

Part 1 About the planning scheme

1.1 Introduction

1.

The Logan Planning Scheme 2015 (planning scheme) has been prepared in accordance with the *Sustainable Planning Act 2009* (the SP Act) as a framework for managing development in a way that advances the purpose of the SP Act.
2.

The planning scheme was amended for alignment with the *Planning Act 2016* (the Act) by the Minister's rules under section 293 of the Act on 23 June 2017.
3.

In seeking to achieve this purpose, the planning scheme sets out Logan City Council's intention for the future development in the planning scheme area, over the next 20 years.
4.

The planning scheme seeks to advance state and regional strategies, including state planning policies and the regional plan, through more detailed local responses, taking into account the local context.
5.

While the planning scheme has been prepared with a 20 year horizon, it will be reviewed periodically in accordance with the Act to ensure that it responds appropriately to the changes of the community at a local, regional and state level.
6.

The planning scheme applies to the planning scheme area of Logan City Council including all premises, roads, internal waterways, and local government tidal areas and interrelates with the surrounding local government areas illustrated in Figure 1.1.1 - Local government planning scheme area and context.

Editor's Note - The planning scheme has been amended to align with the regulated requirements as provided in the *Planning Act 2016*. In accordance with section 16(3) of the Act, the regulated requirements apply to the planning scheme to the extent of any inconsistency.

Editor's Note - State legislation may state that the planning scheme does not apply to certain areas, e.g. strategic port land where there is a land use plan only to the extent of any inconsistency. In accordance with the provisions of section 26 of the *Sustainable Ports Development Act 2015* a port overlay for a master planned area prevails over the planning scheme, to the extent of any inconsistency.

Figure 1.1.1 - Local government planning scheme area and context



1.2 Planning scheme components

1.

The planning scheme comprises the following components:

a.

about the planning scheme;

b.

state planning provisions;

c.

the strategic framework;

d.

the local government infrastructure plan;

e.

tables of assessment;

f.

the following zones specified in Table 1.2.1 - Zones;

Table 1.2.1 - Zones

Zone	Precincts
Centre zone	District centre; Local centre; Neighbourhood centre.
Community facilities zone	Community purposes; Education; Infrastructure.
Emerging community zone	No precincts.

Environmental management and conservation zone	Conservation; Environmental management; Rural environmental management.
Low density residential zone	Acreage; Large suburban; Small acreage; Small lot; Suburban; Village.
Low impact industry zone	No precincts.
Low-medium density residential zone	Apartment; Townhouse.
Medium density residential zone	High rise; Medium rise.
Medium impact industry zone	No precincts.
Mixed use zone	Abattoir; Enterprise; Industry; Retail/commerce.
Recreation and open space zone	Constrained open space; Major parks; Private sport and recreation; Recreation parks.
Rural residential zone	Carbrook; Cottage rural; Park living; Park residential.
Rural zone	Farming; Rural tourism.
Special purpose zone	Defence; Rail.
Specialised centre zone	Albert River tourism; Highway business; Loganholme tourism; Low impact office; Old Chatswood Road; Underwood business.

g. the following local plans specified in Table 1.2.2 - Local plans;

Table 1.2.2 - Local plans

Local plan	Precincts
Beenleigh local plan	Bellew Street; Centre core; Centre frame; Civic and community; Integrated health; James Street mixed use; Manila Street residential; Retail and commercial; Showgrounds.
Browns Plains local plan	Centre core; Centre frame; Commercial.
Jimboomba local plan	Centre core; Centre frame; Cusack Lane.
Logan Central local plan	Centre core; Civic and community; Croydon Road; Wembley Road north; Wembley Road south.
Logan Village local plan	Centre core; Centre frame; Village.
Loganholme local plan	Bismark Street neighbourhood centre; Bryants Road local centre; Large lot residential; Residential choice; Residential core; Residential frame; Suburban residential.
Loganlea local plan	Low-medium rise; Mixed use; Residential core; Residential edge; Residential frame.

