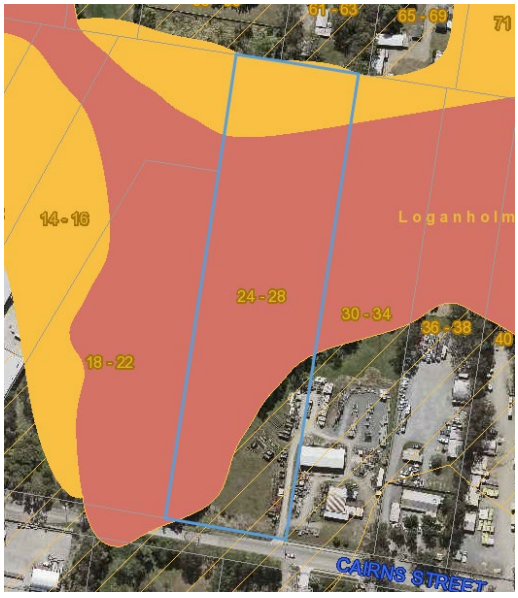
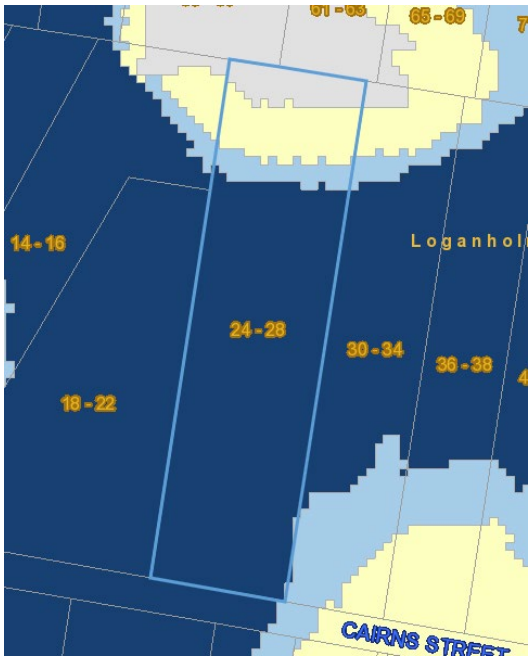
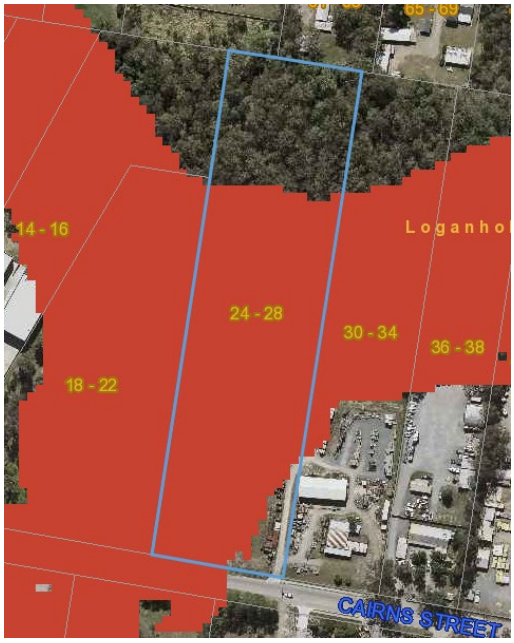
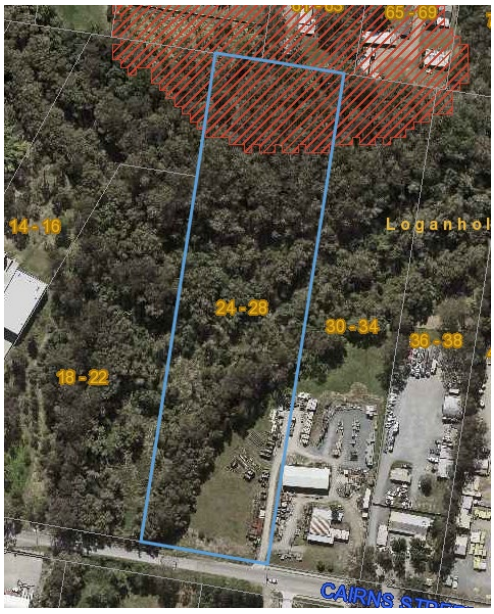
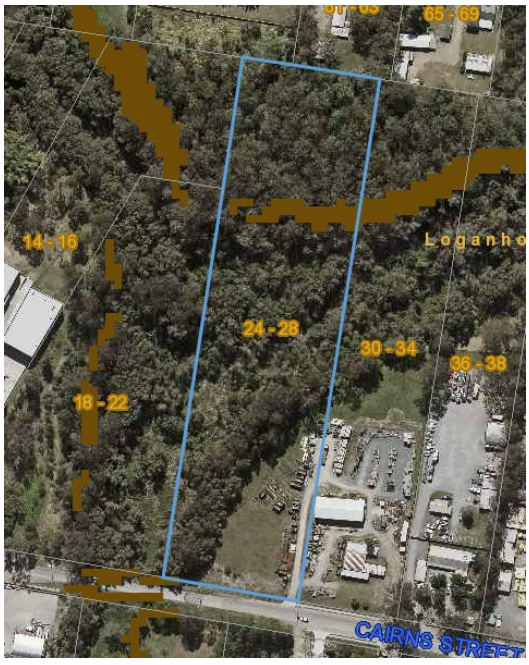
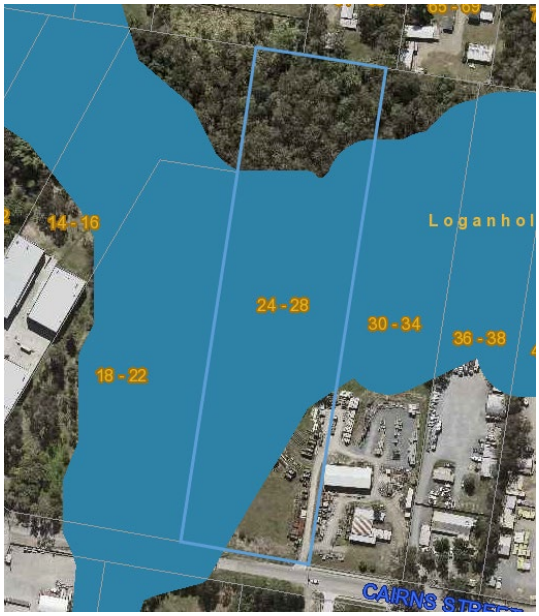
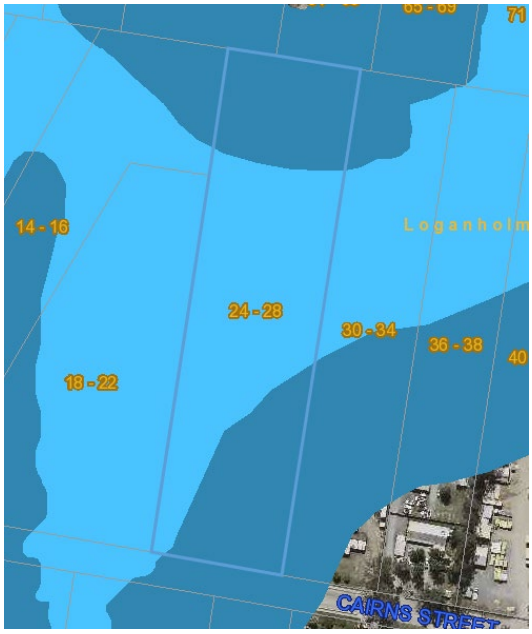


**Figure 5: Subject Site – Overlays**

| Overlay | Mapped Extent |
|---|---|
| ☑ OM-01 Acid sulfate soil overlay<br>☑ OM-01.00 Acid sulfate soil trigger |  |
| ☑ OM-02.01 Vegetation management area<br>Primary vegetation management area<br>Secondary vegetation management area |  |

| | |
|---|---|
| ☑ OM-02.02 Biodiversity corridor<br>☑ Biodiversity corridor<br>☑ Koala corridor<br>☑ Environmental management and conservation area |  |
| ☑ OM-03.01 Bushfire hazard risk area<br>Bushfire hazard - very high potential<br>Bushfire hazard - high potential<br>Bushfire hazard - medium potential<br>Bushfire hazard - potential impact buffer |  |
| ☑ OM-05.01 Flood risk areas<br>☑ Flood risk areas<br>High flood risk area<br>Moderate flood risk area<br>Low flood risk area<br>Very Low flood risk area |  |

| | |
|---|---|
| ☑ OM-05.02 High flow area<br>☑ High flow area |  |
| ☑ OM-05.03 Isolated islands<br>☑ Isolated islands<br>High flood island<br>Low flood island |  |
| ☑ OM-08 Landslide hazard and steep slope area overlay<br>☑ OM-08.00 Landslide hazard and steep slope area trigger |  |

| | |
|---|---|
| OM-14.01 Waterway<br>Waterway type<br>Minor waterway<br>Medium waterway<br>Major waterway<br>River waterway |  |
| OM-14.02 Wetland<br>Wetland<br>Major wetland<br>Minor wetland<br>Wetland buffer |  |

Koala habitat area

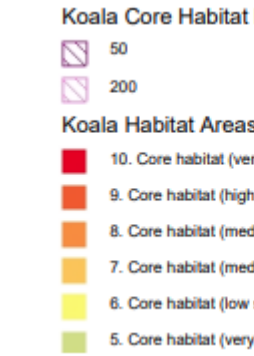


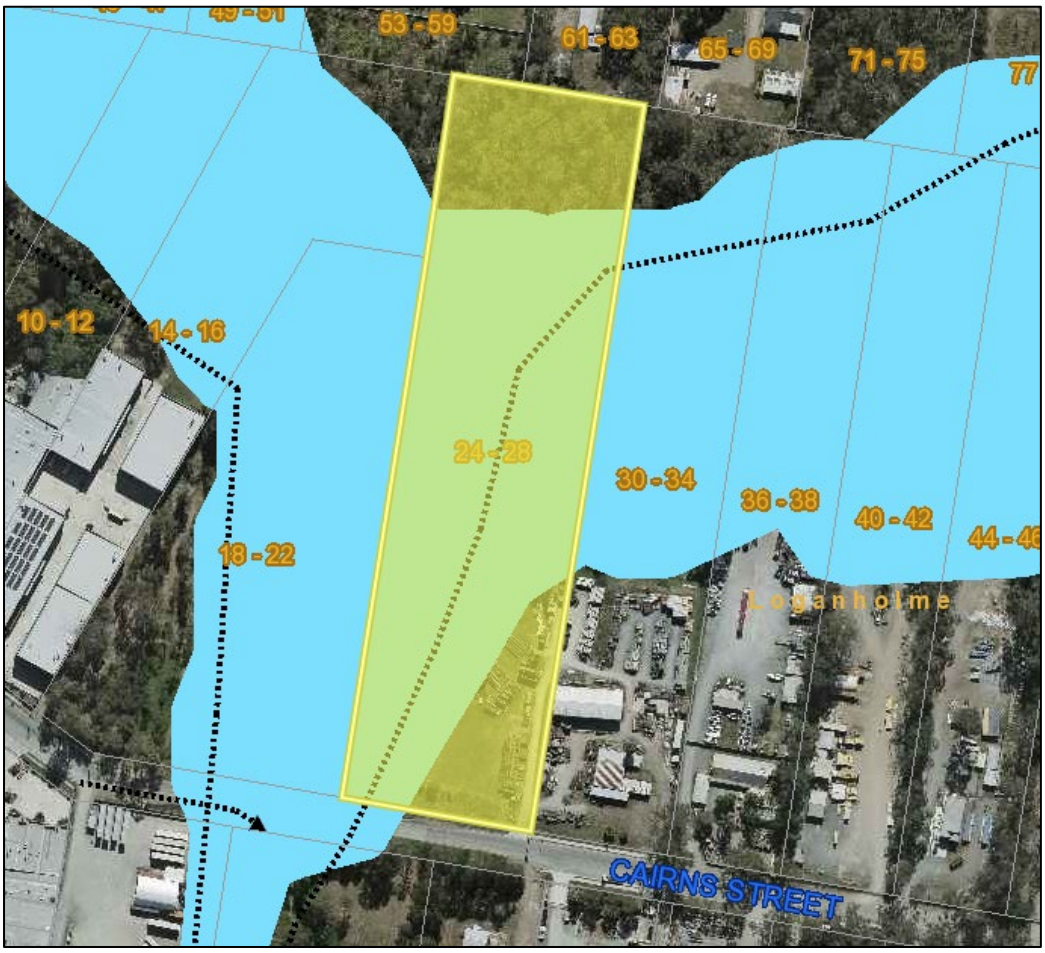




**Figure 6: Local Government Infrastructure Plan – Priority infrastructure area and projection areas (Loganholme)**



**Figure 7: Local Government Infrastructure Plan – Existing and future networks at the site**




## DESCRIPTION OF PROPOSAL

The proposed development seeks to erect two (2) Warehouse storage buildings which frame a central vehicle manoeuvring and car parking area, located on the historically cleared area within the south-eastern corner and the highest point of the site at the Cairns Street frontage (***Refer to Figure 8).*** A building pad is proposed to be created through cut and fill to create the desired level for the proposed hardstand manoeuvring area and the proposed building floors.

Details of the proposal are described as follows:

- Building 1 is proposed have a gross floor area (GFA) of 600m$^2$ and located approximately 10 metres from the street frontage.
- Building 2 is proposed to have a GFA of 1,200m$^2$ and located approximately 4.9 metres from the eastern side boundary.
- From the natural ground level, Building 1 will have a maximum height of 11.2 metres and Shed 2 will have a maximum height of 11.930 metres.

  ***(Refer Figures 9 to 16 – Proposed Plans of Development)***
- Each of the proposed sheds will extend from a new pad created through cut and fill having ground level of 6.50 metres AHD.
- The buildings will be partly suspended by structures located on the changed ground level, subject to cut and fill, which drops away at the rear.

  (***Refer Figure 17 – Bulk Earthworks Plan***).
- Each building proposes floor level of 6.8 metres AHD.
- The northern elevation of Building 1 contains architectural elements, including aluminium fins and variation in colour tones, fronting Cairns Street.
- A landscape buffer is proposed along the road frontage of the site, which is intended to screen the storage buildings from view.
- A central hardstand area will be provided, with direct access from Cairns Street.

- The hardstand area includes area for parking of 7 car spaces; and
- The proposed operation hours of the development are between 6am to 7pm, with the proposed days not specified.

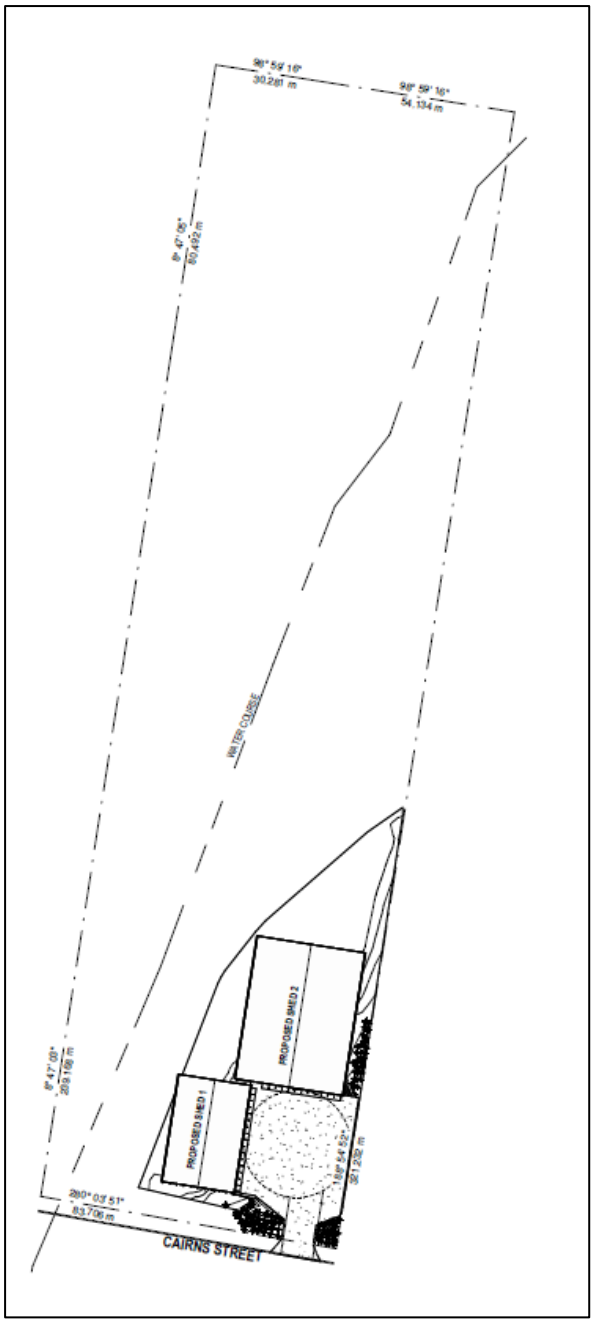
The development is located outside of the existing vegetated areas at the site and no clearing is proposed to facilitate construction of the proposed buildings and hardstand area.

