

19/20

In the Planning and Environment Court
Held at: Brisbane

No. BD3629 of 2019

Between: **AVJENNINGS SPV NO 20 PTY LTD** Appellant
ACN 612 796 899

And: **LOGAN CITY COUNCIL** Respondent

And: **UG JIMBOOMBA PTY LTD** Co-respondent
ACN 167 197 257

JUDGMENT

Before: Her Honour Judge Kefford

Date of Hearing: 14 May 2020

Date of Judgment: 14 May 2020

THIS MATTER HAVING on this day come on for hearing by way of appeal against the Respondent's decision to approve the development application for a preliminary approval for material change of use overriding the Logan Planning Scheme 2015 (variation request) on land described as Lot 1 on RP859595, Lot 51 on RP887425, and part of Lot 52 on RP887426 located at Hills Educational Foundation School, 105-111, part of 113-119 and 121-137 Johanna Street, Jimboomba (**Development Application**).

AND UPON HEARING the solicitor for the Appellant, the solicitor for the Respondent and Counsel for the Co-respondent.

IT IS ORDERED THAT:

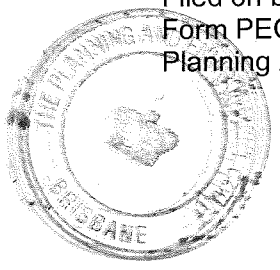
1. The Appeal be allowed.
2. The Development Application is approved subject to:
 - (a) the amended Council conditions of approval and approved plans/documents contained in Annexure A (pages 3 to 73 of this judgment); and
 - (b) the referral agency conditions of approval and approved plans/documents contained in Annexure B (pages 74 to 221 of this judgment).
3. Each party bear its own costs in the appeal.

Handwritten signature and date: NJK 14.5.20

JUDGMENT

Filed on behalf of the Respondent
 Form PEC-7
 Planning Act 2016

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Registrar



Amexure A

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DEVELOPMENT CONDITIONS

APPLICANT: UG JIMBOOMBA PTY LTD
APPLICATION NUMBER: MCUI/39/2017
TYPE & DESCRIPTION: PRELIMINARY APPROVAL FOR MATERIAL CHANGE OF USE OVERRIDING THE LOGAN PLANNING SCHEME 2015 (VARIATION REQUEST)

OFFICER DETAILS

The Assessment Manager for this application was:

Officer Name: Jessica Binch
Contact Number: (07) 3412 5269
Please Quote: MCUI/39/2017
Document Number: 13034175

LAND

Development Conditions to apply to the following land:

Street Address: HILLS EDUCATIONAL FOUNDATION SCHOOL, 105-111, part of 113-119 and 121-137 Johanna Street, JIMBOOMBA QLD 4280
Real Property Description: Lot 1 RP 859595, Lot 51 RP 887425, part of Lot 52 RP 887426

CONDITIONS OF DEVELOPMENT:

1. PLANNING SCHEME

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

2. PARAMETERS OF THE APPROVAL

Relevant Period

- 2.1. In accordance with section 88(2)(b) of the *Planning Act 2016*, this development approval has a currency period of ten (10) years.
- 2.2. In accordance with section 88(2)(b) of the *Planning Act 2016*, (any development that is specified in this approval (or a development brought into effect by this approval) to be Accepted or Assessable Development must be started but not completed within fifteen (15) years (being the prescribed period) from the date this approval takes effect.

Terms

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

Timing

2.4.

Prior to the lodgement of the first survey plan or the first material change of use commencing (whichever occurs first), the road over the adjoining site, being 348-434 Cuscak Lane, Jimboomba, connecting to the subject site generally in accordance with the approved Court Order for MCUI/7/2016 to provide flood free access must be constructed and dedicated as a road.

