DEVELOPMENT CONDITIONS

APPLICANT: **VIC INVESTMENT MANAGEMENT GROUP (VIMG)**
APPLICATION NUMBER: **MCUI/37/2019**
TYPE & DESCRIPTION: **PRELIMINARY APPROVAL FOR MATERIAL CHANGE OF USE TO VARY THE EFFECT OF THE LOGAN PLANNING SCHEME 2015 (VARIATION REQUEST)**

OFFICER DETAILS

The Assessment Manager for this application was:

Officer Name: Katie Parsons
Contact Number: (07) 3412 5269
Please Quote: MCUI/37/2019
Document Number: 14215615

LAND

Development Conditions to apply to the following land:

Street Address: 1677 Beenleigh Road, UNDERWOOD QLD 4119
Real Property Description: Lot 8 RP 157306

CONDITIONS OF DEVELOPMENT:

1. PLANNING SCHEME

1.1. Any application for a Development Permit is to be assessed against the assessment benchmarks and policies in the Planning Scheme that are in effect at the time the application for a Development Permit is made, unless otherwise explicitly provided by conditions of this Variation Approval. Any references in this approval to 'Planning Scheme' is, unless otherwise explicitly stated, a reference to the Planning Scheme in effect at the time an application is made to the Council, or for what would be accepted development, at the time when a Development Approval for Building Works is granted. Where there are no assessment benchmarks for the development in question in the Planning Scheme in effect at the time, only then should reference be made to the Planning Scheme in effect at the date of this approval taking effect. In this condition, Development Permit applies to all aspects of development as defined in the *Planning Act 2016*.

2. PARAMETERS OF THE APPROVAL

Relevant Period

2.1. In accordance with section 88(2)(b) of the *Planning Act 2016* (any development that is specified in this approval (or a development brought into effect by this approval) to be Accepted or Assessable Development must be completed within 10 years (being the prescribed period) from the date this approval takes effect.

Terms

2.2. Interpret words and terms used in this development approval as having the meaning ascribed to them in the applicable planning scheme under which this development approval has been given unless otherwise stated in a specific condition.

Development in Stages

2.3. Development of Townhouses over Lot 2B (as identified on the Underwood Specialised Centre Land Use Master Plan) is not to occur until development has substantially commenced over Lot 1 (as identified on the Underwood Specialised Centre Land Use Master Plan).

3. APPROVED DOCUMENTS

3.1. Undertake development generally in accordance with the following approved plan(s) of development and/or document(s); except as altered by other conditions of this development approval including any amendments wherever made in red on the approved plan(s) and/or document(s):

Title	Plan Number	Rev/Amd't	Date	Prepared by
Subject Site of Variation Request	000-01	D	22.01.2020	Arkhefield
Underwood Specialised Centre Land Use Master Plan	DA 01	-	21.09.2020	Arkhefield

Title	Document Number	Rev/Amd't	Date	Prepared by
Underwood Specialised Centre Development Code			02.10.2020	Mecone

4. VARIATION OF EFFECT OF PLANNING SCHEME

4.1. This Variation Approval, in accordance with section 61 of the *Planning Act 2016*, varies the effect of the Planning Scheme only with respect to:

4.1.1. ZM-01.00 - Zone map and ZM-02.00 – Zoning and precinct map to be replaced with on the approved Preliminary Approval Plan, only in respect to the subject site;

4.1.2. The category of development and assessment for Material change of use to be in accordance with the approved Underwood Specialised Centre Development Code, which overrides Table 5.5.15.1 – Specialised centre zone code of the Logan Planning Scheme for determining the categories of development and assessment relating to a Material change of use on the site; and

4.1.3. Assessment benchmarks for assessable development and requirements for accepted development for the development are as follows:

4.1.3.1. Underwood Specialised Centre Development Code to replace the Specialised centre zone code;

4.1.3.2. Underwood Specialised Centre Development Code to replace the Low-medium density residential zone code;

4.1.3.3. Underwood Specialised Centre Development Code to replace the Reconfiguring a lot code;

4.1.3.4. Development Codes applicable to the Planning Scheme in effect at the time of future development applications being properly made;

4.1.3.5. Use Codes applicable to the Planning Scheme in effect at the time of future development applications being properly made; and

4.1.3.6. Overlay Codes applicable to the Logan Planning Scheme in effect at the time of future development applications being properly made.

