

Enquiry Phone: Customer Service (07) 3412 5269  
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1 June 2023

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PO Box 27  
MOUNT GRAVATT QLD 4122

Dear Sir/Madam

**DECISION NOTICE - PLANNING ACT 2016**

**APPLICATION NUMBER MCUI/38/2022**

**PROPERTY ADDRESS 59 SOLOMON AVENUE, LOGANHOLME QLD 4129**

**PROPERTY DESCRIPTION LOT 10 RP 116425**

**APPLICATION DESCRIPTION**

- **MATERIAL CHANGE OF USE - MULTIPLE DWELLING (12 X TOWNHOUSES)**
- 

**1. DECISION**

The abovementioned development application was assessed and **approved** subject to conditions. The decision was made by Logan City Council as the Assessment Manager on **1 June 2023**.

**2. APPROVAL TYPE**

- Development Permit –Material change of use

**3. CONDITIONS OF APPROVAL - ASSESSMENT MANAGER**

The Assessment Manager conditions are attached to this Decision Notice.

**4. REFERRAL AGENCIES**

There were no Referral Agencies applicable to this development application.

**5. PROPERLY MADE SUBMISSIONS**

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

Steve Rowland

32 Torres St, LOGANHOLME QLD 4129

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

Operational Works - Civil and Earthworks

Building Works

Plumbing and Drainage Works

**7. STATEMENT OF REASONS**

<b>Description of the development</b>	Material Change of Use - Multiple Dwelling (12 x Townhouse).			
<b>Assessment benchmarks</b>	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Strategic Framework</li> <li>• Low-Medium Density Residential Zone code</li> <li>• Loganholme Local Plan code</li> <li>• Acid Sulfate Soils Overlay code</li> <li>• Flood Hazard Overlay code</li> <li>• Multiple dwelling, Rooming accommodation and Short-term accommodation code</li> <li>• Filling and Excavation code</li> <li>• Infrastructure code</li> <li>• Landscape code</li> <li>• Servicing, Access and Parking code</li> </ul>			
<b>Relevant matters</b>	Not applicable – the development complies with the Strategic framework			
<b>Matters raised in submissions</b>				
	<table border="1"> <thead> <tr> <th data-bbox="550 1090 852 1124"><b>Issue</b></th> <th data-bbox="863 1090 1455 1124"><b>How matter was dealt with</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="550 1131 852 1982">Non- compliance with density.</td> <td data-bbox="863 1131 1455 1982"> <p>AO51 of the Loganholme Local Place code prescribes a maximum net density of 65 equivalent dwellings per hectare of the site.</p> <p>The Planning Scheme’s Administrative definition for Equivalent dwellings provides the following ratio:</p> <ol style="list-style-type: none"> <li>a. a one bedroom dwelling equals 0.5 equivalent dwellings.</li> <li>b. a two bedroom dwelling equals 0.7 equivalent dwellings.</li> <li>c. a dwelling with three or more bedrooms equals 1 equivalent dwelling.</li> </ol> <p>Net density is the number of equivalent dwellings divided by the site area in hectares. The site has an area of 2,785m<sup>2</sup> or 0.2785 hectares.</p> <p>The proposed development includes 12 dwellings with 3 or more bedrooms, which in accordance with (c), equals 12 equivalent dwellings.</p> <p>Based on the above, the proposed development has a net density of 43.08 equivalent dwellings (12 dwellings/0.2785 hectares) which is below the allowable 65 equivalent dwellings per hectare.</p> </td> </tr> </tbody> </table>	<b>Issue</b>	<b>How matter was dealt with</b>	Non- compliance with density.
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		<p>The proposal therefore complies with the density provisions applicable for the site as prescribed by AO51 of the Loganholme Local Place code.</p>
	<p>Stormwater impacts on private property.</p>	<p>The planned stormwater drainage network for the local area is shown in “Figure 3.6.1.3.1 - Loganholme: stormwater management” (Logan Planning Scheme Policy 5 – Infrastructure). The system will carry flows to the mapped waterway within 21-23 Solomon Avenue and 13 Bass Court, Loganholme. As shown in Figure 3.6.1.3.1, the planned infrastructure will be constructed in drainage easements dedicated to Council, as development occurs on each lot.</p> <p>The timing for completion of the system is not known. However, the development in question will not be permitted to commence use until the drainage is operational.</p> <p>As mentioned, this drainage system will outlet to a waterway, which is mapped under OM-14.00 of the Logan Planning Scheme. The lawful point of discharge test within QUDM allows discharge to a watercourse, in this case being the mapped waterway.</p> <p>Council officers are satisfied the proposal complies with both the Planning Scheme’s and QUDM’s requirements.</p>
	<p>Stormwater quality considerations - payment in lieu of stormwater quality treatment for the development.</p>	<p>During the construction phase of the development, works are required to be carried out in compliance with “Section 3.3 - Filling and excavation standards” (Logan Planning Scheme Policy PSP5 – Infrastructure). This includes the requirement to design, implement and maintain sediment and erosion control measures in accordance with Best Practice Erosion and Sediment Control Guidelines (IECA 2008). Council officers within the Construction Taskforce team take an active role in monitoring compliance with erosion and sediment control plans.</p> <p>It is noted that erosion and sediment control monitoring is different to stormwater quality treatment, in which contributions can be accepted.</p> <p>The stormwater quality design objective is triggered by s3.6.1.4 of PSP5 – Infrastructure as the development is a material change of use with impervious proportion greater than 25% and located within the Loganholme Local Plan area.</p> <p>A monetary contribution for stormwater quality in lieu of on-site stormwater quality treatment is an option for this site as the waterway stability objective is not applicable as per s3.6.1.4 (3) of PSP5 – Infrastructure. The subject waterway is considered ‘disturbed’ as the preceding catchment is more than 30% impervious.</p> <p>Section 2.4.1 (4) of PSP5 – Infrastructure provides stormwater quality offset applicability.</p>

