

## DELEGATED ASSESSMENT REPORT

<b>REFER TO:</b>	Council's Delegate	
<b>REPORT BY:</b>	Nicholas Kelly	
<b>DECISION DUE BY:</b>	4 March 2020	Doc ID: 12390927 File No: 1110446-1

## APPLICATION DETAILS

<b>Application Number &amp; Proposed Development:</b>	MCUI/42/2018 - Medium Impact Industry and Warehouse
<b>Lodgement Date:</b>	25 October 2018
<b>Type of Approval sought:</b>	Development Permit
<b>Site Address:</b>	32-34 Ellerslie Road, MEADOWBROOK QLD 4131 28-30 Ellerslie Road, MEADOWBROOK QLD 4131
<b>Real Property Description:</b>	Lot 20 RP 91039, Lot 21 RP 91039
<b>Site Area:</b>	20,077m <sup>2</sup>
<b>Owner Details:</b>	B J Hoare and L Hoare
<b>Applicant Details:</b>	TRUSSMASTER PTY LTD
<b>Submissions closed:</b>	28 October 2019
<b>Number of Properly Made Submissions:</b>	Zero

## PLANNING CONSIDERATIONS

<b>Regional Plan:</b>	South East Queensland Regional Plan 2017
<b>Planning Scheme:</b>	Logan Planning Scheme 2015 (v5.1)
<b>Zone (Precinct):</b>	<ul style="list-style-type: none"><li>• Rural Residential – Park Living</li><li>• Medium Impact Industry</li></ul>
<b>Assessment Benchmarks:</b>	<ul style="list-style-type: none"><li>• Strategic Framework</li></ul> <p><b>Zone Codes</b></p> <ul style="list-style-type: none"><li>• Medium impact industry zone code</li><li>• Rural residential zone code</li></ul> <p><b>Development Codes</b></p> <ul style="list-style-type: none"><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></ul> <p><b>Overlay Codes</b></p> <ul style="list-style-type: none"><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>Overlays:</b>	0101B - ACID SULFATE ABOVE 5-20 METRES AHD Acid Sulfate Soils	
	0201A (BIODIV) PRIMARY VEGETATION MANAGEMENT AREA Biodiversity (Vegetation Management Area)	
	0301C (BH) MEDIUM BUSHFIRE HAZARD AREA Bushfire Hazard	
	0500A (FLOOD) INUNDATION AREAS Flooding & Inundation Areas	
	0801D (LH/SS) 15 PERCENT OR GREATER SLOPE HAZARD AREA Landslide Hazard & Steep Slope	
	1101A - ROAD TRANSPORT NOISE CORRIDOR Transport Noise Corridor	
	1302C (WCW) WETLAND BUFFER Wetlands Area	
	1301D (WCW) MINOR WATERWAY AREA Waterway Corridors	
	1302A (WCW) MAJOR WETLAND Wetlands Area	
	0204A (BIOD MSES) MATTERS OF STATE ENVIRONMENTAL SIGNIFICANCE Biodiversity Matters of Environmental Significance	
	0204B (BIODIV) MATTERS OF LOCAL ENVIRONMENTAL SIGNIFICANCE Biodiversity Matters of Environmental Significance	
	<b>Applicable Preliminary Approval:</b>	N/A
	<b>Category of Assessment:</b>	Impact Assessable

## REPORT OVERVIEW

### EXECUTIVE SUMMARY

Council is in receipt of an impact assessable application for a Development Permit for a **Material Change of Use** to establish a **Medium Impact Industry** and **Warehouse** at Lot 20 RP 91039, Lot 21 RP 91039, 32-34 Ellerslie Road, Meadowbrook QLD 4131, 28-30 Ellerslie Road, Meadowbrook, QLD 4131

The proposal includes two separate buildings that will encompass 10 tenancies with small mezzanine levels for a total of 5,236.7m<sup>2</sup> of gross floor area (GFA). This equates to a site cover of approximately 23%. The proposed buildings will be 8.2m-9m in height.

The proposal will be mainly sited within the Medium Impact Industry zone on Lot 21, where the proposed uses are accepted development (subject to requirements). However, there is a minor infringement into the Rural Residential zone of Lot 20, which predominantly includes parking and part of tenancy 10. Due to this infringement impact assessment is triggered, as Medium Impact Industry and Warehouse are not accepted land uses in the rural residential zone. It is worth noting that Lot 20 is zoned Rural Residential due to flooding constraints and environmental values. In response, the Applicant has provided adequate information to address these concerns.

Pursuant to the requirements of the *Planning Act 2016* the application was publicly notified for 16 business days from 4<sup>th</sup> October 2019 until 28<sup>th</sup> October 2019. No submissions were received.

The application did not trigger referral to any external referral agencies.

On balance, the proposal is consistent with the provision of the Logan Planning Scheme 2015 v5.1. Accordingly, it is recommended that this application be approved with conditions.

