

DELEGATED ASSESSMENT REPORT

REFER TO:	Council's Delegate	
REPORT BY:	Dale Schroeder	
DECISION DUE BY:	7 June 2023	Doc ID: 16271186 File No: 1286921-1

APPLICATION DETAILS

Application Number & Proposed Development:	MCUI/38/2022 - Multiple Dwelling (12 x Townhouse)
Lodgement Date:	7 July 2022
Type of Approval sought:	Development Permit
Site Address:	59 Solomon Avenue, LOGANHOLME QLD 4129
Real Property Description:	Lot 10 RP 116425
Site Area:	2785.00m ²
Owner Details:	N Herholdt and R N Herholdt
Applicant Details:	Devalign
Submissions closed:	19 December 2022
Number of Properly Made Submissions:	One

PLANNING CONSIDERATIONS

Regional Plan:	South East Queensland Regional Plan 2017
Planning Scheme:	Logan Planning Scheme 2015 Version 8.1
Zone (Precinct): Local Plan (Precinct):	<ul style="list-style-type: none">• Low-Medium Density Residential Zone• Loganholme Local Plan - Residential frame (Local plan precinct)
Assessment Benchmarks:	<p><i>Strategic Framework</i></p> <p><i>Zone code/Local plan</i></p> <ul style="list-style-type: none">• 6.2.7 Low-Medium Density Residential Zone code• 7.2.6 Loganholme Local Plan code <p><i>Overlay codes</i></p> <ul style="list-style-type: none">• 8.2.1 Acid Sulfate Soils Overlay code• 8.2.5 Flood Hazard Overlay code <p><i>Development codes</i></p> <ul style="list-style-type: none">• 9.3.3 Multiple dwelling, Rooming accommodation and Short-term accommodation code• 9.4.2 Filling and Excavation code• 9.4.3 Infrastructure code• 9.4.4 Landscape code• 9.4.7 Servicing, Access and Parking code

Overlays:	0101B - ACID SULFATE ABOVE 5-20 METRES AHD Acid Sulfate Soils <hr/> 0500A (FLOOD) INUNDATION AREAS Flooding & Inundation Areas <hr/> 1000A RESIDENTIAL AREA Residential Area <hr/>
Applicable Preliminary Approval:	Not Applicable
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 Multiple dwellings (Townhouses) at Lot 10 RP 116425, 59 Solomon Avenue, LOGANHOLME QLD 4129.

The proposed development consists of 12, Townhouses units to be established over the subject site. Access to the development will occur via Solomon Avenue. The proposed development includes 2 buildings separated by a breezeway. Building A will feature Units 1 to 5, while Building B will include Units 6 to 12.

The proposal features a 2 storey design, with each Townhouse unit including a ground floor kitchen, laundry, powder room, dining and living and a mixture of 3 or 4 bedrooms, bathroom and ensuite on the first floor. With the exception of Units 9 and 10, each unit will include a 2 vehicle garage. Vehicle parking for Units 9 and 10 include a single garage and 1 allocated car parking space per unit on site, while a total of 3 visitor car parking spaces will also be provided. The proposed Townhouse units will have access to private open space areas of between 27.9m² – 340m² while a designated area of 124m² has been provided as communal recreational open space and forms part of the overall landscaping of the site. The development results in a site coverage of 41.2%.

The main items for consideration during the assessment of the application related to built form (building separation and design), diversity in the residential product, communal open space, vehicle manoeuvring, stormwater management and flooding. These matters were resolved as follows:

- Amended plans were provided which illustrated a separation of the built form into 2 individual buildings. A revised façade design also formed part of the amended design to better address the streetscape of Solomon Avenue.
- A diversity in the residential product has been catered for through the reduction of 2 units (Units 9 & 10) to 3 bedroom units.
- The amended layout also illustrated a designated area of communal open space and improved vehicle manoeuvring allowing for compliance with the Servicing, Access and Parking code.
- A detailed Stormwater management report and Flood study was submitted for Officers' assessment who later confirmed that compliance was achievable through the imposition of suitable conditions.

The application was impact assessable as the multiple dwelling types are townhouses, in lieu of being apartments in the Residential core precinct. The application was therefore, publicly notified on 28 November 2022 to 19 December 2022 and received 1 properly made submission during this time. The submission raised objection to the proposed residential density, stormwater quality and quantity management and potential flooding impacts.

Referral Agencies were not applicable to this proposal.

After review by Council Officers, the proposed development is consistent with all relevant outcomes of the Logan Planning Scheme 2015 (V8.1) and will deliver a built form outcome consistent with the intent of the Low-medium density residential zone and Loganholme Local Plan Residential Frame precinct. Minor amendments to the proposal plans have been conditioned to provide greater variation in the colours and finishes in the built form. Additional landscaping and the removal of an incorrect reference to the location of an existing easement also formed part of the amendments required to be demonstrated on proposal plans. The applicant in accordance with Condition 1.2, will be required to submit amended plans illustrating the requested modifications for officer's review and approval.

Accordingly, it is recommended that this application be approved with conditions.

REPORT DETAIL

On 7 July 2022, the application became properly made.

On 14 July 2022, a Confirmation Notice was sent to the applicant.

On 28 July 2022, an Information Request (IR) was sent to the applicant. Information was requested regarding the proposed built form, building separation, diversity in residential product, provision of communal open space, servicing, access and parking, earthworks, stormwater management and flooding considerations.

On 24 September 2022, the applicant provided confirmation to extend the IR response period until 27 January 2023.

On 25 November 2022, the applicant responded to the Information Request.

On 25 November 2022, a Notice of Intention to Commence Public Notification was received by Council. It noted Public Notification was due to commence on 28 November 2022.

On 7 December 2022, Council officers advised the applicant of issues with the Information response, specifically the incorrect location of an easement, insufficient information relating to proposed earthworks and inconsistency with the plans illustrating vehicle manoeuvring. Actions relating to the entering into an Infrastructure Agreement for stormwater quality management were also outstanding.

On 15 December 2022, Council officers advised the applicant of outstanding issues relating to the built form and its visual presentation to the adjoining streetscape and neighbouring properties.

On 20 December 2022, a Notice of Compliance was received confirming public notification of the application occurred between 28 November 2022 and 19 December 2022.

On 21 December 2022, the consideration of submissions period commenced.

On 11 January 2023, the consideration of submissions period ended.

On 12 January 2023, the decision period commenced.

On 16 February 2023, an agreed position between Council and the applicant was reached on how to resolve the outstanding issues, with the applicant to prepare the required engineering drawings and Infrastructure Agreement, while the outstanding design issues would be resolved via conditions.

On 17 February 2023, the applicant, under s22.1 of the DA Rules, agreed to extend the Decision making stage to 14 March 2023, allowing time for the applicant to prepare and lodge a response to the outstanding issues tabled by Council.

On 10 March 2023, the applicant under s22.1 of the DA Rules, agreed to extend the Decision making stage to 12 May 2023.

On 18 April 2023, the applicant provided a response to Council's Further Information Request.

On 11 May 2023, the applicant under s22.1 of the DA Rules, agreed to extend the Decision making stage to 26 May 2023.

On 11 May 2023, draft conditions were issued to the applicant.

On 18 May 2023, the applicant made representations to draft conditions.

On 22 May 2023, Council provided a response to the applicant's representations.

On 25 May 2023, the applicant under s22.1 of the DA Rules, agreed to extend the Decision making stage to 2 June 2023, to allow the applicant's consideration of Council's response.

On 1 June 2023, the applicant agreed to the draft conditions.

On 1 June 2023, the applicant under s22.1 of the DA Rules, agreed to extend the Decision making stage to 7 June 2023.

SITE DESCRIPTION

The subject site is described as Lot 10 RP 116425 with an area of 2,785m² (Refer **Figure 1: Subject Site**).

The site is an irregular shaped allotment with direct road frontage access to Solomon Avenue. Council's contour mapping indicates that the site falls from 13.5m Australian Height Datum (AHD) along the northern side boundary and falls to the south east along the southern side boundary to a height of 12m AHD. The site is currently improved by an existing single storey dwelling with ancillary structures. Several mature sized trees are located along the rear and frontage of the site, with the existing dwelling situated in a predominantly cleared part of the site.

The subject site has an existing historical easement (Easement A on RP 116425) along the southern boundary of the subject site. A review of the easement documents indicates that the purpose of the easement is for the provision and maintenance of water mains. The easement was provided in favour of Council for this purpose. An initial review of the easement area has not identified the presence of any infrastructure servicing the locality. The applicant has indicated their intention to extinguish the easement, however this will only be supported by Logan Water subject to the applicant's submission of a service locator report confirming that no infrastructure exists within the easement. This report will need to accompany any application to extinguish the easement. (Refer **Figure 2: Extract of Survey plan showing existing easement**)

No covenants are located over the site.

