

DEVELOPMENT CONDITIONS



APPLICANT: DEVALIGN
APPLICATION NUMBER: MCUI/38/2022
TYPE & DESCRIPTION: MATERIAL CHANGE OF USE - MULTIPLE DWELLING (12 X TOWNHOUSES)

OFFICER DETAILS

The Assessment Manager for this application was:

Officer Name: Dale Schroeder
Contact Number: (07) 3412 5269
Please Quote: MCUI/38/2022
Document Number: 16605620

LAND

Development Conditions to apply to the following land:

Street Address: 59 Solomon Avenue, LOGANHOLME QLD 4129
Real Property Description: Lot 10 RP 116425

CONDITIONS OF DEVELOPMENT:

1. GENERAL Approved Documents

- 1.1. Undertake development generally in accordance with the approved plan(s) of development and/or document(s); that are to be based on the following:

Title	Plan Number	Rev/Amd't	Date	Prepared by
Coloured perspectives	-	I	12/04/2023	Koscad Building Design
Site Plan	A002	I	12/04/2023	Koscad Building Design
Area Plan	A003	I	12/04/2023	Koscad Building Design
Ground Floor - A	A004	I	12/04/2023	Koscad Building Design
Level 1	A005	I	12/04/2023	Koscad Building Design
Elevations	A006	I	12/04/2023	Koscad Building Design
Landscape Plan	A007	I	12/04/2023	Koscad Building Design
3D Perspectives	A008	I	12/04/2023	Koscad Building Design

except as altered by other conditions of this development approval, amendments in red on the approved plan(s) and/or document(s) and as follows:

- 1.1.1. Provide landscape treatments, being planting of two medium tree species at the rear of Unit 5 and Unit 6. The two medium tree species, being one of either *Waterhousia floribunda*, *Acacia finbriata*, *Callistemon salignus*, *Buckinghamia celsissima*, *Syzygium francissii* species, must be able to reach a minimum of three metres and must be 100L pot size at planting.
 - 1.1.2. Provide visual differentiation between the buildings and unit groupings, by varying the colours and finishes to be used so that no more than 5 units in a row have the same colours, materials and finishes.

Advice note: A similar colour and finishes palette may be used; however, alternate their application between the buildings and unit groupings e.g. Units 1 to 5 as proposed, Units 6 to 9 alternated and Units 10 to 12 varied or similar to Units 1 to 5.
 - 1.1.3. Remove reference to 'Easement to be extinguished' from the Site, Area, Ground Floor -A and Landscape Plans, plan references A002 (Rev I), A003 (Rev I), A004 (Rev I) and A007 (Rev I).

Advice note: Please ensure that the amended plans to be lodged in response to Condition 1.1 include the Plan Titles as referenced in the table above, to allow for accurate referencing of the Approved plans.
- 1.2. Submit to and have approved by the Development Assessment Branch of Council, prior to any approval of Operational Works in respect to this development approval, amended plans with the changes required in this development approval. Once approved, the amended plans will become the approved plans of development.

Compliance Timing

- 1.3. Comply with all conditions of this development approval at no cost to Council and prior to the Final Inspection Certificate by a Building Certifier or commencement of the use, whichever comes first, and ensure that compliance is maintained thereafter, unless otherwise stated in a specific condition.

Terms

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

2. PROPERTY

Easement(s)

- 2.1. Lodge for registration at the office of the Land Registry the following easement(s):
- 2.1.1. a stormwater drainage easement having a minimum width of 3 metres or as determined in any approval for operational works, whichever is the greater, to the benefit of Council that includes;
 - 2.1.1.1. all stormwater overland flow paths traversing the land;
 - 2.1.1.2. any existing or proposed stormwater infrastructure to traverse the land wholly contained within the easement; and
 - 2.1.1.3. all stormwater overland flow paths downstream of the land to an agreed lawful point of discharge.