**BACKGROUND****Chronology of Application**

- On 25 October 2018, the application was lodged.
- On 1 November 2018, a Confirmation Notice was sent to the applicant.
- On 9 November 2018, an Information Request was sent to the applicant.
- On 23 January 2019, an extension to the Information Request Period was agreed to.
- On 22 February 2019, a second extension to the Information Request Period was agreed to.
- On 1 April 2019, a third extension to the Information Request Period was agreed to.
- On 2 July 2019, the applicant stopped the Current Period for 65 days until 5 September 2019.
- On 29 September 2019, the applicant responded the information request.
- On 1 October 2019, the assessment manager received the notice to commence public notification.
- On 29 October 2019, the assessment manager received the notice of compliance. Zero submissions were received.
- On 29 October 2019, Council required further information from the applicant regarding environmental matters and bushfire.
- On 7 November 2019, the applicant stopped the clock for 25 days to allow time for the additional information to be prepared.
- On 7 November 2019, the assessment manager sent the applicant an updated Infrastructure Agreement (IA) regarding stormwater quality.
- On 2 December 2019, the applicant proved the assessment manger with the additional environmental and bushfire information.
- On 12 December 2019, the clock restarted on the application with the current due date being 21 January 2019.
- On 20 January 2020, the decision period was extended for an additional 5 business days until the 29 January 2020.
- On 28 January 2020, the current period was stopped until the 17 February 2020.
- On 17 February 2020, the decision making period was extended until the 4 March 2020.
- On 3 March 2020, the current period was stopped until the 24 March 2020.
- On 23 March 2020, the current period was stopped until 16 April 2020.
- On 9 April 2020, the current period was stopped until 8 May 2020.
- On 7 May 2020, the decision period was extended until the 15 May 2020.

**SITE DESCRIPTION**

The subject site is described as Lot 20 RP 91039, Lot 21 RP 91039 with an area of 20077m<sup>2</sup> (**Refer Figure 1: Subject Site - Surrounding Development Context**).

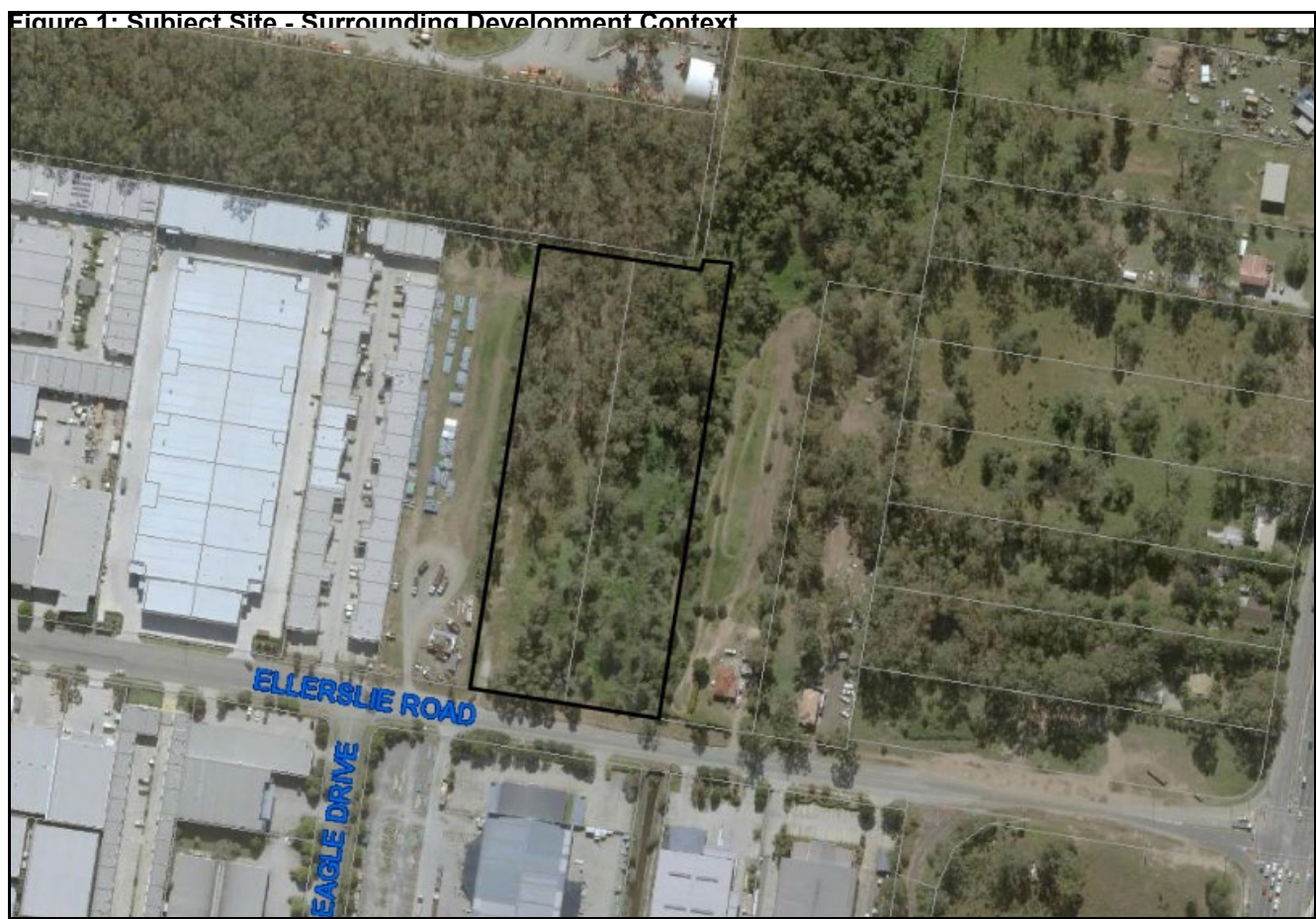
The subject site currently undeveloped and is rectangular in shape with a total site area of 20,077m<sup>2</sup>. The subject site comprises of two lots and has a frontage of approximately 92m to Eilerslie Road.

There is currently vehicular access to the site from Ellerslie Road. Contours indicate that the subject site has a topography ranging from approximately 10m AHD at the Ellerslie Road frontage down to approximately 7m AHD at the rear of the subject site.

In terms of the surrounding area it is dominated by industrial uses, consistent with the Medium Impact Industry zoning (refer to **Figure 2: Subject Site – Zoning**). Towards the greater east of the site are residential developments. To the greater south of the site is the Logan Motorway with the Logan Hospital beyond and retail and commercial developments. Immediately north of the site is vacant land, which has been previously approved for development. To the east is Mixed Use zone land which presently contains a house, shed and shipping container.