The site has access to all services, including sewer, water, electricity and telecommunication.

The surrounding development context is predominately surrounded by a mixture of residential dwellings, including traditional dwelling houses to more modern townhouses complexes. Commercial and retail uses are located to the north and north-west fronting Bryants Road and Bismark Street. The suburb of Shailer Park is located to the north of Bryants Road. Further the east and further south of the site are commercial and retail uses. (Refer **Figure 3: Subject Site - Surrounding Development Context**).

The subject site is located in the Residential frame precinct of the Loganholme Local Plan and also has an underlying zone of Low-medium density residential zone (Refer **Figure 4: Subject Site zoning and Surrounding Zoning Context and Figure 5: Loganholme Local Plan - Residential Frame precinct**).

The surrounding zoning context is consistent with the existing established residential development in the area, with the Low density residential zone, Recreation and open space and Community facilities being the predominate zoning towards the north. Low-medium density residential and Centre zoned land is located to the east, south and west of the subject site. (Refer **Figure 4: Subject Site zoning and Surrounding Zoning Context**).

A number of overlays apply to the site which include the Acid Sulfate Soils overlay, Flood Hazard overlay and Residential overlay (Refer **Figures 6 to 8: Overlays**).

Figure 1: Subject Site



Figure 2: Extract of Survey plan showing existing Easement A

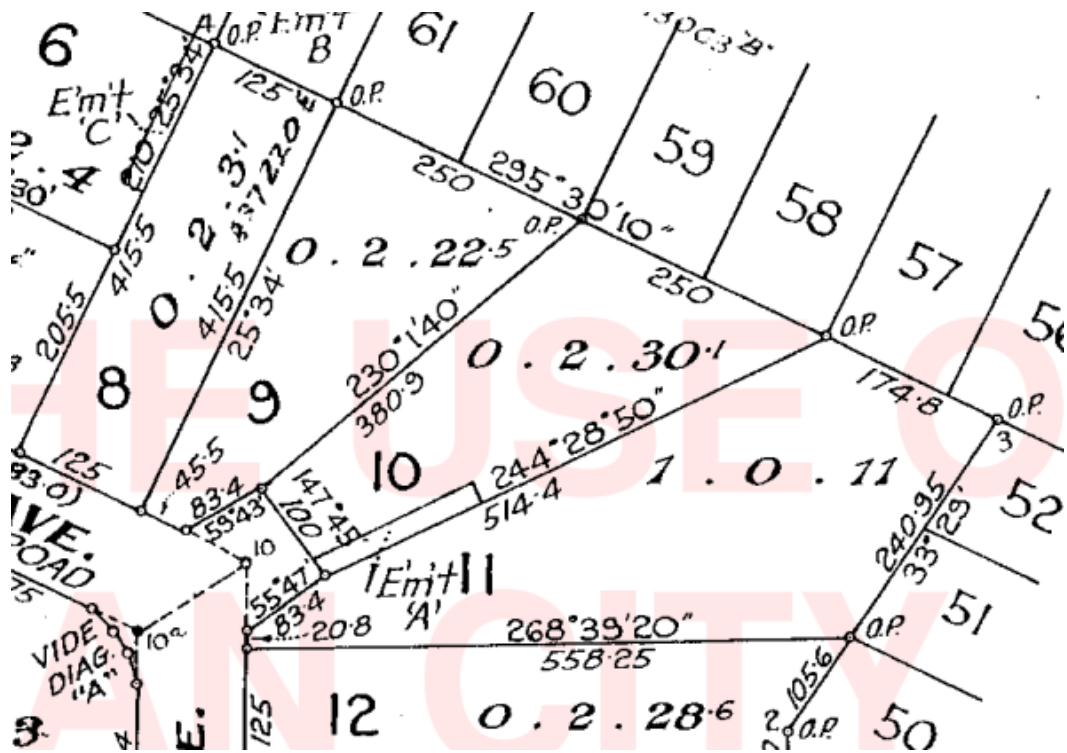


Figure 3: Subject Site - Surrounding Development Context

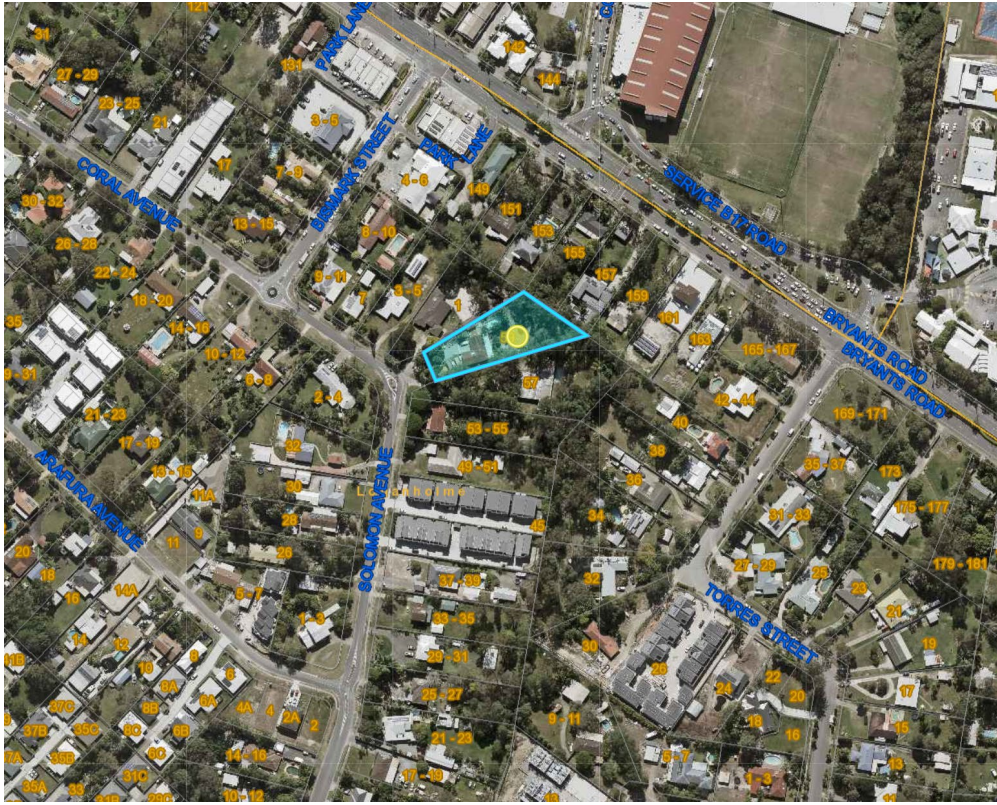


Figure 6: Subject Site - Acid Sulfate Soils overlay



Figure 7: Subject Site - Flood Hazard overlay

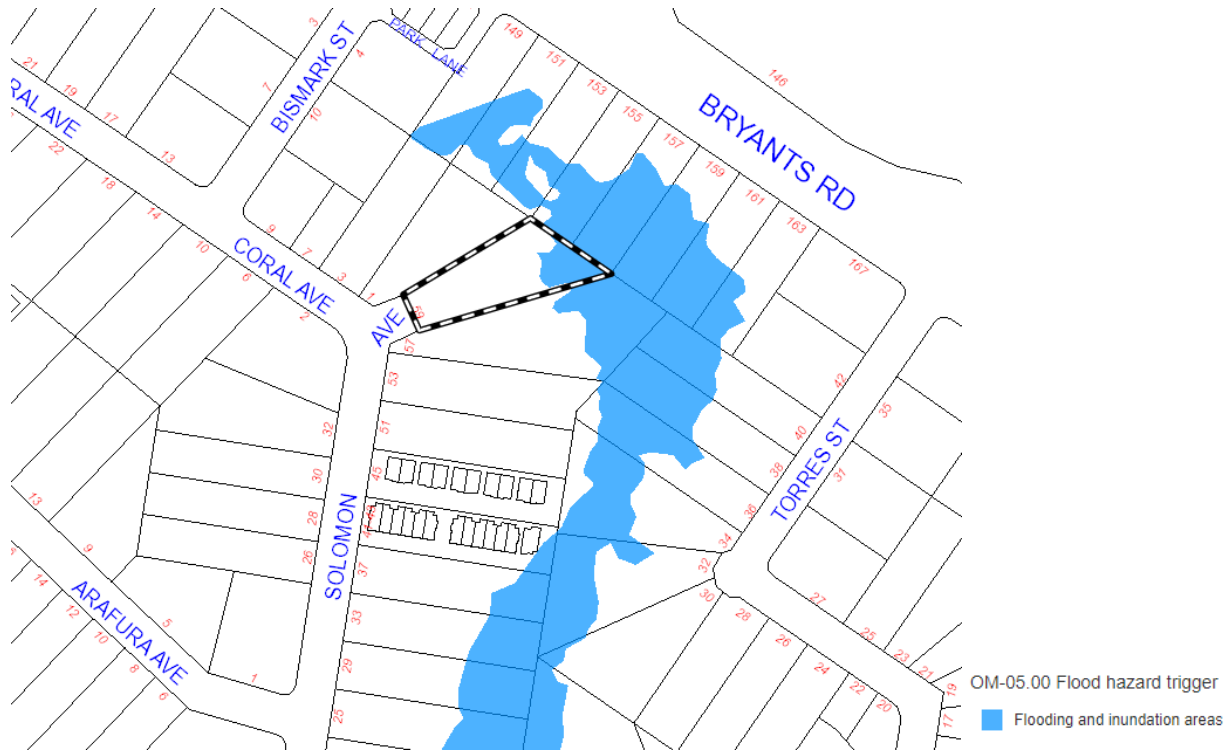
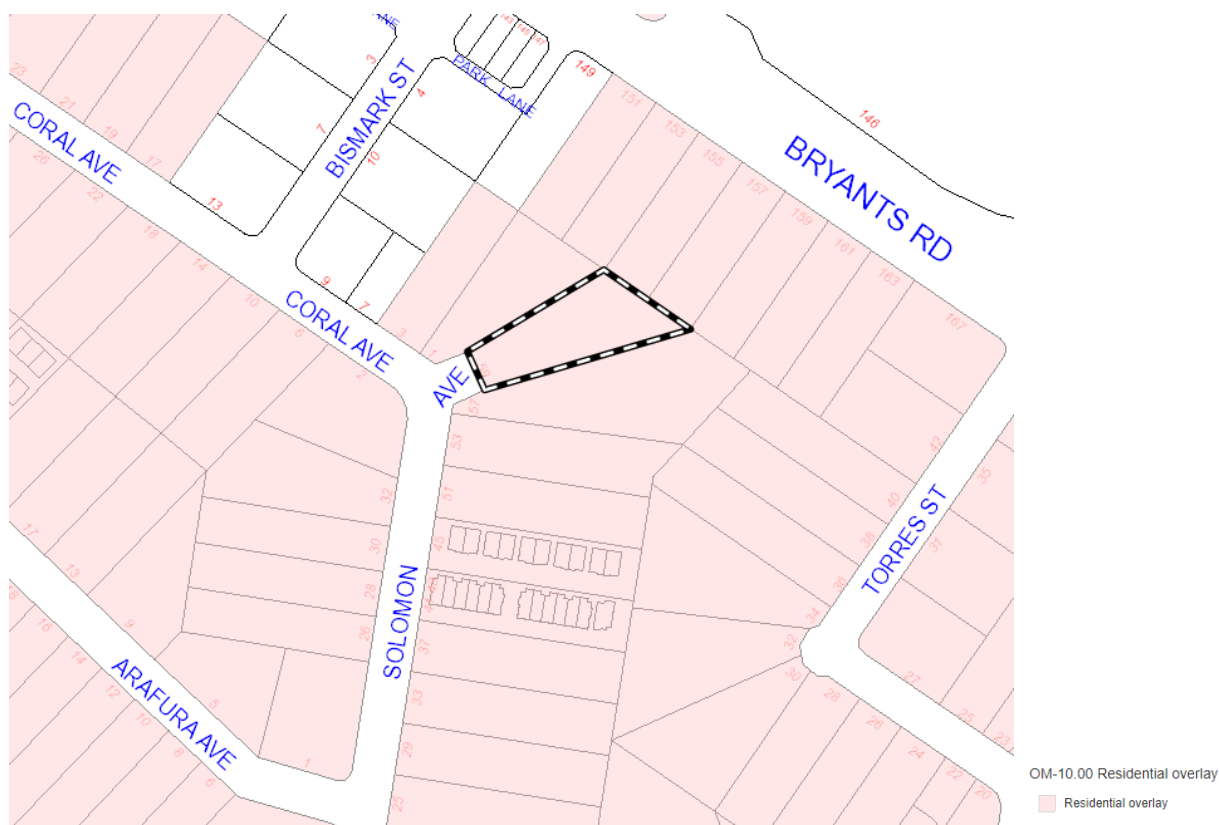