Further Advice:

Documentation in relation to any easement proposed to be registered to the benefit of Council is required to:

1. *Include Council's standard terms for easements (as amended from time to time), relevant at the time the request for approval of plan of subdivision is made. At time of writing, the Titles Registry Dealing Numbers for Council's standard terms documents are 720963430 for easements over freehold land and 716055287 for easements over trust and reserves; or*
2. *be prepared and carried out by Council's solicitors at the owner's expense if Council's standard terms are not used, or not permitted by a condition of approval.*

Community Management Statement

- 2.2. Ensure that any Community Management Statement submitted to the Council for endorsement is consistent with any lawful requirement of, or development approval granted by, Council. Without limiting the content of the Community Management Statement it must:
 - 2.2.1. include any obligations, responsibilities or controls imposed on the Body Corporate in a condition of any relevant development approval;
 - 2.2.2. include equal access to all visitor car parking spaces, communal recreation areas, access driveways and the like intended to be available to all lots in the Community Titles Scheme.

Demolish Building(s) and/or Structure(s) – all on site

- 2.3. Demolish or relocate off site all existing buildings and/or structures on site and disconnect and where required cap all associated services in accordance with a Plumbing and Drainage application prior to demolition commencing.

Display Street, Unit Numbers and Mail Boxes

- 2.4. Provide unit identification numbers on the front façade of each unit in a location and in a manner able to be clearly identifiable.
- 2.5. Provide mail boxes in a location and design to ensure safe resident access and clearance for postal delivery.

3. LANDSCAPE AND AMENITY

Landscaping Works

- 3.1. Ensure landscaping works on site are undertaken in accordance with Planning Scheme Policy 5 – Infrastructure, at no cost to Council, consistent with the approved plan(s) and approved documents(s) of development and modified as follows:
 - 3.1.1. Provide landscape treatments, being planting of two medium tree species, being one of either *Waterhousia floribunda*, *Acacia finbriata*, *Callistemon salignus*, *Buckinghamia celsissima*, *Syzygium francissii* species, able to reach a minimum of three metres in height at the rear of Unit 5 and Unit 6. The individual trees must be 100L pot size at planting;
 - 3.1.2. Provide street trees, ensuring;
 - 3.1.2.1. species selection to be from Table 4.2.4 in Part 4 – Guidelines, section 4.2 of Planning Scheme Policy 5;
 - 3.1.2.2. locations with required clearance, spacings and setbacks in accordance with standard drawing LCC 8-00418 as identified in Table 8.2.1.1 – Standard drawings for landscaping in Part 8, Section 8.2.1 of Planning Scheme Policy 5 – Infrastructure;
 - 3.1.2.3. setbacks to infrastructure and services are to be in accordance with Table 6.3.3.1 – Street tree setback requirements in Part 9, Standard specification No. 2 (Landscaping) 2015, Section 6.3.3 of Planning Scheme Policy 5 – Infrastructure, ensuring a minimum of one street tree per 15 metres.

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

Casual Surveillance (fencing)

- 3.2. Ensure fencing, other than acoustic fencing, adjacent to a road, public or communal open space has a maximum height of:
 - 3.2.1. 1.2 metres if the fence is not transparent; or
 - 3.2.2. 1.8 metres if the fence has a minimum transparency of 50%.

Casual Surveillance (landscaping)

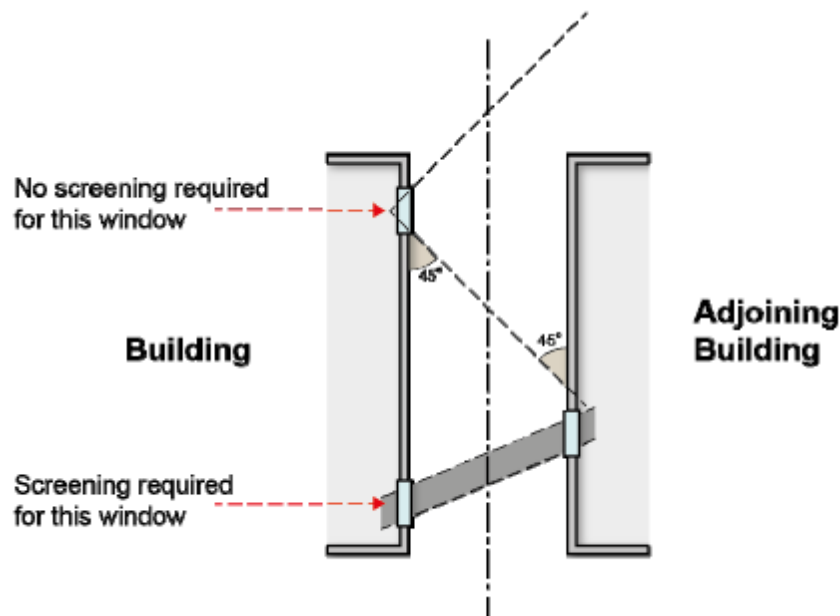
- 3.3. Ensure landscaping does not reduce casual surveillance or create entrapment of any public or communal open space. This can be achieved by ensuring that:
 - 3.3.1. the canopy of a mature tree does not hang below two metres;
 - 3.3.2. landscaping incorporated into or adjacent to public or communal open space is of a species that does not grow above a maximum height of 600mm;
 - 3.3.3. vegetation is not planted within three metres either side of a pedestrian path