3. APPROVED DOCUMENTS

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

Title	Plan Number	Rev/Amd't	Date	Prepared by
Zoning Plan	8270 P 08 ZP	U	12/07/2019	Saunders Havill Group
Locally Significant Melaleuca Irbyana Overlay	8270 P 06	J - OM - 02.03	20/06/2019	Saunders Havill Group
Collector Road Alignment Plan	8270 P 21	B	24/06/2019	Saunders Havill Group
Open Space Dedication Plan	8270 P 21	A	13/08/2019	Saunders Havill Group

Title	Document Number	Rev/Amd't	Date	Prepared by
Flood Impact Analysis	21182 C R002	03	8 March 2019	ADG

- 3.2. Prior to lodging any development application for a related approval in respect to this development approval, submit to Council for approval an amended Flood Impact Analysis that addresses the following:

- 3.2.1. The amended Flood Study must be in accordance with and have regard to all conditions of this approval.
- 3.2.2. The amended Flood Study must be in accordance with Planning Scheme Policy 5 - Infrastructure and RPEQ certified by an engineer specialising in stormwater hydrology and hydraulics.
- 3.2.2.1. RPEQ certification must include a signed statement that the development design in accordance with the Flood study will result in no increase in peak flowrates downstream of the site, no increase in flood levels external to the site and no loss of flood storage up to the defined flood event.
- 3.2.3. The amended Flood Study must include a local flooding assessment of Henderson Creek and demonstrate the development design will not impact flood levels or velocities on adjoining properties in accordance with the Flood hazard overlay code. The Flood Study is to be in accordance Planning Scheme Policy 5 – Infrastructure.
- 3.2.4. The amended Flood Study must include written justification or a sensitivity case to confirm the model extent is adequate to demonstrate no impacts throughout the flood plain.
- 3.2.4.1. Include a comparison of all design event results with Council's Logan River flood model.
- 3.2.5. The amended Flood Study must include an analysis of all design events between 63% AEP to 1% AEP in accordance with Planning Scheme Policy 5 – Infrastructure.

3.2.5.1. Include flood level, depth, velocity, impact (depth and velocity) and hazard flood mapping. In addition include 'was dry now wet' and 'was wet now dry' areas in the mapping.

3.2.6. Confirm that the amended Flood Study results have been based on the appropriate critical duration for the River Flood.

Further Advice:

The critical duration for a river flood in this area may be between 18 and 30 hours. It is noted that durations alternate to the 72 hour duration were not able to be ran in the TUFLOW model previously provided.

3.2.7. The amended Flood Study must include hydrographs of the Logan River and Henderson Creek downstream of development for pre and post development scenarios demonstrating no worsening of peak flow.

3.2.8. The amended Flood Study must be based on a maximum 5 metre grid size.

3.2.9. Provide a sensitivity analysis in accordance with Planning Scheme Policy 5 - Infrastructure and which demonstrates the ultimate design will not result in flood level and velocity impacts on external property.

3.2.10. The post development scenario is to include all areas of compensatory excavation, detention basins and earthworks below the defined flood event level. Provide digital elevation model (DEM) files for pre and post development scenarios to confirm this has been included and for volumetric calculations.

3.2.11. Include a drawing with pre and post development 1% AEP and 10% AEP flood level contours over the developed site for river and local flooding.

3.2.12. A copy of all stormwater and flood assessment modelling is to be provided to Council.

3.3. Once approved, the amended Flood Study will become an approved document.

3.4. Prior to lodging any development application for a related approval in respect to this development approval, submit to Council for approval an amended Zoning Plan that reflects the recommendations and outcomes of the amended Flood Impact Analysis, which has been amended in accordance with the conditions of this approval and approved by Council.

4. VARIATION OF EFFECT OF PLANNING SCHEME

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

4.1.1. ZM-01.00 - Zone map and ZM-02.00 – Zoning and precinct map to be replaced with on the approved Zoning Plan prepared by Saunders Havill Group, dated 12/07/2019 only in respect to the subject site.

4.1.2. OM-02.03 - Locally significant vegetation is to be replaced with the approved Locally Significant Melaleuca Irbyana overlay map prepared by Saunders Havill Group, dated 20/06/2019 only in respect of the subject site.