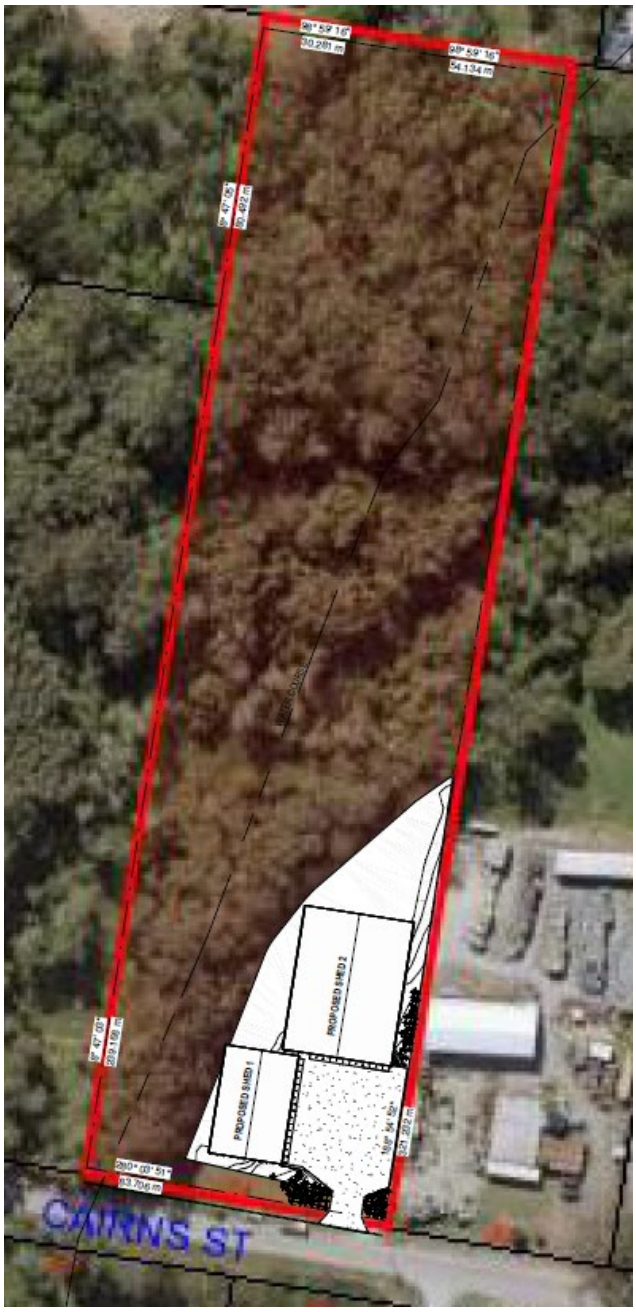
Extensive earthworks are proposed to create a level building pad for the proposed buildings, which then falls away at the waterway corridor and rear of the site. A total cut of approximately 1,651m$^3$ and total fill of approximately 1,637m$^3$, resulting in balance of -14m$^3$ is proposed. Retaining walls 1.5 metres in height are proposed around the perimeter of the building pad.

The development proposes to connect to the existing water main at the site frontage, with a new water mater proposed. A sewer main is proposed to be extended from the existing trunk main traversing the rear of the site; however concept servicing plans were not submitted with the application. Stormwater runoff from the increased impervious areas is proposed to be discharged to the waterway located within the site, as the legal point of discharge. Stormwater quality is proposed to be managed through on-site measures.

The site is located within the priority infrastructure area with the Local Government Infrastructure Plan; however, contains no intended infrastructure for the subject site.