Landscape Certification

- 3.1. Prior to the commencement of the use, submit to Council (Development@logan.qld.gov.au) certification from a qualified and experienced landscape architect, certifying that the landscaping works on site have:
 - 3.1.1. Been carried out in accordance with the approved landscape plans; and
 - 3.1.2. Have been properly maintained following a 12 week establishment period.
- 3.2. At the completion of a 12 month maintenance period provide certification to Council from a qualified and experienced landscape architect certifying that landscaping works have been properly maintained.

Privacy screening

- 3.3. Ensure that where a building is located within two metres at ground level or nine metres above ground level of a habitable room, window or private open space, habitable rooms have:
 - 3.3.1. an offset from a habitable room or private open space to limit overlooking as shown in Diagram A below; or
 - 3.3.2. sill heights of a minimum 1500mm above floor levels; or
 - 3.3.3. fixed obscure glazing in any part of the window below 1500mm above floor level; or
 - 3.3.4. fixed external screens; or
 - 3.3.5. in the case of screening for ground floor, fencing to a minimum of 1.8 metres above ground level that is:
 - 3.3.5.1. permanent and fixed into place;
 - 3.3.5.2. constructed of durable materials; and
 - 3.3.5.3. designed and painted or coloured to blend in with the development.
- 3.4. Ensure that development provides solid walls or fixed screening to balconies that are:
 - 3.4.1. limited to the side directly adjoining another balcony or private open space within the same building;
 - 3.4.2. limited to a minimum 20 percent or one metre of one external face whichever is the lesser to screen utilities or private clothes lines; and
 - 3.4.3. the full extent of a secondary balcony on a side elevation where for utilities or services.
- 3.5. In reference to the two previous conditions, Diagram A is as follows:



Boundary Fence

- 3.6. Install a 1.8 metre high fence at the applicant's expense:
- 3.6.1. on all shared property boundaries between the development site and private land unless it can be demonstrated to Council that a 1.8 metre high fence in good condition already exists or an adjoining land owner for the respective part of the property boundary advises the applicant in writing that the existing fence is not to be replaced;
 - 3.6.2. using quality materials and that if constructed using soft wood, the timber is CCA treated and 3 rails are used;
 - 3.6.3. that if there is any existing fence on the property boundary, replaces that fence and is not constructed as a second fence abutting the existing fence with a narrow gap between; and
 - 3.6.4. that unless required otherwise by other conditions of this approval or works on site, has a gap between the bottom of the fence and the finished ground level of no more than 100mm.

Further Advice:

Where there is an existing 1.8 metre high fence in good condition that is proposed to be retained, supporting evidence must be provided to demonstrate the fence is in satisfactory condition, such as photos of all sections of the fencing to be retained.

4. ENVIRONMENT, HEALTH AND OPERATION

Amenity – General

- 4.1. Undertake the use so that there is no environmental nuisance or detrimental effect on any surrounding land uses and activities by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, waste water, waste products, grit, oil or otherwise.

Lighting Emissions

- 4.2. Provide certification to Council from a suitably qualified person that all on site lighting (particularly outdoor lighting) complies with AS4282:1997 (Control of Obtrusive Effects of Outdoor Lighting) and any requirements of the planning scheme.

Refuse Storage Area

- 4.3. Provide refuse storage areas located as shown on the approved plan(s) of development for the storage of bins. This storage areas must be:
- 4.3.1. impervious, drained and provided with a hose cock;
 - 4.3.2. located in accordance with crime prevention through environmental design principles so as not to create a natural ladder;

- 4.3.3. illuminated for night time use; and
- 4.3.4. screened from view from public land with a maximum transparency of 20%.