Park Ridge local plan	Centre core; Commercial.
Shailer Park local plan	Bryants Road; Centre core.
Springwood local plan	Centre core; Centre frame; Civic and community; Commercial; Slacks Creek.

h. the following overlays specified in Table 1.2.3 - Overlays and overlay codes;

Table 1.2.3 - Overlays and overlay codes

Mapping overlays	Overlay codes
Acid sulfate soils overlay	Acid sulfate soils overlay code
Biodiversity areas overlay	Biodiversity areas overlay code
Bushfire hazard overlay	Bushfire hazard overlay code
Extractive resources overlay	Extractive resources overlay code
Flood hazard overlay	Flood hazard overlay code
Greenbank Training Area buffer overlay	Greenbank Training Area buffer overlay code
Heritage overlay	Heritage overlay code
Landslide hazard and steep slope area overlay	Landslide hazard and steep slope area overlay code
Regional infrastructure corridors and substations overlay	Regional infrastructure corridors and substations overlay code
Residential overlay	Although there is no 'Residential overlay code', identification of premises on Residential overlay map OM-10.00 triggers material change of use specified in Table 5.10.10.1 to be assessed against the Dual occupancy and Dwelling house code.
Strategic airport and environs overlay	Strategic airport and environs overlay code
Transport noise corridors overlay	No overlay code
Water resource catchments overlay	Water resource catchments overlay code
Waterway corridors and wetlands overlay	Waterway corridors and wetlands overlay code

i. the following development codes specified in Table 1.2.4 - Development codes;

Table 1.2.4 - Development codes

Nature of code	Code
Use codes	Childcare centre; Dual occupancy and Dwelling house; Health care service code; Home-based business; Multiple dwelling, Rooming accommodation and Short-term accommodation; Relocatable home park and Retirement facility; Roadside stall; Sales office; Telecommunications facility.
Other development codes	Advertising device; Filling and excavation; Infrastructure; Landscape; Management of emissions and hazardous activities; Reconfiguring a lot; Servicing, access and parking.

j. there are no other plans;
k. schedules and appendices.

2. The following planning scheme policies support the planning scheme:
- Planning scheme policy 1 - Crime prevention through environmental design;
 - Planning scheme policy 2 - Economic need and impact assessment;
 - Planning scheme policy 3 - Environmental management;
 - Planning scheme policy 4 - Heritage;
 - Planning scheme policy 5 - Infrastructure;
 - Planning scheme policy 6 - Management of bushfire hazard;
 - Planning scheme policy 7 - Social and health impact assessment;
 - Planning scheme policy 8 - Urban design;
 - Planning scheme policy 9 - Waste management;
 - Planning scheme policy 10 - Flood.

1.3 Interpretation

1.3.1 Definitions

1. A term used in the planning scheme has the meaning assigned to that term by one of the following:
- the *Planning Act 2016* (the Act);

- b. the *Planning Regulation 2017* (the Regulation);
 - c. the definitions in Schedule 1 of the planning scheme;
 - d. the *Acts Interpretation Act 1954*;
 - e. the ordinary meaning where that term is not defined in the Act, the Regulation, Schedule 1 of the planning scheme or the *Acts Interpretation Act 1954*.
2. In the event a term has been assigned a meaning in more than one of the instruments listed in section 1.3.1(1), the meaning contained in the instrument highest on the list will prevail.
3. A reference in the planning scheme to any act includes any regulation or instrument made under it, and where amended or replaced, means the amended or replaced act.
4. A reference in the planning scheme to a specific resource document or standard, means the latest version of the resource document or standard.
5. A reference to a part, section, table or schedule is a reference to a part, section, table or schedule of the planning scheme.

Editor's note - In accordance with section 16(3) of the Act, the regulated requirements apply to this planning scheme to the extent of any inconsistency with the planning scheme.

1.3.2 Standard drawings, maps, notes, editor's notes and footnotes

1. Standard drawings contained in codes or schedules are part of the planning scheme.
2. Maps provide information to support the outcomes and are part of the planning scheme.
3. Notes are identified by the title "note" and are part of the planning scheme.
4. Editor's notes and footnotes are extrinsic material, as per the *Acts Interpretation Act 1954* and are identified by the title "editor's note" and "footnote" and are provided to assist in the interpretation of the planning scheme; they do not have the force of law.

Note - This is an example of a note.

Editor's note - This is an example of an editor's note.

Footnote¹ - See example at bottom of page.