**<u>Figure 8:</u> Proposed Plan of Development – Site Plan and Site Plan over an aerial photo**



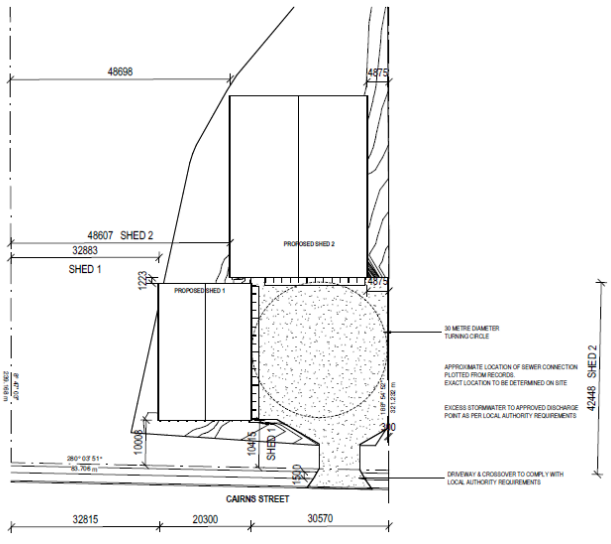



**Figure 9:** **Proposed Plan of Development – Floor Plans for Shed 1 and 2**

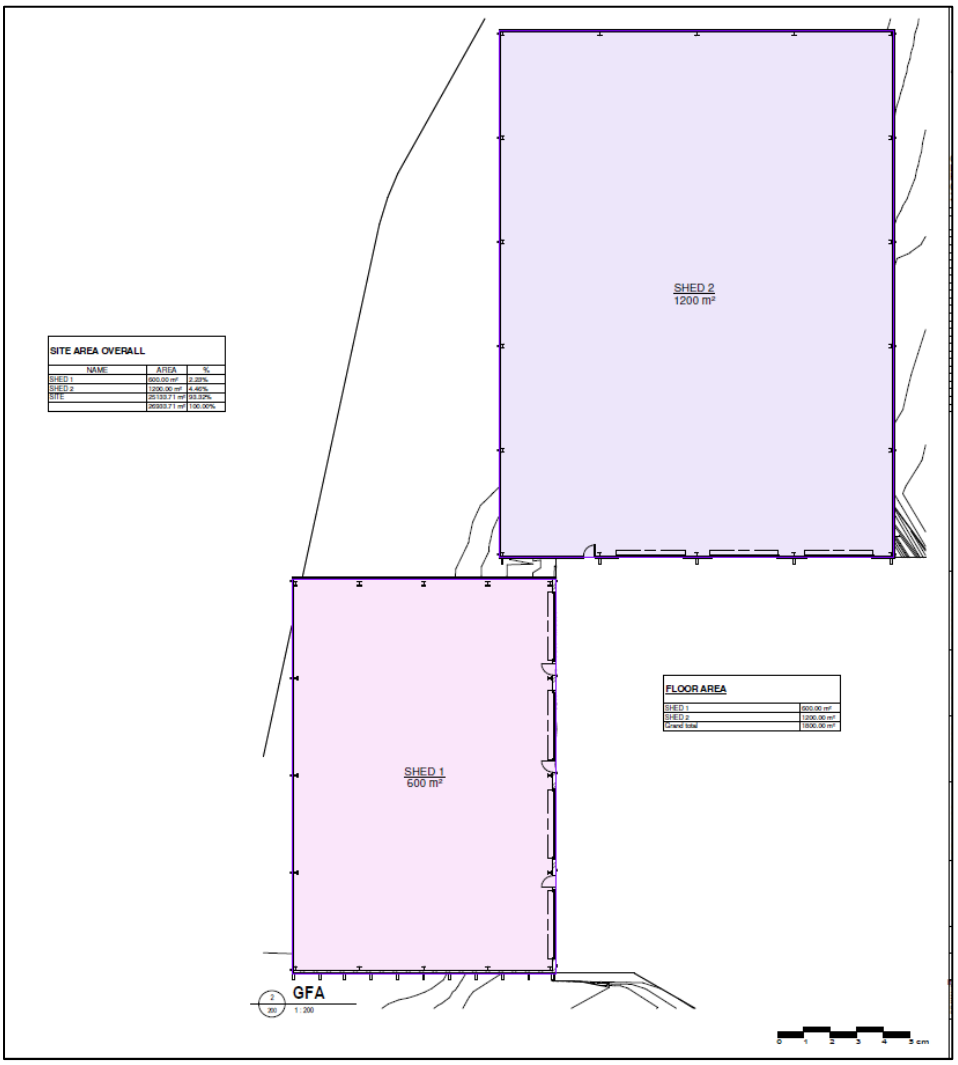



**Figure 10:** **Proposed Plan of Development – South and West Elevations (Shed 1)**

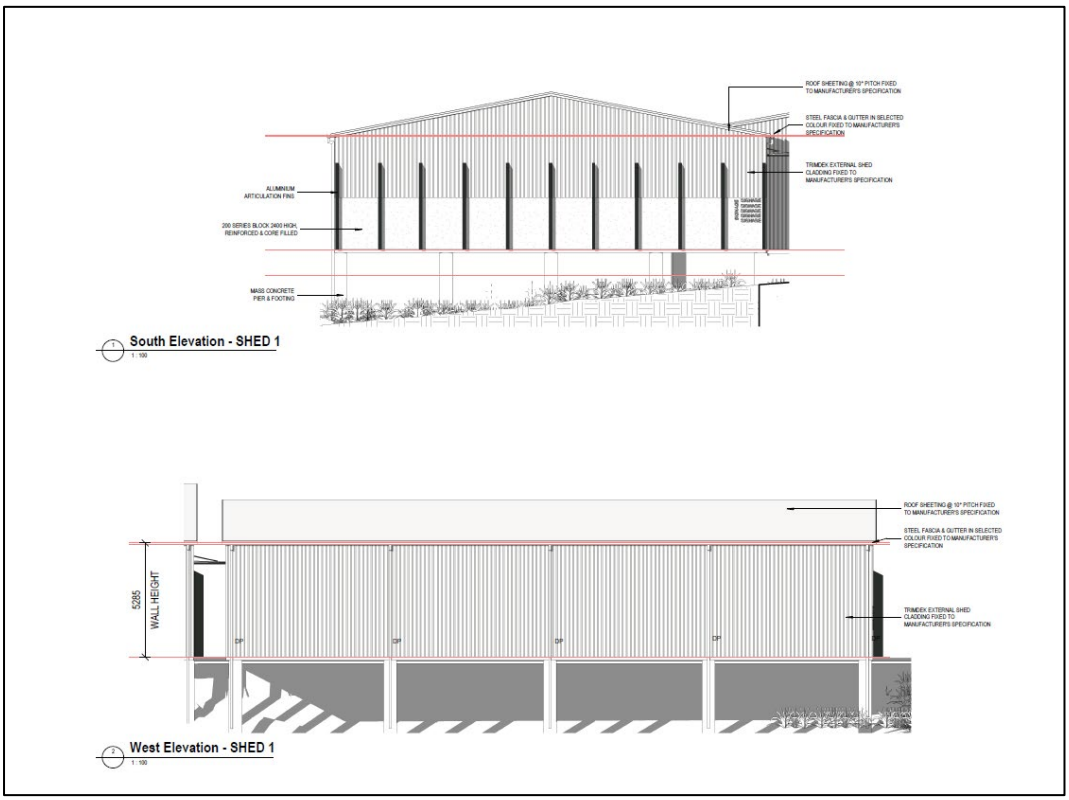


**Figure 11: Proposed Plan of Development – North and East Elevations (Shed 1)**

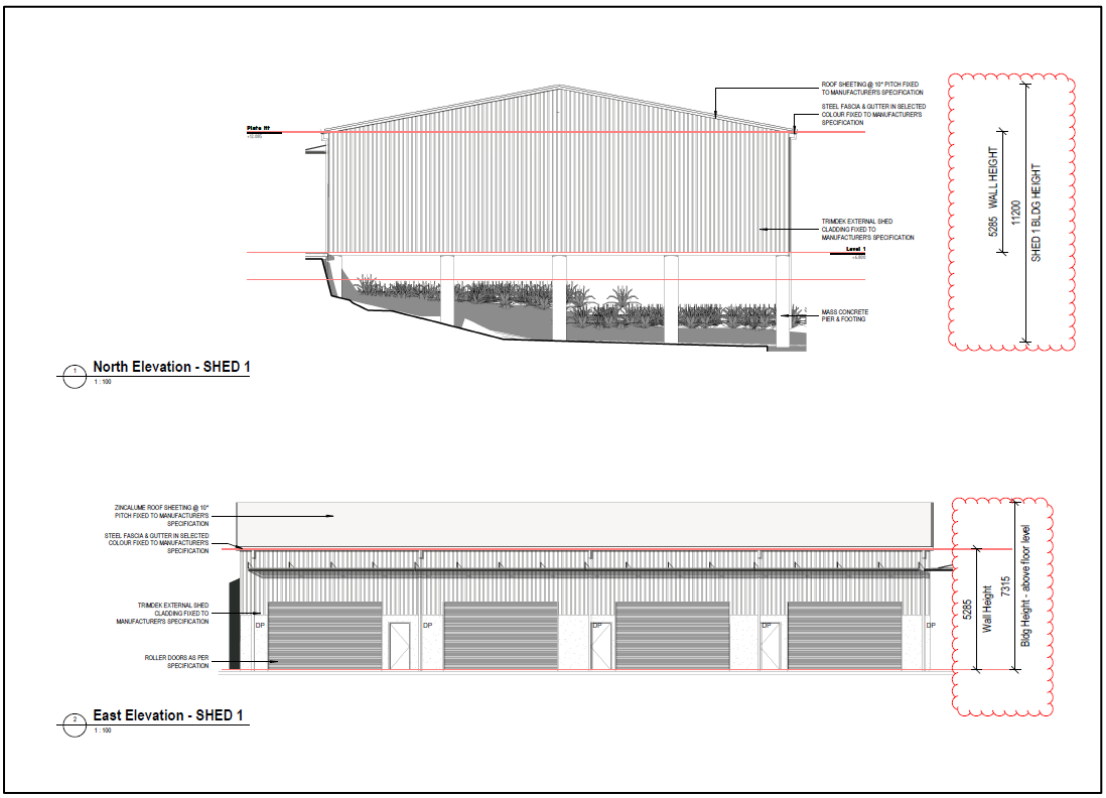



**Figure 12: Proposed Plan of Development – North and East Elevations (Shed 2)**

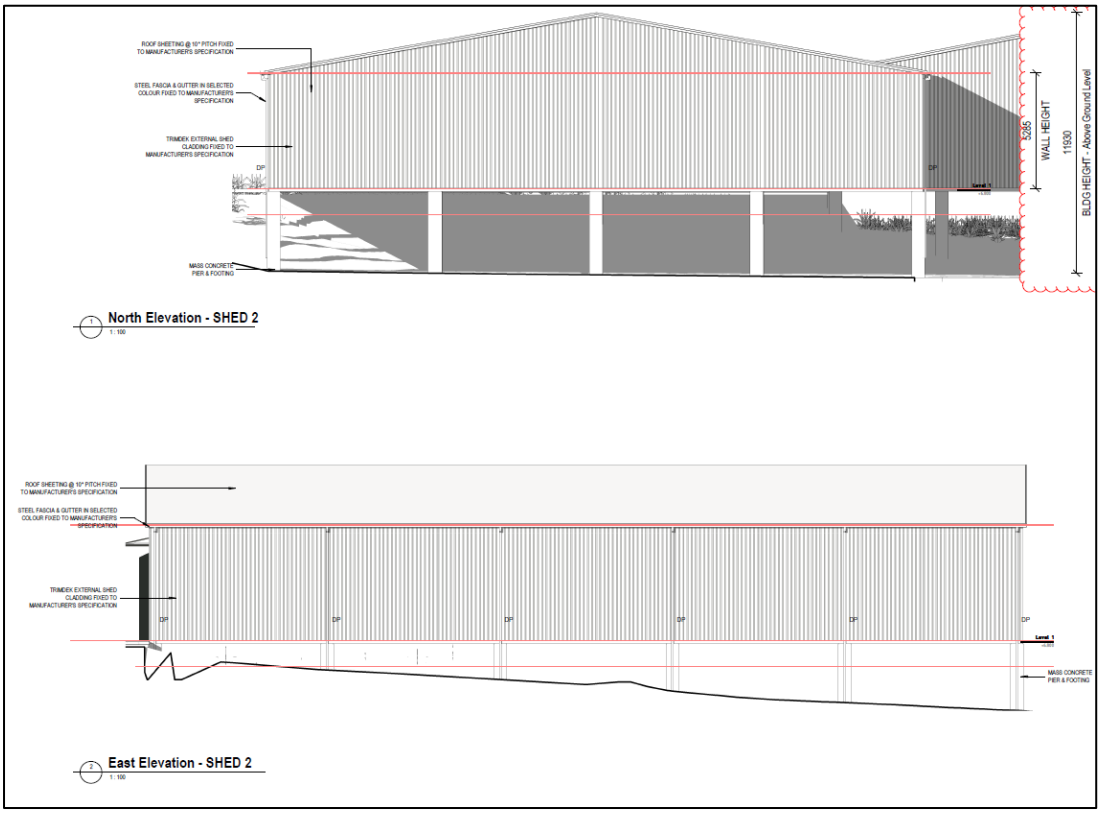


**Figure 13: Proposed Plan of Development – South and West Elevations (Shed 2)**

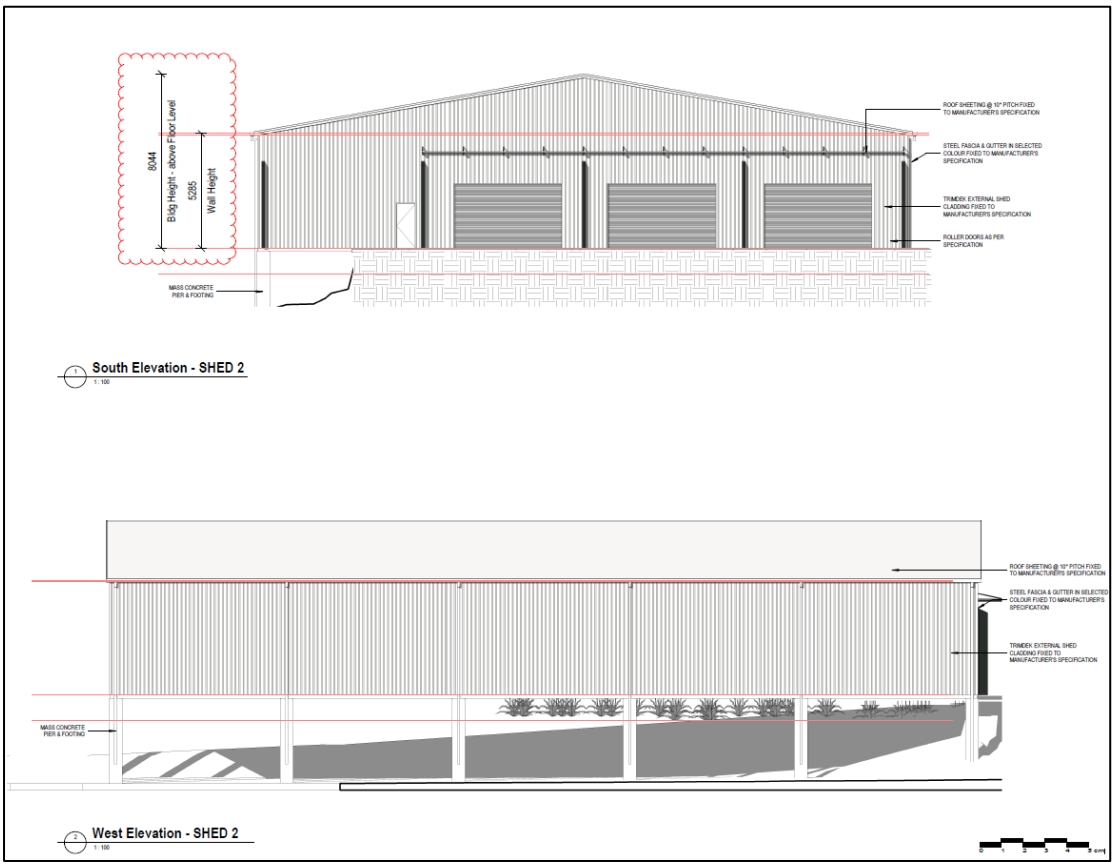



**Figure 14: Proposed Plan of Development – Elevation Finishes**

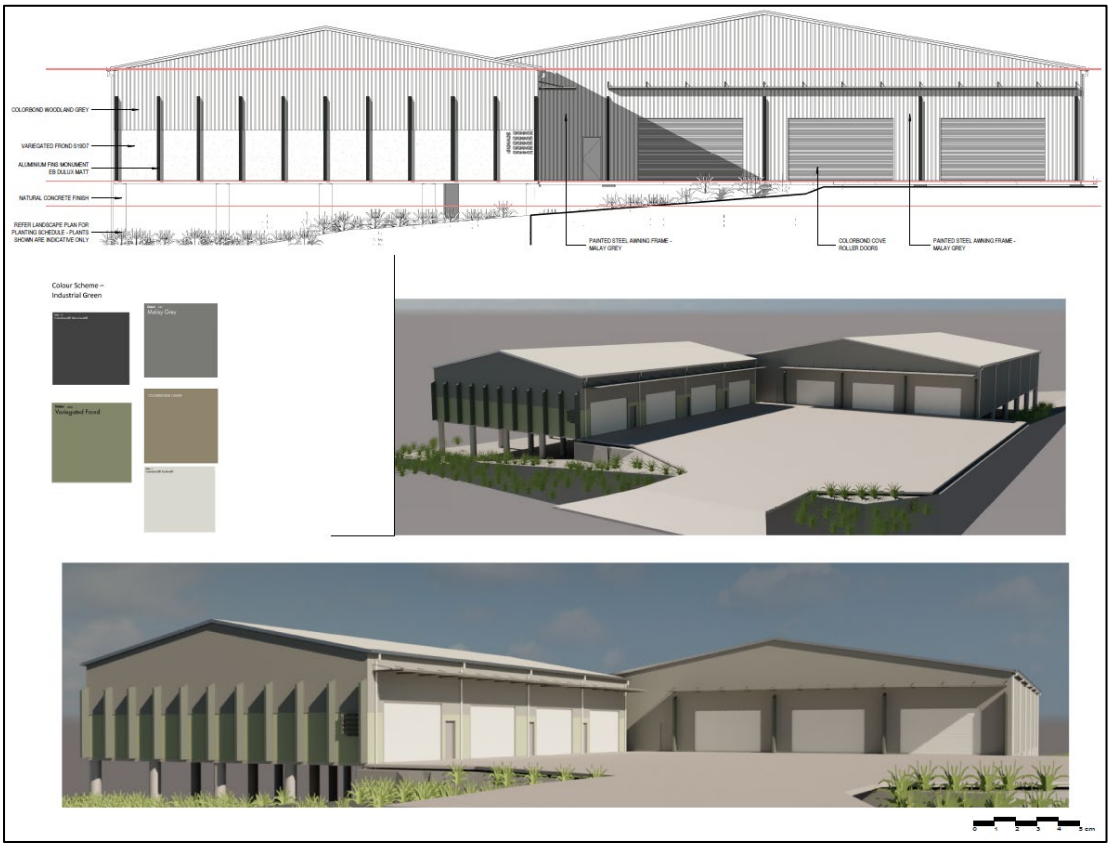


**Figure 15: Proposed Plan of Development – Sections for Shed 1**

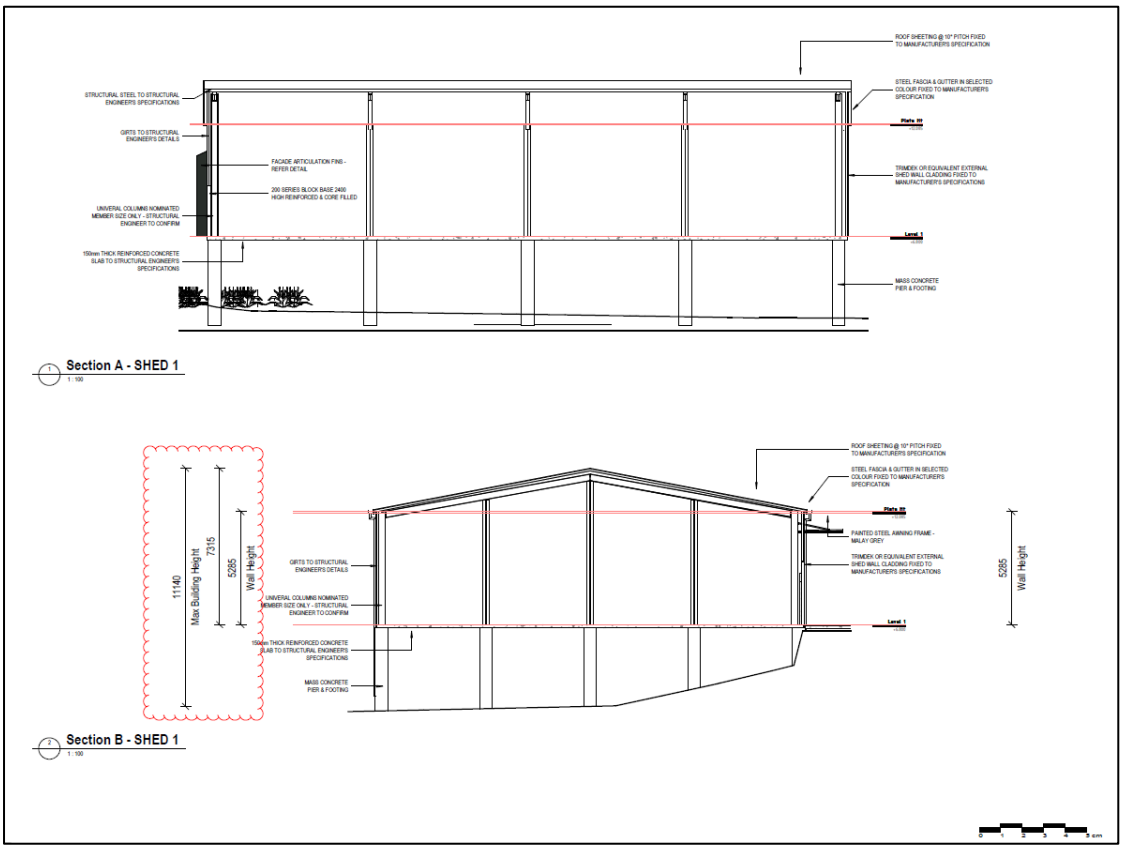



**Figure 16: Proposed Plan of Development – Sections for Shed 2**

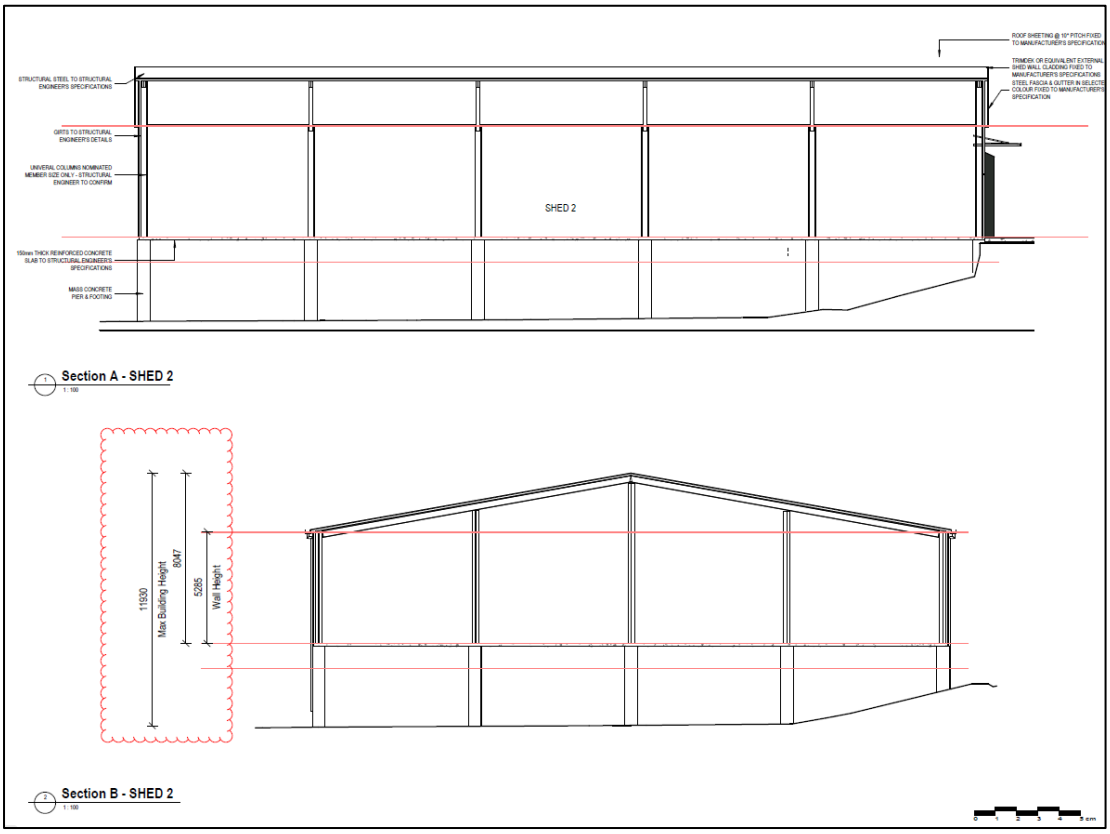
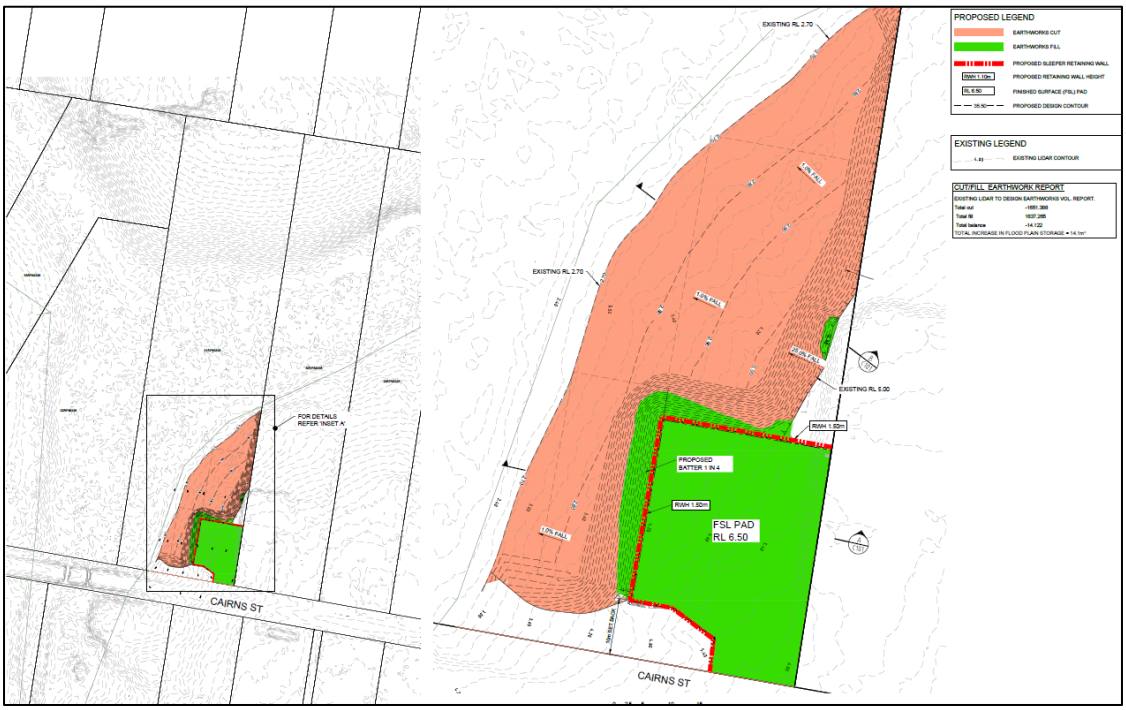


**Figure 17:** **Bulk Earthworks Layout Plan**




## PLANNING CONSIDERATIONS

This application is Impact Assessable and has been assessed, in accordance with s45 of the *Planning Act 2016* against the following:

When assessing the proposed development against the assessment benchmarks in a categorising instrument for the proposed development consideration has been given to the following:

- the Planning Regulation;
- the South East Queensland Regional Plan 2017;
- the State Planning Policy, part E, to the extent part E is not identified in the planning scheme;
- all relevant structure plans and master plans;
- all relevant temporary local planning instrument;
- all relevant variation approvals;
- the Logan Planning Scheme 2015; and
- the Local Government Infrastructure Plan.

Regard has also been given to the following:

- the development approvals for, and any lawful use of, the premises and adjacent premises; and
- the common material.

**The Planning Regulation 2017 - Schedule 12A Walkable Neighbourhoods**

On 28 September 2020, the Planning Regulation 2017, Schedule 12A (the regulation) was amended to ensure new residential subdivisions in Queensland are designed to promote healthy and active communities by creating walkable

neighbourhoods. All new reconfiguring lot applications will be assessed against benchmarks relating to walkable neighbourhoods in ***Table 1**: **Assessment Benchmarks - PA2017 Regulation Schedule 12A***.

The schedule applies where:

- The reconfiguration is for the creation of two or more lots (each a ***created lot***); and
- The lots are located (wholly or partly) in a residential zone (low density residential zone, low-medium density residential zone, medium density residential zone, high density residential zone, character residential zone or tourist accommodation zone, emerging community zone and mixed use zone); and
- At least one lot is intended mainly for a residential purpose; and
- The reconfiguration is associated with the construction or extension of a road (this excludes laneways and pedestrian or bicycle paths).

The purpose of the assessment benchmarks under Part 2 section 3 of the regulation is to "*ensure the reconfiguration supports convenient and comfortable walking for transport, recreation, leisure and exercise in the locality of the lot"*.

As the proposal does not relate a reconfiguring a lot, this section of the regulations will not apply.

**Koala habitat**

The application proposes development located within mapped Koala Habitat Area as per the State's DA mapping. As such, the development is assessable against Schedule 10 - Part 10, Division 3, Subdivision 1 Assessable development s16B. However, this section does not apply, as the development currently meets item (a) in subsection 2 (reproduced below):

*"(2) However, subsection (1) does not apply to the extent the development— is exempted development".*

Definition "k" of Exempted development states:

*"development, other than development mentioned in any of paragraphs (a) to (j), that results in a total area on the premises of 500m$^2$ or less of 1 or more koala habitat areas being cleared of native vegetation since 7 February 2020, disregarding an area cleared of native vegetation if any of paragraphs (l) to (p) applies to the clearing;"*

The mapped koala habitat area on the subject site is mostly limited to the area of containing existing vegetation. A small area of earthworks is proposed within this area. However, should any vegetation to be impacted upon, total clearing is likely to be less than 500m$^2$ (currently the disturbed area is proposed to approximately 114m$^2$). Therefore, the proposed development will still comply with definition "k" of Exempted development under the *Planning Regulation 2017* by removing less than 500m² of koala habitat area. As such, no further assessment against Schedule 10, Part 10, Division 3, Subdivision 1, s16B has been required.

**South East Queensland Regional Plan 2017**

The subject site is located within the "Urban Footprint" of the *South East Queensland Regional Plan 2017*.

The intent of the Urban Footprint is to identify *"… land within which the region's urban development needs to 2041 can be accommodated in a way consistent with the goals, elements and strategies of ShapingSEQ".* This proposal is consistent with same.

**State Planning Policy**

The 2014 State Planning Policy is reflected within the Logan Planning Scheme 2015; however, the current 2017 State Planning Policy has not been reflected. Specific consideration has therefore been given to the following matters, which reflect the key changes to the 2017 State Planning Policy:

- Strategic ports;
- Strategic airports and aviation facilities;
- Infrastructure integration;
- Mining and extractive resources, relating to key resource areas; and
- Water quality, relating to South East Queensland (SEQ) Water water resource catchments, pipelines and channels; and
- Natural hazards, risk and resilience.

