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22/07/2026

Our Ref No: PA26-21120

Chief Executive Officer
PO Box 3226,
Logan City DC,
QLD 4114

Attention: **Development Planning Branch**

Dear Sir/Madam

RE: **Material Change of use for Double Storey Dual Occupancy (Impact Assessment)**
74 Learmonth Drive, Belivah QLD 4207- Lot 373 on SP290613

Pacific Approvals Pty Ltd has been engaged by Karston Homes to prepare and lodge a Development Application seeking approval from Logan City Council for a Development Permit for a Material Change of Use (Impact Assessment) for the establishment of a new Double storey Dual Occupancy at 74 Learmonth Drive, Belivah QLD 4207 formally described as Lot 373 on SP290613

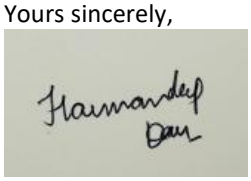
The proposed development has been assessed against the relevant codes of Logan Planning Scheme *2015 Version 9.2(with TLPI No. 1/2024)*. This report concludes that the proposal is consistent with the statutory requirements of the *Planning Act 2016*, *Planning Regulation 2017*, and the *Development Assessment Rules*.

The information presented in this proposal report demonstrates compliance with all relevant provisions of the statutory town planning framework.

In support of the application, the following is provided.

- ***Appendix 1 – DA form 1, DA Form 2 & Landowner's consent;***
- ***Appendix 2 - Architectural Plans & MCU RESIDENTIAL FORM***
- ***Appendix 3 – MCU Report***
- ***Appendix 4- Existing approval***
- ***Appendix 5-Code Assessment***
- ***Appendix 6- Engineering Report***

Yours sincerely,



Harmandeep Kaur I Town Planner

Table of Contents

1 DEVELOPMENT APPLICATION 3

1.1 DEVELOPMENT APPLICATION DETAILS 3
1.2 PLANNING INSTRUMENT DETAILS 3
1.3 SUMMARY 4

2 THE SITE 4

3 THE PROPOSAL 5

4 DEVELOPMENT ASSESSMENT 6

4.1 ZONING 7
4.2 OVERLAY MAP PROVISIONS 7
4.3 EXISTING APPROVALS 8
4.4 LAND USE 8
4.5 CATEGORY OF ASSESSMENT 8
4.6 STRATEGIC FRAMEWORK 8
4.7 APPLICABLE CODES 9
4.7.1 Emerging community zone code 10
4.7.2 Dual Occupancy and Dwelling house code 11

5 CONCLUSION 16

APPENDIX 1 – DA FORM 1, DA FORM 2 & LANDOWNERS CONSENT 17

APPENDIX 2 – ARCHITECTURAL PLANS & RESIDENTIAL MCU FORM 18

APPENDIX 3 – IMPACT ASSESSMENT MCU REPORT 19

APPENDIX 4 – EXISTING DECISION NOTICE 20

APPENDIX 5 – CODE ASSESSMENT 21

APPENDIX 6 – ENGINEERING REPORT 22

1 Development Application

1.1 Development Application Details

Proposed development:	Material Change of Use for double storey dual occupancy
Type of approval sought:	Development permit for Material Change of Use (Impact Assessment)
Site address:	74 Learmonth Drive, Belivah QLD 4207
Real property description:	Lot 373 on SP290613
Site area:	543 m^2
Assessment manager:	Logan City Council
Owner details:	Krishna Aryal c/o Karston Homes
Applicant details:	Karston Homes c/- Pacific Approvals Pty Ltd PO Box 2374 Nerang DC QLD 4211
Applicant reference No.	PA26-21120