1.3.3 Punctuation

1. A word followed by ";" or "and" is considered to be "and".
2. A word followed by "or" means either or both options can apply.

1.3.4 Zones for roads, closed roads, waterways and reclaimed land

1. The following applies to a road, closed road, waterway or reclaimed land in the planning scheme area:
 - a. if adjoined on both sides by the land in the same zone - the road, closed road, waterway or reclaimed land is in the same zone as the adjoining land;
 - b. if adjoined on one side by land in a zone and adjoined on the other side by land in another zone - the road, closed road, waterway or reclaimed land is in the same zone as the adjoining land when measured from a point equidistant from the adjoining boundaries;
 - c. if the road, closed road, waterway or reclaimed land is adjoined on one side only by land in a zone - the entire waterway or reclaimed land is in the same zone as the adjoining land;
 - d. if the road, closed road, waterway or reclaimed land is covered by a zone then that zone applies.

Editor's note - The boundaries of the local government area are described by the maps referred to in the Local Government Regulation 2012.

1.4 Categories of development

1. The categories of development under the Act are:

- a. accepted development;

Editor's note - A development approval is not required for development that is accepted development. Under section 44(6)(a) of the Act, if a categorising instrument does not apply a category of development to a particular development, the development is accepted development. Schedule 7 of the Regulation also prescribes accepted development.

- b. assessable development

- i. code assessment
 - ii. impact assessment;

Editor's note - A development approval is required for assessable development. Schedule 9, 10 and 12 of the Regulation also prescribe assessable development.

- c. prohibited development.

Editor's note - A development application may not be made for prohibited development. Schedule 10 of the Regulation prescribes prohibited development.

2. The planning scheme states the category of development for certain types of development, and specifies the category of assessment for assessable development in the planning scheme area in Part 5.

Editor's note - Section 43 of the Act identifies that a categorising instrument categorises development and specifies categories of assessment and may be a regulation or local categorising instrument. A local categorising instrument includes a planning scheme, TLPI or a variation approval.

1.5 Hierarchy of assessment benchmarks

1. Where there is inconsistency between the provisions within the planning scheme, the following rules apply:
 - a. the strategic framework prevails over all other components to the extent of the inconsistency for impact assessment;
 - b. relevant codes as specified in Schedules 6 and 10 of the Regulation prevail over all other components to the extent of the inconsistency;
 - c. overlays prevail over all other components (other than the matters mentioned in (a) and (b)) to the extent of the inconsistency;
 - d. local plan codes prevail over zone codes, use codes and other development codes to the extent of the inconsistency;
 - e. zone codes prevail over use codes and other development codes to the extent of the inconsistency;
 - f. provisions of Part 10 may override any of the above.

1.6 Building work regulated under the planning scheme

1. Section 17(b) of the Regulation identifies the assessment benchmarks for building work that a local planning instrument must not change the effect of to the extent the building work is regulated under the building assessment provisions, unless permitted under the *Building Act 1975*.
2. The building assessment provisions are listed in section 30 of the *Building Act 1975*.

Editor's note - The building assessment provisions are stated in section 30 of the *Building Act 1975* and are assessment benchmarks for the carrying out of building assessment work or building work that is accepted development subject to any requirements (see also section 31 of the *Building Act 1975*).

Editor's note - The *Building Act 1975* permits planning schemes to:

- regulate, for the Building Code of Australia (BCA) or the Queensland Development Code (QDC), matters prescribed under a regulation under the *Building Act 1975* (section 32). These include variations to provisions contained in parts MP1.1, MP 1.2 and MP1.3 of the QDC such as heights of buildings related to obstruction and overshadowing, siting and design of buildings to provide visual privacy and adequate sight lines, on-site parking and outdoor living spaces. It may also regulate other matters, such as designating land liable to flooding, designating land as bushfire prone areas and transport noise corridors;
 - deal with an aspect of, or matter related or incidental to building work prescribed under a regulation under section 32 of the *Building Act 1975*;
 - specify alternative boundary clearances and site cover provisions for Class 1 and 10 structures under section 33 of the *Building Act 1975*.
- Refer to Schedule 9 of the Regulation to determine assessable development, the category of assessment and any referral applying to the building work.