5. ENGINEERING

General - Other Permits

- 5.1. Obtain an operational works permit for Stormwater Quantity, Access and Parking and Earthworks.
- 5.2. An operational works permit is not required for Roadworks (internal and/or external), Erosion and Sediment Control and Electrical Reticulation.

General - Engineering standard

- 5.3. Construct all works in accordance with the approved plan(s) of development and in accordance with the Council's adopted standards.

Rectification & Replacement

- 5.4. Undertake, at no cost to Council, any alteration or relocation necessary to any service, public utility, installation, plant, equipment, easements or other item belonging to or under the control of the Council or other public utility provider resulting from construction works required with the development.
- 5.5. Replace existing Council infrastructure (including but not limited to street trees, water, sewer, stormwater and footpaths) at the time the damage occurs as part of construction works, to Council's standards.

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

Earthworks – Carrying out Earthworks

- 5.6. An operational works permit is required for earthworks.
- 5.7. Carry out earthworks in accordance with Australian Standard 3798 – Guidelines on earthworks for commercial and residential developments.
- 5.8. Supervise bulk earthworks to Level 1 (Residential & Commercial) and have a frequency of field density testing done in accordance with Table 8.1 of Australian Standard 3798.
- 5.9. Do not place earth fill adjacent or in proximity to any site boundary unless:
 - 5.9.1. the fill is retained on the boundary with approval in writing from Council; and
 - 5.9.2. adjoining properties are not adversely affected with respect to a loss of privacy and safety and for changes to the natural drainage pattern as a result of the works.
- 5.10. Do not place earth fill on any adjoining parkland (existing or proposed) unless otherwise approved in writing by Council.

Earthworks – Retaining structures

- 5.11. An operational works permit is required for retaining structures.
- 5.12. Design and construct all retaining walls and associated footings:
 - 5.12.1. in accordance with Australian Standard 4678 - Earth Retaining Structures;
 - 5.12.2. without encroachment onto adjoining properties or public land;
 - 5.12.3. with the retaining wall wholly located within the premises, the subject of this approval;
 - 5.12.4. to not cause any adverse effect on the stability and integrity of the neighbouring buildings, properties, utility services and infrastructures;
 - 5.12.5. to achieve a long term factor of safety greater than 1.5;
 - 5.12.6. with provision of temporary safety fencing to all earth retaining walls on allotment boundaries over 1.0 metre in height and where bulk earthworks has been undertaken. Fencing is only required on the top wall in the case of multi-tiered walls; and
 - 5.12.7. in accordance with Planning Scheme Policy 5 - Infrastructure.

- 5.13. Ensure the inspection and certification of the retaining structure(s) by a Registered Professional Engineer Queensland (RPEQ) at the following stages:
 - 5.13.1. Footing stage (including excavation and reinforcement); and
 - 5.13.2. At the time of installing drainage behind the wall (including geo-fabric, backfill and perforated pipe that is connected to the underground stormwater system).
- 5.14. Unless otherwise approved by Council in writing, do not construct retaining walls between any:
 - 5.14.1. existing or proposed parkland; and
 - 5.14.2. existing or proposed road reserve.
- 5.15. Provide to Council, as part of the Operational Works, design certification (Form 15) from a Registered Professional Engineer Queensland (RPEQ) confirming that all retaining structures have been designed in accordance with Council's Planning Scheme Policy 5 – Infrastructure, Australian Standard 3798 and Australian Standard 4678.