		<p>Note that the waterway stability objective does not apply.</p> <p>No car washing bay will be required for the proposed development as the number of proposed dwellings does not exceed 15 (Table 9.4.7.3.2 - Vehicle parking and servicing – Servicing, Access and Parking code). Car washing, swimming pool discharge and pressure washing fall under the general environmental responsibility of the upstream resident(s), under the <i>Environmental Protection Act 1994</i>.</p>
	Inappropriate sizing of buffer/surge tanks.	<p>Where development is required to address stormwater quantity management issues, “Section 2.4 - Stormwater infrastructure documentation” (Logan Planning Scheme Policy 5 – Infrastructure) outlines the documentation that Council requests from an applicant. This includes providing evidence that stormwater modelling of proposed detention devices has been undertaken, to ensure peak discharges leaving the developed site are no greater than those currently occurring on the existing site.</p> <p>“Figure 3.6.1.3.2 - Loganholme: Torres Street catchment” which applies to the subject site, requires alternate calculations to confirm adequacy of detention volumes. The detention requirements for the development have been assessed based these requirements including existing and proposed site conditions. The proposed stormwater management is considered to comply with the Planning Scheme’s PSP 5 as well as the additional provisions set out within the ‘<i>Loganholme: Torres Street catchment.</i>’</p>
	Maintenance of Buffer tanks.	<p>The stormwater detention assets on the development site, will be owned and maintained by the body corporate. These will not be a Council asset and not subject to an on-going maintenance program from Council.</p> <p>Clause 2 of Logan Planning Scheme Policy PSP5 – Infrastructure, Section 3.6.6.9 - Management of detention systems, requires privately owned stormwater systems to be maintained by property owners. The requirement is for the body corporate to provide the on-going maintenance program for the asset.</p> <p>The on-going maintenance of detention tanks is to occur in accordance with PSP5. Any non-compliance resulting stormwater issues downstream will be subject to an investigation by Council’s Development compliance teams.</p>
<b>Reasons for decision</b>	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception(s) listed below.	
	<b>Assessment benchmark</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>