4.2. The Applicant must submit a copy of this Variation Approval with any development application relating to or arising from this Variation Approval.

4.3. Any application submitted to the Council under this Variation Approval must be consistent with this Variation Approval and where inconsistent, must be submitted to the Council instead under the Planning Scheme in effect at the date of application.

4.4. The types of assessment for development other than Material Change of Use are to be in accordance with:

4.4.1. The category of assessment and assessment requirements for Reconfiguring a Lot (pursuant to section 43 (1)) is to be in accordance with *Table 5.6.1 - Reconfiguring a lot* as it applies to the Specialised centre zone or equivalent of the Planning Scheme in effect at the

time of future development applications being properly made, for determining the categories of assessment and assessment requirements relating to Reconfiguring a Lot on the site;

4.4.2. The category of assessment and assessment requirements for Building Work (pursuant to section 43 (1)) is to be in accordance with *Table 5.7.1. - Building Work* or equivalent of the Planning Scheme in effect at the time of future development applications being properly made, for determining the categories of assessment and assessment requirements relating to Building Work on the site; and

4.4.3. The category of assessment and assessment requirements for Operational Work (pursuant to section 43 (1)) is to be in accordance with *Table 5.8.1 - Operational Work* as it applies to the Specialised centre zone or equivalent of the Planning Scheme in effect at the time of future development applications being properly made, for determining the categories of assessment and assessment requirements relating to Operational Work on the site.

5. PROPERTY

Land dedication specifically as road reserve – Beenleigh Road

5.1. Dedicate land along the frontage of Beenleigh Road as part of the first stage (i.e. stage 1) or the first reconfiguring a lot and material change of use development application over the site, whichever comes first. The land dedication is to accommodate the following:

5.1.1. An urban arterial dual carriageway road with a 34m minimum road reserve along the sites frontage to Beenleigh Road; and

5.1.2. The ultimate traffic signal design as determined by the traffic impact assessment report at the site's access to Beenleigh Road including the construction of associated traffic islands, pavement works, cycle lanes, line marking, signage and lighting as defined by AUSTROADS Guide to Road Design, Part 4A – Un-signalised and Signalised Intersections.

5.2. Land dedication includes earthwork batters and intersection requirements for the ultimate road design. The full extent of the ultimate earthworks batter must be located entirely within the road reserve.

This condition is imposed under section 145 of the Planning Act 2016.

Further Advice:

Documentation in relation to any land required to be registered to the benefit of Council is required to be prepared and carried out by Council's solicitors at the applicant's expense.

6. LANDSCAPE AND AMENITY

6.1. Submit to Council for approval, as part of any future material change of use development application, conceptual landscape plans prepared in accordance with Planning Scheme Policy 5 – Infrastructure, to demonstrate compliance with the Landscape Code and designed in accordance with Council requirements. Including, but not limited to, the following:

6.1.1. Pedestrian connection to Lot 1 SP257567.

7. ENGINEERING

Stormwater Quantity - Design - All Stages

7.1. Submit to Council for approval, as part of any future material change of use development application, a Stormwater Management Plan that provides for stormwater drainage for the development in accordance with the Queensland Urban Drainage Manual (QUDM), Australian Rainfall and Runoff (ARR) and the applicable section 3.6 of Planning Scheme Policy 5 - Infrastructure.

7.2. Stormwater quantity infrastructure is provided to convey stormwater runoff that falls or pass onto the site to the lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM) and section 3.6 of Planning Scheme Policy 5 - Infrastructure.

7.3. Design and construct stormwater drainage, at no cost to Council, to ensure that the development will achieve 'no worsening' as described in the Queensland Urban Drainage Manual (QUDM) and the Planning Scheme Policy 5 – Infrastructure.

This condition is imposed under section 145 of the Planning Act 2016.