4.1.3. The category of development and assessment for Material change of use to be in accordance with Table 5.5.11.1 - Recreation and open space zone (Constrained open space precinct) of the Logan Planning Scheme 2015 v5.1, or equivalent in the Planning Scheme in effect at the time an application is made to the Council, which overrides Table 5.5.3.1 - Emerging community zone code of the Logan Planning Scheme for determining the categories of development and assessment relating to a Material change of use on the site, only within the Recreation and open space zone as per the zoning shown on the approved Zoning Plan:

4.1.3.1. The level of assessment is impact assessable where for a golf course or golf course related activity;

4.1.4. The category of development and assessment for Material change of use to be in accordance with Table 5.5.4.1 - Environmental management and conservation zone (Environmental management precinct) of the Logan Planning Scheme 2015 v5.1, or equivalent in the Planning Scheme in effect at the time an application is made to the Council,

which overrides Table 5.5.3.1 - Emerging community zone code of the Logan Planning Scheme for determining the categories of development and assessment relating to a Material change of use on the site, only within the Environmental management and conservation zone as per the zoning shown on the approved Zoning Plan;

4.1.5. The category of development and assessment for Material change of use to be in accordance with Table 5.5.5.1 Low density residential zone (Suburban precinct) of the Logan Planning Scheme 2015 v5.1, or equivalent in the Planning Scheme in effect at the time an application is made to the Council, which overrides Table 5.5.3.1 - Emerging community zone code of the Logan Planning Scheme for determining the categories of development and assessment relating to a Material change of use on the site, only within the Low density residential zone as per the zoning shown on the approved Zoning Plan;

4.1.6. The category of development and assessment for Reconfiguring a lot to be in accordance with Table 5.6.1 - Reconfiguring a lot of the Logan Planning Scheme 2015 v5.1, or equivalent in the Planning Scheme in effect at the time an application is made to the Council:

4.1.6.1. The Recreation and open space zone (Constrained open space precinct) as per the zoning shown on the approved Zoning Plan;

4.1.6.2. The Environmental management and conservation zone (Environmental management precinct) as per the zoning shown on the approved Zoning Plan; and

4.1.6.3. The Low density residential zone (Suburban precinct) as per the zoning shown on the approved Zoning Plan;

which overrides the Table 5.6.1 - Reconfiguring a lot of the Logan Planning Scheme as it applies to the Emerging community zone for determining the categories of development and assessment relating to a Reconfiguring a lot on the site.

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

4.1.7.1. Recreation and open space zone code (Constrained open space precinct), as per the zoning shown on the approved Zoning Plan, in effect at the time of lodgement of future development applications to replace the Emerging community zone code;

4.1.7.2. Environmental management and conservation zone code (Environmental management precinct) as per the zoning shown on the approved Zoning Plan, in effect at the time of lodgement of future development applications to replace the Emerging community zone code;

4.1.7.3. Low density residential zone code (Suburban precinct), as per the zoning shown on the approved Zoning Plan, in effect at the time of lodgement of future development applications to replace the Emerging community zone code.

4.1.7.4. Development Codes applicable to the Planning Scheme in effect at the time of lodgement of future development applications;

4.1.7.5. Use Codes applicable to the Planning Scheme in effect at the time of lodgement of future development applications;

4.1.7.6. Overlay Codes applicable to the Logan Planning Scheme in effect at the time of lodgement of future development applications, with the exception of the following:

4.1.7.6.1 Heritage overlay code;

4.1.7.6.2 Flood hazard overlay code, where compliant with the approved Flood Impact Analysis (Flood Study) amended in accordance with the conditions of this approval; and

4.1.7.6.3 Regional infrastructure corridors and substations overlay code.

4.1.7.7. The following assessment benchmark is for assessable development other than operational work:

4.1.7.7.1 The development must have flood free road access over the adjoining site, being 348-434 Cusack Lane, Jimboomba, generally in accordance with the approved Court Order for MCUI/7/2016.