1.2 Planning instrument details

State planning policy:	NA
Regional plan: **Designation:**	*SEQ Regional Plan* Regional Landscape and Rural Production Area
Planning scheme:	Logan Planning Scheme 2015 Version 9.2
Previous approval:	NA
Strategic framework:	settlement pattern; residential; centres; employment; community; rural; natural environment; natural hazards; design, place making and amenity; transport; infrastructure;
Zone:	Emerging Community
Local plan:	NA
Level of assessment:	Impact Assessment
Applicable overlays:	• Acid sulfate soils overlay • Biodiversity areas overlay • Flood hazard overlay • Heritage overlay code • Transport noise corridor
Applicable codes:	• Emerging community zone Code • Dual Occupancy & dwelling house code • Biodiversity areas overlay code • Flood hazard overlay code
Referral Agencies	NA

1.3 Summary

The subject site has an area of approximately 543 m² and is currently a vacant land. Approval is sought for a Material Change of Use to establish a double storey dual occupancy on the subject site.

The proposed dual occupancy will provide 4 bedrooms, associated living spaces, kitchen area, alfresco and outdoor open space. The subject site gains access from the Learmonth Drive and currently a vacant land.

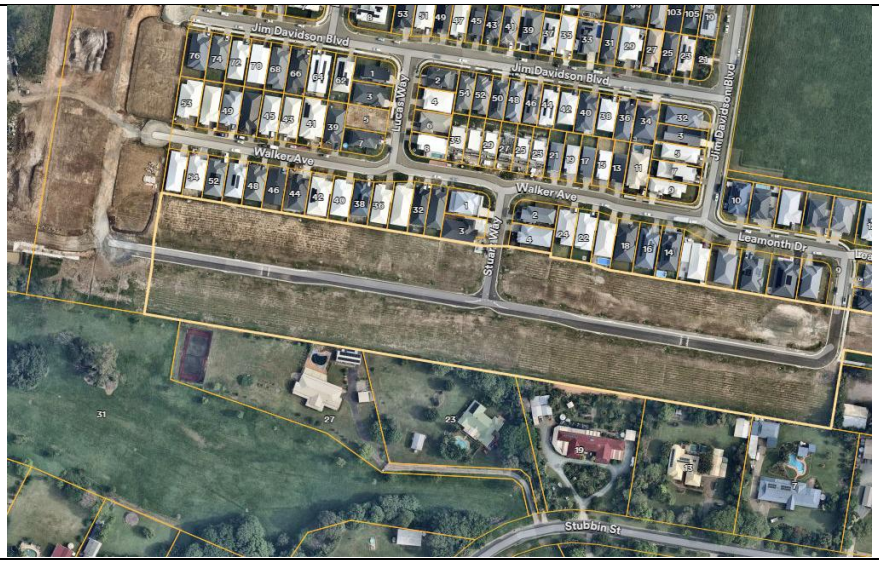
2 The Site

The subject site comprises Lot 373 on SP290613, located at 74 Learmonth Drive, Belivah QLD 4207, with a total area of approximately 543 m². The site is created as part of the subdivision approval (COM/5/2023/A). The existing approval has been provided with building envelope for the dwelling houses for stage 3C. The proposed dual occupancy has been assessed against the provisions of Logan Planning Scheme.

The site is situated within the Emerging community zone and currently surrounded by residential dwellings in the locality.

There are no registered easements affecting the site according to the provided information.

Refer to the aerial image below for an overview of the current site：

Aerial – Subject Site	

Aerial – Site Surroundings	

Site characteristic	Description
Existing land use	NA
Existing structures	Vacant Land
Frontage and access	Learmonth Drive
Topography and views	Relatively flat
Existing vegetation	No existing vegetation
Existing waterways	NA
Easements	No easements affect the site
Area	543m²

3 The Proposal

The proposal seeks to establish a new double storey dual occupancy on the subject site having area 543 sqm. The proposal will constitute two double storey units with each unit comprising double storey garage, dining area, four bedrooms and private open space. The access to both units is provided by via Learmonth Drive.