7.4. Ensure that the stormwater discharge from the development does not impact in any way on existing Council infrastructure either upstream or downstream of the development, or on neighbouring properties. It is the responsibility of the applicant to demonstrate that the development has no impact, and upgrade any infrastructure to suit if there is an impact at no cost to Council.

This condition is imposed under section 145 of the Planning Act 2016.

7.5. Any impacts, or upgrade of any infrastructure on or contributing runoff to a state-controlled road will require the written consent and approvals of the Department of Transport and Main Roads.

Earthworks – Design – All stages

7.6. Earthworks are not approved as a part of this application.

7.7. Submit to Council for approval, as part of any future material change of use development application, earthworks plans in accordance with Australian Standard 3798 – Guidelines on earthworks for commercial and residential developments and the applicable section of Planning Scheme Policy 5 – Infrastructure. All permanent batters are to be 1(V):4(H) maximum.

7.8. Filling and excavation is to demonstrate, unless otherwise approved by Council:

7.8.1. how natural overland flow paths are protected and maintained;

7.8.2. that it does not cause ponding on any premises;

7.8.3. that the proposal does not result in diversion or concentration of stormwater flow from or onto adjoining premises.

7.9. Any proposed earthworks within overlay map OM-08 Landslide hazard and steep slope area overlay, will require the submission to Council of a Steep Slope Assessment geotechnical report signed by a RPEQ suitably qualified in geotechnical engineering to address the overlay in accordance with Planning Scheme Policy 5-Infrastruture, Section 2.1.6 Geotechnical reports.

Retaining Walls – All stages

7.10. Retaining walls are not approved as part of the application.

7.11. Retaining walls are to be in accordance with Australian Standard 4678 – Earth Retaining Structures, and the applicable section of Planning Scheme Policy 5 – Infrastructure.

7.12. Any existing retaining walls proposed to be retained will require future structural engineering investigation/study to inform of any rectification requirements in conjunction with Form 15 and Form 16 certifications from a suitably qualified RPEQ.

Traffic Impact Assessment

7.13. Submit to Council for approval a detailed traffic impact assessment report prepared and certified by a suitably qualified Registered Professional Engineer of Queensland (RPEQ) as part of the first stage (i.e. stage 1) or the first reconfiguring a lot and material change of use development application over the site, whichever comes first and each subsequent stage of the development (i.e. stage 2 and stage 3), including any subsequent reconfiguring a lot and material change of use development applications for the site for the proposed / existing access, performance of intersections and requirements for intersection upgrades as a result of development arising from the Preliminary Approval. In particular the reports must address:

7.13.1. cumulative impacts from both traffic growth and at each development stage;

7.13.2. using recent traffic surveys at the proposed / existing access and at nearby intersections with a 2.5 % p.a. background growth rate applied, unless more accurate growth rates are available;

7.13.3. the overall demand generation rates at each relevant stage of the development;

7.13.4. identification of impacts resulting from the development on existing intersections arrangements and in particular, where the development impact exceeds 5% of the background traffic at nearby intersections within the development's design horizon (i.e. year

of opening of each stage of the development and 10 years after the year of opening of each stage of development, including the final stage of development);

7.13.5. provide fully dimensioned detailed plan of the proposed signalised intersection design (i.e. ultimate) to accommodate the development 10 years after the year of opening of the final stage of development;

7.13.6. the proposed intersection works required at each relevant stage of development to the existing site's main access to Beenleigh Road; and

7.13.7. any modifications or upgrades required to nearby intersections at each relevant stage of development, as identified by the traffic impact assessment report;

7.13.8. Identification of required upgrades to nearby intersections on the basis that no Council upgrading will occur within the development timeframe/horizon;

7.13.9. Provision of a second access including any upgrades and amendments to the easement to formalise this.
Further advice:

There is an access easement (Easement B on SP189014) to the benefit of this site over the adjacent centre lot 11-21 Kingston Road, Underwood (Lot 1 SP257567). This must be the second access point to the site.

This condition is imposed under section 145 of the Planning Act 2016.

7.13.10. Determine via SIDRA modelling if changing the three (3) stand-up lanes to two (2) stand-up lanes (dual right-turns) and a left-turn slip lane on the development's approach to Beenleigh Road will improve the "green time" on the development's approach to the intersection.