The subject site is heavily encumbered by the waterway and wetland overlay and flooding overlay refer to (**Figure 3 Subject Site - Waterway and Wetland Overlay, Figure 4: Subject Site - Flooding Overlay**). The primary vegetation overlay also completely covers the subject site refer to **Figure 5: Subject Site - Primary Vegetation Overlay**.

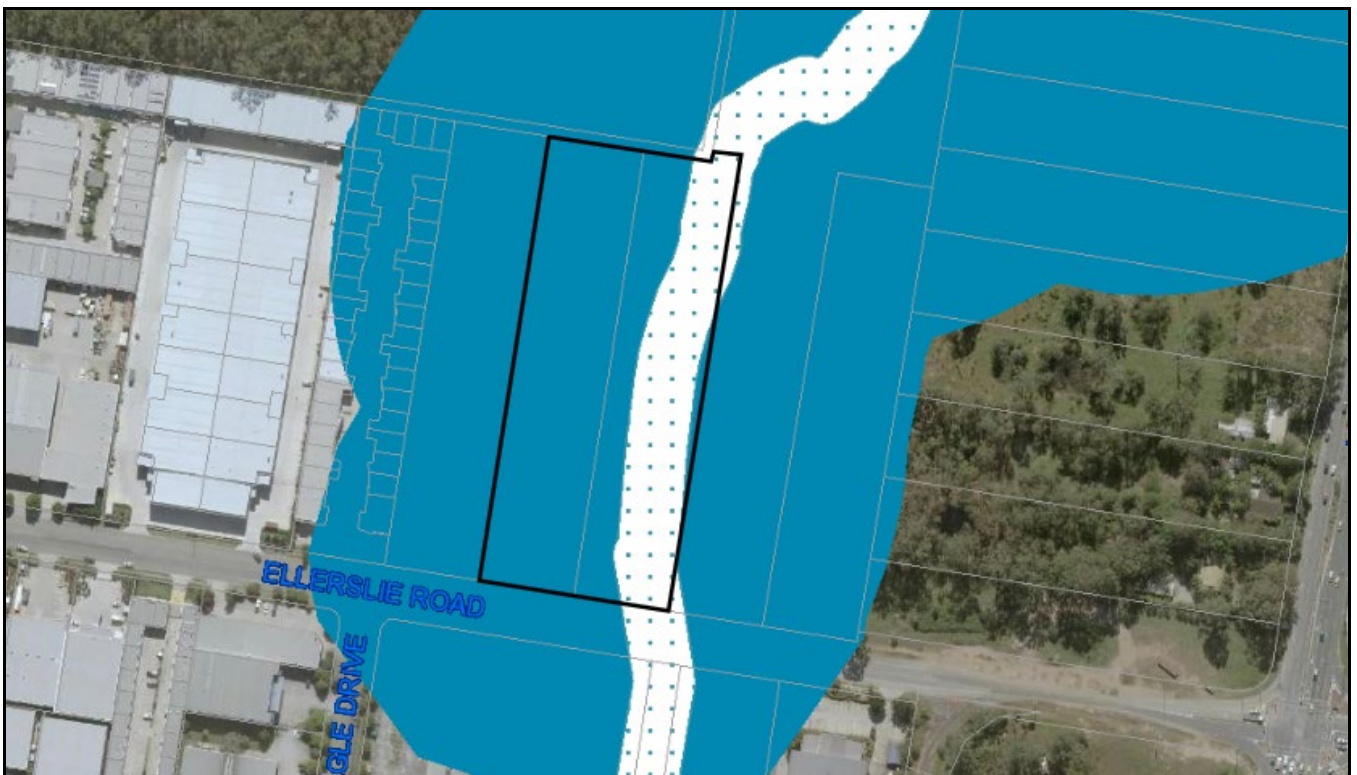
Lot 20 on RP91039 is burdened by an easement in favour of Logan City Council for the purposes of drainage.