See below for site plan extract:

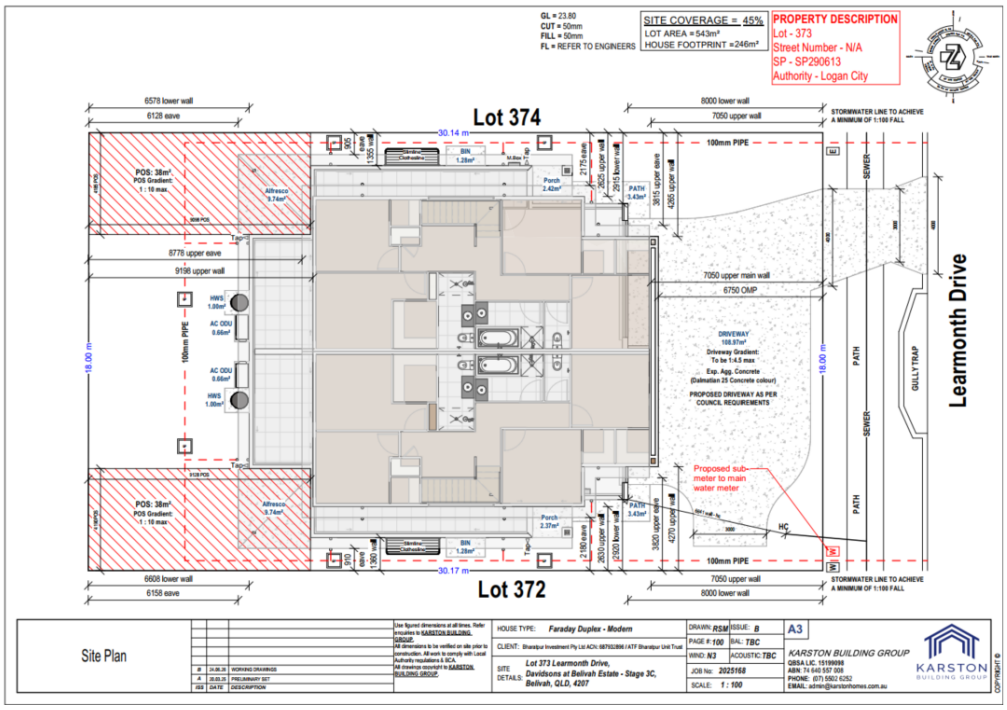


Figure 1: Site Plan

A summary of the proposal with respect to town planning requirements are listed below:

Town Planning Requirements		
Development	New double storey dual occupancy	
Site Coverage	45%	
Building Height	Under 8.5m Double storey	
Building Setbacks	Road Frontage	8000m to wall in lieu of 10m OMP
	Western Side	905mm to OMP in lieu of 3m OMP
	Eastern Side	910mm to OMP in lieu of 3m OMP
	Rear	6128m to OMP
Number of Car Parks	2 roofed parking space with tandem parking opportunity	
Access Requirements	Proposed Driveway (4m at boundary)	
Acoustic Requirements	Not applicable	
Sewer requirements	Connected to sewer infrastructure	
Proposed Earthworks	Minor cut and fill required	
Vegetation Clearing	Urban landscaping	

4 Development Assessment

- The development is building works;
- The development is a material change of use;
- The development is not operational works;
- The development is not reconfiguration of a lot;
- The development includes plumbing and drainage works, but not part of this application;
- The development is assessable development under *Planning Act 2016;*
- It is considered that no state planning policies are applicable for the application;
- It is considered that the works comply with the intent of SEQ Regional Plan;
- Public Notification is not required for the development.
- Schedule 6 of the Planning Regulation 2017 does not apply to the proposed development;

- The following is a summary of Schedule 10 of the Planning Regulation 2017:

Section	Comments	Complies
Part 1 Airport land	Development on airport land is not proposed	NA
Part 2 Brothels	MCU for brothel not proposed	NA
Part 3 Clearing native vegetation	OPW that is clearing native vegetation is not proposed.	NA
Part 4 Contaminated land	Considered not on contaminated land	NA
Part 5 Environmentally relevant activities	Not proposed	NA
Part 6 Fisheries	Not proposed	NA
Part 7 Hazardous chemical facilities	Not proposed	NA
Part 8 Heritage places	Not located on Heritage place	NA
Part 9 Infrastructure-related referrals	Not applicable for dwelling house	NA
Part 10 Koala habitat area	Not applicable	NA
Part 11 Noise sensitive place on noise attenuation land	Not a MCU for a noise sensitive place on noise attenuation land	NA
Part 12 Operational work for reconfiguring a lot	Not proposed.	NA
Part 13 Ports	Not proposed.	NA
Part 14 Reconfiguring a lot under Land Title Act	Not proposed.	NA
Part 15 SEQ development area	Not located within SEQ development area.	NA
Part 16 SEQ regional landscape and rural production area and SEQ rural living area	Not located within regional landscape and rural production area and SEQ rural living area area	NA
Part 16A Southport Spit	Not located within Southport spit area.	NA
Part 17 Tidal works or work in a coastal management district	Not located with tidal area.	NA
Part 18 Urban design	Under 5000sqm GFA proposed	NA
Part 19 Water-related development	Not proposed.	NA
Part 20 Wetland protection area	Not proposed within area.	NA
Part 21 Wind farms	Not proposed.	NA

In summary:

  - Material Change of use against the planning scheme is required.

4.1 Zoning

The site is located within the Emerging community zone of the Logan Planning Scheme

4.2 Overlay Map Provisions

A review of the planning scheme shows that the following are applicable overlay maps affecting the site.

- Acid sulfate soils overlay
- Biodiversity areas overlay

- Flood hazard overlay
- Heritage overlay code
- Transport noise corridor

4.3 Existing Approvals

No existing approvals affect the assessment of the application.

4.4 Land use

The proposal is defined as dual occupancy.

Dual occupancy -

a. means a residential use of premises for 2 households involving
i. 2 dwellings (whether attached or detached) on a single lot or 2 dwellings (whether attached or detached) on separate lots that share a common property; and
ii. any domestic outbuilding associated with the dwellings; but
b. does not include a residential use of premises that involves a secondary dwelling.

4.5 Category of Assessment

Pursuant to Table 5.5.3.1 of the City Plan, any use not listed in the table will be Impact Assessable. The proposal involves dual occupancy which is not an auxiliary unit. Accordingly, the proposal triggers Impact Assessment.

4.6 Strategic Framework

The proposal has been assessed against the Strategic Framework of the City Plan to confirm that the development is appropriate with regard to the policy direction of Logan City Council.

Strategic Theme	Element	Comments
3.2.1 Settlement pattern	Urban footprint	**Not Applicable** The proposal is located outside Urban footprint are
	Future urban area	**Not Applicable** The proposal is located outside future urban area
	Priority development area	**Not Applicable** The proposal is located outside priority development area
	Regional landscape & rural production	**Not Applicable** The proposal is located in emerging community zone
	Rural living area	**Not Applicable** The proposal is located outside rural living area
3.2.2 Residential	Housing supply and diversity	**Not Applicable**
	Density	
	Specialised residential	
	Rural residential	
3.2.3 Centres	Principal centre	**Not Applicable** The proposal is not located within a principal centre location.
	Major centre	The proposal is not located within a major centre location.

	District centre	The proposal is not located within a district centre location.
	Local centre	The proposal is not within a local centre
	Neighbourhood centre	The proposal is not within a neighbourhood centre
	Specialise centre	The proposal is not within a specialised centre.
	New and expanded centres and centre activities	**Not Applicable**
3.2.4 employment	Employment diversity	**Not Applicable**
	Employment areas	
	Natural resources	
3.2.5 community	Community infrastructure	**Not Applicable**
	Open space and recreation	**Complies** The proposal provides sufficient outdoor space by nominating the private open space requirements for both the units.
	Culture and heritage	Not Applicable
	Community wellbeing	Not Applicable
3.2.6 - rural	Rural production	Not Applicable
	Rural enterprise	Not Applicable
Natural environment	Biodiversity Waterway corridors and wetlands	**Applicable**
Natural hazards	Natural hazards and climate change adaptation Climate change mitigation Acid and metal contaminants	Not applicable
Design, place making and amenity	Design and place making Amenity	**Applicable** The proposal will provide a safe, functional and high level of amenity consistent with the existing streetscape.
transport	Movement network and car parking Active transport Public transport Road transport and freight	Not Applicable
infrastructure	Design and sequencing Infrastructure networks Key sites and corridors Stormwater Waste	Applicable The proposal will be comply with council's infrastructure requirements