- 4.2. The Applicant must submit a copy of this Variation Approval with any development application relating to or arising from this Variation Approval.
- 4.3. Any application submitted to the Council under this Variation Approval must be consistent with this Variation Approval and where inconsistent, must be submitted to the Council instead under the Planning Scheme in effect at the date of application.
- 4.4. The types of assessment for development other than Material Change of Use are to be in accordance with:
- 4.4.1. The category of assessment and assessment requirements for Operational Works (pursuant to section 43 (1)) is to be in accordance with *Table 5.8.1 - Operational Work* as it applies to the Emerging community zone or equivalent of the Planning Scheme in effect at the time of lodging an application, for determining the categories of assessment and assessment requirements relating to Operational work on the site.
- 4.4.2. The category of assessment and assessment requirements for Building Work (pursuant to section 43 (1)) is to be in accordance with *Table 5.7.1. - Building Work* or equivalent of the Planning Scheme in effect at the time of lodging an application, for determining the categories of assessment and assessment requirements relating to Building work on the site.

5. PROPERTY

Land dedication

- 5.1. As part of the lodgement of the first survey plan for the development, transfer to Council in fee simple, at no cost to Council, land shown on the approved Zoning Plan prepared by Saunders Havill Group, dated 12/07/2019, identified as follows:
- 5.1.1. Land identified as Dedicated Conservation Area on the approved Open Space Dedication Plan must be transferred to Council as trustee for open space, having a minimum area of 38.98 hectares; and
- 5.1.2. Land identified as Dedicated Local Park and Heritage Area respectively on the approved Open Space Dedication Plan must be transferred to Council as trustee for park, having a total minimum combined area of 1.9795 hectares and individual areas of 1.016 hectares and 9,635m² respectively.

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

Further Advice:

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

6. PARKS AND LANDSCAPING

- 6.1. Provide the Local Recreation Park to Council's desired standards of services as identified in Planning Scheme Policy 5 – Infrastructure.
- 6.2. As part of future reconfiguration of a lot or material change of use applications submit a Concept Landscape Plan prepared in accordance with Planning Scheme 5 – Infrastructure that provides:
- 6.2.1. Landscaping buffers;
- 6.2.2. Street trees;
- 6.2.3. Incorporates CPTED principles; and
- 6.2.4. Facilitates pedestrian movement throughout the site.

7. ENVIRONMENTAL

Vegetation Management

- 7.1. Vegetation clearing is not approved as part of this application. Either provide a separate operational works vegetation management application (OWVM) or combine clearing with another reconfiguration of lot, material change of use or operational works application.

Further Advice:

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- (1) The application will need to be supported by an environmental offset report that clearly demonstrates a net gain of native vegetation/native trees/native habitat trees. The report is to be in accordance with Planning Scheme Policy 3 Environmental Management.
 - (2) The removal of Melaleuca Irbyana will require approval through either State or Federal government whichever is applicable.

Biodiversity Areas

- 7.2. Ensure that any proposed fencing within the Recreation and open space zone and Environmental management and conservation zone, where it overlaps with a mapped Biodiversity corridor under the Logan Planning Scheme 2015 or equivalent at the time of lodging a future application, is fauna friendly and is designed in accordance with the Queensland Government Fauna Sensitive Road Design Manual Volume 2: Preferred Practices and the Queensland Government Koala-sensitive Design Guideline.
- 7.3. Provide conceptual rehabilitation plans supported by an ecological report for the 50 metre buffer areas shown on Locally Significant Melaleuca Irbyana overlay map dated 20/06/2019 (Reference: 8270 P 06 Rev J - 02.03) for each reconfiguration of lot or material change of use application containing the Melaleuca Irbyana community and buffer area. Detailed rehabilitation plans are then to be provided at the subsequent operational works stage.
- 7.4. For each reconfiguration of lot or material change of use application containing the Melaleuca Irbyana community and buffer area provide a detailed ecological report.

Further advice:

- (1) The ecological report will need to address the potential changes to hydrology and draw any necessary conclusions from a supporting stormwater quality and quantity management plan. The report needs to consider the implications from the internal collector road on hydrology and the locations of proposed Stormwater Quantity/Quality infrastructure.
 - (2) The onsite Melaleuca Irbyana will need to be assessed against the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and the Nature Conservation Act 1992 (NCA).
- 7.5. For each reconfiguration of lot or material change of use application, provide conceptual rehabilitation plans supported by an ecological report for all areas of disturbance within the Biodiversity Corridor as per the Biodiversity areas overlay under the Logan Planning Scheme 2015, where within the Recreation and open space zone or Environmental management and conservation zone, as per the approved Zoning Plan. Detailed rehabilitation plans are then to be provided at the subsequent operational works stage.