3. The building assessment provisions are contained in the following parts of this planning scheme:

Table 1.6.1 - Building assessment provisions in the planning scheme

Description	Planning scheme part	<i>Building Act 1975</i> (BA), <i>Building Regulation 2021</i> (BR) or QDC reference
Bushfire prone areas		
Designation of bushfire prone areas for the BCA or QDC	Bushfire hazard overlay code, the Note to section 8.2.3.1 only; Bushfire hazard overlay map OM-03.00.	Section 32(a) BA and section 12 BR.
Flood hazard		
Designation of natural hazard management area (flood)	The extent of the Flood hazard overlay map OM-05.04 as identified in section 1.6(4)	Section 32(a) BA and section 8(1)(a) BR.
Declaration of the defined flood level	Refer to section 1.6(5)	Section 32(a) BA and section 8(1)(b)(i) BR.
Declaring a freeboard that is more than 300mm	Refer to section 1.6(5)	Section 32(a) BA and section 8(1)(b)(iv) BR.
Declaring the finished floor level of class 1 buildings built in all or part of the natural hazard management area (flood)	Refer to section 1.6(5)	Section 32(a) BA and section 8(1)(b)(v) BR.
QDC alternative provisions		
Alternative provisions to the QDC boundary clearance provisions	Dual occupancy and Dwelling house code, PO4/AO4, PO5/AO5, PO6/AO6 and PO7/AO7.1.	Section 33(2) BA.
Alternative provisions to the QDC site cover provisions	Dual occupancy and Dwelling house code: a. PO3/AO3 - maximum site cover; b. PO7/AO7 - maximum gross floor area for class 10a buildings; c. PO8/AO8 - maximum gross floor area for Dual occupancy (auxiliary unit) or secondary dwelling; d. PO9/AO9 for maximum distance between dwellings for Dual occupancy (auxiliary unit) or secondary dwelling.	Section 33(2) BA.
Alternative provisions to the QDC on-site car parking provisions	Dual occupancy and Dwelling house code, PO12/AO12.	Section 33(2) BA.
End of trip facilities		
Bicycle parking requirements for the following major developments specified for the purpose of the end of trip facilities provision in QDC MP4.1 - Sustainable buildings: • Adult store; • Food and drink outlet; • Health care service; • High impact industry; • Hotel; • Indoor sport and recreation; • Low impact industry; • Market; • Medium impact industry; • Multiple dwelling; • Outdoor sport and recreation - if a swimming pool or sport area; • Research and technology industry; • Resort complex; • Rooming accommodation; • Sales office; • Service industry; • Service station; • Shop; • Short-term accommodation; • Special industry; • Winery.	Servicing, access and parking code, PO5/AO5.	QDC MP4.1 - Sustainable buildings, definition of 'major development', paragraph (e).

Editor's note - The provisions identified in Table 1.6.1 - Building assessment provisions in the planning scheme are limited to those referenced in section 30(1)(f) of the *Building Act 1975*, being provisions made under sections 32 and 33 of the *Building Act 1975*. The planning scheme contains other provisions which apply to building work, for example:

- the Heritage overlay code, which pursuant to Part 5 - Tables of assessment, applies to building work in a heritage area identified on Heritage overlay map OM-07.00. Refer to 5.7.1 - Heritage overlay, which identifies when a code assessable development application made to the local government, for assessment against section 8.2.7 - Heritage overlay code, is required for building work in a heritage area;
- Transport noise corridors overlay map OM-12.00, showing land designated under the *Building Act 1975* Chapter 8B and referred to in QDC MP4.4.
- Table 5.7.1 - Building work, which makes the following building work (other than minor building work) Accepted development (subject to requirements):
 - ◊ extension of a Dual occupancy (auxiliary unit); or
 - ◊ extension of a Dwelling house; or
 - ◊ a domestic building.

The Accepted development requirements are the acceptable outcomes in section 9.3.2 - Dual occupancy and Dwelling house code. Building work that does not comply with

one or more of the acceptable outcomes becomes code assessable development: section 5.3.3(2).

- For code assessable building work under this planning scheme, a development permit is required. A Private certifier cannot receive or decide a building development application under the *Building Act 1975* until the planning scheme development permit is in effect. See section 83 *Building Act 1975* (General restrictions on granting building development approval).