***Strategic ports and Strategic airports and aviation facilities***

Those matters relating to Strategic ports and Strategic airports and aviation facilities have been considered but are not impacted by this application.

***Infrastructure integration***

The State Planning Policy states that the following state interest policies for Infrastructure integration must be appropriately integrated in planning and development outcomes:

(1) The outcomes of significant infrastructure plans and initiatives by all levels of government are considered and reflected, where relevant.

(2) Development achieves a high level of integration with infrastructure planning to:

  (a) promote the most efficient, effective and flexible use of existing and planned infrastructure;

  (b) realise multiple economic, social and environmental benefits from infrastructure investment;

  (c) ensure consideration of future infrastructure needed to support infill and greenfield growth areas; and

  (d) optimise the location of future infrastructure within communities to provide greater access to facilities and services and enable productivity improvements.

(3) Development occurs:

  (a) in areas currently serviced by state and/or local infrastructure and associated services; or

  (b) in a logical and orderly location, form and sequence to enable the cost effective delivery of state and local infrastructure to service development.

(4) Existing and planned infrastructure is protected from development that would compromise the ability of infrastructure and associated services to operate safely and efficiently.

These policies have been addressed as part of the assessment of the proposed development against the Infrastructure code and are considered to be appropriately integrated into the proposed development.

***Mining and extractive resources***

The site is not located within a key resource area and therefore, those aspects of Mining and extractive resources do not apply to the assessment of the proposed development.

***Water quality***

The site is not located within a South East Queensland (SEQ) Water water resource catchment and is not affected by SEQ Water pipelines and/or channels. Water quality has been adequately addressed through an assessment of the proposed development against the Infrastructure code, as per the below assessment.

***Natural hazards, risk and resilience.***

Please see below for an assessment against the relevant assessment benchmarks:

| **State Planning Policy 2017 Part E - Natural hazards, risk and resilience performance outcomes** | **Assessment** |
|---|---|
| (3) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level. | The subject site is affected by the Flood hazard overlay, Bushfire hazard overlay and Landslide hazard overlay. The proposal is not able to avoid the natural hazard area associated with flooding, and the proposed development is not able to mitigate the risks to people and property to an acceptable or tolerable level. Therefore, the proposed development is recommended to be refused in accordance with the requirements of the Flood hazard overlay code (TLPI No.1/2023). |
| (4) Development supports and does not hinder disaster management response or recovery capacity and capabilities. | The development has the potential to hinder disaster management responses, due to the lack of low hazard flood free vehicle access to the site. |

| | |
|---|---|
| (5) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties. | Compensatory cut and fill has been proposed, and the submitted Flood Impact Assessment confirmed that the flood hazard could be managed in such a way that the severity will not increase, however, the development has the potential to directly, indirectly and cumulatively cause damage at the subject site due to the location of building and structures within the mapped high flood risk area and high flow area at the site. |
| (6) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided. | The development does not propose to store hazardous materials, and this could have been conditioned to comply. |
| (7) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced. | The proposal does not maintain and enhance natural processes or the protective function of landforms and vegetation that can mitigate risks associated with the natural hazard. Compensatory cut and fill including retaining walls and extensive earthworks are proposed to create a building and vehicular manoeuvring pad at the site and the cut and fill proposed exceeds the extent supported within the Flood hazard overlay code (TLPI No. 1/2023). |

**A temporary local planning instrument**

Temporary Local Planning Instrument No. 1/2023.

**Variation Approval**

Not Applicable.

**Relevant development applications/approvals over the premises the subject of the application**

Refer to the Background section of this report.

**Relevant development applications/approvals over adjacent premises or in the surrounding locality**

- MCUI/46/2015 - 54 Cairns Street, Loganholme for a Material change of use for Light Industry
- MCUC/38/2007 - 35-27 Cairns Street for a Material change of use for Warehouse (Storage of Mining Equipment)
- MCUC/27/2023, 23-29, 31-33 Cairns Street for a Material change of use for Low Impact Industry.
- MCUC/1/2020, 19-21 Cairns Street for a Material change of use for Warehouse and Low Impact Industry, being for temporary uses only.

**Logan Planning Scheme 2015**

The following is an assessment of the application against the assessment benchmarks of the Logan Planning Scheme 2015. The relevant assessment benchmarks are listed in the table below:

| Zone Code | Development Codes | Overlays |
|---|---|---|
| 6.2.4 Environmental management and conservation zone code | 9.4.2 Filling and excavation code<br>9.4.3 Infrastructure code<br>9.4.4 Landscape code<br>9.4.7 Servicing, access and parking code | 5.10.1 Acid sulfate soils overlay<br>5.10.2 Biodiversity areas overlay<br>5.10.3 Bushfire hazard overlay<br>5.10.5 Flood hazard overlay<br>5.10.8 Landslide hazard and steep slope area overlay<br>5.10.14 Waterway corridors and wetlands overlay |

***Zone Code***

***Environmental management and conservation zone code***

The purpose of the Environmental management and conservation zone is to provide for the protection and maintenance of areas that support 1 or more of the following:

a. biological diversity;
b. ecological integrity;
c. naturally occurring landforms;
d. coastal processes.

The subject site is located within the Environmental management precinct. As expressed in the Overall outcomes, the Environmental management and conservation zone is intended to protect the natural environmental and scenic amenity values, and provide for Rural activities within the Rural environmental management precinct and Environmental management precinct, which are at a scale and intensity that protects the high conservation values and is consistent with the intent of the zone or precinct.

The proposed development has been assessed against the Acceptable Outcomes (AOs) and Performance Outcomes (POs) of the Environmental management and conservation zone code and complies with all of these requirements, with the exception of those provisions that relate to PO1, PO4, PO6 and PO11. An assessment against these provisions is provided below.

***Performance Outcome 1***

| **Land use** | |
|---|---|
| **PO1**<br>A use in the Environmental management and conservation zone is for uses identified in:<br><br>a. section 6.2.4.2(3)(c)(i) overall outcomes for the Conservation precinct; or<br>b. section 6.2.4.2(3)(d)(i) overall outcomes for the Environmental management precinct; or<br>c. section 6.2.4.2(3)(e)(i) overall outcomes for the Rural environmental precinct. | **AO1**<br>A use in the Environmental management and conservation zone is for uses identified in:<br><br>a. section 6.2.4.2(3)(c)(i) overall outcomes for the Conservation precinct; or<br>b. section 6.2.4.2(3)(d)(i) overall outcomes for the Environmental management precinct; or<br>c. section 6.2.4.2(3)(e)(i) overall outcomes for the Rural environmental precinct. |
| **Assessment** | |
| The proposed development is seeking approval for a Warehouse use. A Warehouse land use is not a listed use within section 6.2.4.2(3)(d)(i) overall outcomes as contemplated within the Environmental management precinct of the Environmental management and conservation zone. As such, the proposal does not comply with Acceptable Outcome AO1. The land use requirements for the Environmental management precinct of the Environmental management and conservation zone are repeated in the Performance outcome PO1 and identified within the Overall outcomes. Therefore, the proposed land use will not be able to comply with Overall outcomes or the Purpose of the zone code. The assessment is escalated to the Strategic framework for assessment in relation to compliance. | |

***Performance Outcome 4***

| **Site Cover** | |
|---|---|
| **PO4**<br><br>A building or structure has a site cover that protects the visual amenity and is compatible with the bushland or natural landscape character of the zone. | **AO4**<br><br>A building or structure has a maximum site cover of 700m$^2$. |
| **Assessment** | |
| The proposed development is seeking to establish 2 new buildings at the site which extend from a central hardstand area to be provided for access, carparking and manoeuvring purposes. The total site coverage proposed will exceed 700m$^2$, with a proposed GFA of 1800m$^2$. As such, the proposal does not comply with Acceptable Outcome AO4 of the Environmental management and conservation zone code.<br><br>The site cover as expressed for this zone is intended to address the limited land uses contemplated, such as single residential dwellings or rural activities, within the Environmental management precinct, which is land typically land heavily constrained by hazards and contains natural values. Hazards at the subject site include flooding, landslide risk, bushfire hazard and natural values includes include waterways, vegetation and fauna corridor.<br><br>The proposed development is located within part of the site that has historically been cleared and is immediately adjoining land to the east which is used as a Contractors Yard. The subject site also forms the primary point of access to adjoining land. The proposed development footprint (roofed structure) will only result in a site cover of less | |

than 7% of the total site area. The proposed development will not result in the removal of any native vegetation and will be mostly located outside of the mapped biodiversity corridor at the site. Bushfire hazard and landslide hazards are able to be suitably managed. The waterway corridor is only impacted to a very minor extent, however, the flooding extent at the site, and within the portion of the site proposed to be developed, will be the primary constraint which impacts the ability to locate new structures as proposed.

The Concept Landscape Plan submitted indicates that the area between the Cairns Street frontage and the closest building can be partly screened from the street and achieve a level of compatibility with the intended bushland setting and natural landscape character for the zone and precinct. It is noted that Cairns Street comprises a range of mixed use activities, including a range of industrial uses, that are temporary and permanent in nature. Industrial style buildings in this location will also have minimal impact on the streetscape and will be compatible with the Mixed use zoned land which adjoins the site to east and south.

Notwithstanding, the proposal is not supported due to non-compliance with the Flood hazard overlay code, however, from a visual amenity and character perspective, the proposal would have been accepted as being achieving an appropriate balance between the retention of the natural vegetation values at the site, with sufficient additional landscape buffering, and having a built from that demonstrates compatibility with the nearby industrial uses associated with the Loganholme employment area. Therefore, Council officers were satisfied that the development complies with PO4 of the code.

***Performance Outcome 6***

| **General emissions** | |
|---|---|
| **PO6**<br>Development protects the intended amenity for the zone and precinct of an adjoining premises by having regard to:<br><br>a. noise emissions;<br>b. air emissions;<br>c. light emission;<br>d. radiation emissions;<br>e. vibration emissions. | **AO6**<br>Development complies with the following emissions standard of Planning scheme policy 3 - Environmental management:<br><br>a. Table 3.2.1.1 - Noise emission standards for the protection of residential amenity where adjoining a premises in a zone specified in 3.2.1(1)(a) of Planning scheme policy 3 - Environmental management;<br>b. Table 3.2.1.2 - Noise emission standards for the protection of general amenity where adjoining a premises in a zone specified in 3.2.1(1)(b) of Planning scheme policy 3 - Environmental management;<br>c. Table 3.2.2.1 - Air emission standards;<br>d. Table 3.2.3.1 - Light emission standards;<br>e. section 3.2.4 - Radiation emission standards;<br><br>Table 3.2.5.1 - Preferred weighted rms value for continuous and impulsive vibration acceleration ($m/s^2$) 1/80Hz. |
| **Assessment** | |
| The applicant has submitted a Noise Impact Assessment with the application prepared by Palmer Acoustics.<br><br>Noise impacts associated with the proposal on land located east and north of the subject site have been assessed. However, it is required to demonstrate that the predicted noise levels at the western boundary between the site and 18-22 Cairns Street Loganholme comply with the Council's noise limits.<br><br>Residential amenity criteria has been required to be used to assess the noise impacts on the existing residential dwellings to the north of the subject site, with area located within the Environmental management and conservation zone and Low density residential zone.<br><br>General amenity criteria has been used to assess the noise impacts on the existing industrial and/or commercial uses which are east of the site located within the Environmental management and conservation zone and Mixed use zone. Industrial and commercial uses are not defined as noise-sensitive uses and the existing industrial and commercial uses are located within both the Environmental management and conservation and Mixed-use zones, therefore, this criteria was accepted as appropriate as a Performance outcome in response to AO6, and the standards defined under Planning scheme policy 3 - Environmental management. | |

A noise barrier was recommended within the report, being a 2.1 metre high acoustic barrier along the eastern boundary at finished slab level. However, further information was requested from the applicant during the assessment of the application, including the following:

- Confirmation if the proposed development will operate on Sundays and Public Holidays, as this was not clear in the application material;
- Separation of the background noise levels (LA90) recorded on Sunday from other days of the week and to derive separate noise limits for Sundays and Monday to Saturday;
- Assessment of the cumulative noise impact from all the potential noise sources, including forklift reverse beepers, truck idling and truck doors closing;
- Confirmation that the predicted LAmax noise levels at the northern (LAmax 60 dB(A)) and eastern (LAmax 80 dB(A)) boundaries of the site complies with the Council's noise limits;
- Confirmation that the predicted LAeq and LAmax noise levels at the western boundary of the site complies with the residential amenity criteria; and
- Details on how the attenuation distance was calculated when assessing the noise impacts from loading and unloading activities within the proposed Warehouses.

Based on this outstanding information not being provided, Council officers could not confirm if the development was able to comply, in terms of a performance outcome PO6 at time of the assessment. However, it is considered likely that the applicant would have been able to demonstrate compliance subject to conditions. It is expected that this would have likely been resolved had Council officers supported the development and were not recommending refusal due to the flooding constraints at the site. Therefore, it is accepted that PO6 would be satisfied subject to conditions.

***Performance Outcome 11***

| **Design** | |
|---|---|
| **PO11**<br><br>A development in the Environmental management precinct has a dominant bushland or natural landscape setting. | **AO11**<br><br>No acceptable outcome provided. |
| **Assessment** | |
| As discussed in relation to PO4, the proposal, from a visual amenity and character perspective, is accepted by Council officers as achieving an appropriate balance between the retention of the natural vegetation values at the site, with sufficient additional landscape buffering, and having a built form demonstrating compatibility with nearby industrial uses.<br><br>The proposed buildings will feature the following:<br>• Architectural elements, including aluminium fins, to the southern façade of Warehouse building 1 fronting the road;<br>• Awnings above the roller doors of the proposed Warehouse buildings;<br>• Demonstration of a variation in colours, including greys, brown, beige and olive shades;<br>• Two-toned elevations; and<br>• Landscape screening along the road boundary.<br><br>Therefore, the proposed land use will be able to generally comply with the intended character, having a dominant bushland setting and natural landscape character due to the existing vegetation and natural values at the site, with the new buildings being softened by landscaped buffering from the Cairns Street Road frontage. | |

***Development Codes***

The development has been assessed against all of the applicable requirements of the identified Development Codes as follows:

***Filling and excavation code***

The purpose of the code is to protect premises, people and natural processes from adverse impacts associated with filling or excavation. Council's Development engineers have reviewed the proposal, and the development is able to comply with the PO5, PO6, PO7 and PO8. Detailed erosion and sediment control plans are able to be prepared and

submitted at Operational work stage. Topsoil and spoil is able to be stockpiled during the construction stage in accordance with the requirements of Part 3.3 - Filling and excavation standards in Planning Scheme Policy 5 – Infrastructure, subject to conditions.

***Performance outcome 5***

| **Protection and enhancement of personal health and safety and premises** | |
|---|---|
| **PO5**<br><br>Filling or excavation works do not adversely affect personal health and safety. | **AO5**<br><br>Filling or excavation works comply with part 3.3 - Filling and excavation standards in Planning scheme policy 5 - Infrastructure. |
| **Assessment** | |
| The development proposes to undertake extensive earthworks within the site to provide a levelled vehicle manoeuvring pad as the topography of the site contains significant slope away from the Cairns Street frontage towards the waterway and biodiversity areas at the rear and along the western portion of the site. The engineering report submitted with the application confirms that excavation is proposed to ensure that compensatory cut and fill occurs to maintain the hydrologic capacity of the site. The proposed sheds are constructed on piers to reduce further filling within the mapped flood affected and waterway area. A Flood impact assessment report has been submitted with the application; however, the proposal is recommended for refusal based on non-compliance with the Flood hazard overlay code. Notwithstanding, the proposed filling and excavation works could have been designed to generally comply, subject to conditions in the absence of this issue at the site. | |

***Performance outcome 6***

| **Surface water flow** | |
|---|---|
| **PO6**<br>Surface water drainage does not cause any of the following:<br><br>a. ponding on any premises; or<br>b. a hazard or adversely affect personal health and safety and premises; or<br>c. diversion or concentration of flow from or onto adjoining premises or infrastructure. | **AO6**<br><br>Surface water drainage complies with part 3.3 - Filling or excavation standards in Planning scheme policy 5 - Infrastructure. |
| **Assessment** | |
| Development engineers have indicated that the proposed filling at the eastern boundary has the potential to create water ponding on the adjoining property as described within the responses to the Infrastructure code. Therefore, adequate measures supported with hydraulic calculations would have been required to confirm the proposed solution (being a swale along the boundary) will capture the flows from the eastern catchment and convey them to the lawful point of discharge at the subject site. This requirement is able to be conditioned to be addressed at Operational works stage and comply with PO6. However, due to the proposal being refused primarily due to flooding matters, the conditions have not been supplied. | |

***Performance outcome 7***

| **Batters** | |
|---|---|
| **PO7**<br>A batter:<br><br>a. does not adversely affect the natural physical processes and ecosystems;<br>b. protects existing and planned infrastructure;<br>c. is safe, stable and easily maintained;<br>d. is landscaped to enhance visual amenity. | **AO7**<br><br>A batter is designed and constructed to comply with the standards specified in 3.3.6 - Batters and retaining walls in Planning scheme policy 5 - Infrastructure. |
| **Retaining walls** | |
| **PO8** | **AO8** |

| | |
|---|---|
| A retaining wall:<br><br>a. is not constructed of timber and is not located on existing or proposed lot boundaries, or movement networks;<br>b. does not adversely affect the natural physical processes and ecosystems;<br>c. is located to avoid conflict with adjoining premises;<br>d. is located such that existing and planned infrastructure is not adversely affected;<br>e. protects the visual amenity of adjoining premises or a public open space;<br>f. is located within the premises that is being filled;<br>g. is located within the premises that is cut and is designed to take any surcharge loading allowable on the uphill lot;<br>h. is safe and stable;<br>i. enables easy access for maintenance. | A retaining wall is designed and constructed to comply with the standards specified in section 3.3.6.2 - Retaining walls in Planning scheme policy 5 - Infrastructure. |
| **Assessment** | |
| The proposed development will require retaining walls with a maximum height of 1.5m to be constructed around the hardstand area. However, beyond the proposed retaining walls, earthworks are proposed to create significantly high 1:4 grade batters which create the excessively high pad levels for the central vehicle manoeuvring area. However, most of the proposed retaining walls and tall batters appear will be obscured under the raised sheds which are proposed to be erected over the top of this area and extend from the central manoeuvring area. This will minimise the visual impact. Furthermore, buffer landscaping is proposed along the site frontage to assist with screening the under-croft areas of Shed 1 which is the visible from the road. Council's development engineers consider the batters and walls to be acceptable due to the prevailing site constraints with remaining portions of the site being retained in a natural site including the waterway corridors and biodiversity areas. The landscaping proposed at the site and onsite rehabilitation proposed in order to comply with the waterway corridor will ensure the stability of the earthworks. Further details would have been assessed at Operational works stage, subject to conditions. However, in terms of PO7 and PO8, the proposed development generally complies with the Performance outcomes of the filling and excavation code subject to addressing the external catchment flows to the east. | |

***Infrastructure code***

The purpose of the Infrastructure code is to ensure that infrastructure is provided to service development. The proposed development has been assessed against the AOs and POs of the Infrastructure code and complies with all of these requirements. Further details regarding assessment is provided below.