4.7 Applicable Codes

This report will demonstrate:

- Compliance with the acceptable outcomes; and
- Compliance with the performance outcomes

As such, the assessment benchmarks to be applied for assessment are as follows:

Assessment Benchmarks	**Acceptable Outcomes (AO)/Performance Outcomes (PO)**
Zone Code	
Emerging community code	PO3

Dual Occupancy & Dwelling House Code	PO2, PO3 ,PO4
Overlay Code	
Biodiversity areas overlay code	PO3
Flood hazard overlay code	PO1, PO5, PO8, PO10, PO17

4.7.1 Emerging community zone code

Compliance with the required outcomes of the code is achieved except for the following:

PO3 A building or structure has a boundary clearance that is consistent with the: (a) existing character; or (b) desired urban purposed character.	**AO3** A building or structure, other than an existing lawful building or structure, has a minimum: a. road boundary clearance of 10 metres; b. side and rear boundary clearance of three metres.

Response:

The proposed setbacks for the dual occupancy do not comply with AO3. Therefore, an assessment has been taken against PO3.

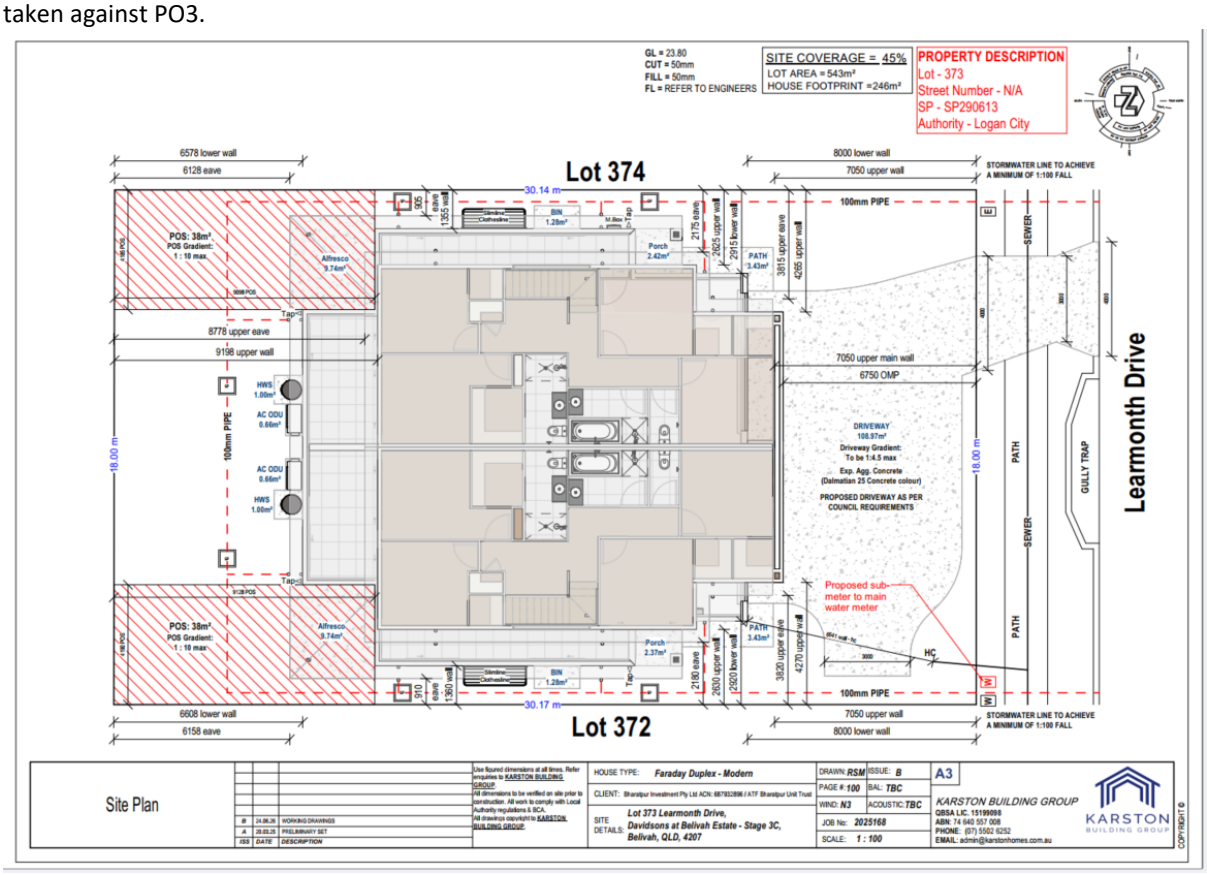


Figure 2, Site Plan

The proposal does not comply with the requirements of AO3 in that,

I. Frontage is sited at 8000mm wall in lieu of 10m omp
II. RHS is sited at 905mm eaves in lieu of 3m omp
III. LHS is sited at 910 eaves in lieu of 3m omp

Therefore, an assessment has been taken against the performance outcome PO3:

1. The proposal will contribute to the purpose of urban residential character of the emerging community zone.
2. adjoining lot are vacant at the moment; the proposal will not impact the privacy and amenity of neighbouring future properties.
3. Sufficed outdoor living areas has been proposed as part of the proposal

4.7.2 Dual Occupancy and Dwelling house code

PO3	**AO3**
A Dual occupancy: (c) complies with the Performance Criteria specified in QDC MP 1.3; (d) being a Dual occupancy (auxiliary unit) is visually integrated with the primary dwelling.	A Dual occupancy complies with the Acceptable Solutions specified in QDC MP 1.3. Editor's note - Zone code provisions may prevail over this acceptable outcome to the extent of any inconsistency in accordance with section 1.5(1).