4. For the purpose of section 32(a) of the *Building Act 1975*, section 8(1)(a) of the *Building Regulation 2021* and Queensland Development Code MP3.5 Construction of buildings in flood hazard areas, the land identified in Table 1.6.2 - Designated flood hazard area is the declared 'designated flood hazard area'.

Table 1.6.2 - Designated flood hazard area

Designated flood hazard area	Land identified in the following areas in the Flood hazard overlay map OM-05.04: • High flood risk area; • Moderate flood risk area; • Low flood risk area; • Flood investigation area.
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5. For the purpose of section 32(b) of the *Building Act 1975* and section 8(1)(b) of the *Building Regulation 2021*, the following is declared for all of the designated flood hazard area:
- the defined flood level is the level of the defined flood event, unless otherwise specified in Table 8.2.5.3.3 of 8.2.5 Flood hazard overlay code or Table 9.3.2.3.3 of 9.3.2 Dual occupancy and Dwelling house code;
 - a freeboard that is greater than 300mm as specified in Table 8.2.5.3.3 of 8.2.5 Flood hazard overlay code or Table 9.3.2.3.3 of 9.3.2 Dual occupancy and Dwelling house code;
 - the finished floor level for class 1 buildings as specified in Table 8.2.5.3.3 of 8.2.5 Flood hazard overlay code or Table 9.3.2.3.3 of 9.3.2 Dual occupancy and Dwelling house code.

1.7 Local government administrative matters

1.7.1 Temporary uses

- For the purpose of the definition of 'temporary use' in Schedule 1, the uses listed in column 1 of Table 1.7.1.1 - Temporary uses, are impermanent if carried out in compliance with the limitations in column 2 of Table 1.7.1.1 - Temporary uses and for no longer than the period specified in column 3 of Table 1.7.1.1 - Temporary uses.
- The tables of assessment in Part 5 identify the particular circumstances in which the carrying out of a listed use as a temporary use is accepted development (not subject to requirements).

Table 1.7.1.1 - Temporary uses

Column 1 Use	Column 2 Limitations on the scope of activity	Column 3 Maximum period of the activity
Air service	If in the Rural zone.	12 days per calendar year
Car wash	If a manual car wash operation in the: - Centre zone; or - Community facilities zone; or - Emerging community zone; or - Low impact industry zone; or - Medium impact industry zone; or - Mixed use zone; or - Specialised centre zone.	1 day per week
Community use	If in the: - Centre zone; or - located on premises lawfully operating as a: - Childcare centre; or - Club; or - Community care centre; or - Educational establishment; or - Place of worship; or - Recreation activity.	14 days per calendar year
Dwelling house	If: - a caravan or relocatable home; - occupied by a person: - who previously resided in a dwelling on the same premises that has been destroyed or is unfit for human habitation; or - who is carrying out or is having carried out building work for a dwelling on the same premises; - not located in any of the following areas on Flood hazard overlay map OM-05.04: - High flood risk area; or - Moderate flood risk area; or - Flood investigation area.	180 days per calendar year
	If a domestic outbuilding, being a shipping container: - limited to one per premises; - complying with the minimum road boundary clearance requirement of the relevant zone code; - not located in any of the following areas on Flood hazard overlay map OM-05.04: - High flood risk area; or - Moderate flood risk area; or - Flood investigation area.	30 days per calendar year
Educational establishment	If in the: - Centre zone; or - located on premises lawfully operating as a:	14 days per calendar year