***Movement network***

Cairns Street is an Industrial access road in accordance with the road hierarchy defined within Planning Scheme Policy No.5 – Infrastructure. Most of Cairns Street along the development frontage is sealed with gravel shoulders and a grassed table drain. Frontage works, including kerb and channel, would be required along the full frontage of the site. Within the submitted engineering report, the applicant proposes to limit the frontage work to only the developed portion of the site to avoid filling within the the road verge along the western portion of the frontage, closer to the waterway. However, frontage works to the Industrial access road standard including associated stormwater infrastructure and a footpath would be required to be constructed along the full frontage if the development were to be approved. The applicant did not submit engineering concept plans for the Cairns Street frontage works for the full length of the property frontage. This could have been resolved at Operational works stage and would have resulted in compliance with AO2 of the Infrastructure code. However, due to the proposal being recommended for refusal, based on non-compliance with the Flood hazard overlay code (TLPI No.1/2023), conditions will not be provided.

Access to the site is currently obtained via a shared single crossover from Cairns Street and this services the subject site and the adjoining property over 30-34 Cairns Street, Loganholme generally in accordance with the former approval over the site. The applicant proposes a new access crossover to service the proposed development. The applicant confirmed that adjoining property to the east will maintain the existing crossover at the site, located within the southeastern corner of the adjoining property. This will ensure that the proposed

development does not undermine access to the adjoining site. However, the adjoining site would be required to construct a new crossover in accordance with Council standards to service the adjoining property and this would have needed to be resolved between the two sites.

***Stormwater quantity***

The site generally falls in a north-westerly direction towards the existing waterway corridor which traverses across the site. The site's lowest point at the waterway is approximately 1.5m AHD and the level at the frontage is approximately 6.0m AHD. The lawful point of discharge is the existing waterway at the site. The applicant submitted a Stormwater management plan prepared by Hurley Consulting Engineers, which confirmed that the total impervious area will be approximately 3000m$^2$ relative to a total site area of 27,110m$^2$. Therefore, the resulting fraction of impervious area is only 11% which considered to be generally low due to the large undevelopable area of the site. The applicant has not proposed to provide stormwater mitigation due to the development only causing a minor increase in impervious area in comparison to the total site area, which will be largely retained in a natural state. This could have been supported due to the low post-development impervious area likely to result, however, the applicant did not supply a concept drainage layout plan showing an internal drainage system to capture the roof water/flows from the new hardstand areas and to convey it to the lawful point of discharge as part of the application. Therefore, this would have been required to be provided had the application been supported and if submitted compliance with the Performance outcomes PO8 and PO9 of the Infrastructure code would have been achieved.

There is an external stormwater catchment from the east that contributes to the site. The proposed filling at the eastern boundary may create water ponding on the adjoining property. Therefore, adequate measures supported with hydraulic calculations were requested in the Information Request to capture the flows from the eastern catchment and convey them to the lawful point of discharge. The applicant made representations as part of the Information response and suggested that a narrow swale drain could be provided along the eastern side of the hardstand area that accepts runoff across the property boundary with detail to be provided at Operational works stage. As a result, the development was accepted as generally complying with the Performance outcomes (PO8 and PO9) of the Infrastructure code, subject to providing a concept internal drainage layout plan as earlier mentioned.

***Stormwater quality***

The applicant has submitted a Stormwater Quality Management Plan prepared by Hurley Consulting Engineers in support of the proposed development. The proposal is for a bioretention garden in the landscape area at the front of the site to treat rainwater runoff. A total catchment area of 0.3549ha was modelled and the proposed filter area identified was 40m$^2$ which equates to 1.12% of the catchment area. The assessment demonstrated that a minimum filter area of 1.09% to 1.14% of the contributing catchment would be required to achieve the stormwater quality design objectives in accordance with AO10 of the Infrastructure code. As such, the proposed filter area was deemed adequate, and conditions could have been recommended seeking that the recommendations of the Stormwater Quality Management Plan be implemented. A final Stormwater Quality Management Plan would be requested to be approved as part of any Operational works application submitted; however, due to the proposed development being recommended for refusal, conditions will not be imposed.

***Water and sewer***

In terms of sewer, the development is intended to be serviced by a new connection to the existing gravity main located within the site. Connection is able to be made to one of the three manholes within the site.

An existing 150mm diameter water main is located on the southern side of Cairns Street at the site frontage. It is proposed to provide a large new water service and meter to the new development from the existing water main in Cairns Street. The size and details for the new water service and meter would be subject to hydraulic design.

Logan Water officers requested servicing plans be submitted with the proposal, however, the applicant did not provide this further information. It is likely, based on this further information being supplied, that the proposal would be able to connect to water and sewer reticulation in compliance with AO2 of the Infrastructure code. Detail would have been assessed further at Operational works stage.

***Electricity and telecommunications***

The development is able to connect to the existing electricity supply available to the site, subject to conditions. However, due to the application being proposed to be refused, conditions have not been recommended.

***Landscape code***

The purpose of the Landscape code is to enhance visual amenity of the built and natural environment. Technical Services officers have reviewed the submitted Concept landscape plan which indicates a landscape buffer along the site frontage on the subject site between the proposed Shed 1 and the Cairns Street frontage. The proposed planting pallet would consist of tree and shrubs known for their fire retardant / resistant qualities. The plans will generally satisfy PO1 of the Landscape code and can be conditioned along with standard conditions. However, conditions have not been recommended due to the proposed refusal of the development application.

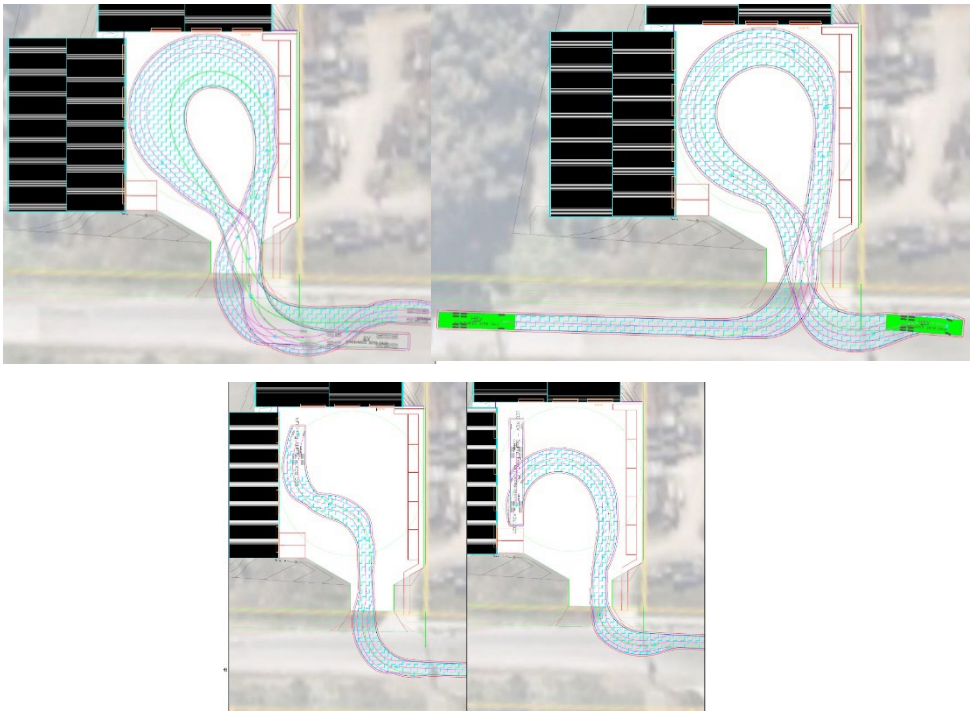
***Servicing, access and parking code***

The purpose of the Servicing, access and parking code is to ensure that development satisfies the demand for parking and provides safe, functional and legible parking, access and servicing. The proposed development has been assessed against the AOs, and seeks a performance outcome which relates to PO1. An assessment against PO1 is provided below. The proposal complies with APO2, PO4, PO5, PO7 are not applicable to the assessment. The development complies with AO3, AO6, AO8, AO9, AO10 and AO11.

***Performance outcome 1***

| **Provision of parking spaces for vehicles** | |
|---|---|
| **PO1**<br>Vehicle parking, loading and servicing and pick up/set down areas are provided that satisfy the expected demand for the number and type of vehicles likely to be generated by a use having regard to:<br><br>a. the particular circumstances of the premises including the:<br>i. nature, intensity and hours of operation of the use;<br>ii. desirability of providing a car park and attracting vehicles to the premises;<br>iii. maximum number of employees and customers to be on the premises at any one time;<br>iv. size, levels and dimensions of the premises;<br>b. the proximity of the premises to an existing or future Parking station, other available car park or public transport facility. | **AO1**<br>Vehicle parking, vehicle washing, loading and servicing and pick up/set down areas are provided:<br><br>a. for a use listed in Table 9.4.7.3.2 - Vehicle parking and servicing, to comply with columns 2 to 5 of Table 9.4.7.3.2 - Vehicle parking and servicing;<br>b. for a use not listed in Table 9.4.7.3.2 - Vehicle parking and servicing, in accordance with a car parking assessment report to be provided to the local government and prepared in accordance with Part 2 of Planning scheme policy 5 - Infrastructure.<br><br>Editor's note - For building work, Car parking for people with a disability is to be provided in accordance with Table D3.5 - Carparking spaces for people with a disability in the Building Code of Australia. |
| **Assessment** | |
| The proposed development is seeking approval for a Warehouse use. The two proposed buildings will result in a total of 1,800m$^2$ GFA being proposed at the site and in accordance with Table 9.4.7.3.2 - Vehicle parking and servicing of the Servicing, access and parking code, 18 car parking spaces are required to be provided for the use.<br>The applicant has submitted representations to Council stating that 7 car parking spaces can be provided outside of the turning circle area of the hardstand area at the site, as shown on the swept diagrams provided below **(*refer Figure 18*)**, which indicate that an Articulated Vehicle (AV) can turn within the site and leave the car parking areas unobstructed. The 2 spaces in front of building 1 will partly obstruct the roller door in front; however, this can be managed by the operators at the site. This results in a shortfall of 11 spaces at the site. | |

**Figure 18:** **Swept paths**



The applicant submitted a traffic report prepared by Bitzios which included a car parking survey, in justification of the proposed car parking provision at a rate of 1 space per 1 space per 257m$^2$.

The traffic consultant referred to the '*RTA Guide to Traffic Generating Developments 2002*' (RTA GTGD) and noted that in relation to industrial / warehouse type developments it states that:

- The results of parking surveys completed at 10 sites identified that the demand rate varied between 1 space per 80m$^2$ and 1 space per 960m$^2$.
- The average parking demand rate surveyed was 1 space per 380m$^{2;}$ and
- A rate of 1 space per 300m$^2$ GFA is recommended.

The proposed car parking rate for this development is higher than the recommendation of the RTA GTGD. In addition, the consultants sourced and reviewed publicly available industrial estate parking survey data for 3 industrial estates to determine likely peak industry / warehouse development parking demands. The peak car parking demand rates confirmed by the surveys were then compared to the rate proposed. This analysis confirmed that peak car paring rates varied between 1 space per 218m$^2$, at the lowest, to 1 per 749m$^2$ at the upper end of the range, with the average overall being 1 space per 297m$^2$ GFA. Therefore, the consultant concluded that there is a significant amount of evidence which supports lower industry / warehouse use car parking provision rates than that proposed as part of the development and that the car parking provision (being 1 space per 257m$^2$ GFA) was expected to be sufficient to accommodate typical peak demands. As a result, it would be acceptable from a traffic engineering perspective. The consultant also confirmed that the car parking will comply with AS2890 requirements.

The applicant has demonstrated that AV, HRV and RCV design vehicles are able to enter and exit the site in a forward gear through the submission of swept diagrams, as earlier referred to.

Therefore, the proposed development was accepted as meeting PO1, due to the justification provided that the car parking allocation for the use will be sufficient to meet the expected demand at the site.

***Overlay Codes***

The development has been assessed against all of the applicable requirements of the identified Overlay Codes as follows:

**Acid sulfate soils overlay code**

The purpose of the Acid sulfate soils overlay code is to ensure that acid sulfate soils do not adversely affect the natural and built environment and human health and safety.

As portions of the site are below RL 5m AHD and significant earthworks (>1600m$^3$) are proposed in these areas, acid sulphate soils will need to be addressed. The applicant has indicated in their civil engineering report submitted with the application that the site will need to be tested for acid sulphate soils and that they will carry out any required mitigation if they are encountered. An Acid Sulphate Soils investigation report is able to be conditioned to be carried out as part of an Operational works application.

The proposed development has been assessed against the Acceptable Outcomes (AOs) and Performance Outcomes (POs) of the Acid sulfate soils overlay code and is able to achieve compliance with all of these. Due to the proposal being recommended for refusal, no conditions will be imposed.

**Biodiversity areas overlay code**

The purpose of the Biodiversity areas overlay code is to connect biodiversity corridors; protect and enhance habitat values and ecosystem functions; protect scenic amenity values. The subject site is located within a primary vegetation management area identified on Biodiversity areas overlay map OM-02.01 and is located within the Biodiversity corridor identified on Biodiversity areas overlay map OM-02.02.

Technical Services officers have assessed the proposed development against the Biodiversity areas overlay code and the proposal achieves compliance with the AOs, and seeks a performance outcome which relates to PO1. The applicant provided an ecological assessment letter, which determined that the proposed development will not involve the removal of any native vegetation. Therefore, the development has demonstrated compliance with AO2.1 and the applicant proposes to rehabilitate degraded areas in accordance with details discussed within the Waterway corridor and wetlands overlay code, in compliance with AO2.2 of the Biodiversity areas overlay code.

***Performance criteria PO1***

| **Biodiversity corridors** | |
|---|---|
| **PO1**<br>Development in a Biodiversity corridor identified on Biodiversity areas overlay map OM-02.02 is designed and located to:<br><br>a. provide for habitat links;<br>b. facilitate safe wildlife movement;<br>c. facilitate wildlife refuge;<br>d. enhance habitat values;<br>e. rehabilitate degraded areas with native vegetation.<br><br>Note - Compliance with this performance outcome is to be demonstrated by a detailed ecological assessment report prepared in accordance with Part 2 of Planning scheme policy 3 - Environmental management. | **AO1**<br>Development is located outside a Biodiversity corridor identified on Biodiversity areas overlay map OM-02.02. |
| **Assessment** | |
| The applicant has demonstrated that there will be no physical structures located within the Biodiversity corridor as identified on the Biodiversity areas overlay map OM-02.02. However, the northern portion of the proposed earthworks footprint will encroach into the mapped Biodiversity corridor area. Despite this, no trees are proposed to be removed and a large portion of the site along the waterway will remain vegetated as existing.<br><br>The vegetated portion of the site has a width that varies between approximately 190 metres to 300 metres. This area is contiguous with similar vegetation on adjacent properties and is sufficient to provide for the protection and enhancement of the Biodiversity corridor. The applicant has also submitted a Concept rehabilitation plan which proposes weed control measures as well as a proposed rehabilitation area within the mapped waterway and wetland buffer areas at the site, outside of the intended development footprint (disturbed area). This is intended to provide for the planting of groundcover species and possible canopy or mid-storey species, where required. Council's Technical Services officers are satisfied that compliance with PO1 has been demonstrated and that the development is able to provide for and maintain habitat links (due to no clearing being proposed), facilitate safe wildlife movement and refuge, enhance habitat values, and aid in the rehabilitation of degraded areas of the corridor. | |

**Bushfire hazard overlay code**

The purpose of the Bushfire hazard overlay code is to protect people and premises in a Bushfire hazard area. The subject site contains area mapped as medium potential bushfire hazard area as identified on Bushfire hazard overlay map OM-03.00. The applicant has provided a bushfire hazard assessment and associated management plan, prepared by Bushfire Risk Reducers. Results from assessing the hazardous vegetation associated with the site indicate a minimum separation of 15 metres is required from the unmanaged vegetation and the proposed buildings to achieve a BAL 29. The proposed sheds appear to be located closer than 15 metres to this unmanaged vegetation; however, it should also be noted that, due to the development being non-residential development, the requirement to comply with AS3659-2018 is not mandatory. The report recommends asset protection zones be established within the existing cleared portion of the lot and it is not expected that it will impact on any rehabilitation requirements within the Biodiversity corridor and Waterway corridor/wetland buffer areas.