Figure 8: Subject Site - Residential overlay



DESCRIPTION OF PROPOSAL

The proposed development consists of 12, Townhouses units to be established over the subject site. The proposed development includes 2 buildings separated by a breezeway. Building A will feature Units 1 to 5, while Building B will include Units 6 to 12.

The proposal features a 2 storey design with a maximum building height of 7.5 metres.

Each Townhouse unit will include a ground floor kitchen, laundry, powder room, dining and living and a mixture of 3 or 4 bedrooms, bathroom and ensuite on the first floor. The development features 8 x 4 bedroom units and 4 x 3 bedroom units with a resulting net density of 43 equivalent dwellings per hectare based on the site area.

With the exception of Units 9 and 10, each unit will include a 2 vehicle garage. Vehicle parking for Units 9 and 10 include a single garage and 1 allocated car parking space per unit on site. A total of 3 visitor car parking spaces will also be provided.

Private open space for the proposed Townhouse units includes an outdoor patio or 'alfresco' area extending to private turfed courtyards ranging in size from 27.9m² to 340m². A centrally located, designated area of 124m² has been provided as communal recreational open space. The area is proposed to be embellished with a gazebo and turfing providing recreational opportunities for residents and their visitors. A total of 891m² or 32% of the site will be landscaped.

The development results in a site coverage of 41.2%. (Refer to **Figures 9 to 12: Proposed Plans of Development**).

The proposed development will demolish the existing buildings and structures onsite. Vehicle access via Solomon Avenue will occur driveway along the southern side boundary.

Refuse collection will occur on site, with refuse bins located in an enclosure positioned along the southern side boundary.