Waterway Corridors and Wetland

- 7.6. Provide conceptual rehabilitation plans supported by an ecological report for all areas of encroachment into the waterway buffer areas with the applicable reconfiguring a lot and material change of use applications. Detailed rehabilitation plans are then to be provided at the subsequent operational works stage. The rehabilitation is to be in accordance with the South East Queensland Ecological Restoration Framework.
- 7.7. As part of future reconfiguring a lot applications, provide a pedestrian footpath in accordance with the approved Zoning Plan, located entirely within the Low density residential zone and directly adjacent to the Environmental management and conservation zone and up to the western boundary that connects to any external footpaths.

Stormwater Quality

- 7.8. As part of any future reconfiguring a lot or material change of use application over the site, comply with water sensitive urban design as outlined in Planning scheme policy 5 - Infrastructure.

Further Advice:

The design of the WSUD devices must consider the hydraulic requirements of the Melaleuca Irbyana communities.

8. ENGINEERING

Stormwater Quantity – Design – All stages

- 8.1. Submit a Stormwater Management Plan, as part of any future reconfiguring a lot or material change of use application, which provides for stormwater drainage for the development in accordance with the Queensland Urban Drainage Manual (QUDM), Australian Rainfall and Runoff (ARR) and Planning Scheme Policy 5 - Infrastructure.
- 8.2. Stormwater quantity infrastructure is provided to convey stormwater runoff that fall or pass onto the site to the lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM) and Planning Scheme Policy 5 - Infrastructure.
- 8.3. Design and construct stormwater drainage, to ensure that the development will achieve 'no worsening' as described in the Queensland Urban Drainage Manual (QUDM) and the Planning Scheme Policy 5 – Infrastructure.
- 8.4. The applicant must ensure that the stormwater discharge from the development does not impact in any way on existing Council Infrastructure either upstream or downstream of the development, or on neighbouring properties. It is the responsibility of the applicant to demonstrate that the development has no impact, and upgrade any infrastructure to suit if there is an impact.

Earthworks – Design – All stages

- 8.5. Earthworks are not approved as a part of this application.
- 8.6. As part of any future reconfiguring a lot or material change of use application over the site, submit earthworks plans in accordance with Australian Standard 3798 – Guidelines on earthworks for commercial and residential developments and the applicable section of Planning Scheme Policy 5 – Infrastructure.
- 8.7. Filling and excavation is to demonstrate:
 - 8.7.1. how natural overland flow paths are protected and maintained;
 - 8.7.2. that it does not cause ponding on any premises;
 - 8.7.3. that the proposal does not result in diversion or concentration of stormwater flow from or onto adjoining premises; and
 - 8.7.4. unless otherwise approved by Council.
- 8.8. Earthworks plans are to be provided to include the following:
 - 8.8.1. clearly identify the waterway areas;
 - 8.8.2. demonstrate maximum batter slopes of 1:4 are achieved;
 - 8.8.3. clearly identify the grade of all batters, including levels at the top and bottom of all batters;
 - 8.8.4. clearly identify all existing and proposed contour levels;
 - 8.8.5. demonstrate the transition of the proposed earthworks with the approved earthworks on the adjoining development; and
 - 8.8.6. provide compensatory earthworks quantities in a table on the earthworks plans. This is to include all compensatory works required for the proposed detention basin areas; and
 - 8.8.7. unless otherwise approved by Council.