Response:

The proposal has been assessed against the requirements of zone code as per AO3 in lieu of the QDC MP 1.3 as the proposed development is in emerging community and increased setbacks have been provided to achieve the intent of the zone code. The setbacks do not comply with the requirements as noted in the dual occupancy and dwelling house code. It is asserted that the proposal will not hinder the outlook and view of the neighbouring residents and will not cause any nuisance and safety to the public. The proposal will serve the housing needs of the zone and will contribute to the existing streetscape in the locality. The proposed dual occupancy will not in any way effect the operation of existing infrastructure. The access to each unit is provided with a driveway proposed to cater to the additional tandem parking requirements.

PO4	AO4
A Dual occupancy or Dwelling house: (e) is located to protect movement networks; (f) facilitates a high quality streetscape with high levels of amenity; (g) is located to complement the character of the surrounding area; (h) provides opportunity for appropriate on-site car parking; (i) has a road boundary clearance compatible with that of adjoining premises.	Dual occupancy or Dwelling house: a. being a carport may be built to the front boundary where: i. maximum dimensions do not exceed 6 metres by 6 metres; ii. maximum height does not exceed 3.5 metres; iii. the carport remains entirely unenclosed except where the rear attaches to a structure; b. has a minimum road boundary clearance of 4 metres in the Low-medium density residential zone; c. has a minimum road boundary clearance of 10 metres in the: i. Emerging community zone; ii. Low density residential zone: A. Acreage precinct; B. Small acreage precinct; iii. Rural residential zone: A. Carbrook precinct excluding a lot with a frontage to Mount Cotton Road or Beenleigh-Redland Bay Road; B. Cottage rural precinct; C. Park living precinct; D. Park residential precinct; or d. has a minimum road boundary clearance of 20 metres in the: i. Environmental management and conservation zone; ii. Rural residential zone - Carbrook precinct with a road frontage to Mount Cotton Road or Beenleigh-Redland Bay Road; iii. Rural zone.