Figure 9: Proposed Site and Ground floor plan

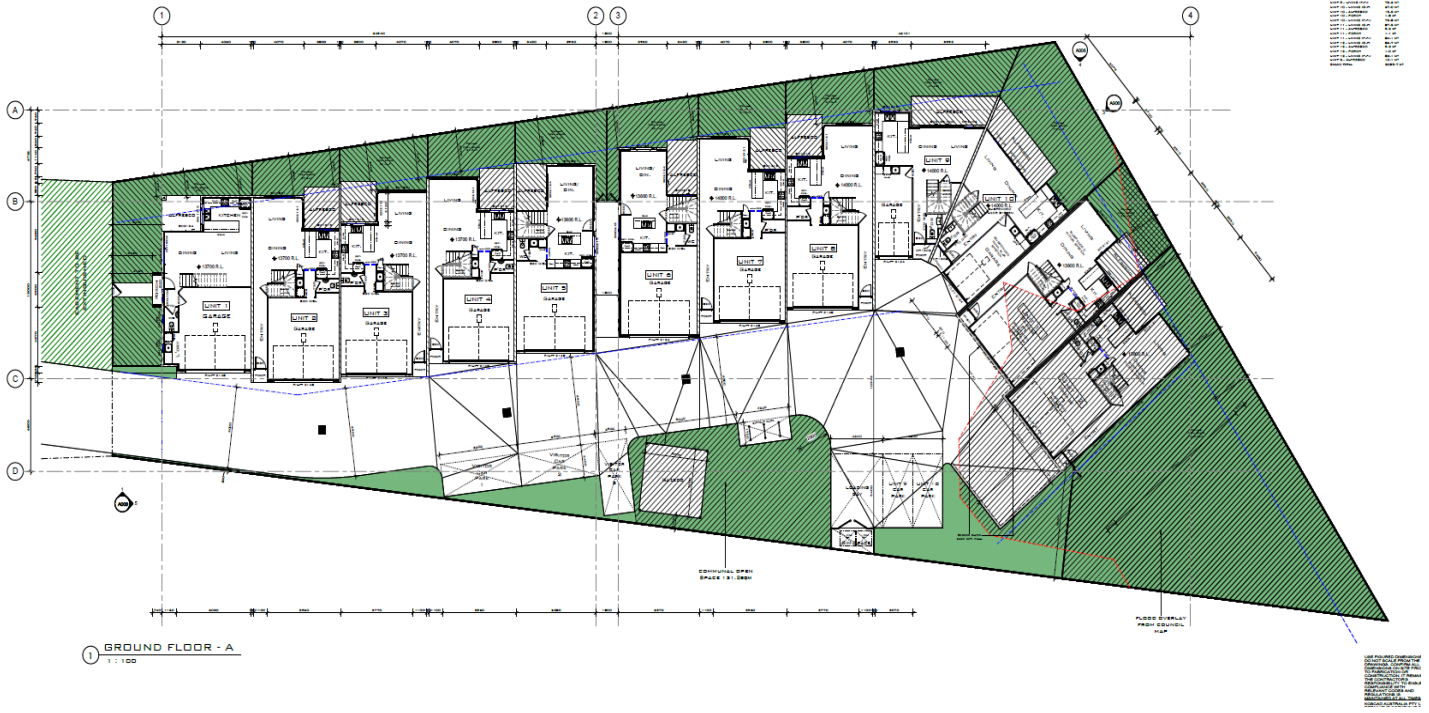


Figure 10: Proposed First floor plan

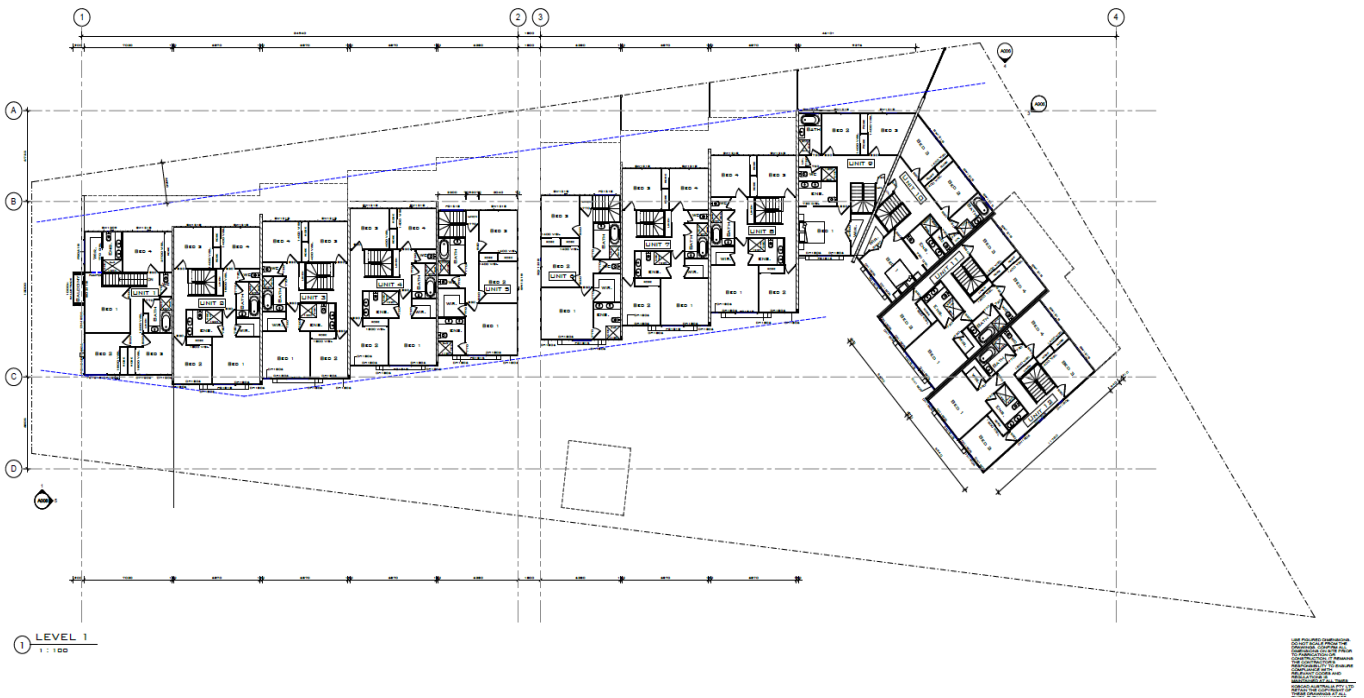


Figure 11: Proposed Front elevation as viewed from Solomon Avenue



Figure 12: Proposed Internal Elevation



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.

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.

The proposal has been assessed against the assessment benchmarks in the regional plan and complies.

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.	<p>As illustrated in Figure 7, the site is identified as being within the Flood hazard overlay.</p> <p>A Flood Hazard Assessment Report was submitted in support of the development. Council’s Technical Services officers completed a review of the Report to determine the development’s compliance with Council’s Flood hazard overlay code and thereby the adequate mitigation of flooding risks to people and property.</p> <p>Officer’s assessment confirmed that sufficient and appropriate measures were being incorporated into the proposed works and stormwater management to reduce the flooding risk. Through complying with the Flood hazard overlay code, the proposed development has demonstrated that flooding risks to people and property on site will be mitigated to acceptable or tolerable level.</p>
(4) Development supports and does not hinder disaster management response or recovery capacity and capabilities.	The proposed development will have adequate access in the event of a flood and therefore will not hinder disaster management response or recovery capacity and capabilities.

(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.	Earthworks as a result of the development will result no loss of flood plain storage or worsening of existing flood impacts external to the site. The proposed development therefore does not in an increase in the severity of a natural hazard and the potential for damage on the site or other properties.
(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 proposed development does not cause risks to public safety and the environment through the storage of hazardous materials.
(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 subject site does not contain landforms or vegetation that can mitigate risks associated with a natural hazard.

A temporary local planning instrument

Not Applicable.

Variation Approval

Not Applicable.

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

MCUI/4/2022 – Material change of use for Multiple dwellings (10 Townhouse units) at 3 to 5 Coral Avenue, Loganholme.

The site the subject of the above approval is also located in the Residential frame precinct of the Loganholme Local Plan and was subject to the same provision promoting the establishment of Multiple dwellings in the form of Apartments. Of note, 3 to 5 Coral Avenue is located two sites to the west of the 59 Solomon Avenue, while immediately adjoining the Bismark Street neighbourhood centre precinct.

This approval has formed part of Officer’s consideration of the proposed establishment of Townhouses on the subject site and compliance with the Loganholme Local Plan code.

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
<ul style="list-style-type: none"> • 6.2.7 Low-medium density residential zone code • 7.2.6 Loganholme Local Plan code 	<ul style="list-style-type: none"> • 9.3.3 Multiple dwelling, rooming accommodation and short-term accommodation code • 9.4.2 Filling and Excavation code • 9.4.3 Infrastructure code • 9.4.4 Landscape code • 9.4.7 Servicing, Access and Parking code 	<ul style="list-style-type: none"> • 8.2.1 Acid Sulfate Soils Overlay code • 8.2.5 Flood Hazard Overlay code

Low-medium density zone Code

The purpose of the Low-medium density residential zone is to provide for a variety of dwelling types, including dwelling houses and low to medium density multiple dwellings; and community uses, and small-scale services, facilities and infrastructure, to support local residents. The proposed development has been assessed against the Acceptable Outcomes (AOs) and Performance Outcomes (POs) of the Zone Code and complies with all of these requirements, with the exception of those provisions that relate to car parking location (AO17). An assessment against this provision is

provided below. Discussion on the development's compliance with provisions relating to built form (PO14), crime prevention through environmental design (PO15) and streetscape (PO16) has also been tabled below.

Further, the development is also considered to comply with the overall outcomes and purpose of the code.

Performance Outcome 17

Service areas and parking	
<p>PO17</p> <p>Development ensures vehicles entrances, servicing and parking are designed and located to minimise disruption to building frontages, pedestrian environment and to reduce the visual impact on the streetscape.</p>	<p>AO17</p> <p>A development:</p> <ol style="list-style-type: none"> a. locates parking areas underground or behind the building; b. screens plant, equipment, services and outdoor storage of materials from public view; c. site with more than one street frontage use the rear lane and/or street, with lesser pedestrian activity, for vehicular access to basements and parking areas; d. ensures vehicle entrances are minimised in height, width, and shared use of vehicular access points are utilised where possible.
Assessment	
<p>The proposed development includes visitor car parking spaces located external to the building and along the internal driveway. As such, the proposal does not comply with AO17 a) of the Low-medium density residential zone code, which requires car parking spaces to be located either underground or behind the building. The proposal complies with the remaining requirements of AO17.</p> <p>The development is considered to comply with PO17 as follows:</p> <ul style="list-style-type: none"> • The proposed location of the visitor car parking spaces will have minimal visual impact on the streetscape given its positioning on site and will be screened from direct view by frontage landscaping and fencing. • The location of the visitor car parking spaces will not cause disruption to the building's frontage or the pedestrian environment. <p>On this basis, the proposed development satisfies PO17.</p>	

Performance Outcome 14

Built form	
<p>PO14</p> <p>A building contributes to the immediate streetscape character with highly articulated buildings and detailing by incorporating:</p> <ol style="list-style-type: none"> a. variations in plan shape, such as steps or projections; b. variations in vertical profile, with steps or slopes at different levels; c. variations in the treatment and pattern of façade elements, such as windows or sun protection devices; d. balconies, verandas or terraces; e. variations in materials and finish; f. planting at any or all levels, particularly on podiums. 	<p>AO14</p> <p>No acceptable outcome provided.</p>
Assessment	
<p>As there is no AO14, the proposed development is required to address the requirements of PO14.</p>	

An assessment of the proposal against the built form criteria within PO14 has established the following regarding the proposed built form:

- The proposal incorporates an articulated built form through the stepping of various units in both the vertical and horizontal planes.
- Given the irregular shape of the allotment, the layout of the buildings result in the general variation of the built form.
- The development breaks up the extent of the built form through the use of a framing element around the primary windows for each unit. This is enhanced through the use of varying colours between the ground and first floor levels.