Further Advice:

Providing a left-turn slip lane will also reduce the length of the pedestrian crossing and allow for the intersection to be shifted further west.

7.13.11. Analyse the potential safety risk of rear-end crashes due to the proposed left-turn slip lane (westbound into the development) at the signalised intersection of Beenleigh Road and the site's access and provide mitigation measure if required.

Further advice:

There are concerns regarding the proposed short left-turn slip lane from Beenleigh Road (westbound into the development). Given there is limited spacing between the subject site and the Cascade Drive intersection. There is a concern the queue length from the short left-turn slip lane will spill over to Beenleigh Road causing rear-end crashes. One option for consideration is to provide a short auxiliary left-turn lane for the slip lane to allow for deceleration and storage for left turning vehicles.

Intersection – Beenleigh Road / Cascade Drive/ Site Access

7.14. Dedicate any land required from the subject site to accommodate the ultimate traffic signal design at the site's access to Beenleigh Road including the construction of associated traffic islands, pavement works, cycle lanes, line marking, signage and lighting as defined by AUSTROADS Guide to Road Design, Part 4A – Un-signalised and Signalised Intersections. The land dedication is to be provided as part of the first stage (i.e. stage 1) or the first reconfiguring a lot and material change of use development application over the site, whichever comes first.

7.15. The signalised intersection configuration must be designed by a Registered Professional Engineer of Queensland (RPEQ) specialising in traffic engineering and must demonstrate via a traffic impact assessment report, supported by a SIDRA intersection analysis, that the proposed signalised intersection configuration can accommodate the development and the projected traffic volumes from the year of opening of each stage of the development and 10 years after the year of opening of each stage of development, including the final stage of development.

This condition is imposed under section 145 of the Planning Act 2016

Further Advice:

Drawings for a signalised intersection design must include phasing/electric plan, civil plan and an additional zoomed in detailed plan of the pedestrian ramps and location of pedestrian signal push buttons (i.e. the distance between the ramp and the button). Phasing is to be consistent with an approved traffic analysis for the intersection. Signals are to be connected to Council's STREAMS network for remote signal management.

Traffic Signals – Beenleigh Road / Cascade Drive /Site Access

7.16. Design and modify the existing all movements intersection to the site to a left-in left-out arrangement onto Beenleigh Road as defined in the AUSTROADS Guide to Road Design, Part 4A - Unsignalised and Signalised Intersections and more specifically include the following:

7.16.1. kerb and channel, traffic islands, pavement works, line marking, signage and lighting;

7.16.2. extend the left eastbound auxiliary lane to 170m (west of Cristaldi Avenue);

7.16.3. subject to SIDRA modelling provide a left-turn slip lane on the northbound approach to Beenleigh Road (i.e. southern leg);

7.16.4. provide a signalised pedestrian crossing across the development on the southern leg of the intersection;

7.16.5. provision of a U-turn facility on Beenleigh Road on the eastern approach at the intersection of Beenleigh Road and Millers Road.

7.17. Consult the adjoining property owners during the design and construction process where it is determined that existing access arrangements will be altered. Provide written evidence consultation has occurred prior to commencing the works.

7.18. The design and installation of traffic signals is to be provided at no cost to Council

This condition is imposed under section 145 of the Planning Act 2016.

Pedestrian Access – Beenleigh Road

7.19. Construct a 2.5 m wide reinforced shared pedestrian path along the Beenleigh Road frontage of the site, at no cost to Council.

7.20. Ensure the new path tapers into any existing facilities.

This condition is imposed under section 145 of the Planning Act 2016.

8. WATER AND SEWER

General

8.1. Design and construct all water and sewerage infrastructure to be owned and operated by Council in accordance with the South East Queensland Water Supply and Sewerage Design and Construction Code at no cost to Council.

This condition is imposed under section 145 of the Planning Act 2016.

8.2. Obtain a development permit for Operational Works for the construction of any water and/or sewerage infrastructure works that is to be transferred to Council to own and operate.

8.3. The Applicant must lodge an application to Council for live works to be performed on Council's water and/or sewerage network.