Direct vehicular access to the site is available from Cairns Street and access around the building is achievable on foot. The site is able to be connected to reticulated water supply. Conditions are able to be placed on the development to ensure any hazardous materials are stored in accordance with AS1940.

Technical Services officers have assessed the proposed development against the Acceptable Outcomes (AOs) and of the Bushfire hazard overlay code and confirm that the proposal achieves compliance with AO2, AO5 and AO7, with the exception of those that relate to AO4, therefore, an assessment against PO4 is provided below.

***Performance criteria PO4***

| **Vehicular access and fire maintenance trails** | |
|---|---|
| **PO4**<br>Access for fire management and evacuation is provided by access that:<br><br>a. separates premises from adjoining vegetation;<br>b. is safely accessible by fire fighting vehicles;<br>c. has regular vehicular access points for bushfire management, response and evacuation;<br>d. has regular vehicle passing and turning areas for bushfire management, response and evacuation;<br>e. allows access at all times for fire fighting vehicles;<br>f. allows for maintenance, burning off and bushfire response;<br>g. has vehicular links to an alternative through road;<br>h. is readily maintained.<br><br>Editor's note - Planning scheme policy 6 - Management of bushfire hazard provides details on alternative solutions for providing fire management access and evacuation | **AO4**<br>Access for fire management and evacuation is provided by vehicular access in the form of a perimeter road:<br><br>a. with a minimum reserve width of 20 metres;<br>b. located between the premises and adjoining vegetation;<br>c. with a maximum gradient of 12.5 percent;<br>d. constructed to otherwise comply with section 3.4 - Movement infrastructure standards of Planning scheme policy 5 - Infrastructure;<br>e. that has a layout that does not include a cul-de-sac. |
| **Assessment** | |
| The proposal does not include a perimeter road to be located between the proposed development and the hazardous vegetation at the site, and on adjoining sites. However, the site has direct frontage to Cairns Street, and being a non-residential use is able to be managed appropriately to manage risk in terms of operation and evacuation measures. The buildings at the site are able to be separated from adjoining vegetation through the establishment of asset protection areas, are able to be maintained. Access for fire fighting vehicles is available, and the site is assessable from major roads to the west. Conditions would be imposed in relation to the implementation of the recommendations of the Bushfire management plan prepared for the proposal, however, the development is not supported due to non-compliance with the Flood hazard overlay. Therefore, no conditions have been recommended; however, Council officers are satisfied that the development would have been able to comply with PO4 of the Bushfire hazard overlay code. | |

**Flood hazard overlay code**

This application was lodged prior to the implementation of the Temporary Local Planning Instrument (TLPI No.1/2023). Therefore, the proposal has been assessed in accordance with version 9 of the *Logan Planning Scheme 2015;* however, due to the application being Impact Assessable, the TLPI No.1/2023 is a relevant matter to the assessment of the

application. Therefore, the Flood hazard overlay code as per TLPI No1/2023 has been applied as follows, and as reflective of the most recent criteria in place for the assessment of flood hazard.

The purpose of the Flood hazard overlay code (TLPI No.1/2023) is to ensure development:

a. avoids, and where not possible to avoid, minimises the exposure of people, property and infrastructure to an intolerable level of flood risk;
b. maintains the accessibility and functionality of vulnerable uses and essential community infrastructure activities during and after all flood events;
c. improves the resilience of buildings to flood risk, while maintaining built form and amenity expectations;
d. supports safe, self-evacuation and does not increase the emergency management response or recovery burden;
e. increases the community's resilience to flood risk and minimises flood recovery time;
f. does not result in unacceptable flood risk to people, property, infrastructure and the environment;
g. avoids exposing people and property to isolation during flood events;
h. maintains the natural functions of the floodplain for the storage and conveyance of flood waters and avoids adverse impacts to natural overland flow paths.

Technical Services officers have assessed the proposed development against the Acceptable Outcomes (AOs) and Performance Outcomes (POs) of the Flood hazard overlay code (TLPI No.1/2023) and the proposal achieves compliance with some of the AOs, and seeks performance outcomes that relate to PO1, PO8, AO10/PO10, PO19 and PO21. An assessment of these is provided below.

The finished building pad level is proposed as 6.5 metres AHD, which is 200mm below the DFE. This is low flood hazard if velocities are low, which can be safely assessed for pedestrians and vehicles, and would comply with PO11. However, the driveway crossover has been proposed as at 6.42 metres AHD, therefore, is not defined as low hazard and does not provide for suitable low hazard access for the proposed development as per AO19/PO19.

***Performance outcome 1***

| **Part A - Risk compatibility (other than a Home-based business)** | |
|---|---|
| **Material change of use** | |
| **PO1**<br>A development envelope area is located outside of a High flood risk area identified on Flood hazard overlay map **OM-05.01** unless complying with the requirements identified in Table 8.2.5.3.2 - Land use compatibility in a high flood risk area.<br><br>Note - Planning scheme policy 10 - Flood includes guidance on demonstrating the qualifying criteria in Table 8.2.5.3.2 - Land use compatibility in a high flood risk area. | **AO1**<br>Development is contained in a development envelope area located outside of a High flood risk area identified on Flood hazard overlay map OM-05.01 |
| **Assessment** | |
| The subject site is almost entirely located within the High risk flood area with only small portions along the eastern property boundary close to the Cairns Street frontage are located within the moderate flood risk area. The proposal does not provide a development envelope area which is inclusive of the proposed structures to be located within the High flood risk area. Therefore, the proposed development will not comply with AO1 or PO1, which also requires that development only be located outside of the High flood risk area when complying with the requirements identified in Table 8.2.5.3.2 - Land use compatibility in a high flood risk area. This table is provided below. | |

**Table 8.2.5.3.2 - Land use compatibility in a high flood risk area**

| Zone | Land use | Qualifying criteria |
|---|---|---|
| Environmental management and conservation zone or Recreation and open space zone | A use other than an accommodation land use | **N/A** |
| Any zone | Rural activities other than Rural industry, Intensive animal industry or Intensive horticulture | **N/A** |
| | Nature-based tourism other than involving accommodation | **N/A** |

| | | |
|---|---|---|
| | Nature-based tourism involving accommodation | If -<br>a. located outside an area of flash flooding;<br>b. there are no permanent habitable buildings or structures attached to the land |
| | A use other than:<br>a. accommodation land use; or<br>b. vulnerable use | If there is no increase to the existing building footprint |
| | An existing lawful accommodation land use | If -<br>a. there is no increase to the existing building footprint;<br>b. there is no increase in the number of persons on the premises |

This table states that no qualifying criteria applies for a site located within the Environmental management and conservation zone and where the use is not involving an accommodation land use. This is due to the Environmental management and conservation zone only being intended to support limited accommodation uses, such as a Caretaker's accommodation, Dual occupancy (auxiliary unit) or a Dwelling house, and otherwise only contemplating compatible land uses such as Environment facility, Home-based business, Nature-based tourism, Park or Rural activities (excluding Aquaculture, Intensive animal industry, Intensive horticulture, Rural industry, Rural workers' accommodation, Wholesale nursery or Winery). This is due to the mapped constraints and environmental values that are inherently located at the site and this is reflected within the zoning.

The proposal is taken to be more reflective of the Mixed use zone, in terms of the proposed Warehouse use, and in this scenario, the qualification (where a use other than an accommodation or vulnerable land use) is that there is no increase in existing building footprint. The proposal will be increasing the building footprint at the site by 1,800m$^2$ GFA and therefore, would be taken as not meeting the requirements identified in Table 8.2.5.3.2 - Land use compatibility in a high flood risk area. The assessment is then taken to the Overall outcomes and Purpose of the Flood hazard overlay code, which is included further within this report.

| **Part B - Resilient building location, design and operations (other than a Home-based business)** | |
|---|---|
| **PO8**<br>Buildings and structures are located outside of a High flow area.<br><br>Note - Planning scheme policy 10 - Flood provides guidance on how to demonstrate compliance with this performance outcome where located in a Flood Investigation Area and it is proposed to undertake a detailed localised flood risk assessment. | **AO8.1**<br>New buildings and structures, other than fences, are located outside of a High flow area identified on Flood hazard overlay map **OM-05.02**. |
| | **AO8.2**<br>Enclosure of existing structures or areas underneath an existing building, such as an undercroft, does not occur in a High flow area identified on Flood hazard overlay map **OM-05.02**. |

**Assessment**

The proposal seeks to establish structures within the mapped High Flow Area. This mapping is defined as: the area in which a building is vulnerable to structural damage or failure from floodwater classified as H5 or H6 in Figure 6, as per Table 1 and Table 2 of the Australian Institute of Disaster Resilience (AIDR) Guideline 7-3 during flood events up to and including the defined flood event.

Only limited earthworks are accepted within the mapped High flood risk area, with buildings and structures not able to be supported due to the depth of the floodwaters within this area of the site. The High flow area may be subject to depth of greater than 2 metres or could involve fast flowing (greater than 2m/s) flood water under a 1% AEP (future climate) event. Buildings and structures located within these areas are vulnerable to failure. As such, they should not be located in this area.

Acceptable Outcome AO8.1 requires that new buildings and structures, other than fences, be located outside of a High flow area and this is further required as per Performance Outcome 8, which seeks that Buildings and structures

| | |
|---|---|
| be located outside of a High flow area, the proposal is not able to comply with AO8/PO8 and the assessment is escalated to the Overall outcome and purpose of the Flood hazard overlay code. | |
| **PO10**<br>Development is designed to account for the potential risk of inundation during flood events through compliance with the flood planning levels identified in Table 8.2.5.3.3 - Minimum flood planning levels.<br><br>Editor's note - Planning scheme policy 10 - Flood provides guidance on obtaining available flood level information for a property from Council, and resilient design. | **AO10**<br>Development complies with the minimum flood planning levels identified in Table 8.2.5.3.3 - Minimum flood planning levels. |
| **Assessment** | |
| The proposed building finished floor level is 6.8 metres AHD. The defined flood event for the site is 6.7 metres AHD, therefore, the proposed buildings will not meet the minimum flood planning levels identified in Table 8.2.5.3.3 - Minimum flood planning levels. This criteria requires that each of the proposed Warehouse building levels to have 500 mm freeboard above the DFE. This would have required the buildings to have building floor levels (and to have essential building services above) of a minimum of 7.2 metres AHD. Since the proposed building levels are only 100mm above the DFE, proposed development does not comply with AO10.<br><br>PO10 similarly requires that the development be designed in compliance with the flood planning levels identified in Table 8.2.5.3.3 - Minimum flood planning levels, which the development does not achieve. Therefore, the proposal is not able to comply with AO10/PO10 and the assessment is escalated to the Overall outcome and purpose of the Flood hazard overlay code. | |
| **Part D - Preservation of floodplain function and overland flow paths (other than a Home-based business)** | |
| **PO19**<br>Development, other than a vulnerable use or accommodation land use, has low flood hazard vehicle access to a low flood hazard road. | **AO19**<br>Development, other than a vulnerable use or accommodation land use, has flood-free vehicle access to a road that is above the flood level during a defined flood event. |
| **Assessment** | |
| The amended Hydraulic Impact Assessment proposes a low flood hazard pedestrian egress, however, Acceptable Outcome AO19 requires that flood free vehicle access be provided to a road that is above the defined flood event and the maximum level of the driveway crossover is 320mm below the defined flood level, therefore does not comply. The Performance Outcome refers to the development being required to have low flood hazard vehicular access to a low flood hazard road; however, the level of the driveway does not meet the requirements for low flood hazard access. Therefore, the proposal does not comply with AO19/PO19, and the assessment is escalated to the Overall outcomes and the purpose of the code.<br><br>It is noted that time of lodgement of the application, the Flood hazard overlay extent did not affect the entire extent of the site, under *Logan Planning Scheme 2015 (v9).* It could have been argued that the access being outside the Flood hazard overlay in the south eastern corner, at that time, however, new flood modelling studies had been adopted at the time, that would have also been given weight to, which meant that flood free access was always a concern and this was raised prior to the adoption of the TLPI No.1 with the applicant. | |
| **Part D - Preservation of floodplain function and overland flow paths (other than a Home-based business)** | |
| **PO21**<br>Filling and excavation in a High flood risk area or Flood investigation area identified on Flood hazard overlay map **OM-05.01** does not exceed:<br>a. a total volume of 20m$^3$;<br>b. a total area of 2,000m$^2$. | **AO21**<br>Where located in a High flood risk area or Flood investigation area identified on Flood hazard overlay map **OM-05.01**, filling and excavation, other than for a stormwater detention basin, does not exceed:<br>a. a total volume of 20m$^3$;<br>b. a total area of 2,000m$^2$.<br><br>Note - Planning scheme policy 10 - Flood provides guidance on stormwater management detention basin. |

| | |
|---|---|
| | |

**Assessment**

The development proposes works in excess of 20m$^3$ in a High flood risk area. Acceptable Outcome AO21 requires that filling and excavation does not exceed a total volume of 20m$^3$ and a total area of 2,000m$^2$, (other than for the purpose of a stormwater detention basin), therefore, the proposal does not comply. This is further required within Performance Outcome 21. As a result, the proposal is not able to comply with PO21 and the assessment is escalated to the Overall outcomes and Purpose of the Flood hazard overlay code.

Given the non-compliance with development does not comply with PO1, PO8, PO19 and PO21, further assessment is required against the Overall outcomes and Purpose of the Flood hazard overlay code.

**Purpose and Overall Outcomes**

**8.2.5.2 Purpose**

1. *The purpose of the Flood hazard overlay code is to ensure development:*
   a. *avoids, and where not possible to avoid, minimises the exposure of people, property and infrastructure to an intolerable level of flood risk;*
   b. *maintains the accessibility and functionality of vulnerable uses and essential community infrastructure activities during and after all flood events;*
   c. *improves the resilience of buildings to flood risk, while maintaining built form and amenity expectations;*
   d. *supports safe, self-evacuation and does not increase the emergency management response or recovery burden;*
   e. *increases the community's resilience to flood risk and minimises flood recovery time;*
   f. *does not result in unacceptable flood risk to people, property, infrastructure and the environment;*
   g. *avoids exposing people and property to isolation during flood events;*
   h. *maintains the natural functions of the floodplain for the storage and conveyance of flood waters and avoids adverse impacts to natural overland flow paths.*

2. *The purpose of the Flood hazard overlay code will be achieved through the following overall outcomes:*
   a. *Development in a High flood risk area identified on Flood hazard overlay map OM-05.01 does not expose people, property and infrastructure to intolerable flood risk by:*
      i. *limiting development to the following compatible land uses:*
         A. *Rural activities other than Rural industry, Intensive animal industry or Intensive horticulture; or*
         B. *Nature-based tourism and where involving accommodation, development is located outside of areas impacted by flash flooding and there are no habitable buildings permanently attached to the land; or*
         C. *where in the Environmental management and conservation zone or Recreation and open space zone, a use other than an accommodation land use; or*
         D. *a use other than an accommodation land use or vulnerable use, and there is no increase to the existing lawful building footprint; or*
         E. *where associated with an existing lawful accommodation land use, there is no increase to the number of persons on the premises and there is no increase to the existing lawful building footprint;*
      ii. *limiting reconfiguring a lot to:*
         A. *realignment of boundaries where not materially increasing the exposure of new lots to a High flood risk area, unless for the purpose of a drainage or environmental reserve; or*
         B. *creating an additional lot where the development envelope area is located outside of a High flood risk area, or the additional lot is only for the purpose of a drainage or environmental reserve;*

iii. *increasing the resilience of development to flood risk through building location, design and operations;*
iv. *maintaining the hydrological function of the premises.*

b. *Development in a Moderate flood risk area identified on Flood hazard overlay map OM-05.01 incorporates building location, design and operations that mitigate flood risk to people, property, infrastructure and the environment to a tolerable or acceptable level;*
c. *Other than for a Hospital located in the Meadowbrook flood assessment area identified on Flood hazard overlay map OM-05.04, vulnerable uses:*
   i. *are located outside of a Low flood risk area, Moderate flood risk area, High flood risk area and High flood island identified on Flood hazard overlay map OM-05.01 and OM-05.03;*
   ii. *are located in a Very low flood risk area identified on Flood hazard overlay map OM-05.01 only where:*
      A. *buildings have a flood planning level above the probable maximum flood;*
      B. *there is a low flood hazard vehicle evacuation route that leads outside the floodplain to a suitable area that supports the needs of evacuees;*
   iii. *maintain functionality and accessibility during and after all flood events up to and including the probable maximum flood;*
   iv. *do not increase the exposure of people and property to isolation during all flood events up to and including the probable maximum flood.*
d. *A Hospital in the Meadowbrook flood assessment area identified on Flood hazard overlay map OM-05.04 advances the intended health centre services while mitigating flood risk to people, property and infrastructure through:*
   i. *incorporating a building location, design and operations that are resilient to flood events;*
   ii. *maintaining functionality during and after all flood events, including the probable maximum flood;*
   iii. *not exposing people or premises to unacceptable risk during a defined flood event.*
e. *Essential community infrastructure activities are not located in the floodplain, unless:*
   i. *there is an overriding planning need for the use that cannot be met in a location outside of the floodplain;*
   ii. *development incorporates building location, design and operations that reduce the potential impacts of flooding;*
   iii. *development maintains functionality during and after all flood events, including the probable maximum flood;*
   iv. *where for Emergency services, development is accessible during and after all flood events up to and including the probable maximum flood.*
f. *Development in a Flood investigation area identified on Flood hazard overlay map OM-05.01:*
   i. *does not increase exposure of people, property and infrastructure to flood risk; or*
   ii. *demonstrates the development is compatible with the level of flood risk, including achieving the outcomes as relevant for a:*
      A. *High flood risk area;*
      B. *Moderate flood risk area;*
      C. *Low flood risk area, Very low flood risk area and High flood island where involving a vulnerable use or essential community infrastructure activities.*