Despite the abovementioned elements, Officers have concerns with the general uniformity of the built form and the lack of differentiation between the groupings of the Townhouse units. Discussions with the applicant have sort to resolve this issue through the use of greater variation in the colours and materials between the groups of Townhouses. The applicant has requested that Council condition the submission of amendments to the proposed colours and materials to be used in the finishing of the proposed development. A suitable condition for amended plans has been included.

Subject to the development's compliance with the abovementioned condition, Officers consider the proposed development will positively contribute to the immediate streetscape character by creating a contemporary, articulated built form. On this basis, the proposal will comply with PO14.

Performance Outcome 15

Crime prevention through environmental design	
<p>PO15</p> <p>Development supports the safety of users by utilising crime prevention through environmental design principles by:</p> <ul style="list-style-type: none"> a. providing casual surveillance; b. providing easy way finding for pedestrians; c. deterring unintended and illegitimate access to premises; d. limiting the opportunities for graffiti and vandalism. 	<p>AO15</p> <p>No acceptable outcome provided.</p>
Assessment	
<p>As there is no AO15, the proposed development is required to address the requirements of PO15.</p> <p>An assessment of the proposal against the Crime prevention through environmental design (CPTED) criteria within PO15 has confirmed the development compliance as follows:</p> <ul style="list-style-type: none"> • The general layout of Unit 1, including the provision of windows and a first floor balcony allows for the casual surveillance of the adjoining streetscape. Casual surveillance opportunities within the site will occur via large windows to first floor levels of the development. • Pedestrian access and way finding is accounted for through the provision of a low speed internal driveway and easily identifiable entry doors for the Units. • Frontage and boundary fencing will deter unintended and illegitimate access to the premises. • The proposal includes limited easily accessible blank walls which could be subject graffiti and vandalism. <p>On this basis, the proposed development satisfies PO15.</p>	

Performance Outcome 16

Streetscape	
<p>PO16</p> <p>Development provides a consistent and cohesive streetscape, which creates visual interest, a sense of place and a safe pedestrian environment that is consistent with the intended character of the precinct through the use of:</p> <p>a. footpath paving; b. street trees; c. landscaping.</p>	<p>AO16</p> <p>No acceptable outcome provided.</p>
Assessment	
<p>As there is no AO16, the proposed development is required to address the requirements of PO16.</p> <p>An assessment of the proposal against the criteria within PO16 has confirmed the development compliance as follows:</p> <ul style="list-style-type: none"> • The proposal will incorporate landscaping along the site’s frontage as well as the provision of street trees in the road reserve. • These elements will combine with the existing pedestrian footpath to enhance the existing streetscape. <p>The abovementioned treatment of the site’s frontage and the adjoining road reserve will create a streetscape that has visual interest, provides a safe pedestrian environment and is consistent with the intended character of Residential frame precinct of the Loganholme Local Plan. On this basis, the proposed development satisfies PO16.</p>	

Loganholme Local Plan Code

The purpose of the Loganholme local plan code is to provide residential densities and uses to achieve housing choice within the local plan area. The code seeks to provide ground floor retail and commercial activities of an appropriate scale to service the needs of the Loganholme Local Plan area and surrounding areas, while supporting urban consolidation to achieve infrastructure efficiency. The purpose of the code is also to provide levels of privacy, safety and amenity reasonably expected in a predominantly residential environment and to enhance and develop the identity and distinctive character of the Loganholme Local Plan area and its precincts.

The proposed development has been assessed against the Acceptable Outcomes (AOs) and Performance Outcomes (POs) of the Local Plan Code and complies with all of these requirements, with the exception of those provisions that relate front and side boundary clearances (AO1), minimum separation between buildings (AO7.2), establishment of a Townhouses within the Residential frame precinct (PO46) and intended Precinct character (PO50). An assessment against these provisions is provided below.

Of note, PO6 and PO8 of the code includes key built form criteria which needs to be accommodated by the proposed design and configuration of the development. The criteria listed in these POs are similar to PO14 and PO15 of the Low-medium density residential zone code. As noted in the section above, the proposed development meets these POs of the Zone code, subject to conditions, and is therefore considered to comply with PO6 and PO8 the Loganholme Local Plan code.

Performance Outcome 1

Boundary clearance	
<p>PO1</p> <p>Development in the Large lot residential precinct, Residential choice precinct, Residential core precinct, Residential frame precinct or Suburban residential precinct provides boundary clearances that:</p>	<p>AO1</p> <p>Unless Residential care facility, Retirement facility or Dual occupancy, development in the Large lot residential precinct, Residential choice precinct, Residential core precinct, Residential frame precinct or Suburban residential precinct has minimum boundary</p>

<p>a. allow for the separation of buildings or structures necessary to ensure the impacts on residential amenity and privacy are minimised;</p> <p>b. provide access to natural light and ventilation;</p> <p>c. provide an area of landscaping;</p> <p>d. are consistent with the character for the precinct.</p>	<p>clearances that comply with Table 7.2.6.4.3 - Loganholme minimum boundary clearance.</p> <p>Table 7.2.6.4.3 prescribes the following boundary clearances for the subject site:</p> <table border="1" data-bbox="815 253 1482 380"> <thead> <tr> <th data-bbox="815 253 1035 331">Road boundary</th> <th data-bbox="1037 253 1257 331">Side boundary</th> <th data-bbox="1259 253 1482 331">Rear boundary</th> </tr> </thead> <tbody> <tr> <td data-bbox="815 333 1035 380">4 metres</td> <td data-bbox="1037 333 1257 380">3 metres</td> <td data-bbox="1259 333 1482 380">3 metres</td> </tr> </tbody> </table>	Road boundary	Side boundary	Rear boundary	4 metres	3 metres	3 metres
Road boundary	Side boundary	Rear boundary					
4 metres	3 metres	3 metres					

Assessment

The proposed development will have boundary clearances that generally comply with the prescribed minimum front, side and rear boundary clearances, with the exception of the following:

- 3.2 metres to the front boundary (in lieu of 4 metres) as measured from a ground level entry porch and corresponding first floor balcony.
- Between 1.5 metres to 2.5 metres to the northern side boundary (in lieu of 3 metres) as measured to the closest points of the building, noting the clearance increases beyond these points given the configuration of the lot.
- 1.0 metres to the southern side boundary (in lieu of 3 metres) as measured to an open gazebo for the communal open space.

As such the proposal does not comply with AO1 of the Loganholme Local Plan Code.

A review of the existing development to the immediate north and south of the site has been undertaken to determine the suitability of the proposed boundary clearances. As part of Officers' consideration, the siting and orientation of the existing development over the adjoining sites was reviewed. Officers also reviewed the existing separation distance as well as the current usage of this area to determine any potential amenity impacts of the proposed boundary clearance.

The development will satisfy the corresponding Performance Outcome as the proposal will still achieve the following:

- Appropriate separation of buildings necessary to ensure the impacts on residential amenity and privacy is minimised.
- Maintenance of access to natural light and ventilation.
- Provision of adequate landscaping areas within the proposed building setback.
- Be consistent with the overall character for the precinct.

The proposed reduced boundary clearances will not have any negative impacts on the amenity on the adjoining residential properties. On this basis, the proposed development satisfies PO1.