Response:

The proposal does not comply with the requirements of AO4 in that,

Frontage is sited at 8000mm wall in lieu of 10m omp

Therefore, an assessment has been undertaken the performance outcome PO4 of the dual occupancy and dwelling house code. The proposal is for a dual occupancy which is double storey in height, the proposal will not in any way cause any interruptions to the existing streetscape in the locality. The units contain enormous area nominated to the private open space and alfresco area to complement the character of the surrounding areas. Each unit is proposed with a double garage which will result in sufficient car parking requirements allocated with the potential of on-site tandem car parking requirements could be allocated to cater to the needs for appropriate on-site car-parking requirements.

The subject site is currently a vacant land and there are no existing dwelling surrounding the subject site.

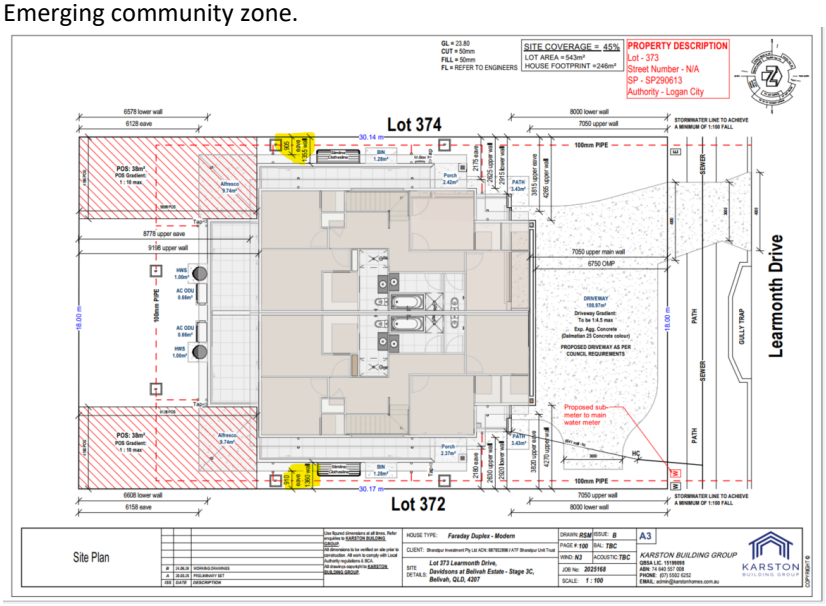
PO4	AO4
A Dual occupancy or Dwelling house has a side and rear boundary clearance that: a. is compatible with that of adjoining premises; b. allows for the separation of buildings or structures necessary to ensure impacts on residential amenity and privacy are minimised; c. provides access to natural light and ventilation; d. provides an area of landscaping; e. is consistent with the character for the relevant zone and precinct.	A Dual occupancy or Dwelling house has the following minimum side and rear boundary clearances: a. 3 metres in the Rural residential zone, the Emerging community zone and the following precincts in the Low density residential zone: i. Acreage; ii. Small acreage precinct; or b. 10 metres in the: i. Environmental management and conservation zone; ii. Rural zone.

Response:

The proposal does not comply with the requirements of AO3 in that,

- **RHS is sited at 905mm eaves in lieu of 3m omp**
- **LHS is sited at 910 eaves in lieu of 3m omp**

Therefore, an assessment has been undertaken against PO5 of the dual occupancy and dwelling house code. The proposal is provided with sufficient windows which will ensure access to natural light and ventilation. The subject site is currently vacant and will ensure that the future residential amenity and aesthetics is protected. The proposal will not in any way cause any concerns to the safety of the people and properties in future. There has been sufficient area being allocated for landscaping making it consistent with the existing streetscape. The proposal will contribute to the increasing housing needs and will be consistent with the character of the Emerging community zone.