Traffic Impact Assessment

- 8.9. Provide for Council approval a detailed traffic impact analysis as part of subsequent reconfiguring a lot and material change of use development applications for the site for the proposed accesses, performance of intersections and requirements for intersection upgrades as a result of development arising from the Preliminary Approval. In particular the reports must address:
 - 8.9.1. cumulative impacts from both traffic growth and at each development stage;
 - 8.9.2. using recent traffic surveys at the proposed access and at nearby intersections;
 - 8.9.3. apply 3% background growth;
 - 8.9.4. identification of impacts resulting from the development on existing intersections arrangements and in particular where the development impact exceeds 5% of the background traffic at nearby intersections;

- 8.9.5. identification of upgrades to intersections on the basis that no upgrading will occur within the development timeframe;
- 8.9.6. identifying all impacts of the road network once a connection to the Four Wynnes development is made available given that this will provide a through route between Cusack Lane and Johanna Street.

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

- 8.10. As part of each subsequent reconfiguring a lot and material change of use development applications over the site, and in accordance with Council approved detailed traffic impact analysis undertaken in accordance with the above conditions, design and construct the intersection of Johanna Street and the road identified as an 'Urban Collector Single Carriageway' in the approved Collector Road Alignment Plan as defined in the AUSTRROADS Guide to Road Design, Part 4 - Intersections and Crossings – General, Part 4A - Unsignalised and Signalised Intersections and Part 4B - Roundabouts including kerb and channel and more specifically include the following:
 - 8.10.1. line marking and signage in accordance with Manual of Uniform Traffic Control Devices (MUTCD);
 - 8.10.2. street lighting that's designed and constructed in accordance with Planning Scheme Policy 5 – Infrastructure, Table 3.5.1.1.1 Lighting categories;
 - 8.10.3. the installation of disabled compliant kerb ramps at the road corners in accordance with IPWEA Council's Standard Drawing No's RS-090 to RS-094;
 - 8.10.4. provision for stormwater drainage in accordance with Council standards and the requirements of the Queensland Urban Drainage Manual (QUDM);
 - 8.10.5. carriageway and road reserve transitions between any existing road and a proposed road designed in accordance with the requirements of Council's Planning Scheme Policy 5 - Infrastructure including appropriate tapers designed for the road hierarchy and speed environment of the road; and
 - 8.10.6. All costs associated with the service relocations required by the intersection configuration are to be borne by the developer.

- 8.11. The intersection is to be provided at no cost to Council.

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

Roadworks – Frontage works Johanna Street (Interim)

- 8.12. As part of the first reconfiguring a lot or material change of use development application over the site (whichever comes first), provide the design for and construct the road along the Johanna Street frontage of the site as an urban collector single carriageway road and more specifically include:
 - 8.12.1. pavement widening to achieve a 3.5 metre travel lane, 1.0m sealed shoulder and a table drain from the existing road centreline;
 - 8.12.2. a compacted gravel pavement and an Asphaltic Concrete (AC) wearing course up to a minimum of 1.0 metre beyond the road centreline unless:
 - 8.12.2.1. an alternative alignment or construction material has been approved by Council in writing; or
 - it has been demonstrated to Council that an existing road pavement is satisfactory to cater for the ultimate traffic conditions for the nominated hierarchy of the road and that the existing pavement complies with Councils Road Design Standards, Road network planning guidelines & Pavement design standards in Planning Scheme Policy 5 – Infrastructure. In this instance and where road widening is a minimum of 1.2 metres wide along the frontage; it is instead only required 300mm beyond the edge of the existing pavement. Demonstration is to occur by of submitting for approval by Council, a pavement investigation report prepared by a suitably qualified Registered Professional Engineer of Queensland (RPEQ) that includes appropriate geotechnical test results;
 - 8.12.3. tapers to existing road pavement;

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- 8.12.4. line marking and signage that is in accordance with the Manual of Uniform Traffic Control Devices (MUTCD);
 - 8.12.5. street lighting that is designed and constructed in accordance with Planning Scheme Policy 5 – Infrastructure;
 - 8.12.6. a minimum 2.5 metre wide reinforced concrete shared pedestrian path extending the full frontage of the development within the road verge that connects into any existing paths adjacent to the site; and
 - 8.12.7. the installation of disabled compliant kerb ramps at the road corners in accordance with Council's Standard Drawings 8-00411, 8-00412 or 8-00413.