	Loganholme Local Plan code – AO1	<p>The proposed development will be sited:</p> <ul style="list-style-type: none"> <li>• 3.2 metres to the front boundary (in lieu of 4 metres)</li> <li>• Between 1.5 metres to 2.5 metres to the northern side boundary (in lieu of 3 metres)</li> <li>• 1.0 metres to the southern side boundary (in lieu of 3 metres) for an open gazebo in the communal open space area.</li> </ul> <p>The proposal does not comply with AO1 of the Loganholme Local Plan code and assessment is required against PO1 of the code.</p> <p>The proposed reduced boundary clearances will not have any negative impacts on the amenity on the adjoining residential properties or streetscape. The location of the abovementioned elements of the development will not affect the adjoining developments' access to natural light and ventilation. The development maintains adequate separation to the boundaries to ensure privacy is maintained, while creating opportunities for landscaping.</p> <p>Further, the reduced boundary clearance does not result in the development being inconsistent with the character of the precinct.</p> <p>On this basis, the proposed development satisfies PO1 of the code.</p>
	Loganholme Local Plan Code – AO7.2	<p>The proposed development includes a 1.8 metre separation between the two buildings. As such the proposal does not comply with AO7.2 of the Loganholme Local Plan code.</p> <p>The proposed separation in the built form will facilitate the provision of sunlight and air movement through the site and between the buildings.</p> <p>The proposed development has incorporated an amended façade design to manage the overall massing of the built form. The built form will be further enhanced through the use of varied, contemporary colours as well as landscaping to enhance the visual break in the built form (as conditioned).</p> <p>Subject to the development's compliance with the conditions Officers consider that the proposal complies with PO7 of the code.</p>
	Loganholme Local Plan code – PO46/PO50 and Overall outcome 7.2.6.3(3)(j)(i).	<p>The proposed development is for Multiple dwellings in a Townhouse form and does not comply with PO46, PO50 and Overall outcome 7.2.6.3(3)(j)(i) which envisages the establishment of Apartments in the Residential frame precinct.</p> <p>Given the extent of non compliance with the Loganholme Local Plan code, an assessment was undertaken against the Strategic Framework.</p>

	Strategic Framework - Residential theme	<p>Element 3.4.2 – ‘Housing supply and diversity’ of the Residential theme, promotes a range of dwelling types to create diverse neighbourhoods and household types. A variety in accommodations units and the provision of affordable and adaptable housing to meet the needs of the community, are also outcomes promoted by Element 3.4.2.</p> <p>The proposed development meets these provisions as follows:</p> <ul style="list-style-type: none"> <li>• The development will add to the housing choice in the local area which currently includes a mix of Dwelling houses and other Townhouses.</li> <li>• The proposed Townhouse units will offer a mix of 3 and 4 bedroom units.</li> <li>• The Townhouse units are expected to provide housing opportunities to a range of family types and sizes.</li> <li>• The development will offer a residential dwelling product that would be more affordable when compared to traditional Dwelling houses in the locality.</li> <li>• Given the site’s location on the edge of the Residential frame precinct, the proposed residential form is sympathetic to the existing and intended character of the area and will provide a suitable transition to the neighbouring Residential choice precinct to the south of the site.</li> </ul> <p>Compliance with the Residential theme and Strategic framework as a whole has been demonstrated.</p>
<b>Matters prescribed by a regulation</b>	Not applicable.	

For further details on the assessment of this development application, please see the Delegated Report available for public viewing on the Logan City Council Planning and Development Online website at: <https://devet.loganhub.com.au> When accessing Council's website please use the following Application Number: MCUI/38/2022

## 8. CURRENCY PERIOD

In accordance with section 85 of the *Planning Act 2016*, this approval has a currency period of 6 years.

## 9. RIGHTS OF APPEAL

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

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

- Schedule 1 (Appeals).

**Appeals to the Planning and Environment Court**

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

For further information about this application please contact the Assessment Manager Dale Schroeder on (07) 3412 5269 or via email to [development@logan.qld.gov.au](mailto:development@logan.qld.gov.au)

Yours faithfully,

Tonnia Plail  
Senior Planning Officer  
Planning Assessment & Technical Services