Performance Outcome 7

Built form	
<p>PO7</p> <p>Development provides a break in the building form that:</p> <p>a. allows sunlight and breezes to move through the site and between buildings;</p> <p>b. facilitates the safe movement of pedestrians through the site;</p> <p>c. breaks up the massing of the built form.</p>	<p>AO7.2</p> <p>Development, other than in the Bismark Street neighbourhood centre precinct, Bryants Road local centre precinct or Large lot suburban precinct, provides a minimum separation of 10 metres between buildings that:</p> <p>a. includes landscaping;</p> <p>b. excludes car parking (other than a site adjoining a shared access area identified in Figure 7.2.6.4.2 - Loganholme place making and movement network).</p>

Assessment
<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 development will satisfy the corresponding Performance Outcome as the proposal will still achieve the following:</p> <ul style="list-style-type: none"> • Adequate sunlight and breezes will be able to move through the site and between the buildings. • The reduced separation distance will not impede the safe movement of pedestrians through the site. <p>In terms of the massing of the built form, during the assessment of the application, Officers requested the applicant include greater separation distance between the buildings. The applicant responded by amending the façade design of the buildings in an attempt to break up the massing of the built form. The applicant also noted that the proposed development incorporated a similar separation distance to what was included in the approved Townhouse development at 3-5 Coral Avenue, Loganholme (MCUI/4/2022).</p> <p>In this regard, the massing of the building will be visually broken up through the use of a variation of colours between the buildings. It is noted that a further variation in the colours between the groupings of townhouses has been conditioned. Further, the planting of trees along the northern boundary (in proximity to the separation area) will assist to visually offset the extent of the built form when viewed from the north. This landscape element has been conditioned to be incorporated into the landscape plan, with a selection of plant species to be used included in the condition.</p> <p>Subject to the development’s compliance with the conditions for greater variation in the colours and finishes in the development and the provision of tree planting as mentioned above, Officers consider that the proposal will comply with PO7.</p>

Performance Outcome 46

Streetscape	
<p>PO46</p> <p>A use in the Residential frame precinct is a use identified in overall outcome 7.2.6.3(3)(j)(i).</p>	<p>AO46</p> <p>No acceptable outcome provided.</p>
Assessment	
<p>As there is no AO46, the proposed development is required to address the requirements of PO46.</p> <p>Overall outcome 7.2.6.3(3)(j)(i) allows for the establishment of a Multiple dwelling in an Apartment form in the Residential frame precinct.</p> <p>The proposed development is for Multiple dwellings in a Townhouse form and therefore does not comply with Overall outcome 7.2.6.3(3)(j)(i) of the Loganholme Local Plan code. In assessing this non-compliance the purpose of the Loganholme local plan code is taken into consideration. The purpose of the Loganholme local plan code is to:</p> <ol style="list-style-type: none"> a) <i>provide residential densities and uses to achieve housing choice within the local plan area;</i> b) <i>provide ground floor retail and commercial activities of an appropriate scale to service the needs of the Loganholme local plan area and surrounding areas;</i> c) <i>support urban consolidation to achieve infrastructure efficiency;</i> d) <i>provide levels of privacy, safety and amenity reasonably expected in a predominantly residential environment;</i> e) <i>enhance and develop the identity and distinctive character of the Loganholme local plan area and its precincts.</i> <p>The proposed development is considered to comply with the purpose of the Loganholme Local Plan code as follows:</p> <ul style="list-style-type: none"> • The proposal establishes a residential development at a density of 43 equivalent dwellings per hectare which is consistent with the Code which allows a maximum 65 equivalent dwellings per hectare. • The development will add to the housing choice in the local area which currently includes a mix of Dwelling houses and other Townhouses. The proposed Townhouse units will offer a mix of 3 and 4 bedroom units. These units are expected to provide housing opportunities to a mix of family types and sizes and offers a dwelling product that would be more affordable when compared to traditional Dwelling houses in the locality. 	

- The development will feature a 2 storey residential form which is sympathetic to the existing and intended character of the area.
- The development supports urban consolidation by providing increased residential densities in the locality thereby assisting to achieve infrastructure efficiency.
- The development has been designed and sited to ensure an adequate level of privacy, safety and amenity is achieved commensurate with the reasonable expectations of a predominately low to medium density residential environment.
- Despite its Townhouse form, the proposed development will enhance and assist in developing the identity and distinctive character of the Loganholme local plan area and the area which consists of the Residential frame precinct.

Based on the above assessment, officers are of the opinion that the despite it's non-compliance with the Overall outcome 7.2.6.3(3)(j)(i), the development is capable of complying with the purpose of the Loganholme Local Plan code and therefore warrants approval.

Further assessment has been provided in the **Strategic Framework** section of this report, whereby the alternative solution has been found to comply with the Strategic Framework provisions.

Performance Outcome 50

Land use	
<p>PO50</p> <p>Development in the Residential frame precinct has a character that is consistent with a low-medium density residential built form, characterised by Dwelling houses and Multiple dwellings being apartments in an urban landscape setting.</p>	<p>AO50</p> <p>No acceptable outcome provided.</p>
Assessment	
<p>As there is no AO50, the proposed development is required to address the requirements of PO50.</p> <p>The proposed development is for a Multiple dwelling consisting of 12 Townhouse units and therefore does not comply with PO50.</p> <p>In accordance with section 5.3.3 of the Logan Planning Scheme 2015, the development can still be assessed as complying with a code, provided it complies with the purpose and overall outcomes of the code.</p> <p>As determined in the above response to PO46, the proposed development does not comply with Overall outcome 7.2.6.3(3)(j)(i) which envisages the establishment of Apartments in the Residential frame precinct. However, an assessment against the purpose of the Loganholme local area place code has determined that the proposed Townhouse development complies with the purpose of the code and therefore warrants approval.</p> <p>It should be noted that Council on 15 November 2022, approved the issue of a development permit for a Material change of use for Multiple dwellings (10 Townhouse units) at 3 to 5 Coral Avenue, Loganholme (MCUI/4/2022). The site the subject of the above approval is also located in the Residential frame precinct of the Loganholme Local Plan and was subject to the same provision promoting the establishment of Apartments over Townhouses. Number 3 to 5 Coral Avenue is located two sites to the west of the 59 Solomon Avenue, while immediately adjoining the Bismark Street neighbourhood centre precinct.</p> <p>The proposed development is of a similar scale to that approved by MCUI/4/2022. Importantly, both developments achieve the intended increase in residential density as promoted by the Planning Scheme and is considered to result in a built form character that is complimentary to both the current and emerging character in the locality, despite not being of an Apartment form.</p> <p>Further assessment has been provided in the Strategic Framework section of this report, whereby the alternative solution has been found to comply with the Strategic Framework provisions.</p>	

Development Codes

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

Use Codes

Multiple dwelling, Rooming accommodation and Short-term accommodation code

The purpose of the Multiple dwelling, Rooming accommodation and Short-term accommodation code is to provide a choice and diversity of housing types that are adaptable and provides amenity to residents.

The proposed development has been assessed against the AOs and POs of the Multiple dwelling, Rooming accommodation and Short-term accommodation code and complies with all of these requirements. Conditions for the provision of screens on second floor windows have been imposed to address any privacy and solar orientation considerations. These conditions, along with others contained in Council’s approval will ensure the developments compliance with the Multiple dwelling, Rooming accommodation and Short-term accommodation code.

A discussion of the development’s compliance with PO8 (Communal open space) is included below.

Performance Outcome 8

Communal open space	
<p>PO8 A Multiple dwelling, Rooming accommodation or Short-term accommodation provides communal open space and facilities that are located and designed to be:</p> <ul style="list-style-type: none"> a. safe and attractive; b. easily accessible; c. clearly defined; d. centrally located; e. a combination of passive and active recreation; f. adequate and useable and designed for climatic comfort; g. connected to a footpath. 	<p>AO8 No acceptable outcome provided.</p>
Assessment	
<p>As there is no AO8, the proposed development is required to address the requirements of PO8.</p> <p>An assessment of the proposal against the criteria within PO8 has confirmed the development compliance as follows.</p> <p>The proposed Communal open space area for the Townhouse development consists of a centrally located 124m² area of landscaped open space. The communal area is to be embellished with a gazebo and turfing to create a pleasant and safe recreational area for residents and their visitors.</p> <p>The subject area is clearly defined and easily accessible given its central location within the site.</p> <p>The communal open space area will provide a usable area for residents that will function as a break out space for passive and active reaction use. Although, a designated footpath is not provided through the site, pedestrian access between the units and communal open space area can easily and safely occur through the low speed internal driveway.</p> <p>Based on the above assessment, Officers are satisfied that the proposed development complies with PO8 of the code.</p>	

Other Development Codes

Filling and excavation code

The purpose of the Filling and excavation code is to protect premises, people and natural processes from adverse impacts associated with filling or excavation.

Council's Development Engineers have reviewed the applicant's proposal including concept earthworks plans against the AOs and POs of the Filling and excavation code. Filling and excavation works are proposed as part of the subject application to establish a level development area and achieve servicing and flood immunity requirements. Concrete sleeper retaining walls are proposed up to 1.4m in height and will be contained within the development site.