Water

8.4. Ensure that the proposed development is provided with the ability to make direct access to Council's water supply network.

8.5. Submit a water supply capacity assessment report to Council for approval prior to the lodgement of any development application to;

8.5.1. Ensure that the proposed development does not disadvantage existing customers,

8.5.2. Identify any augmentation required to enhance the capacity of the system to service the proposed development and,

8.5.3. Ensure that the Council Water Supply Network meets Council's Desired Standards of Service (DSOS).

Further Advice:

Contact Council's Water Development Services Program on 3412 4504 or waterda@logan.qld.gov.au for further information regarding modelling requirements and the provision of hydraulic models and relevant information to undertake any analysis.

Sewer

8.6. Ensure that the proposed development is provided with the ability to make direct access to Council's Sewerage network.

8.7. Submit a sewerage capacity assessment report to Council for approval prior to the lodgement of any development application to ensure that the downstream sewer infrastructure has the capacity to service the proposed development.

Further Advice:

Contact Council's Water Development Services Program on 3412 4504 or waterda@logan.qld.gov.au for further information regarding modelling requirements and the provision of hydraulic models and relevant information to undertake any analysis.

FURTHER ADVICE TO THE APPLICANT

In relation to the application, the applicant is further advised:

1. The currency period for this approval is in accordance with Section 85 of the *Planning Act 2016*.
2. Authorised persons of the Council may enter the premises the subject of this approval at any reasonable time to ascertain whether the above conditions have been complied with (and/or whether the above requirements have been carried out).
3. All site works and earthworks must be carried out in accordance with the Standard Drawings and policies in the assessable Planning Scheme.
4. Commencement of works which will ultimately revert to Council or on adjacent roads or drainage schemes until Council has been advised in writing, of the name of the responsible contractor and that the contractor has received from Council a notice of appointment of principal contractor under the provisions of the *Workplace Health and Safety Act 2011*.
5. If development approval is given, and the applicant intends to make change representations to Council about the development approval, it is recommended that the applicant suspend their appeal period at the same time they make change representations. Suspending the appeal period will ensure that there is sufficient time for the applicant to make representations and for Council to consider them. These provisions are contained within section 75 of the *Planning Act 2016*.
6. *Aboriginal Cultural Heritage Act 2003*

   There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003*.

   The *ACH Act establishes a cultural heritage duty of care which provides that: "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage."* It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land Court, and the Minister administering the Act can also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

You should contact the Cultural Heritage Unit on 07 3247 6212 to discuss any obligations under the *ACH Act.*

THE APPLICANT AND OWNER BE FURTHER ADVISED:-

It is the owner's and occupants responsibility under the *Environmental Protection Act 1994* to advise the Chief Executive of the Environmental Protection Agency, of any Notifiable Activity conducted on the site or contamination or suspected contamination which may cause a hazard to human health or the environment within 30 days of becoming aware of the operation of a Notifiable Activity on the site or of any contamination or suspected contamination. The Chief Executive, pursuant to the Act, is empowered to require that the development complies with the provisions of the Act, including the preparation of site investigation reports and if necessary the remediation of the site at the owners expense.

Under the *Plumbing and Drainage Act 2002,* regulated work requires a complete 'Compliance assessment application for plumbing, drainage and on-site sewerage work' Form 1, to be lodged and a compliance permit issued by Council's Plumbing Services section prior to commencement of any plumbing and drainage work.

Regulated work can be defined as plumbing and drainage work that will not become a service provider's asset. Examples are where:

- House drainage and/or water service is to be installed along an access driveway/easement to rear lots
- Existing dwellings require house drains and/or water services to be connected to new wastewater (sewer) and/or new water meters

You are also advised that it is the developer's responsibility to ensure that all development should proceed in accordance with the Duty of Care Guidelines under the *Aboriginal Cultural Heritage Act 2003*, Penalties apply where the duty of care is breached.

For further information in regards to the provisions of the *Aboriginal Cultural Heritage Act 2003,* please contact the Cultural Heritage Coordination Unit, Department of Natural Resources and Mines on (07) 3003 6472