*Note - Planning scheme policy 10 - Flood provides guidelines on how to prepare a detailed localised flood risk assessment to assist with achieving Overall Outcome f(ii).*

g. *Development does not locate buildings or structures in a High flow area.*
h. *Development is able to function safely during and immediately after flood events up to and including the defined flood event.*
i. *Development minimises flood recovery time, rebuilding costs and disruption to residents, businesses and the community.*
j. *Development does not compromise amenity, environmental, parks and open space outcomes in delivering flood risk mitigation strategies.*
k. *Development protects personal health, safety and the environment from the release of hazardous materials during a flood event.*
l. *Development does not add to emergency management or the evacuation burden during or after a flood event.*
m. *Development:*
   i. *where involving an accommodation land use or residential activities, has safe vehicle access to a low flood hazard road and road network that supports safe and efficient self-evacuation to a suitable flood-free area that contains local goods and services to serve the daily needs of people;*
   ii. *where not involving an accommodation land use or vulnerable land use, provides safe vehicle access to a low flood hazard road that supports safe and efficient self-evacuation;*

iii. *plans for the orderly and safe evacuation of people, including being supported by a flood emergency management plan in particular circumstances and where an active management entity exists;*
iv. *does not rely upon flood emergency management plans to alter land use tolerability to flood risk.*

*Editor's note - Flood emergency management plans should be utilised to assist in managing residual risk of development and should be implemented as a tool to plan for safe evacuation where an active management entity exists for the development.*

n. *Development does not directly, indirectly or cumulatively adversely impact the function and conveyance of flood waters and overland flow paths on the premises and off-site, including adjoining premises, infrastructure and the environment.*
o. *Development does not change the flood storage capacity or alter flood characteristics outside of a premises in a way that would result in:*
   i. *loss of flood storage;*
   ii. *loss or change to flow paths;*
   iii. *alteration in the speed of water flows;*
   iv. *reduction in flood warning times elsewhere in the floodplain.*

**Assessment**

The development does not comply with the following Overall outcomes of the Flood hazard overlay code:

- Overall outcome 8.2.5.2 (2)(a)(i)(D), as the use, which is not an accommodation land use or vulnerable use, results in an increase to the existing lawful building footprint at the site.
- Overall outcome 8.2.5.2 (2)(g), as the development proposes to locate buildings or structures in a High flow area.
- Overall outcome 8.2.5.2 (2)(m)(ii) as the development does not provide, where not involving an accommodation land use or vulnerable land use, safe vehicle access to a low flood hazard road that supports safe and efficient self-evacuation.
- Overall outcome 1 (a), Purpose of the code, as the development does not ensure that it avoids or minuses the exposure of people, property and infrastructure to tolerable level of flood risk.
- Overall outcome 1(d), Purpose of the code, as the development is unable to support safe, self-evacuation and has not demonstrated that it does not result in increases to emergency management burden responses or recovery burden.
- Overall outcome 1(f), Purpose of the code, as the development has not demonstrated that the flood risk to people, property, infrastructure and the environment is acceptable.

Notwithstanding the above, the development is able to demonstrate that it can meet Overall outcome 8.2.5.2 (2)(o) as compensatory cut and fill could be carried out in a manner which avoids changes to the flood storage capacity or alteration of flood characteristics outside of a premises which can avoid loss of flood storage, loss or change to flow paths, alteration in the speed of water flows or reduction in flood warning times elsewhere in the floodplain. However, the proposal is not able to demonstrate with other Overall outcomes outlined above.

Therefore, the development does not comply with the Purpose of the Flood hazard overlay code and due to this, the assessment is referred to the Strategic framework.

**Landslide hazard and steep slope area overlay code**

The purpose of the code is to protect the geological stability of premises, protect people and premises from the risk of landslide and to maintain the visual amenity of the area. Council's Development Engineers considered the extent of the landslide hazard area and steep slope overlay that is mapped at the site and confirmed that the area is confined to the banks of the Waterway corridor and wetland area at the site. No work is proposed within vicinity of the mapped waterway and a geotechnical report has not been required due to this. Therefore, due to development being located away from the mapped area AO/1PO1 of the Landslide hazard and steep slope area overlay code was not required to be addressed.

**Waterway corridors and wetlands overlay code**

The purpose of the code is to protect and enhance the ecological values, bank stability and scenic amenity of waterway corridors and wetlands and their riparian areas. The applicant submitted a Concept rehabilitation plan for the area proposed to be disturbed as a result of earthworks. Rehabilitation works will be restricted to a portion of the waterway and the wetland buffer mapped within the site. The proposed rehabilitation area is proposed to have a width of 25 metres and run from the southwestern corner of the site to approximately halfway into eastern portion of the site. The area nominated is beyond the proposed earthworks footprint. This area was selected as the rehabilitation area as it is the portion of the waterway and wetland buffer area that is the most degraded with the highest cover of weed species and is also the area closest to the proposed development area.

Following weed control and treatment, planting of native tube stock will primarily involve planting of groundcover species in portions of the rehabilitation area that support a low cover of native species. A schedule of canopy and mid-storey species has been provided in the event that some infill planting of these species is required.

In summary, Technical Services officers have assessed the proposed development against the Acceptable Outcomes (AOs) and of the Waterway corridors and wetlands overlay code and the development complies with these.

**LOCAL GOVERNMENT INFRASTRUCTURE PLAN**

The purpose of the Local Government Infrastructure Plan (LGIP) is to:

a. integrate infrastructure planning with the land use planning identified in the planning scheme

b. provide transparency regarding a local government's intentions for the provision of trunk infrastructure

c. enable a local government to estimate the cost of infrastructure provision to assist its long term financial planning;

d. ensure that trunk infrastructure is planned and provided in an efficient and orderly manner;

e. provide a basis for the imposition of conditions about infrastructure on development approvals.

There are no infrastructure items identified in the Schedule of Works in the LGIP for the subject site. However, as detailed in the assessment against the Infrastructure Code, necessary trunk infrastructure will be required, and officers have recommended these to be conditioned accordingly.

**STRATEGIC FRAMEWORK**

An assessment of the proposal has been undertaken against the Strategic Framework to determine if compliance with the planning scheme can be demonstrated. The Strategic Framework of the planning scheme identifies the policy direction and forms the basis for ensuring appropriate development occurs in the City. The strategic intent states:

*By 2031, Logan reflects the spatial elements identified in Figure 3.1–Strategic intent and will accommodate over 420,000 people and 130,000 jobs.*

The policy is structured over eleven (11) themes. Although each theme has its own section, the Strategic Framework is to be read in its entirety as the policy direction for the planning scheme. Comments for each theme have been provided below:

**Settlement pattern**

The strategic intent of the Settlement pattern theme is that *"The settlement pattern comprises the Urban footprint, the Future urban area, the Priority development area, the Regional landscape and rural production area and the Rural living area identified on SFM–01.00–Strategic framework map."*

Section 3.3.1 (1) of the Strategic Framework states that the urban footprint provides high quality places for people to live, work, learn and play and accommodates predominantly urban development. The subject site is located in the urban footprint in accordance with the SFM-01.00-Strategic framework map and the proposed development is for an urban purpose. Therefore, the proposed development complies with the Settlement Pattern theme of the Strategic framework.

**Residential**

The strategic intent of the Residential theme is that *"Over 70,000 new dwellings are built in Logan between 2009 and 2031. Residential development provides a range of housing sizes, types and tenures. Residential density is provided at an intensity that is compatible with the local context, public transport provision and infrastructure*

*capacity. Specialised residential accommodation is provided to meet the needs of those with special accommodation needs. Rural residential development continues to provide a lifestyle housing choice in Logan."*

The proposal is not for residential uses or accommodation activities, and the site is not contemplated for residential uses, outside of a single detached dwelling and other limited uses. Therefore, the Residential theme is not applicable to the assessment.

**Centres**

The strategic intent of the Centres theme is that *"Logan has a hierarchy and network of interrelated centres comprising principal centres, major centres, district centres, neighbourhood centres, and specialised centres. Centres are vibrant, accessible and integrated places."*

The proposal is not for centre activities and the site is not located within the Centres hierarchy or contemplated for centre uses. Therefore, the Centres theme is not applicable to the assessment.

**Employment**

The strategic intent of the Employment theme is that *"50,000 new jobs are provided in Logan between 2009 and 2031. Logan has a strong, resilient and diversified economy based on Logan's locational advantages to provide high levels of employment growth to achieve 65 percent employment self-containment by 2031. Employment areas facilitate business and industry in locations that provide employment close to where people live. Natural economic resources are protected and managed sustainably so they provide an ongoing social, environmental and economic benefit to the region."*

The subject site is not located within an identified employment area by virtue of the zoning; however, the site adjoins the Loganholme employment area as per Strategic Framework Map SFM-01.00 (**Refer Figure 19**) which encompasses most land fronting Cairns Street. The employment area excludes constrained areas and where subject to other environmental values, however, encompasses surrounding roads including but not limited to Chetwynd Street, Henry Street and Burchill Street. Due to the extent of constraints on the subject site, the proposal is not able to be supported; however, overall, the proposed land use would have been compatible with the broader employment area that the site adjoins and would have catered for an employment generating use, being a Warehouse, consistent with section 3.6.3.1 as per below.

***3.6.3.1 Specific outcomes***

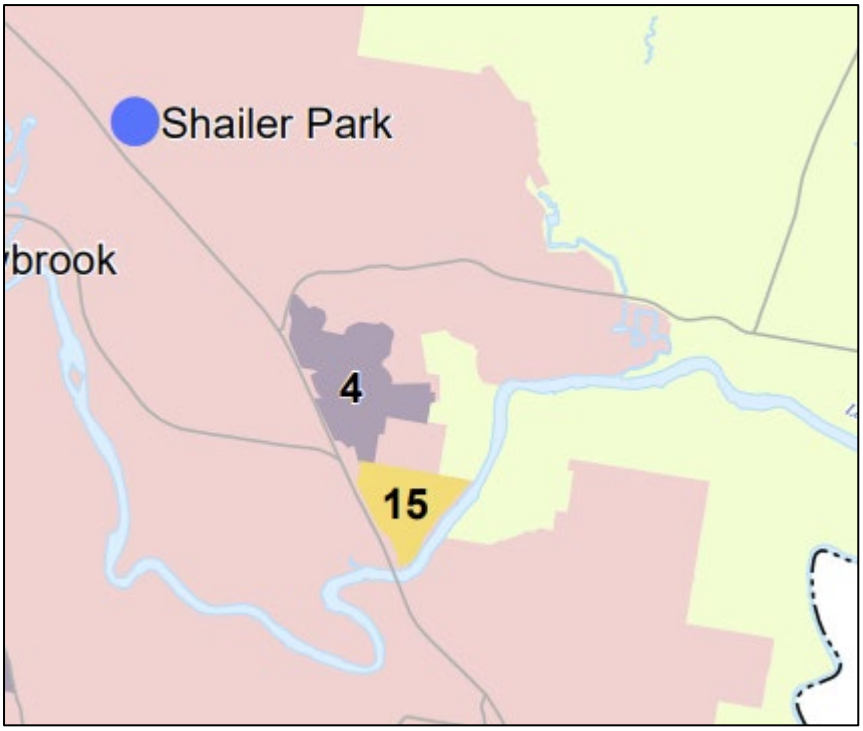
1. *An employment area shown on SFM-01.00 Strategic framework map:*
   a. *is not alienated, fragmented or encroached by development that may adversely affect the operation of an employment based use;*
   b. *accommodates employment based uses that because of their size or nature cannot reasonably be located in a centre;*

*Editor's note - Centre uses should be located in centres unless the requirements of section 5.8 are met.*

   c. *is consolidated by promoting the agglomeration of employment uses;*
   d. *provides high quality places for people to work;*
   e. *may include appropriate small-scale supporting uses compatible with the zone.*

2. *Employment areas identified on SFM-01.00 Strategic framework map in the Mixed use zone have:*
   a. *a range of low impact uses and compatible non-industrial and business uses that do not inhibit the land being used as an employment area where in the Enterprise precinct or Industry precinct;*
   b. *a range of business uses such as shops (excluding a supermarket), showrooms, offices and research and technology and service industries where in the Retail/commerce precinct;*
   c. *a use for an abattoir where in the Abattoir precinct.*
3. *Employment areas identified on SFM-01.00 Strategic Framework map have Low impact industry uses where in the Low impact industry zone and Low impact industry uses and Medium impact industry uses where in the Medium impact industry zone.*

**Figure 19: Extract of Strategic Framework Map SFM-01.00**




As a result, the Employment theme is not applicable to the assessment; however, the proposal would generally comply due to its proximity to other employment uses and has the potential to contribute to local employment, business and economic growth.

**Community**

The strategic intent of the Community theme is that *"Logan's community is well serviced and supported by community infrastructure. Open space and recreation uses and facilities are provided throughout Logan to meet the needs of the community. Local culture, heritage, and character is protected and enhanced to reinforce local community identity. Logan is a highly liveable city where development supports the wellbeing of Logan's diverse, multicultural community."*

The proposal does not relate to a community activity, community infrastructure, open space and recreation or local cultural heritage and the site does not contain a Community purpose zoning, therefore, the Community theme is not applicable to the assessment of the application.

**Rural**

The strategic intent of the Rural theme is that *"Rural land, including Agricultural Land Classification Class A and Class B land, continues to support sustainable rural production and the diverse activities associated with an active rural economy, providing social, economic and environmental benefits to the region. A range of rural enterprises complement rural production and provide employment, economic development and ancillary tourism opportunities on rural land."*

The subject site is not located within the Rural zone and the land is not classified as high quality agricultural land. Therefore, the Rural theme is not applicable to the assessment of the application.

**Natural environment**

The strategic intent of the Natural environment theme is that *"The natural environment is protected and enhanced. No net loss of biodiversity and ecological values is achieved by protecting and enhancing flora and fauna species, large viable areas of habitat and connecting corridors, vegetation, waterways, wetlands and ridgelines and a sustainable and viable population of koalas. The ecosystems of waterway corridors, wetlands, and their riparian areas are protected and enhanced."*

The subject site is affected by a Biodiversity areas overlay including primary vegetation management area, Biodiversity corridor and also the Waterway corridors and wetlands overlay.

As discussed in earlier sections of this report, the development is not proposing to remove vegetation from the site as the development footprint will be located within an existing cleared area of the site, that is free from native vegetation

other than grassed areas and an existing driveway which caters for the adjoining site. Rehabilitation works are proposed to ensure that the requirements of the Biodiversity overlay and Biodiversity corridor, as well as the Waterway corridor and wetland overlay are being met.

On this basis, this development itself is seen as complying with the Natural Environment Theme of the Strategic Framework.

**Natural hazards**

The strategic intent of the Natural hazards theme is that *"People and premises are protected from and are resilient to the potential risks associated with natural hazards. Greenhouse gas emissions, and the community's reliance on greenhouse gas emitting energy sources, are reduced. Acid and metal contaminants do not adversely affect the natural and built environment, and human health and safety."*

The subject site is located within the Bushfire hazard overlay, Flood hazard overlay and Landslide hazard areas overlay.

Specific outcome 3.10.2.1 (1) and (2) requires that people and premises are protected from and are resilient to natural hazards, taking into account the potential effects of climate change over time, having regard to:

a. *storm surge;*
b. *flooding and inundation;*
c. *coastal erosion;*
d. *bushfire;*
e. *landslide.*

*A use that is vulnerable to a natural hazard is:*

a. *not located in a natural hazard area; or*
b. *designed to effectively mitigate the potential effects of the natural hazard*.

As detailed within the responses to the Bushfire hazard overlay code and the Landslide hazard overlay code within this report, this can be sufficiently addressed at the site. As such the proposal is able to demonstrate that the development will protect people and premises from potential risks associated with these natural hazards as per Strategic outcome 3.10.1(3).

Specific outcome 3.10.2.1 (3) requires that development manages risks associated with flooding, having regard to:

a. *avoiding, and where not possible to avoid, minimising the exposure of people, property and infrastructure to an intolerable level of flood risk;*
b. *maintaining the accessibility and functionality of a vulnerable use and essential community infrastructure activities during and after all flood events;*
c. *maintaining the natural functions of the floodplain for the storage and conveyance of flood waters, and avoids adverse impacts to natural overland flow paths;*
d. *supporting safe self-evacuation and not increasing the emergency management response or recovery burden;*
e. *increasing the community's resilience to flood risk and minimising flood recovery time;*
f. *not resulting in unacceptable flood risk to people, property, infrastructure and the environment;*
g. *improving the resilience of buildings while maintaining built form and amenity expectations;*
h. *avoiding the exposure of people and property to isolation.*

As discussed in the assessment against the Flood hazard overlay code, the proposal is not able to meet in particular, Specific outcome 3.10.2.1 (3)(a)(c)(d)(f) and (h). The applicant is not able to locate or entirely contain the proposed development within a development envelope area that is outside of the High flood risk mapped area of the Flood hazard overlay (version 9 and TLPI No.1/2023) which is the current criteria which is being applied as a relevant matter to the assessment. In addition to this, the development is not able to provide low hazard flood free access to the use, in accordance with current levels (6.7 metres AHD as the DFE).