To ensure flood storage is maintained, a compensatory cut of 65m³ will be required to be undertaken as part of future earthworks. Detailed earthworks plans have been conditioned to be provided for assessment as part of a required Operational works application. An assessment the proposed earthworks, including compliance with the Filling and excavation code will occur part of the Operational works application.

Landscape code

The purpose of the Landscape code is to enhance visual amenity of the built and natural environment. The proposed development has been assessed against the AOs and POs of the Landscape code and conditions have been provided to ensure compliance with this code.

Infrastructure code

The purpose of the Infrastructure code is to ensure that infrastructure is provided to service development. The proposal has been assessed against the AOs and POs of the Infrastructure code and is considered to comply. An assessment against the Infrastructure code in relation to each item of infrastructure has been provided below:

Water:

Council's Water Development Services Engineers have reviewed the applicant's proposal to connect to Council's water network via the 100mm diameter water main located within the Solomon Avenue road reserve. Officers are supportive of this connection point and have recommended conditions to ensure this occurs in accordance with Council's standards. Further sub-metering for each unit has also been conditioned.

It is therefore considered that the proposal has been conditioned to comply with the Infrastructure code in relation to water infrastructure.

Sewer:

Council's Water Development Services Engineers have reviewed the applicant's proposal to connect to Council's sewer network service which runs external to the site within the properties to the east of the site. A 150mm diameter property connection is proposed in the south eastern corner. Officers are supportive of this connection point and have recommended conditions to ensure this occurs in accordance with Council's standards.

It is therefore considered that the proposal has been conditioned to comply with the Infrastructure code in relation to sewer infrastructure.

Stormwater Quantity:

Council's Development Engineers have reviewed the applicant's proposal to address stormwater quantity management. A pit and pipe system is proposed to collect roof water from units and surface runoff from the paved driveway and parking area. The proposal includes channelling the stormwater to a detention tank, then discharging to a proposed interallotment pipe network. This would include an upstream stub for connection for future development in the northern most corner, flowing to new infrastructure proposed in number 57 to the south.

Lawful Point of Discharge (LPOD)

The development site is within the mapped area on Figure 3.6.1.3.1 - Loganholme: stormwater management of Planning scheme policy PSP5 - Infrastructure, which requires that stormwater be managed on site to minimise runoff or maximise discharge to the LPOD.

Pursuant to Figure 3.6.1.3.1, the subject site requires a lawful point of discharge. A drainage easement is located on the rear boundary and in favour of Council – Section 3.6.1.4 (4) of Planning scheme policy PSP-5. In addition, according to Figure 3.6.1.3.1, a waterway is also located in proximity to the site (Refer to **Figure 13: Extract from Figure 3.6.1.3.1 - Loganholme: stormwater management of Planning scheme policy PSP5 – Infrastructure**)

Figure 13: Extract from Figure 3.6.1.3.1 - Loganholme: stormwater management of Planning scheme policy PSP5 – Infrastructure



The proposal appears consistent with this part of the PSP-5 and provides a lawful point of discharge through interallotment drainage flowing through number 57 Solomon Avenue. This is proposed to be via a 375mm dia RCP within a drainage easement. Owners consent has been obtained for this proposal.

To ensure an LPOD can be achieved, conditions have been added in relation to obtaining consent through 51 and 53 Solomon Avenue to establish an easement in favour of Council and construction of the stormwater infrastructure in the event that development on these properties has not progressed. This will allow for connection to the existing infrastructure in 45 Solomon Avenue, or Easement A on SP306430 which is now off maintenance under OW/334/2017.

Detention

Figure 3.6.1.3.2 - Loganholme: Torres Street catchment also applies to the site, requiring flood detention measures that result in no increase to flood events upstream of Beenleigh-Redland Bay Road. The Stormwater Management Plan (SMP) has used calculations presented in Section 3.6.1.3 of the PSP-5 to size a detention tank of 22.4m³ with a 375mm dia outlet, based on an estimated increase in impermeous area of 1,120m².

To achieve no worsening, the SMP has demonstrated a 12.7m³ (plus free board) detention tank with 375mm outlet would ensure post-development peak flows are returned to pre-development levels across the range of AEP events.

Stormwater Quality

The applicant has entered into an Infrastructure Agreement with Council for the management of stormwater quality. The Infrastructure Agreement is in lieu of providing stormwater quality measures on site and has been proposed by the applicant pursuant to Section 2.4.1 (4) of Logan Planning Scheme Policy PSP5 – Infrastructure which provides stormwater quality offset applicability criteria.

It is therefore considered that the proposal has been conditioned to comply with the Infrastructure code in relation to stormwater infrastructure.

Roads:

Council's Development Engineers have reviewed the applicant's proposal in relation to roads.

The site is accessed by Solomon Avenue, which is defined as an Urban Access Road. The frontage to the site is unusual given the shape of the subject site and adjoining properties, with a common access area mapped as Urban Access Street. Vehicle access to the site requires left in / left out turning movements.

Frontage works are not proposed; however rectification works will be required in relation to removal of the existing access and tying in the new crossover. From a review of the site, it does not appear possible for the development to provide a crossover extending from the subject site's boundary to the existing Solomon Avenue pavement without infringing on an adjoining neighbour's existing access. (Refer to **Figure 14** which illustrates the approximate driveway location and impacts on the adjoining access). In the proposed location, the crossover will impact 57 Solomon Avenue. This appears unavoidable given the configuration of the sites in this part of Solomon Avenue.

Figure 14: Approximate location of the vehicle crossing and its impacts on the adjoining site's driveway.



Disruption during the construction phase of the development would be expected, potentially restricting vehicle access by residents at number 57 for several days. Once constructed, residents from number 57 will have to utilise the development's proposed crossover for vehicle access. This will require the slab level and neighbour's access to tie in, and will create a conflict point for entering and exiting traffic from each property. For these reasons, a further Operational Works approval for access has been conditioned.

It is considered that the proposal has been conditioned to comply with the Infrastructure code in relation to roads infrastructure.

Electricity and Telecommunication

Council's Development Engineers have reviewed the provision and connection to existing electrical and telecommunication services.

The existing house is connected to overhead electricity cabling.

The development will be conditioned to provide underground reticulation of both electrical supply and telecommunication services.

It is therefore considered that the proposal has been conditioned to comply with the Infrastructure code in relation to electrical and telecommunication infrastructure.

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 POs of the Servicing, Access and Parking code and complies with all of these requirements.

With the exception of Units 9 and 10, each unit will include a 2 vehicle garage. Vehicle parking for Units 9 and 10 include a single garage and 1 allocated car parking space per unit on site, while a total of 3 visitor car parking spaces will also be provided. Bicycle parking for up to 6 bicycles has been provided for. The proposed development is compliant with the number of resident, visitor and bicycle spaces required by the Servicing, Access and Parking code.

Council's Development Engineers have reviewed the submitted swept paths for a refuse collection vehicle and has confirmed that the site can be adequately accessed and serviced.

The development through conditions and subsequent Operational works applications will comply with the Servicing, Access and Parking code.

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.

Due to the current levels of the site ranging from 12m AHD to 13.5m AHD and extent of earthworks proposed, it is unlikely that soil below 5 metres AHD will be disturbed. It is noted that an assessment against the Acid Sulfate Soils Overlay code will be required at Operational works stage where earthworks of greater than 100m³ or below 5 metres AHD are proposed.

It is therefore considered that the proposal complies with the Acid Sulfate Soils Overlay code.

Flood Hazard Overlay code

The purpose of the Flood Hazard Overlay code is to ensure development is compatible with the nature of the natural flood hazard, does not cause injury, loss of life or damage to premises and property due to flooding or storm tide inundation and does not increase the emergency management burden on neighbours, the community or the local government.

Council's Technical Services Team have reviewed the applicant's Flood Hazard Assessment Report and preliminary earthworks plans against the AOs and POs of the Flood Hazard Overlay code. The assessment confirmed that flood free access is available to each dwelling unit via an internal road discharging to Solomon Avenue, which is above the flood level in the defined flood event.

Units 11 and 12 are proposed to be on suspended slabs to reduce impacts on the Flood hazard overlay, with all remaining units to be constructed as slab-on-fill. This results in the finished floor levels of the habitable areas of the proposed units achieving a minimum 500mm freeboard above the defined flood level.

Officer's assessment also identified that the eastern portion of the internal driveway is located within the Flood hazard overlay area and is proposed over fill, resulting in fill being located within the Flood hazard overlay. With no compensatory cut proposed, this resulted in a non compliance with PO10 of the Flood hazard overlay code which has not been accepted by Council's Technical Services Team. Updated preliminary earthworks plan were provided, confirming 65m³ of compensatory earthworks will be required. To ensure compliance with the Flood hazard overlay code, including PO10, detailed earthworks plans have been conditioned to be provided for assessment as part of a required Operational works application. Officer's assessment of the proposed earthworks including all compensatory fill requirements, and thereby compliance with the Flood hazard overlay code, will occur as part of the Operational works application.