**Figure 2: Subject Site - Zoning**



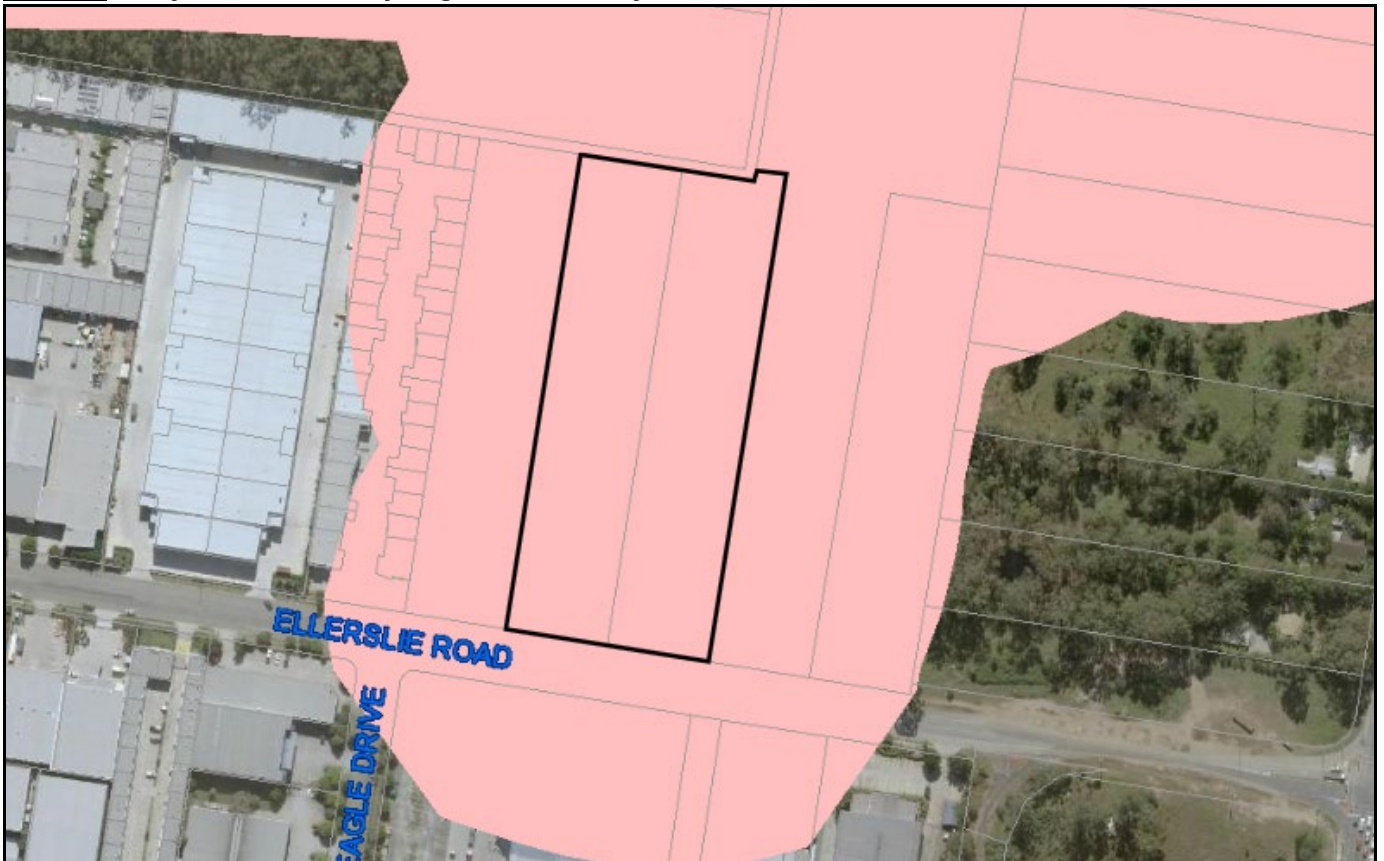
**Figure 3: Subject Site - Waterway and Wetland Overlay**



**Figure 4: Subject Site - Flooding Overlay**



**Figure 5: Subject Site - Primary Vegetation Overlay**



## DESCRIPTION OF PROPOSAL

The proposed development is for Material Change of Use for Medium Impact Industry and Warehouse. This includes two separate buildings that will include 10 tenancies with small mezzanine levels for a total of 5,236.7m<sup>2</sup> of gross floor area (GFA). This equates to a site cover of approximately 23%. The proposed buildings will be 8.2m - 9m in height.

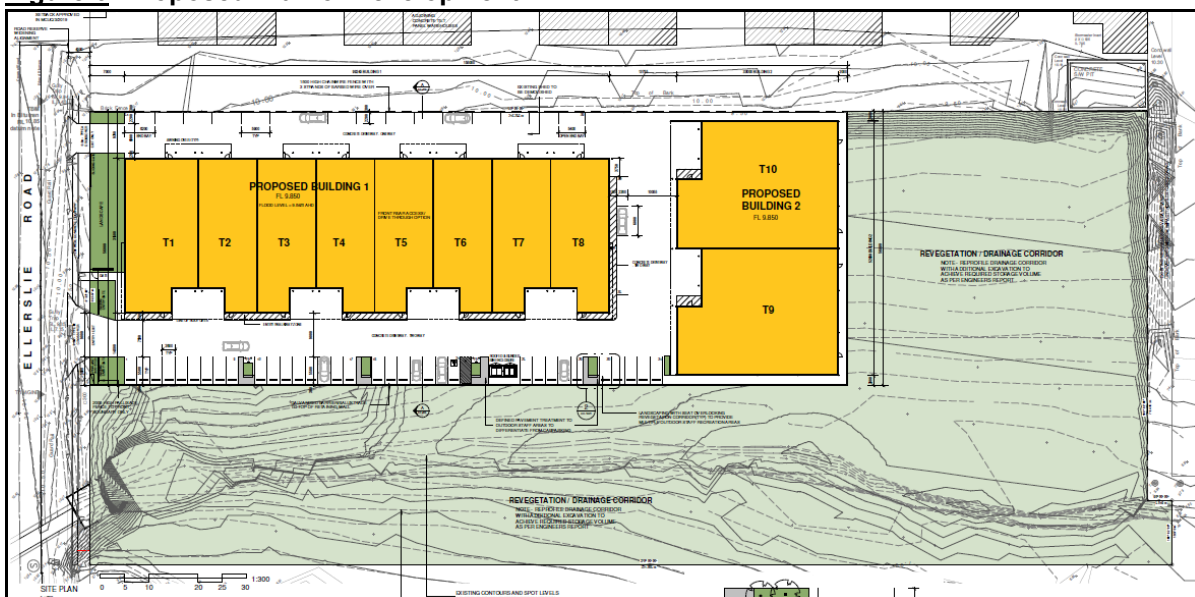
The development consists of a combination of slab on ground and suspended slab construction. The surface level of the development is set to 500mm above the current defined flood event, being 1% AEP water surface level of 9.84m.

The building will be setback a minimum of 7 metres from the road boundary and 9.4 metres from the western boundary. Both the rear and eastern boundary setback are greater than 20m.

The proposal will have two crossovers to Ellerslie Road, one entry only and one exit only. There will be a total of 54 car parking spaces and 11 spaces for bicycle parking. There is adequate space for manoeuvring throughout and on site for an HRV.

The development proposes a total of 11,700m<sup>2</sup> of greenspace, however; this includes the drainage area. In terms of landscaping there is a 7m wide landscape buffer located along the road boundary, with small landscaped areas along the eastern side of the development.