Sediment & Erosion Control

- 5.16. An operational works permit is not required for Sediment and Erosion Control.
- 5.17. Design, implement, maintain and amend where necessary erosion and sediment control measures during all phases of the construction to ensure all reasonable and practicable actions are taken to prevent environmental harm.
- 5.18. Prior to each rainfall event ensure:
 - 5.18.1. concentrated stormwater flow paths are diverted around the site to prevent any clean stormwater from mixing with polluted / contaminated site stormwater or conveyed through the site without causing erosion and without contaminating the flow and receiving waters;
 - 5.18.2. erosion control measures are implemented which prevent or minimise erosion; and
 - 5.18.3. sediment control measures are installed and implemented as necessary to maximise sediment capture.
- 5.19. Prior to the controlled discharge of any water from the site during construction, the following water quality objectives for at least 80% of the average annual run-off volume of the contributing catchment must be achieved:
 - 5.19.1. total suspended solids (maximum 50mg/L, TSS);
 - 5.19.2. turbidity (measured in NTUs maximum of 60 NTU);
 - 5.19.3. water pH range between 6.5 and 8.5; and
 - 5.19.4. water must be sampled by experienced personnel and tested by a National Association of Testing Authorities (NATA) accredited laboratory.
- 5.20. All site monitoring data including rainfall records, dates of water quality testing, testing results and records of controlled water releases from the site, must be kept in an on-site register. The register is to be maintained up to date for the duration of the approved works and be available on-site for inspection by Council officers on request.
- 5.21. Effectively stabilise all site surfaces using methods which achieve effective short term stabilisation and which will continue to achieve effective stabilisation in the long term. For the purpose of this condition, an effectively stabilised surface is defined as one that, as a result of rainfall and stormwater runoff, does not erode, does not cause sedimentation and does not cause water contamination.

Stormwater Quantity - Lawful Point of Discharge

- 5.22. The lawful point of discharge for the development is the stormwater infrastructure within the Council drainage Easement A on SP306430.
- 5.23. Discharge all minor storm flows that fall or pass onto the site to the lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM).

Stormwater Quantity – Connection

- 5.24. Connect the development to the existing stormwater system at no cost to Council.

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

Stormwater Quantity - Extension

- 5.25. An operational works permit is required for the stormwater extension design.

- 5.26. Design and construct, at no cost to Council, a minimum 375 mm diameter stormwater system extension from the upstream location at the development's northern most corner to the downstream connection point in the Council drainage Easement A on SP306430 (within 45 Solomon Avenue) including:

5.26.1. written consent from the owners of 57, 53-55 and 49-51 Solomon Avenue (Lots 11, 12 and 13 on RP116425) to provide a stormwater drainage easement having a minimum width of 3 metres or as determined in any approval for operational works, whichever is the greater, to the benefit of Council; and

5.26.2. written consent from the owners of 57, 53-55 and 49-51 Solomon Avenue (Lots 11, 12 and 13 on RP116425) to construct stormwater infrastructure within the easement; or

5.26.3. alternatively, design and construct the stormwater system extension to existing Council stormwater infrastructure within 57, 53-55 and 49-51 Solomon Avenue (Lots 11, 12 and 13 on RP116425) after it is accepted by Council as on maintenance.

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

- 5.27. Provide an amended stormwater management plan which demonstrates that the stormwater extension outlet in Easement C on SP296623 (within 41-43 Solomon Avenue) will achieve no actionable nuisance from the additional flows contributed by the development.

Further Advice:

Where not demonstrated, design and construction improvements will be required to the outlet and written consent from the owners of 41-43 Solomon Avenue for these works will be required to be obtained and submitted to Council.

- 5.28. The stormwater system extension is to be certified, by a Registered Professional Engineer of Queensland (RPEQ), to be in accordance with the Queensland Urban Drainage Manual (QUDM) and the planning scheme.

- 5.29. Design and construct an extension of the stormwater system to service the whole of the proposed development, at no cost to Council.

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

Stormwater Quantity - Design

- 5.30. An operational works permit is required to address Stormwater Quantity design.

- 5.31. Provide stormwater drainage for the development, at no cost to Council, in accordance with the Queensland Urban Drainage Manual (QUDM), Australian Rainfall and Runoff (ARR) and the applicable section 3.6 of the Planning Scheme Policy 5. Where there is any inconsistency, the planning scheme takes precedence.

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

- 5.32. Provide measures to manage overland flows draining to and through the land to ensure no actionable nuisance is created to any person or premises at no cost to Council. The development must not result in ponding on adjacent land, redirection of overland flows to other premises and/or blockage of an overland flow relief paths.