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.

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.

The proposed development is considered to comply with each theme. Further comments have been provided below on the proposal's compliance with the **Residential** theme, having regard to earlier discussions.

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 Residential Frame precinct of the Loganholme Local Plan promotes the establishment of Multiple dwellings in the form of Apartments. As evident in **Figure 3**, the subject site is located on the edge of the Residential frame precinct, with the neighbouring site to the south being in the Residential choice precinct, which allows for establishment of a Multiple dwellings in the form of Townhouses similar to that proposed.

It is considered that the Residential frame precinct seeks to provide housing diversity as a range of housing types are listed in the preferred land uses within the precinct pursuant to Overall outcome 7.2.6.3(3)(j)(i) of the Loganholme Local Plan code.

Having regard to this, Element 3.4.2 - Housing supply and diversity, is of particular relevance to the proposed development's compliance with the Residential theme. Element 3.4.2 - Housing supply and diversity include the following Specific outcomes:

1. A range of lot sizes and dwellings types including traditional housing, small lot housing, dual occupancy, auxiliary unit living, and terrace houses are provided to create diverse neighbourhoods with a range of household types.
2. A variety of accommodation units including studio, one bedroom units and two bedroom units are provided in centres and locations of good public transport accessibility to meet the needs of small and single person households.
3. Affordable housing and adaptable housing is provided throughout Logan to meet community needs

The proposed development meets these provisions as follows:

- The development will add to the housing choice in the local area which currently includes a mix of Dwelling houses and other Townhouses.
- The proposed Townhouse units will offer a mix of 3 and 4 bedroom units.
- The Townhouse units are expected to provide housing opportunities to a mix of family types and sizes.
- The development will offer a residential dwelling product that would be more affordable when compared to traditional Dwelling houses in the locality.
- 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.

It is therefore considered that the proposal achieves the intent of the Residential theme and is compliant with remaining themes and Strategic Framework as a whole.

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:	22/11/2022
End Date:	19/12/2022
Date of Final Notice:	20/12/2022
Number of Submissions:	Properly made 1 objection

Figure 15 shows where the submitter's property (orange marker) is located in relation to the proposed development site (blue arrow). The issues raised in the submission are outlined below in **Table 1**.

Figure 15: Location of submitters in relation to development site

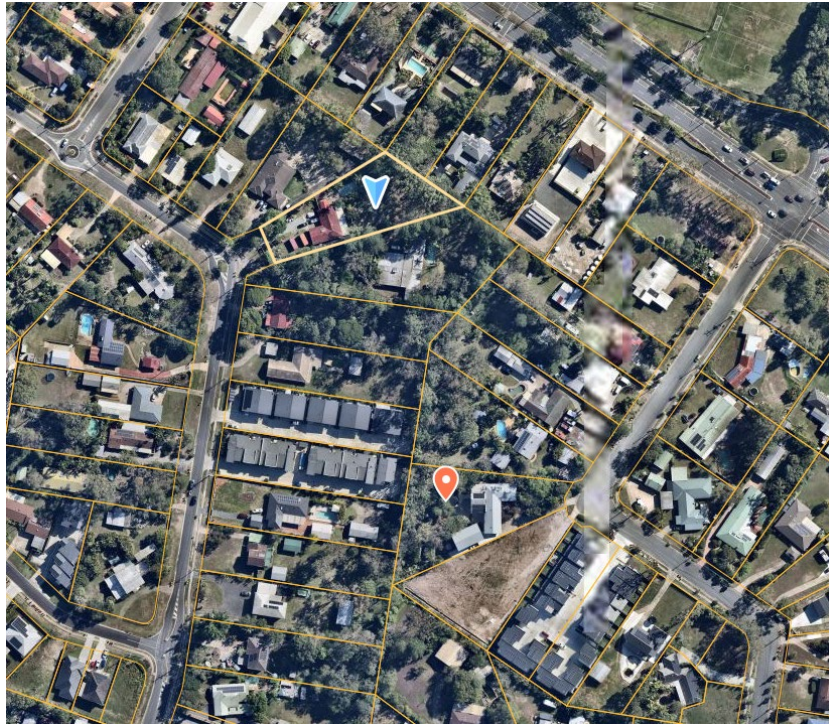


Table 1: Submitter Concerns and Comments

Submitter Concerns	Council Officer Comments
<p>Non- compliance with density</p> <p><i>'The proposed development does not comply with that permitted by the Planning Scheme which states a density of one x three/four bedroom unit per 250m².</i></p> <p><i>Area of site = 2,785m² / 250 = 11 units not 12 as proposed.'</i></p>	<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> <ul style="list-style-type: none"> a. a one bedroom dwelling equals 0.5 equivalent dwellings. b. a two bedroom dwelling equals 0.7 equivalent dwellings. c. a dwelling with three or more bedrooms equals 1 equivalent dwelling. <p>Net density is the number of equivalent dwellings divided by the site area in hectares. The site has an area of 2,785m² 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> <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 my property</p> <p><i>'The development is proposing to connect to a stormwater drainage network which is incomplete and discharges onto my property. The application makes no reference to when the system will be completed. The development will</i></p>	<p>The proposed design has been assessed in accordance with the requirements of the Logan Planning Scheme 2015 and the relevant stormwater design provisions of the <i>Queensland Urban Drainage Manual (QUDM)</i>.</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, refer to Figure 13 above). 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</p>

Submitter Concerns	Council Officer Comments
<p><i>result in water being ‘concentrated and directed onto my property.’ The stormwater is proposed to discharge onto land not under the control of Council – contrary to best practice.</i></p> <p><i>This is in breach of QUDM, clause 3.9.1 – Lawful point of discharge tests/conditions.</i></p> <p><i>None of the conditions set out by QUDM have been followed by Council. Downstream recipients of the run off have not been consulted.’</i></p>	<p>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</p> <p><i>‘Council appears to be receiving payment in lieu of stormwater quality treatment for the development. This results in developers not having to worry about water quality, instead Council will undertake the work.</i></p> <p><i>This approach will result in the trash, silt and chemicals settling out in my yard where the outlet pipe discharges onto my property.</i></p> <p><i>Ensure Council’s assessment takes into consideration a review the Australian Government definition of “Stormwater”, and ensure that nothing other than this makes it’s way onto our property, I don’t see where car washing, swimming pool discharge or pressure washing fall into this category, especially as Council has already decided that on site treatment for such contaminants isn’t required, the least you could do would be to specifically <u>exclude</u> these activities from the development approval.</i></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 important to note 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. 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>
<p>The proposed Buffer/Surge tanks are inappropriate</p> <p><i>The proposed Buffer/Surge tanks are undersized when considering the ultimate development of the site. Should these tanks not perform, we (submitter) will be the victims of overland flooding.</i></p> <p><i>Further, has the sizing/capacities of the tanks taken into consideration the overflow of kerbs/channelling in Solomon</i></p>	<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” (refer to Figure 15 below) 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</p>

Submitter Concerns	Council Officer Comments
<p><i>Avenue as well from Bryants Road overflow into no. 59 which currently occurs?</i></p>	<p>considered to comply with the Planning Scheme's PSP 5 as well as the additional provisions set out within the 'Loganholme: Torres Street catchment.'</p>
<p>Maintenance of Buffer tanks</p> <p><i>How does Council ensure the on going maintenance of the buffer tanks to ensure they are performing as proposed?</i></p>	<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>

Figure 15: Extract from PSP5 Figure 3.6.1.3.2 - Loganholme: Torres Street catchment



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

- Technical Services (Hydraulics)
- Technical Services (Traffic/Transport)
- Technical Services (Environment)
- Technical Services (Parks/Landscaping)
- Water Infrastructure Branch

CONCLUSION

After considering the development application against the applicable legislation, planning instruments, and submissions, it is recommended that the development application be approved, subject to conditions.

RECOMMENDATION

IT IS RECOMMENDED:-

That the Development Application be approved, subject to conditions, and a Development Permit for Material Change of Use to establish Multiple dwellings (12 x Townhouses) at 59 Solomon Avenue, LOGANHOLME QLD 4129 described as Lot 10 RP 116425, be issued in accordance with the attached conditions.

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 complies with the relevant standards and the *Planning Act 2016* (where applicable) and should be approved, subject to conditions for the reasons outlined in the decision notice.

Dated the 1st day of June 2023

Tonia Plail
Senior Planning Officer
Planning Assessment & Technical Services