**Figure 6: Proposed Plan of Development**



**Figure 7: Elevations of Proposed Development**



Not Applicable.

**Relevant development applications/approvals over the premises the subject of the application**

MCUI/45/2011 - a Material Change of Use - General Industry was issued on 31 October 2013 and extended on 31 October 2017.

**Logan Planning Scheme 2015**

The following is an assessment of the application against the assessment benchmarks of the Logan Planning Scheme 2015.

Zone Code	Development Codes	Overlays
6.2.9 Medium impact industry zone code 6.2.13 Rural residential zone code	9.4.2 Filling and excavation code 9.4.3 Infrastructure code 9.4.4 Landscape code 9.4.5 Management of emissions and hazardous activities code 9.4.7 Servicing, access and parking code	8.2.1 Acid sulfate soils overlay code 8.2.2 Biodiversity areas overlay code 8.2.3 Bushfire hazard overlay code 8.2.5 Flood hazard overlay code 8.2.12 Waterway corridors and wetlands overlay code

**ZONE CODE**

**Medium impact industry zone code**

The purpose of the Medium impact industry zone code is to provide for medium impact industry and other uses and activities that support industry activities and do not compromise the future use of the premises for industry activities.

The proposed development has been assessed against the Acceptable Outcomes (AOs) and Performance Outcomes (POs) of the Medium impact industry zone code and complies with all of these requirements, with the exception of those provisions that relate to the road boundary clearance. An assessment against these provisions is provided below.

Building Clearance	
<p><b>PO4</b></p> <p>A building has a road boundary clearance that provides a consistent streetscape.</p>	<p><b>AO4</b></p> <p>A building has a minimum road boundary clearance of:</p> <p>(a) 10 metres from the primary street frontage;</p> <p>(b) six metres from a secondary street frontage.</p>
<p><b>Assessment</b></p> <p>The development proposes a road boundary clearance of 7m in lieu of the stipulated 10m. The proposal is therefore referred to Performance Outcome 4. 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 4.</p>	

**Rural residential zone code**

The purpose of the Rural residential zone code is to provide for residential uses and activities on large lots, including lots for which the local government has not provided infrastructure and services. The development has been assessed and complies with the Acceptable and Performance Outcomes of the Rural residential zone code, with the exception of the following

Land Uses	
<p><b>PO1</b></p> <p>A use in the Rural residential zone is for uses identified in:</p> <p>a. section 6.2.13.2(3)(c)(i) overall outcomes for the Carbrook precinct; or</p> <p>b. section 6.2.13.2(3)(d)(i) overall outcomes for the Cottage rural precinct; or</p> <p>c. <b>section 6.2.13.2(3)(e)(i) overall outcomes for</b></p>	<p><b>AO1</b></p> <p>A use in the Rural residential zone is for uses identified in:</p> <p>a. section 6.2.13.2(3)(c)(i) overall outcomes for the Carbrook precinct; or</p> <p>b. section 6.2.13.2(3)(d)(i) overall outcomes for the Cottage rural precinct; or</p> <p>c. <b>section 6.2.13.2(3)(e)(i) overall outcomes for</b></p>

<p><b>the Park living precinct; or</b></p> <p>d. section 6.2.13.2(3)(f)(i) overall outcomes for the Park residential precinct</p>	<p><b>the Park living precinct; or</b></p> <p>d. section 6.2.13.2(3)(f)(i) overall outcomes for the Park residential precinct.</p>
<p><b>Assessment</b></p> <p>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>Building height</b></p>	
<p><b>PO3</b></p> <p>A building has a building height that is:</p> <ol style="list-style-type: none"> <li>a) consistent with the setting for the precinct;</li> <li>b) responsive to the topography of the site.</li> </ol>	<p><b>AO3</b></p> <p>A building has a maximum building height of:</p> <ol style="list-style-type: none"> <li>a) 8.5 metres in the Carbrook precinct, Park living precinct and Park residential precinct; or</li> <li>b) 2 metres in the Cottage rural precinct.</li> </ol>
<p><b>Assessment</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>	

## **DEVELOPMENT CODES**

### **Filling and excavation code**

The purpose of the code is to protect premises, people and natural processes from adverse impacts associated with filling or excavation. The proposed development has been assessed against the AOs and POs of the Filling and excavation code and complies with all of these requirements. Earthworks associated with the proposed development have been shown as a part of the application. The site is subject to the flood hazard overlay and the code appears to have been addressed as a part of the application. Earthworks plans have been provided to demonstrate compensatory cut/fill. The grades of the proposed earthworks and the supporting flood study, appear to show this as being free draining and that no ponding will occur.

### **Infrastructure code**

The purpose of the Infrastructure code is to ensure that infrastructure is provided to service development. The proposed development has been assessed against the AOs and POs of the Infrastructure code and complies with all of these requirements. As the road frontage to Ellerslie Road is currently unconstructed, conditions have been set for the road frontage to be constructed. Road cross sections have been provided demonstrating that the existing culvert under Ellerslie road requires extension and can integrate with the requirements of the proposed road widening.

**Road**

The proposed development will require frontage works along the entire frontage of the site, then taper back to existing road pavement. The road widening will be required to meet industrial collector road standards.

The existing road frontage contains guard rails and also a significant sized headwall partially located within the road reserve. Any frontage works will need to address the removal, replacement or relocation of these assets. Appropriate conditions have been placed on the development.

**Sewer**

A reticulation main in the Ellerslie Road verge connects to a trunk sewer line that traverses the eastern development site boundary.

**Water**

Reticulated water exists in the Ellerslie Road verge. The proposal will be conditioned to connect to the existing network. The proposal is required to provide a 150mm diameter property service connection.