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

- 5.33. Design and construct stormwater drainage, at no cost to Council, to ensure that the development will achieve 'no worsening' as described in section 3.6 of Planning Scheme Policy 5 and not:

5.33.1. make material changes to the pre-development overland flows and/or peak flow; or

- 5.33.2. increase the pre-development, frequency or concentration of overland stormwater flow at the point of discharge to all downstream properties including road reserves and the like. This must be based on the range of design storms of Q2, Q5, Q10, Q20, Q50 and Q100.

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

- 5.34. Design and construct stormwater drainage, at no cost to Council, that provides:

- 5.34.1. for stormwater infrastructure to be included in easements where the infrastructure is located in downstream properties;
- 5.34.2. a network that commands the whole of the site and provides for fully developed external upstream catchments;
- 5.34.3. pipeline connections to the upstream catchment;
- 5.34.4. an extension to and/or upgrades of the downstream stormwater infrastructure required to convey design flows to the lawful point of discharge;
- 5.34.5. inter-allotment drainage that complies with the Queensland Urban Drainage Manual (QUDM); and
- 5.34.6. for any existing or proposed Council drainage scheme for a catchment that the site is located within.

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

- 5.35. Submit to Council a stormwater design, checked and certified by a Registered Professional Engineer of Queensland (RPEQ) for a major storm of 100 year ARI. The design must have a minimum freeboard determined in accordance with the requirements of the Queensland Urban Drainage Manual (QUDM) for overland flow paths and detention tanks and provide an underground network designed to cater for the minor storm of 10 year ARI.

Vehicle Access – Redundant Crossovers

- 5.36. Remove all redundant crossovers fronting the development site reinstate the kerb and channel, road pavement, services, verge and any footpath to Council's standards.

Further Advice:

Any existing concrete pedestrian paths are to remain.

Vehicle Access – New Crossovers

- 5.37. An operational works permit is required for new crossovers.
- 5.38. Design and construct all new crossovers in accordance with Council's Planning Scheme Policy 5 - Infrastructure.
- 5.39. Construct a reinforced concrete crossover between the property boundary and the edge of the road pavement, having a minimum width of 6 metres, in accordance with IPWEA Drawing No. RS-051.
- 5.40. Construct any new crossover in the location(s) shown on the approved plan(s) and in accordance with the following:
 - 5.40.1. the edge of the crossover must be no closer than 0.5 metres to any built infrastructure including any stormwater gully pit, manhole, service infrastructure (eg. power pole, telecommunications pit), road infrastructure (eg. street sign, bus stop, street tree, etc); and
 - 5.40.2. the edge of the crossover is not to be within 6 metres (measured from the kerb return tangent point) of an intersection of roads in accordance with Australian Standard.2890.
 - 5.40.3. to cater for the swept turning movements of the relevant design service vehicle in accordance with Australian Standard 2890.

Parking and Access - General

- 5.41. An operational works permit is required for parking and access.
- 5.42. Provide a minimum of 24 resident car parking spaces (at least 12 covered) and 3 visitor car parking spaces.

- 5.43. Design and construct all access driveways, circulation driveways, parking aisles and car parking spaces in accordance with Australian Standard 2890.1 - *Parking Facilities - Off Street Car Parking* except where stated otherwise in the Planning Scheme Policy 5 – Infrastructure.
- 5.44. All car parking spaces must be set-out, paved, line marked, signed, drained and maintained in accordance with Planning Scheme Policy 5 - Infrastructure and Australian Standard 2890.
- 5.45. Paint the parking aisles and driveways within the development with directional pavement markings in accordance with the approved plan(s) of development and in accordance with AS 1742.11 Manual of Uniform Traffic Control Devices - Parking Controls.
- 5.46. Install at the entrance and within the development directional signage clearly identifying the visitor car parking spaces.
- 5.47. Ensure access to car parking spaces, bicycle spaces, vehicle loading, refuse enclosures and manoeuvring areas and driveways remain unobstructed and available for their intended purpose during the hours of operation.

Parking and Access - Servicing

- 5.48. An operational works permit is required for parking and access.
- 5.49. Design and construct loading bay facilities for a Refuse Collection Vehicle / Heavy Rigid Vehicle in the location generally shown on the approved plan(s) of development in accordance with Australian Standard 2890.2 – Off-street commercial vehicle facilities except where stated otherwise in the Planning Scheme Policy 5 - Infrastructure.
- 5.50. Design the designated movement route between all loading bay facilities and the external road network, that accommodates the turning movements of a Refuse Collection Vehicle / Heavy Rigid Vehicle and permits these vehicles to enter and exit the site in a forward direction.