	i. Childcare centre; or ii. Club; or iii. Community care centre; or iv. Place of worship; or v. Recreation activity.	
Food and drink outlet	If: a. a light refreshment stall; b. located on premises: i. in the Centre zone; or ii. lawfully operating as a: A. Childcare centre; or B. Community care centre; or C. Educational establishment; or D. Place of worship; or E. Recreation activity.	1 day per week
	If: a. footpath dining; b. on a paved footpath; c. operating from adjoining premises lawfully operating as a Food and drink outlet; d. tables, chairs and other furniture for the footpath dining: i. are not fixed to the footpath; ii. are removed from the footpath each day at the close of the hours of operation of the adjoining Food and drink outlet.	Unlimited
Health care service	If in the: a. Centre zone; or b. located on premises lawfully operating as a: i. Childcare centre; or ii. Community care centre; or iii. Place of worship; or iv. Recreation activity.	14 days per calendar year
Home-based business	If: a. a garage sale; b. conducted by a resident of the dwelling.	4 days per calendar year
Hotel	If: a. footpath dining; b. on a paved footpath; c. operating from adjoining premises lawfully operating as a Hotel; d. tables, chairs and other furniture for the footpath dining: i. are not fixed to the footpath; ii. are removed from the footpath each day at the close of the hours of operation of the adjoining Food and drink outlet.	Unlimited
Indoor sport and recreation	If in the: a. Centre zone; or b. located on premises lawfully operating as a: i. Childcare centre; or ii. Club; or iii. Community care centre; or iv. Place of worship; or v. Recreation activity.	14 days per calendar year
Market	If in the: a. Centre zone; or b. located on premises lawfully operating as a: i. Childcare centre; or ii. Community care centre; or iii. Educational establishment; or iv. Hospital; or v. Place of worship; or vi. Recreation activity.	52 days per calendar year
Outdoor sales	If in the: a. Centre zone; or b. located on premises lawfully operating as a: i. Childcare centre; or ii. Club; or iii. Community care centre; or iv. Place of worship; or v. Recreation activity.	14 days per calendar year
Outdoor sport and recreation	If in the: a. Centre zone; or b. located on premises lawfully operating as a: i. Childcare centre; or ii. Club; or iii. Community care centre; or iv. Place of worship; or v. Recreation activity.	2 days per calendar year
Parking station	If in the: a. Centre zone; or b. located on premises lawfully operating as a: i. Childcare centre; or	14 days per calendar year

	ii. Club; or iii. Community care centre; or iv. Place of worship; or v. Recreation activity.	
Place of worship	If in the: a. Centre zone; or b. located on premises lawfully operating as a: i. Childcare centre; or ii. Community care centre; or iii. Educational establishment; or iv. Recreation activity.	14 days per calendar year
Shop	If: a. at a fete; b. located on premises lawfully operating as a: i. Childcare centre; or ii. Community care centre; or iii. Educational establishment; or iv. Recreation activity.	4 days per calendar year
	If: a. an itinerant vendor; b. operating from premises lawfully operating as a: i. Hotel; or ii. Service station; or iii. Shop; or iv. Shopping centre.	1 day per week
Theatre	If conducted as an outdoor event in the: a. Albert River tourism precinct in the Specialised centre zone; or b. Rural tourism precinct in the Rural zone and adjacent to the Albert River tourism precinct.	3 days per calendar year
Tourist park	If: a. in the Rural zone; b. for no more than 7 camp sites or 20 persons; c. the camp sites are set back a minimum of: i. 100 metres from a waterway; ii. 200 metres from a dwelling not on the development site.	20 days per calendar year
	If: a. in conjunction with a: i. Educational establishment; or ii. Place of worship; or iii. Recreation activity.	14 days per calendar year
Transport depot	If: a. in the Rural zone or Rural residential zone; b. located on a lot of one hectare or more; c. for a maximum of 10 heavy vehicles.	12 days per calendar year
Undefined use	If: a. film production; b. conducted on location.	90 days per calendar year

1.7.2 Temporary advertising

1. For the purpose of the definition of 'advertising device' in Schedule 1, the following are considered to not be permanent and therefore not advertising devices for the purposes of this planning scheme:

- a. an on-premises sign that:
 - i. is publicising a temporary use in Table 1.7.1.1 - Temporary uses;
 - ii. does not involve any permanent work; or
- b. a banner sign that is displayed for 14 days or less in a calendar year; or

Note - A banner sign displayed for more than 14 days in a calendar year is taken to be permanent for the purpose of the planning scheme.

- c. an inflatable device; or

- d. a portable sign, being an on-premises sign that is not permanently attached to the ground, a building or structure and that may be easily relocated;

or

Editor's note - A portable sign is typically supported by an "A" or inverted "T" frame.

- e. a real estate sign, being a sign advertising premises for sale or lease, that is located on the premises for sale or lease.

Editor's note - The above signs may be subject to local law provisions regulating the display of advertisements.