**Stormwater**

The legal point of discharge for the site will be the drainage channel within the eastern portion of the site. There is only overland flow from the adjoining site that is to be catered for. The adjoining sites pipe system outlets at the Eastern most property boundary.

Internal stormwater infrastructure is proposed to discharge directly into the existing channel, at multiple locations, along the eastern boundary. It is proposed that these discharge locations will be locally shaped to encourage flow spreading, to reduce the potential for scouring. Internal stormwater infrastructure is proposed to allow for the capture of the existing upstream undeveloped catchment. Appropriate conditions have been placed on the development. In terms of stormwater quality an infrastructure agreement has been executed.

**Landscape code**

The purpose of the Landscape code is to enhance visual amenity of the built and natural environment. The proposed development has been assessed against the AOs and POs of the Landscape code and complies with all of these requirements. A landscape concept plan has been provided. The plan details street trees along the Ellerslie Road frontage, shade trees to car park areas and has provided an indicative plant palette. The plans indicate the outdoor staff area will have shade trees provided and bollards installed and differentiated pavement to ensure safety to personnel using these areas. Conditions will be added to ensure the pavement and bollards are provided.

**Management of emissions and hazardous activities code**

The purpose of the code is to manage impacts of emissions on sensitive land uses and minimise the health and safety risks on the community from development involving hazardous materials. Councils' Technical Services Team have reviewed the submitted technical reports and confirmed that the proposal is compliant with the relevant emission standards. The proposed development has been assessed against the AOs and POs of the Management of emission and hazardous activities code and complies with all of these requirements.

**Servicing, access and parking code**

The purpose of the Servicing, Access and Parking code is to ensure that development satisfies the demand for parking and provides safe, functional and legible parking, access and servicing. The development has access to Ellerslie Road which has a low flood hazards, remains trafficable and directly connects to roads which are outside the flood hazard area. Additionally, a total of 54 car parking spaces (including 1 PWD space) and 11 bicycle parks (via wall mounts for each tenancy) have been provided which complies with the minimum parking requirements of the code (1 space per 80m<sup>2</sup> of GFA up to 500m<sup>2</sup>; plus 1 space per 100m<sup>2</sup> thereafter). All parking spaces have been designed and dimensioned in accordance with the relevant Council standards. The proposed development has been assessed against the AOs and POs of the servicing, access and parking code and complies with all of these requirements.

**OVERLAY CODES**

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**Acid sulfate soils overlay code**

The purpose of code is to ensure that acid sulfate soils do not adversely affect the natural and built environment and human health and safety. The proposed development has been assessed against the AOs and POs of the acid sulfate soils overlay code and as the development does not involve cut at or below 5 metres AHD it complies with all of these requirements.

#### **Biodiversity areas overlay code**

The purpose of the code is to connect biodiversity corridors, protect and enhance habitat values and ecosystem functions, protect scenic amenity values. The proposed development has been assessed against the AOs and POs of the biodiversity areas overlay code and complies with all of these requirements. The applicant has entered into an infrastructure agreement for a financial contribution relating to the clearing of vegetation, additionally on site rehabilitation is to occur to ensure environmental values are retained and enhanced.

#### **Bushfire Hazard overlay code**

The purpose of the code is to protect people and premises in a Bushfire hazard area. The proposed development has been assessed against the AOs and POs of the bushfire hazard overlay code and complies with all of these requirements. The applicant has provided a bushfire assessment report which provides a number of recommendations to ensure compliance with the code. These recommendations will be conditioned.

#### **Flood hazard overlay code**

The purpose of the Flood hazard overlay code is to ensure development is compatible with the nature of the natural flood hazard, does not cause injury, loss of life or damage to premises and property due to flooding or storm tide inundation and does not increase the emergency management burden on neighbours, the community or the local government. The proposed development has been assessed against the AOs and POs of the flood hazard overlay code and complies with all of these requirements.

The proposal allows for flood storage balance. The balance is achieved through shaping of the creek and removal of earth from the rear section of the property to allow local overland flow to spill over into this area. The hydraulic study provided by the applicant is acceptable in concept subject to review of the model and 2D validation, which can be done as part of detailed design. As per the results of the report, conditions of no worsening, no increase in peak depth and velocity downstream will be provided.

#### **Waterway corridors and wetlands overlay code**

The purpose of the code is to protect and enhance the ecological values, bank stability and scenic amenity of waterway corridors and wetlands and their riparian areas. The proposed development has been assessed against the AOs and POs of the waterway corridors and wetlands overlay code and complies with all of these requirements.

The applicant has provided a detailed ecological report that demonstrates areas of the site that would support a wetland are closely associated with the flow channel of Scrubby Creek and therefore not the full extent of the planning scheme mapped 'major wetland'. To ensure compliance with the code the application is proposing a 14 metre wide vegetation buffer (including the 6 metre asset protection zone).

### **STRATEGIC FRAMEWORK**

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An assessment of the proposal has been undertaken against the Strategic Framework to determine if compliance with the planning scheme can be demonstrated. The Strategic Framework of the planning scheme identifies the policy direction and forms the basis for ensuring appropriate development occurs in the City. The strategic intent states:

*By 2031, Logan reflects the spatial elements identified in Figure 3.1—Strategic intent and will accommodate over 420,000 people and 130,000 jobs.*

The policy is structured over eleven (11) themes. Although each theme has its own section, the Strategic Framework is to be read in its entirety as the policy direction for the planning scheme. Comments for the relevant themes have been provided below:

#### **Settlement pattern**

The strategic intent of the Settlement pattern theme is that *"The settlement pattern comprises the Urban footprint, the Future urban area, the Priority development area, the Regional landscape and rural production area and the Rural living area identified on SFM-01.00—Strategic framework map."*

The development predominately proposes an industrial use on industrial land. As discussed in the report the application does also include Rural Residential land although it is an acceptable infringement. Overall, this theme is therefore not considered relevant to the proposed development.