Parking and Access - Bicycle

- 5.51. Provide a minimum of 5 bicycle parking spaces, including rail-type locking facilities for each parked bicycle, on site. The spaces are to be located a maximum of 25 metres from any pedestrian entrance into the development, unless otherwise agreed to in writing to Council.
- 5.52. Design all bicycle parking spaces and rail-type locking facilities in accordance with Australian Standard 2890.3 – 1993 Bicycle parking facilities, except where stated otherwise in the planning scheme.

Electricity and Telecommunications

- 5.53. An operational works permit is not required for electricity and telecommunications.
- 5.54. Design and provide underground electricity supply and telecommunications to the development in accordance with the Planning Scheme Policy 5 - Infrastructure and the Energex - Underground Distribution Construction Manual. Ensure all conduits are located within the 0-750mm corridor measured from the road reserve boundaries.
- 5.55. Remove all redundant electrical and telecommunications connections and reinstate the land.
- 5.56. Pay the cost of any alterations to electricity supply and telecommunications mains, services or installations required as a result of the development.
- 5.57. Prior to commencement of use, submit to Council an Energex certificate of supply and written confirmation from an electricity provider that an agreement has been made for the supply of electricity to the development and where staged, written confirmation is required for each stage of the development.
- 5.58. Prior to commencement of use, submit to Council written confirmation from a telecommunications carrier that an agreement has been made for the supply of telecommunications to the development and where staged, written confirmation is required for each stage of the development.
- 5.59. Do not install any electrical transformers or telephone control pillars within existing or proposed park unless otherwise approved by Council in writing.
- 5.60. Do not install property poles or flying fox overhead connections.

- 5.61. Submit the electrical reticulation design plans to ENERGEX for approval prior to commencement of any electrical works.

Stormwater Quality – Infrastructure Agreement

- 5.62. Comply with the executed infrastructure agreement titled, 'MCUI/38/2022 – 59 Solomon Avenue LOGANHOLME QLD 4129 Infrastructure Agreement (Stormwater Quality) 2022'.

Flooding General

- 5.63. Ensure all habitable floor elevations for any buildings are a minimum of 500mm above the defined flood level (DFL) at the location of each building.
- 5.64. Ensure that the development is appropriately designed to withstand the hydrostatic and hydrodynamic forces associated with the on-site overland flow demonstrated in the provided Flood Study.
- 5.65. Obtain an Operational works permit to address Flooding. The Operational works application is to demonstrate compensatory earthworks as noted in the approved plans.

6. WATER OPERATIONS

General

- 6.1. 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 (SEQ D&C Code).
- 6.2. Ensure that any live works to Council's water supply and/or sewerage network are performed by Council at the applicant's cost, unless otherwise approved by Council in writing.

Water

- 6.3. Connect the development to Council's water supply network, via internal reticulation works subject to Council's Plumbing and Drainage approval, prior to the commencement of use of the premises, at the applicant's cost.

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

- 6.4. Ensure that the 100mm diameter water main within Solomon Avenue is used as the water supply connection point for the proposed development.
- 6.5. Ensure the required standard of service to Council's water supply network is On Demand, unless other specified in writing by Council.
- 6.6. Disused and/or redundant water meter connections must be removed by Logan City Council at the applicant's cost.

Further Advice:

The removal of property service connections and water meters for the development requires a lodgement of a "Water Meter Disconnection" application with Council Water Operations Branch via waterapplications@logan.qld.gov.au

- 6.7. Provide individual sub-meters for each unit within the complex including any common property. Full unhindered access to sub-meters must be maintained at all times for the purposes of meter reading and billing. Onsite fences, landscaping and other structures must not restrict access to any onsite sub-meters.
- 6.8. Ensure that all properties have a Council installed and owned fire hydrant within 40m of its property boundary in accordance with SEQ D&C Code requirements and standards.

Sewer

- 6.9. Connect the development to Council's sewerage reticulation network, via internal reticulation works subject to Council's Plumbing and Drainage approval, prior to the commencement of the use of premises, at the applicant's cost.