Therefore, the development is unable to avoid or minimise, the exposure of people, property and infrastructure to tolerable level of flood risk due to the siting of proposed new buildings and vehicle manoeuvring and car parking areas in areas that are mapped High flood risk, which contains deep areas of conveyance.

By proposing earthworks and retaining walls, as well as buildings and structures, with the mapped High flood risk area and also the High flow area, the proposal is not maintaining the natural functions of the flood plain for storage and conveyance of flood waters. This is due to the earthworks involved needing to create compensatory outcomes at the site, outside of acceptable thresholds.

As mentioned, the subject site does not have low hazard vehicular access from the property frontage and is below the defined flood event, therefore, is not able to comply with the requirement to support safe evacuation.

Council officers consider the development will cause an unacceptable flood risk to people and property, due to the extent of encroachment proposed and that it has the risk to expose people and property to isolation, due to the lack of low hazard vehicular access at the site.

In summary, the proposal has demonstrated that it has been designed and can be managed effectively to mitigate the potential effects of the bushfire hazard, or risks associated with the hazardous vegetation at the site, and on adjoining sites. Similarly, the Landslide hazard areas are located closer to the mapped waterway areas at the site, and likely could have been satisfactorily addressed via Operational works approval/s that the earthworks carried out could be safely in terms of landslide hazard. Therefore, due to the non-compliances with the Flood hazard overlay code (TLPI No.1/2023), the development does not satisfy the Natural Hazards Theme of the Strategic Framework.

**Design, place making and amenity**

The strategic intent of the Design, place making and amenity theme is that *"Logan has a high quality, well designed built environment that provides places for people that are attractive, functional, safe and accessible. The built and natural environment provides people with a high level of amenity, where the qualities of the environment enhance the physical and social wellbeing of people."*

Outcomes relating to Specific outcome 3.11.2.1 of the Design, place making and amenity theme are outlined below.

1. *Development creates a high quality, attractive and functional built environment that:*
    a. *provides highly desirable, attractive places that people want to be in;*
    b. *is responsive and sympathetic to the local topography and is consistent with and reinforces the intended character;*
    c. *is of an appropriate height, bulk, scale and mass and has an appropriate relationship with the road and surrounding area;*
    d. *defines and addresses roads through the height, bulk, scale, frontages and entrances of buildings;*
    e. *incorporates detailed design measures that create an attractive visual aesthetic;*
    f. *has landmark buildings of high architectural merit in nominated locations identified in a local plan or zone;*
    g. *creates or enhances views and vistas;*
    h. *enables pedestrians to move conveniently and safely along roads and public open space;*
    i. *provides places that can be accessed by people of all ages and abilities;*
    j. *strengthens the relationship between the built form, landscape and streetscape;*
    k. *integrates with public open space and the movement network;*
    l. *allows easy way finding for pedestrians;*
    m. *is adaptive to changes in use, lifestyle and demography;*
    n. *engenders civic pride.*
2. *Development is designed to support community safety by:*
    a. *providing casual and mechanical surveillance;*
    b. *providing legible environments;*
    c. *clearly delineating the boundaries between private and public open space;*
    d. *limiting the opportunities for graffiti and vandalism;*
    e. *reducing risk associated with potentially vulnerable places.*

As detailed in code responses in this report, the applicant amended the proposal plans throughout the assessment to include detailed design measures to improve the visual aesthetic of the Warehouses. Also, overall, Council officers did consider the proposal to be of an appropriate height, bulk, scale and mass and to have an appropriate relationship with surrounding area, due to the site's location, similar adjoining land uses and proximity to an employment area of the site.

As such, the proposal adequately addressed the Design, place making and amenity Theme of the Strategic Framework.

**Transport**

The strategic intent of the Transport theme is that *"Development is designed to encourage walking, cycling and the use of public transport, and reduce reliance on private vehicles. High quality pedestrian and cycle infrastructure is provided*

*in locations of good accessibility. An efficient public transport network is provided and integrated with development. An efficient road hierarchy and network is provided and integrated with development. "*

The proposed development is able to obtain access from the existing road network generally consistent with the requirements of the Infrastructure code, which would have necessitated the widening of Cairns Steet; however, the subject site is not able to meet the low hazard flood free requirements for access as required by the Flood hazard overlay code (No.1/2023). Therefore, the development does not comply with the Transport theme of the Strategic Framework.

**Infrastructure**

The strategic intent of the Infrastructure theme is that *"Efficient, cost effective, functional and sustainable infrastructure networks are provided and integrated with development. Key infrastructure sites and corridors are protected. Stormwater is managed in accordance with total water cycle management and water sensitive urban design principles. Waste is reduced to the greatest extent practicable, and managed and disposed of sustainably."*

The development is in an area intended for an urban purpose and is able to be appropriately serviced by all infrastructure networks, including roads, stormwater, electricity, water and sewerage. Appropriate consideration of infrastructure has been given by the proposed development as outlined with responses to the Infrastructure code. It is considered that the development complies with the Infrastructure theme of the Strategic Framework.

As noted above, the proposed development is inconsistent with the Natural hazards and Transport themes of the Strategic Framework. On balance, the application is therefore not considered to comply with the Strategic Framework of the planning scheme. Please see the discussion below regarding relevant matters that pertain to the proposed development.

**Public Notification**

In accordance with Part 4 (Public Notification) of the Development Assessment Rules, the applicant has informed Council that public notification was undertaken in accordance with s53 of the *Planning Act 2016*.

| | |
|---|---|
| **Start Date:** | 8 November 2023 |
| **End Date:** | 29 November 2023 |
| **Date of Final Notice:** | 5 December 2023 |
| **Number of Submissions:** | 0 Properly made |
| | 0 Not properly made |

**Any other relevant matter (for impact assessable applications only)**

Section 60(3) of the Act states that, to the extent an application requires impact assessment, the assessment manager has the discretion to either:

(a) approve all or part of the application;

(b) approve all or part of the application, but impose development conditions; or

(c) refuse the application.

In exercising this discretion and in accordance with Section 45(5) of the Act, the assessment manager of an impact assessable application may carry out an assessment against, or have regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise. As per the Act, examples of another relevant matter include planning need, the current relevance of the assessment benchmarks in the light of changed circumstances and whether assessment benchmarks or other prescribed matters were based on material errors.

In undertaking a balanced assessment of the proposal development against the planning scheme and any other relevant matters, Chapter 1, Section 5(1) of the Act states that *"an entity that performs a function under this Act must perform the function in a way that advances the purpose of this Act."*

In accordance with Chapter 1, Section 3(1) of the Act, the purpose of the Act is *"to establish an efficient, effective, transparent, integrated, coordinated, and accountable system of land use planning (**planning**), development assessment and related matters that facilitates the achievement of ecological sustainability."*

Section 3(2) of the Act further defines ecological sustainability as *"a balance that integrates—*

*(a) the protection of ecological processes and natural systems at local, regional, State, and wider levels; and*

*(b) economic development; and*

*(c) the maintenance of the cultural, economic, physical and social wellbeing of people and communities."*

As it relates to this application, Section 3(3) of the Act provides the following guidance regarding the terms referenced in Section 3(2) of the Act:

*(a) "protecting ecological processes and natural systems includes—*

*(i) conserving, enhancing or restoring the life-supporting capacities of air, ecosystems, soil and water for present and future generations; and*

*(ii) protecting biological diversity; and*

*(b) achieving economic development includes achieving diverse, efficient, resilient and strong economies, including local, regional and State economies, that allow communities to meet their needs but do not compromise the ability of future generations to meet their needs; and*

*(c) maintaining the cultural, economic, physical and social wellbeing of people and communities includes—*

*(i) creating and maintaining well-serviced, healthy, prosperous, liveable and resilient communities with affordable, efficient, safe and sustainable development; and*

*(ii) conserving or enhancing places of special aesthetic, architectural, cultural, historic, scientific, social or spiritual significance; and*

*(iii) providing for integrated networks of pleasant and safe public areas for aesthetic enjoyment and cultural, recreational or social interaction; and*

*(iv) accounting for potential adverse impacts of development on climate change, and seeking to address the impacts through sustainable development (sustainable settlement patterns or sustainable urban design, for example)."*

Building on this and with the purpose of the Act in mind, advancing the purpose of the Act is described by Chapter 1, Section 5(2) of the Act as including, amongst other things:

*(a) following ethical decision-making processes that—*

*(i) take account of short and long-term environmental effects of development at local, regional, State and wider levels; and*

*(ii) apply the precautionary principle, namely that the lack of full scientific certainty is not a reason for delaying taking a measure to prevent degradation of the environment if there are threats of serious or irreversible environmental damage; and*

*(iii) seek to provide for equity between present and future generations; and*

*(b) promoting the sustainable use of renewable and non-renewable natural resources, including biological, energy, extractive, land and water resources that contribute to economic development through employment creation and wealth generation; and*

*(c) avoiding, if practicable, or otherwise minimising the adverse environmental effects of development (climate change, urban congestion or declining human health, for example).*

The proposed development was subject to impact assessment and as such, involved public notification. The submissions received during this period have been reviewed and considered in the assessment of this application, as per the section above.

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:

- The proposal is unable to comply with AO1/PO1, AO8/PO8, AO10/PO10, AO19/PO19 and AO21/PO21 of the Flood hazard overlay code under the *Logan Planning Scheme 2015 (version 9*) (TLPI No.1/2023). This results

in further non-compliance with the Overall outcomes 2(A)(d), 2(g), 2(m)(ii) and Purpose of the code as the development is seeking to:

  - increase building footprint within the High flood risk area which also do not meet the minimum building levels;
  - locate buildings and structures within the High flow area; and
  - provide unsafe vehicle access to a road that is not low flood hazard thereby not allowing for suitable self-evacuation.

- The development does not comply with Natural hazard and Transport themes of the Strategic framework.
- Council officers did not consider there be any other relevant matters in favour of supporting the non-compliances with the Planning Scheme.

Based on a balanced assessment of the proposal against the planning scheme and having consideration to the relevant matters detailed above, it is recommended that the proposed development be refused.

**Human Rights Act 2019**

In accordance with the *Human Rights Act 2019*, Council has considered and assessed the potential impact to human rights in the assessment of this development application. In particular, Council has considered the potential impact of the proposed development on a person's property rights and privacy. Council considers that there are no human rights implications relevant to Council's decision in this matter.

**REFERRALS**

**Referral Agencies**

The application did not require any external Referrals Agencies.

**Internal Referrals**

This application was referred to the following internal Council Branches/Units for consideration and approval conditions of development:

- Development Assessment (Engineering)
- Economic Development and Strategy (infrastructure charges team)
- Technical Services (Hydraulics)
- Technical Services (Traffic/Transport)
- Technical Services (Social/Health)
- Technical Services (Environment)
- Technical Services (Parks/Landscaping)
- Water Infrastructure Branch (Water and Sewer)

**CONCLUSION**

After considering the development application against the applicable legislation, planning instruments, it is recommended that the development application be refused.

**RECOMMENDATION**

**IT IS RECOMMENDED:-**

That the Development Application be for a Material change of use to establish a warehouse located at 24-28 Cairns Street, LOGANHOLME QLD 4129 more accurately described as Lot 31 RP 88336 be refused.

**GROUNDS OF REFUSAL:-**

The application has been refused by the Assessment Manager and the reasons for refusal of the application by the Assessment Manager were:

1. The proposed development does not comply with the Flood hazard overlay code of the *Logan Planning Scheme 2015 (version 9) (TLPI No.1/2023)* in the following respects:

    (a) The proposed development does not comply with AO1, as the subject site is almost entirely located within the High risk flood area and the proposal does not provide development envelope area which is inclusive of the proposed structures that are proposed to be located within the High flood risk area.

    (b) The proposed development does not comply with PO1, as the majority of the proposed development is within the mapped High flood risk area. The use does not comply with 8.2.5.3.2 - Land use compatibility in a high flood risk area and will result in an increase in existing lawful building footprint at the site.

    (c) The proposed development does not comply with AO8, as the proposal seeks to establish buildings and structures within the mapped High flow area identified at the site.

    (d) The proposed development does not comply with PO8, as buildings and structures are located proposed within the High flow area.

    (e) The proposed development does not comply with AO10, as the proposal does not comply with the minimum flood planning levels identified in Table 8.2.5.3.3 - Minimum flood planning levels.

    (f) The proposed development does not comply with PO10, as the buildings have not been designed to account for the potential risk of inundation during flood events through compliance with the flood planning levels identified in Table 8.2.5.3.3 - Minimum flood planning levels.

    (g) The proposed development does not comply with AO19, as the proposed development does not have flood-free vehicle access to a road that is above the flood level during a defined flood event.

    (h) The proposed development does not comply with PO19, as it does not have low flood hazard vehicle access to a low flood hazard road.

    (i) The proposed development does not comply with AO21, as the site is located in a High flood risk area and the development proposes filling and excavation which exceeds a total volume of 20$m^3$ and a total area of 2,000$m^2$.

    (j) The proposed development does not comply with PO21, as the development proposes filling and excavation in a High flood risk area which exceeds a total volume of 20$m^3$ and a total area of 2,000$m^2$.

    (k) The proposed development does not comply with the following overall outcomes:

        a. Overall outcome 8.2.5.2 (2)(a)(i)(D), as the proposed development, which is not an accommodation land use or vulnerable use, results in an increase to the existing lawful building footprint at the site.

        b. Overall outcome 8.2.5.2 (2)(g), as the development proposes to locate buildings or structures in a High flow area.

        c. Overall outcome 8.2.5.2 (2)(m)(ii) as the development does not provide, where not involving an accommodation land use or vulnerable land use, safe vehicle access to a low flood hazard road that supports safe and efficient self-evacuation.

    (l) The proposed development does not comply with the following purposes of the Flood hazard overlay code (TLPI No.1/2023):

a. Overall outcome 1 (a), as the proposed development does not ensure that it avoids or minuses the exposure of people, property and infrastructure to tolerable level of flood risk.

b. Overall outcome 1(d), as the proposed development is unable to support safe, self-evacuation and can result in increases to emergency management burden responses or recovery burden.

c. Overall outcome 1(f), as the proposed development has not demonstrated that the flood risk to people, property, infrastructure and the environment is acceptable.

2. The proposed development does not comply with the following outcomes of the Strategic framework of the *Logan Planning Scheme 2015 (version 9) (TLPI No.1/2023):*

(a) Specific outcome 3.10.2.1 (1) – Element - Natural hazards and climate change adaptation, as the proposed development will not protect people and premises from or be resilient to natural hazards, taking into account the potential effects of climate change over time, having regard to (b) flooding.

(b) Specific outcome 3.10.2.1 (2) - Natural hazards and climate change adaptation, as the proposed development will be vulnerable to a natural hazard and has not been designed to be located outside of the natural hazard area and has not been designed to effectively mitigate the potential effects of the natural hazard for flooding.

(c) Specific outcome 3.10.2 (3)(a) as the development is not avoiding, or able to ensure that the exposure of people, property and infrastructure is reduced to a tolerable level of flood risk.

(d) Specific outcome 3.10.2 (3)(c) the proposed development does not maintain the natural functions of the floodplain for the storage and conveyance of flood waters and does not avoid potential adverse impacts to natural overland flow paths.

(e) Specific outcome 3.10.2 (3)(d) as the proposed development does not support safe self-evacuation and has the potential to increase emergency management responses or recovery burden.

(f) Specific outcome 3.10.2 (3)(f) as the proposed development results in an unacceptable flood risk to people, property, infrastructure and the environment.

(g) Specific outcome 3.10.2 (3)(h) as the proposed development does not avoid the exposure of people and property to isolation.

3. The proposed development does not comply with the Performance Outcomes within Part E of the 2017 State Planning Policy in the following respects:

(m) The proposed development does not comply with Performance Outcome (3), as the proposal is not able to avoid the natural hazard area associated with flooding, and the proposed development is not able to mitigate the risks to people and property to an acceptable or tolerable level.

(n) The proposed development does not comply with Performance Outcome (4), as the proposed development has the potential to hinder disaster management responses, due to the lack of low hazard flood free vehicle access to the site.

(o) The proposed development does not comply with Performance Outcome (5), as the proposed development has the potential to directly, indirectly and cumulatively cause damage at the subject site due to the location of building and structures within the mapped high flood risk area and high flow area at the site.

(p) The proposed development does not comply with Performance Outcome (7) as the proposal does not maintain and enhance natural processes or the protective function of landforms and vegetation that can mitigate risks associated with the natural hazard. Compensatory cut and fill including retaining walls and extensive earthworks are proposed to create a building and vehicular manoeuvring pad at the site and the cut and fill proposed exceeds the extent supported within the Flood hazard overlay code (TLPI No. 1/2023).

4. There are no other Relevant Matters for the purpose of Section 45(5)(b) of the *Planning Act 2016* which justify approval of the proposed development.

This submission is referred to the Delegated Officer to exercise all associated powers to manage and decide development applications made under the relevant planning legislation in accordance with the approved Delegations of Authority procedure under delegation;

***INTEGRATED PLANNING ACT 1997, SUSTAINABLE PLANNING ACT 2009 AND PLANNING ACT 2016 - DEVELOPMENT ASSESSMENT AND DISPUTE RESOLUTION***

**DECISION**

I am satisfied having considered the above application, matters set out in this submission and the recommendation of the officer, this application does not comply with the relevant standards and the *Planning Act 2016 (*where applicable) and should be refused for the reasons outlined in the decision notice.

Dated the 9th day of September 2024

Tonnia Plail
Senior Planning Officer
Planning Assessment & Technical Services