Biodiversity area overlay code:

PO3	AO3
Development in the Secondary vegetation management area identified on Biodiversity areas overlay map OM-02.01 is designed and located to either: a. protect the current extent of native trees and native habitat trees; or b. achieve a net gain of native trees and native habitat trees.	Development is located to avoid the need to clear any native trees and native habitat trees in the Secondary vegetation management area identified on Biodiversity areas overlay map OM-02.01, unless: a. if clearing less than 10 native trees, compensatory planting is provided of: i. two trees of the same species for every native tree cleared in a secondary vegetation management area; ii. four trees of the same species for every native habitat tree cleared in a secondary vegetation management area; b. if identified as a Matter of local environmental significance and not Both matters of local and state environmental significance on Biodiversity areas overlay map OM-02.04, an offset is provided in accordance with section 3.1 - Environmental offset standards in Planning scheme policy 3 - Environmental management; or c. if identified as Both Matters of local and state environmental significance or Matters of State environmental significance on Biodiversity areas overlay map OM-02.04, an offset is provided in accordance with the Queensland Environmental Offset Policy and the *Environmental Offsets Act*

Response:

The subject site is affected by biodiversity overlay code. The subject site is currently vacant and does not contain any native trees. The proposal will not result in clearing of any native trees. Therefore, an assessment against biodiversity overlay code is not required.

Flood hazard overlay code

PO3 A development envelope area is located outside of a High flood risk area identified on Flood hazard overlay map OM-05.04 unless complying with the requirements identified in Table 8.2.5.3.2 - Land use compatibility in a high flood risk area. Note - Planning scheme policy 10 - Flood includes guidance on demonstrating the qualifying criteria in Table 8.2.5.3.2 - Land use compatibility in a high flood risk area.	**AO3** Development is contained in a development envelope area located outside of a High flood risk area identified on Flood hazard overlay map OM-05.04.
PO5 Development provides a development envelope area that is: a. above the flood level during the defined flood event; b. of an area and dimensions to accommodate the activities associated with the intended use.	AO5 Development provides a development envelope area above the flood level during the defined flood event with a minimum size and dimension specified in Table 8.2.5.3.4 - Development envelope area.
PO8 Buildings and structures are located outside of a High flow area. Note - Planning scheme policy 10 - Flood provides guidance on how to demonstrate compliance with this performance outcome where located in a Flood investigation area and it is proposed to undertake a detailed localised flood risk assessment	**AO8.1** New buildings and structures, other than fences, are located outside of a High flow area identified on Flood hazard overlay map OM-05.02. **AO8.2** Enclosure of existing structures or areas underneath an existing building, such as an undercroft, does not occur in a High flow area identified on Flood hazard overlay map OM-05.02.
PO10 Buildings are designed to account for the potential risk of inundation during flood events by complying with the Minimum flood planning levels identified in Table 8.2.5.3.3 - Minimum flood planning levels.	AO10 No acceptable outcome prescribed.
PO17 Development involving an accommodation land use has a low flood hazard vehicle route to a suitable flood-free area that contains essential goods to serve the needs of people	AO17 During the defined flood event, development for an accommodation land use has a: a. flood-free vehicle access to a road above the flood level; flood-free vehicle route that leads to a suitable flood-free area that contains essential goods.

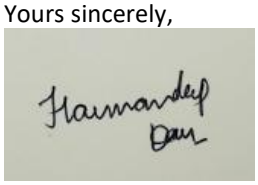
Response:

The subject site is not affected by flood hazard overlay whereas the parent property is affected v this overlay. The subject site is above the minimum DFL levels for the subject site and it within low hazard overlay. The engineering report associated with original approval has been provided to address this overlay.

5 Conclusion

The proposed development is deemed to comply with the planning scheme. If you have any questions, please contact this office on the details below.

Yours sincerely,



Harmandeep Kaur I Town Planner

Appendix 1 – DA form 1, DA Form 2 & Landowners consent

Appendix 2 – Architectural Plans & residential MCU form

Appendix 3 – Impact Assessment MCU Report

Appendix 4 – Existing Decision Notice

Appendix 5 – Code Assessment

Appendix 6 – Engineering Report