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

- 6.10. Provide a 150 mm diameter property service connection unless otherwise approved by Logan City Council.
- 6.11. Ensure that the connection point for the proposed development to the Council's sewerage network occurs in the south-east corner of the site, in accordance with Preliminary Services Layout Plan(21411_P200_A) by Vt Consulting Engineers on June 2022, unless otherwise approved by Council.
- 6.12. Ensure that any redundant sewerage property connections are removed by Council, at the applicant's cost.

Further Advice:

The removal of any redundant sewerage property connection requires the lodgement of a "Sewer Disconnection" Application with Council's Water Operations Branch via waterapplications@logan.qld.gov.au

- 6.13. Ensure that any sanitary house drainage is wholly contained within the lot being serviced.
- 6.14. Ensure the provision of a safe working distance around sewerage property connections. Property connections shall have a minimum clear distance to any existing/proposed structure of 1 metre horizontally in all directions.

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. Prior to commencing work which will ultimately become the responsibility of Council; or work on adjacent roads or drainage schemes; Council is to be advised in writing of the name of the principal contractor and the contractor has received from Council a notice of appointment of principal contractor under the provisions of the *Workplace Health and Safety Act 2011*. The contractor is to execute the appropriate form for appointment of Principal Contractor prior to commencing work.
5. *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 3238 3838 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.

The *Plumbing and Drainage Act 2018* requires a Plumbing and Drainage Permit for any regulated plumbing and drainage work. The Plumbing and Drainage application must be lodged and approved by Council's Plumbing Services section prior to the commencement of any plumbing and drainage work onsite.

Regulated work can be defined as plumbing and drainage works 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

In the case of a Dual Occupancy, a separate wastewater (sewer) connection, roof water and water meter connection must be provided for each unit within their own designated area

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 regard to the provisions of the *Aboriginal Cultural Heritage Act 2003*, please contact the Cultural Heritage Coordination Unit, Department of Natural Resources and Water on (07)3238 3838

Important Warning – Updated Flood Hazard

1. Flood hazard is being remodelled across the city

Logan City Council is in the process of remodelling flood hazard across the city in accordance with the endorsed Flood Hazard Review Program.

2. Logan Planning Scheme Flood hazard overlay does not reflect the updated flood hazard

The existing Logan Planning Scheme 2015 Flood hazard overlay map OM-0.500 does not reflect the updated flood hazard and should not be relied upon as accurately reflecting the current extent of properties affected by flood hazard.

3. Existing approvals do not reflect the updated flood hazard

Any existing approvals are not based on the updated extent of flood hazard likely to affect a property.

4. There are substantial changes to the extent of properties affected by flood hazard and increases in flood level heights

Based on updated flood data it is expected there will be substantial changes to the extent of properties affected by flood hazard and flood level heights.

5. You must obtain the latest flood information from Council

As flood studies are completed the updated extent of flood hazard and the updated flood level height will be included in the online flood report available on Council's PDHub. Any person undertaking development must refer to Council's PDHub for the updated flood level height for the 1% Annual Exceedance Probability event (1% AEP).

Completed flood studies [and the progress status of others] are available on Council's website.

The Planning Scheme will be updated to reflect the completed flood studies, including climate change and flood events greater than the 1% Annual Exceedance Probability event (1% AEP) in line with best practice in flood risk management. But this must follow a plan making process so will not take effect immediately.

6. You must take responsibility for ensuring your development avoids serious harm to persons and property from the updated flood hazard

Any person undertaking development is responsible for ensuring they obtain the latest information on flood hazard affecting the property and that the development is located and designed based on the updated flood hazard. This is important to ensure that the risks associated with flood hazard are avoided or mitigated to protect people and property.

7. Other applications and approvals may be affected

Any person undertaking development must ensure the updated flood level on Council's PDHub is used in the preparation of the other development permits and certificates necessary to allow the development to be carried out (including for example the design of operational, building and plumbing and drainage work). In the case of plumbing and drainage work, plumbing fixtures, overflow relief gullies and sanitary drainage must be above the updated flood level in order to be able to comply with requirements of the *Plumbing and Drainage Act 2018*, the *Plumbing and Drainage Regulation 2019* and the Plumbing Code of Australia.