Roadworks – Internal Urban Collector Road

- 8.13. As part of each subsequent reconfiguring a lot and material change of use development application over the site, design and construct the new road identified as 'Urban Collector Single Carriageway' on the approved Collector Road Alignment Plan as an urban collector single carriageway road and more specifically include the following:
 - 8.13.1. a minimum road reserve width of 23.0 metres;
 - 8.13.2. concrete barrier kerb and channel on a 4.0 metre alignment from the road reserve boundary;
 - 8.13.3. a minimum carriageway width of 15.0 metres constructed using a compacted gravel pavement and an Asphaltic Concrete (AC) wearing course;
 - 8.13.4. provision for stormwater drainage, line marking, tapers to existing road pavement, signage and street lighting associated with the required road works;
 - 8.13.5. a minimum 1.5 metre wide reinforced concrete pedestrian path within the road verge coincident with the location of street lights wherever possible that connects into any existing paths adjacent to the site;
 - 8.13.6. a minimum 2.5 metre wide reinforced concrete shared pedestrian path within the other road verge coincident with the location of street lights wherever possible that connects into any existing paths
 - 8.13.7. disabled compliant kerb ramps at the road corners in accordance with Council's Standard Drawings 8-00411, 8-00412 or 8-00413;
 - 8.13.8. entry statements, when built into the construction of the road using materials or treatments that have been approved by Council;
 - 8.13.9. speed restriction devices in accordance with the Manual of Uniform Traffic Control Devices (MUTCD Part 13), with adjustments to the road reserve width to preserve minimum verge widths of 4.0 metres, generally in accordance with the approved plan(s) of development;
 - 8.13.10. carriageway and road reserve transitions to any existing road designed in accordance with the requirements of the Councils Planning Scheme Policy 5 – Infrastructure and adopted standards including appropriate tapers designed for the road hierarchy and speed environment of the road;
 - 8.13.11. be designed in accordance with Planning Scheme Policy 5 – Infrastructure; and
 - 8.13.12. connect with the Four Wynnes development's urban collector road ultimately connecting Johanna Street with Cusack Lane.

This condition is imposed under section 128 of the Planning Act 2016.

- 8.14. A single point of access is permitted from the development site to Johanna Street. No further intersections or driveways will be allowed from Johanna Street.

Flooding

- 8.15. Design the development so that the finished surface level of all residential lots is above the defined flood level with freeboard in accordance with QUDM.
- 8.16. No earthwork is permitted below the existing 10% AEP flood level.

- 8.17. For all design events up to and including the defined flood event, the development must be designed so as not to:
 - 8.17.1. Cause ponding of flood water;
 - 8.17.2. Increase peak flow downstream;
 - 8.17.3. Affect the flood discharge capacity of the floodplain;
 - 8.17.4. Cause an increase in flood levels and flow velocities on external property;
 - 8.17.5. Result in worsening as defined in Planning Scheme Policy 5 - Infrastructure;
 - 8.17.6. Reduce flood time to peak;
 - 8.17.7. Alter an overland flow path in a way that creates an increase in flood damage on other properties.
- 8.18. Footpaths and Park areas designated for recreation must have a depth velocity product of 0.4m²/s or less and a maximum flood depth of 500mm during the defined flood event.
- 8.19. Stormwater and flood management works must be designed in accordance Planning Scheme Policy 5 - Infrastructure.
- 8.20. Stormwater quantity and quality management systems must locate the high flow outlet above the two percent AEP flood event.
- 8.21. The development must result in no loss of floodplain storage for all events up to the defined flood event. Any compensatory excavation to balance flood storage must be free draining and with batters no steeper than 1V:4H.
 - 8.21.1. Stormwater basin volumes are not to be included in flood storage calculations.