### **Residential**

The strategic intent of the Residential theme is that *"Over 70,000 new dwellings are built in Logan between 2009 and 2031. Residential development provides a range of housing sizes, types and tenures. Residential density is provided at an intensity that is compatible with the local context, public transport provision and infrastructure capacity. Specialised residential accommodation is provided to meet the needs of those with special accommodation needs. Rural residential development continues to provide a lifestyle housing choice in Logan."*

The proposed development does not include the provision of any residential development. This theme is therefore not considered relevant to the proposed development.

### **Centres**

The strategic intent of the Centres theme is that *"Logan has a hierarchy and network of interrelated centres comprising principal centres, major centres, district centres, neighbourhood centres, and specialised centres. Centres are vibrant, accessible and integrated places."*

The proposed development does not include the provision of any centre uses and is not on centre zoned land development. This theme is therefore not considered relevant to the proposed development.

### **Employment**

The strategic intent of the Employment theme is that *"50,000 new jobs are provided in Logan between 2009 and 2031. Logan has a strong, resilient and diversified economy based on Logan's locational advantages to provide high levels of employment growth to achieve 65 percent employment self-containment by 2031. Employment areas facilitate business and industry in locations that provide employment close to where people live. Natural economic resources are protected and managed sustainably so they provide an ongoing social, environmental and economic benefit to the region."*

Section 3.6.1 (1) of the Strategic Framework states that Logan has a strong, resilient and diversified economy, with high levels of employment growth and a target of 65% employment self-containment by 2031. Section 3.6.2 (1) also states that a wide range of employment based uses are provided throughout the city to promote employment growth and economic activity. It is anticipated that the proposed development will generate a number of ongoing industrial jobs (full-time, part-time and casual positions) upon completion. The proposal will therefore contribute to the employment generation goals of the planning scheme.

### **Community**

The strategic intent of the Community theme is that *"Logan's community is well serviced and supported by community infrastructure. Open space and recreation uses and facilities are provided throughout Logan to meet the needs of the community. Local culture, heritage, and character is protected and enhanced to reinforce local community identity. Logan is a highly liveable city where development supports the wellbeing of Logan's diverse, multicultural community."*

The proposed development does not include the provision of any community infrastructure. This theme is therefore not considered relevant to the proposed development.

### **Rural**

The strategic intent of the Rural theme is that *"Rural land, including Agricultural Land Classification Class A and Class B land, continues to support sustainable rural production and the diverse activities associated with an active rural economy, providing social, economic and environmental benefits to the region. A range of rural enterprises complement rural production and provide employment, economic development and ancillary tourism opportunities on rural land."*

The land is not included in a rural zone nor is it classified for an agricultural purpose. This theme is therefore not considered relevant to the proposed development.

### **Natural environment**

The strategic intent of the Natural environment theme is that *"The natural environment is protected and enhanced. No net loss of biodiversity and ecological values is achieved by protecting and enhancing flora and fauna species, large viable areas of habitat and connecting corridors, vegetation, waterways, wetlands and ridgelines and a sustainable and viable population of koalas. The ecosystems of waterway corridors, wetlands, and their riparian areas are protected and enhanced."*

The site is contained within the Primary Vegetation Management Area and Waterway Area. The applicant has provided detailed ecological reports that demonstrated the ecological values of the site will be retained and overall enhanced. The development will therefore consider the natural environment and this theme.

#### **Natural hazards**

The strategic intent of the Natural hazards theme is that *"People and premises are protected from and are resilient to the potential risks associated with natural hazards. Greenhouse gas emissions, and the community's reliance on greenhouse gas emitting energy sources, are reduced. Acid and metal contaminants do not adversely affect the natural and built environment, and human health and safety."*

The subject site is located within the Potential Impact Buffer under the Bushfire Hazard Overlay. A Bushfire Report has been prepared and reviewed by Council's Environmental Officers, who have advised that the development is compliant with the Planning Scheme and that the bushfire threat is acceptable, ensuring people and premises are protected from and are resilient to the potential risks associated with natural hazards. This development is therefore considered to have addressed this theme.

#### **Design, place making and amenity**

The strategic intent of the Design, place making and amenity theme is that *"Logan has a high quality, well designed built environment that provides places for people that are attractive, functional, safe and accessible. The built and natural environment provides people with a high level of amenity, where the qualities of the environment enhance the physical and social wellbeing of people."*

The proposed development is for the purposes of industrial uses within an industrial area, the built form will be consistent with the area. This theme is therefore not considered relevant to the proposed development.

#### **Transport**

The strategic intent of the Transport theme is that *"Development is designed to encourage walking, cycling and the use of public transport, and reduce reliance on private vehicles. High quality pedestrian and cycle infrastructure is provided in locations of good accessibility. An efficient public transport network is provided and integrated with development. An efficient road hierarchy and network is provided and integrated with development."*

The proposed development is located in an industrial setting whereby no existing pedestrian or cycle networks exist in the immediate location. This theme is therefore not considered relevant to the proposed development.

#### **Infrastructure**

The strategic intent of the Infrastructure theme is that *"Efficient, cost effective, functional and sustainable infrastructure networks are provided and integrated with development. Key infrastructure sites and corridors are protected. Stormwater is managed in accordance with total water cycle management and water sensitive urban design principles. Waste is reduced to the greatest extent practicable, and managed and disposed of sustainably."*

The site is currently has access to all services and infrastructure required for the intended development. This theme is therefore not considered relevant to the proposed development.

