

Enquiry Phone: Customer Service (07) 3412 5269  
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13 May 2020



150 Wembley Road  
Logan Central QLD 4114  
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Trussmaster Pty Ltd  
C/O Bennett + Bennett  
PO Box 2020  
KELVIN GROVE QLD 4059

**Att:** Emmett Herps

Dear Sir,

**DECISION NOTICE - PLANNING ACT 2016**

**APPLICATION NUMBER** MCUI/42/2018  
**PROPERTY ADDRESS** 32-34 ELLERSLIE ROAD, MEADOWBROOK QLD 4131,  
28-30 ELLERSLIE ROAD, MEADOWBROOK QLD 4131  
**PROPERTY DESCRIPTION** LOT 20 RP 91039,  
LOT 21 RP 91039

**APPLICATION DESCRIPTION**

- **MATERIAL CHANGE OF USE - MEDIUM IMPACT INDUSTRY AND WAREHOUSE**
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**1. DECISION**

The above mentioned development application was assessed and **approved** subject to conditions. The decision was made by Logan City Council as the Assessment Manager on 13<sup>th</sup> May 2020.

**2. APPROVAL TYPE**

Development Permit

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

The Assessment Manager conditions are attached to this Decision Notice.

**4. REFERRAL AGENCIES**

There were no Referral Agencies applicable to this development application.

**5. PROPERLY MADE SUBMISSIONS**

There were no properly made submissions that were received for this development application during the public notification period.

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

Operational Works  
Building Works  
Plumbing and Drainage Works

## 7. STATEMENT OF REASONS

<b>Description of the development</b>	The proposed development is for a Material Change of Use - Medium Impact Industry and Warehouse.	
<b>Assessment benchmarks</b>	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Strategic Framework</li> <li>• Medium impact industry zone code</li> <li>• Rural residential zone code</li> <li>• Filling and excavation code</li> <li>• Infrastructure code</li> <li>• Landscape code</li> <li>• Management of emissions and hazardous activities code</li> <li>• Servicing, access and parking code</li> <li>• Acid sulfate soils overlay code</li> <li>• Biodiversity areas overlay code</li> <li>• Bushfire hazard overlay code</li> <li>• Flood hazard overlay code</li> <li>• Waterway corridors and wetlands overlay code</li> </ul>	
<b>Relevant matters</b>	<p>The proposed development was assessed against the following relevant matters:</p> <ul style="list-style-type: none"> <li>• In this instance, the current relevance of the assessment benchmarks is considered to be diminished in the light of changed circumstances. This is due to the Rural Residential zoned land, which was applied to the site on the basis of the mapped flood hazard and wetland overlay. The Applicant has provided sufficient supporting evidence and technical reports to demonstrate that the development can infringe into the flooding overlay without materially affecting the flooding itself. This is primarily done through compensatory cut and fill.</li> <li>• Furthermore, the applicant has ground truthed and provided significant supporting evidence to demonstrate that the wetland area is less extensive than mapped by the overlay. Additionally, rehabilitation of the ecological significant area of the waterway will occur.</li> </ul>	
<b>Matters raised in submissions</b>	Zero submissions received.	
<b>Reasons for decision</b>	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.	
	<b>Assessment benchmark</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>
	<b>Medium Impact Industry Zone Code</b>	<p><b>AO4/PO4</b></p> <p>The development proposes a road boundary clearance of 7m in lieu of the stipulated 10m. A review of the streetscape shows that a number of approved developments within the street have a reduced road setback ranging down to 5m. Furthermore, there is adequate room for deep landscaping between the road reserve and tenancy one. Therefore, the proposal is considered compliant with Performance Outcome</p>

	<p><b>Rural Residential Zone Code</b></p>	<p>4.</p> <p><b>AO1/PO1</b> AO1 and PO1 of the Rural residential zone code state that a use in the Rural residential zone is for a use identified in section 6.2.13.2(3)(e)(i), being the overall outcomes for development in the Park Living precinct.</p> <p>Section 6.2.13.2(3)(e)(i), of the Rural Residential Zone code states that, in the Park Living precinct, land uses comprise Caretaker's accommodation, Dual occupancy (auxiliary unit), Dwelling house, Emergency services, Home-based business or Sales office. It does not include Medium Impact Industry or Warehouse.</p> <p>As such, the proposed development does not comply with the AO and PO and requires assessment Overall outcomes of the code. The Overall outcomes for the code states the following:</p> <ol style="list-style-type: none"> <li>1. <i>The purpose of the Rural residential zone is to provide for residential uses and activities on large lots, including lots for which the local government has not provided infrastructure and services</i></li> <li>2. <i>The local government purpose of the Rural residential zone code is to:</i> <ol style="list-style-type: none"> <li>a. <i>predominantly provide for Dwelling houses on larger lots;</i></li> <li>b. <i>provide for development in a semi-rural, landscaped or bushland setting;</i></li> <li>c. <i>protect rural residential amenity.</i></li> </ol> </li> </ol> <p>The proposal does not comply with the above in terms of the land use as it is not a listed land use. Compliance with the Rural residential zone code is unable to be achieved. Therefore, an assessment against the Strategic Framework is required (which is addressed in the following sections).</p>
		<p><b>AO3/PO3</b></p> <p>Tenancy 9 being part of proposed building 2 is partly sited within the Rural Residential Zone and has a building height that ranges from 8.2m to 9m. This exceeds the 8.5 maximum of the Park Living Precinct, the proposal is therefore referred to PO3. The surrounding Medium Impact industry zone anticipates a maximum height of 12 metres, consequently the development is considered consistent with the setting for the surrounding area and PO3</p>
<p><b>Matters</b></p>	<p>Not applicable.</p>	

<b>prescribed by a regulation</b>	
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For further details on the assessment of this development application, please see the Delegated Report available for public viewing on the Logan City Council Planning and Development Online website at: <http://pdonline.logan.qld.gov.au>. When accessing Council's website please use the following Application Number: MCUI/42/2018

**8. CURRENCY PERIOD**

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

**9. RIGHTS OF APPEAL**

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

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

**Appeals to the Planning and Environment Court**

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

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

Yours faithfully,

Tonnia Plail  
Senior Planning Officer  
Planning Assessment Program