Earthworks in the Floodplain

- 8.22. Prior to lodging any development application for a related approval, submit to Council earthworks and civil design drawings as part of the amended Flood Study that demonstrates the following:
 - 8.22.1. Earthworks and civil design drawings are in accordance with Planning Scheme Policy 5 – Infrastructure.
 - 8.22.2. Design drawings show the finished surface level of all residential lots above the defined flood level with freeboard in accordance with QUDM.
 - 8.22.3. No earthwork occurs below the 10% AEP flood level.
 - 8.22.4. The 1% AEP and 10% AEP flood level is included on earthworks and civil design drawings.
 - 8.22.5. Volumetric calculations for cut and fill below the defined flood level are provided and demonstrate the development results in no net loss of floodplain storage.
 - 8.22.6. Design drawings show no grade steeper than 1V:4H for all compensatory earthworks areas and earthworks batters below the defined flood level.
 - 8.22.7. Design drawings include pre and post development contours and gradients demonstrating that works below the defined flood level are free draining.
 - 8.22.8. Stormwater basin high level outlets are above the 2% AEP flood level.

Further Advice:

Compensatory earthworks calculations are not to include stormwater basin volume as storage.

9. WATER AND SEWER

General

- 9.1. Ensure that the design and construction of any water and sewerage infrastructure to be owned and operated by Council complies with the South East Queensland Water Supply and Sewerage Design and Construction Code (SEQ WS&S D&C Code).

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

- 9.2. Obtain a development permit for Operational Works for any water and/or sewerage infrastructure assets to be owned and operated by Council.
- 9.3. 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

- 9.4. Connect the development to Council's water supply system, 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.*
- 9.5. Ensure that each lot is provided with direct access to Council's water reticulation network, prior to the endorsement of survey plans, at the applicant's cost.
- This condition is imposed under section 145 of the Planning Act 2016.*
- 9.6. Ensure that property service connections and water meters servicing the development are installed by Council at the applicant's cost.

Further Advice:

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

- 9.7. Extend the Council water reticulation from Johanna Street to service any future development, at no cost Council.

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

Further Advice:

The supply water main for the development is DN250 in Johanna Street and a Pressure Reducing Valve (PRV) is required to manage the pressure within the development in accordance with Council Pressure Management requirements.

Sewer

- 9.8. Connect the development to Council's sewerage system, 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.*
- 9.9. Ensure that each lot is provided with direct access to Council's sewerage reticulation network, prior to the endorsement of survey plans, at the applicant's cost.
- This condition is imposed under section 145 of the Planning Act 2016.*
- 9.10. Obtain and submit written consent from any property affected by any external works required to connect the proposed development to Council's sewerage infrastructure.
- 9.11. Ensure that the private sewer pump station currently servicing the Hills College is decommissioned, at no cost to Council, as part of the works pertaining to any future subdivisional development and to be associated with an appropriate point of connection to sewer being provided to Hills College.
- This condition is imposed under section 145 of the Planning Act 2016.*
- 9.12. Ensure that the Hills Collage is provided sewerage service, at no cost to Council, through a gravity system as part of the works pertaining to any future development.
- This condition is imposed under section 145 of the Planning Act 2016.*
- 9.13. As part of the first reconfiguring a lot or material change of use development application over the site (whichever comes first), perform a capacity assessment, at no cost to Council, of the Jimboomba Waste Water Treatment Plant (WWTP), to identify any upgrades required for the WWTP for the ultimate development scenario and submit a report demonstrating the outcome of the assessment and proposed upgrades required to mitigate the impact identified in the assessment.

Further Advice:

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The inlet of the treatment plant may require augmentation to make provision for additional rising main connection.

- 9.14. As part of the first reconfiguring a lot or material change of use development application over the site (whichever comes first), submit an environmental report that addresses the odour and noise impacts of any sewerage pump stations required to be constructed to service the ultimate development scenario.
- 9.15. Provide sewerage easements over any sewerage infrastructure within private property in accordance with the South East Queensland Water Supply and Sewerage Design and Construction Code (SEQ D&C Code), at no cost to Council.

Further Advice:

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

- a) Include Council's standard terms for easements (as amended from time to time), relevant at the time the request for compliance assessment for a subdivision plan is made. At time of writing, the Titles Registry Dealing Numbers for Council's standard terms documents are 716215253 for easements over freehold land and 716055287 for easements over trust and reserves; or*
- b) 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.*

FURTHER ADVICE TO THE APPLICANT

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

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

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

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

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

THE APPLICANT AND OWNER BE FURTHER ADVISED:-

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

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

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

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