The proposed development is generally consistent with all themes of the Strategic Framework. Although, no element the Strategic Framework justifies the conflict with rural residential zone. Due to this conflict Relevant Matters are required. Please see the discussion below regarding relevant matters that pertain to the proposed development

### **PUBLIC NOTIFICATION**

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In accordance with Part 4 (Public Notification) of the Development Assessment Rules, the applicant has informed Council that public notification was undertaken in accordance with s53 of the *Planning Act 2016*.

**Start Date:** 04/10/2019

**End Date:** 28/10/2019

**Date of Final Notice:** 29/10/2019

**Number of Properly Made Submissions:** Zero (0)

### **Any other relevant matter**

Section 60(3) of the Act states that, to the extent an application requires impact assessment, the assessment manager has the discretion to either:

- (a) approve all or part of the application;
- (b) approve all or part of the application, but impose development conditions; or
- (c) refuse the application.

In exercising this discretion and in accordance with Section 45(5) of the Act, the assessment manager of an impact assessable application may carry out an assessment against, or have regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise. As per the Act, examples of another relevant matter include planning need, the current relevance of the assessment benchmarks in the light of changed circumstances and whether assessment benchmarks or other prescribed matters were based on material errors.

In undertaking a balanced assessment of the proposal development against the planning scheme and any other relevant matters, Chapter 1, Section 5(1) of the Act states that *"an entity that performs a function under this Act must perform the function in a way that advances the purpose of this Act."*

In accordance with Chapter 1, Section 3(1) of the Act, the purpose of the Act is *"to establish an efficient, effective, transparent, integrated, coordinated, and accountable system of land use planning (planning), development assessment and related matters that facilitates the achievement of ecological sustainability."*

Section 3(2) of the Act further defines ecological sustainability as *"a balance that integrates—*

- (a) the protection of ecological processes and natural systems at local, regional, State, and wider levels; and*
- (b) economic development; and*
- (c) the maintenance of the cultural, economic, physical and social wellbeing of people and communities."*

As it relates to this application, Section 3(3) of the Act provides the following guidance regarding the terms referenced in Section 3(2) of the Act:

- (a) "protecting ecological processes and natural systems includes—*
  - (i) conserving, enhancing or restoring the life-supporting capacities of air, ecosystems, soil and water for present and future generations; and*
  - (ii) protecting biological diversity; and*
- (b) achieving economic development includes achieving diverse, efficient, resilient and strong economies, including local, regional and State economies, that allow communities to meet their needs but do not compromise the ability of future generations to meet their needs; and*
- (c) maintaining the cultural, economic, physical and social wellbeing of people and communities includes—*
  - (i) creating and maintaining well-serviced, healthy, prosperous, liveable and resilient communities with affordable, efficient, safe and sustainable development; and*
  - (ii) conserving or enhancing places of special aesthetic, architectural, cultural, historic, scientific, social or spiritual significance; and*
  - (iii) providing for integrated networks of pleasant and safe public areas for aesthetic enjoyment and cultural, recreational or social interaction; and*
  - (iv) accounting for potential adverse impacts of development on climate change, and seeking to address the impacts through sustainable development (sustainable settlement patterns or sustainable urban design, for example)."*

Building on this and with the purpose of the Act in mind, advancing the purpose of the Act is described by Chapter 1, Section 5(2) of the Act as including, amongst other things:

- (a) *following ethical decision-making processes that—*
  - (i) *take account of short and long-term environmental effects of development at local, regional, State and wider levels; and*
  - (ii) *seek to provide for equity between present and future generations; and*
- (b) *providing opportunities for the community to be involved in making decisions; and*
- (c) *encouraging investment, economic resilience and economic diversity; and*
- (d) *supplying infrastructure in a coordinated, efficient and orderly way; and*
- (e) *applying amenity, conservation, energy use, health and safety in the built environment in ways that are cost-effective and of public benefit; and*
- (f) *avoiding, if practicable, or otherwise minimising the adverse environmental effects of development (climate change, urban congestion or declining human health, for example).*

The proposed development was subject to impact assessment and as such, involved public notification. There were no submissions received which suggests that the proposed development meets the expectations of the community for the site and area.

In consideration of the purpose of the Act and the obligation of Council to advance this purpose, the following relevant matters have been considered in the balanced assessment of the proposed development:

- 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.
- 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.

Based on a balanced assessment of the proposal against the planning scheme and having consideration to the relevant matters detailed above, it is recommended that the proposed development be supported and approved subject to conditions.

## **REFERRALS**

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### **Referral Agencies**

The application did not require any external Referrals Agencies.

### **Internal Referrals**

This application was referred to the following internal Council Branches/Units for consideration and approval conditions of development:

- Development Assessment (Engineering)
- Technical Services Team
- Water Infrastructure Branch

## **CONCLUSION**

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

## **RECOMMENDATION**

### **IT IS RECOMMENDED:-**

That the Development Application be approved, subject to conditions and a Development Permit for a **Material Change of Use for Medium Impact Industry and Warehouse** at 28-30 Ellerslie Road and 32-34 Ellerslie Road, Meadowbrook QLD 4131, more accurately described as Lot 20 RP 91039, Lot 21 RP 91039 be issued in accordance with the attached conditions.

***INTEGRATED PLANNING ACT 1997, SUSTAINABLE PLANNING ACT 2009 AND PLANNING ACT 2016 -  
DEVELOPMENT ASSESSMENT AND DISPUTE RESOLUTION***

**DECISION**

I am satisfied having considered the above application, matters set out in this submission and the recommendation of the officer, this application complies with relevant standards and the *Planning Act 2016* (where applicable) and be approved, subject to conditions the application for the reasons outlined in the decision notice.

Dated the 13<sup>th</sup> day of May 2020

Tonnia Plail  
Senior Planning Officer  
Planning Assessment Manager