

DEVELOPMENT CONDITIONS

APPLICANT: PACIFIC INTERNATIONAL DEVELOPMENT CORPORATION PTY
APPLICATION NUMBER: MCUI/38/2015
TYPE & DESCRIPTION: Material Change of Use - Preliminary Approval (S242) varying the effect of the Logan Planning Scheme 2015

OFFICER DETAILS

The Assessment Manager for this application was:

Officer Name: Michelle McRoberts
Contact Number: (07) 3412 5269
Please Quote: MCUI/38/2015
Document Number: 10145367

LAND

Development Permit to apply to the following land:

Street Address: Lot 79 Mount Elliott Road, UNDULLAH QLD 4285, Lot 80 Mount Elliott Road, UNDULLAH QLD 4285, Lot 2 Mount Elliott Road, UNDULLAH QLD 4285, 194 Mount Elliott Road, UNDULLAH QLD 4285, Lot 42 Mount Elliott Road, UNDULLAH QLD 4285, Lot 32 Mount Elliott Road, UNDULLAH QLD 4285, Lot 19 Mount Elliott Road, UNDULLAH QLD 4285, Lot 390 Mount Elliott Road, UNDULLAH QLD 4285, Lot 2 Mount Elliott Road, UNDULLAH QLD 4285, Lot 1 Mount Elliott Road, UNDULLAH QLD 4285, Lot 2 Mount Elliott Road, UNDULLAH QLD 4285, Lot 3 Mount Elliott Road, UNDULLAH QLD 4285, Lot 1 Mount Elliott Road, UNDULLAH QLD 4285, Lot 2 Mount Elliott Road, UNDULLAH QLD 4285

Real Property Description: Lot 79 S 312955, Lot 80 SL 1163, Lot 2 RP 896513, Lot 74 S 312820, Lot 42 SL 5873, Lot 32 S 311402, Lot 19 S 311970, Lot 390 SP 133193, Lot 2 RP 46302, Lot 1 RP 46806, Lot 2 S 31878, Lot 3 RP 46302, Lot 1 RP 35158, Lot 2 RP 46303

CONDITIONS OF DEVELOPMENT:

1. PARAMETERS OF THE APPROVAL

- 1.1. Except for development that is exempt development, self-assessable development, development of any part of the Land may not commence until a Development Permit for that development has been granted and taken effect.

2. TERMS

- 2.1. For the purposes of interpreting this Preliminary Approval, the following applies:
- 2.1.1. Terms used in this Preliminary Approval are to be interpreted as having the meaning ascribed to them in the Logan City Council Planning Scheme 2015, the Flinders Development Scheme, or in the *Sustainable Planning Act 2009*, unless otherwise stated in a specific condition. If there are inconsistencies between the definitions in these documents, the inconsistency is to be resolved by using the definition contained in the documents in the following order:
- 2.1.1.1. the *Sustainable Planning Act 2009*; or if there is no definition in the Act;

- 2.1.1.2. the Flinders Development Scheme;
- 2.1.1.3. the Logan City Council Planning Scheme 2015; or if there is no definition in the planning scheme.
- 2.1.2. a reference to a law, document or instrument is a reference to that law, document or instrument as amended from time to time.
- 2.1.3. a reference to the Flinders Development Scheme, is a reference to the development scheme approved by Council described in Condition 3.
- 2.1.4. a reference to the land is a reference to the land to which this Preliminary Approval relates.
- 2.1.5. a reference to the Flinders Land Use Plan is a reference to the approved land use plan described in Condition 3.
- 2.1.6. a reference to the First Context Plan Application is a reference to the first subsequent application for a Preliminary Approval for Material Change of Use for approval of the Context Plan as described in the Flinders Development Scheme;
- 2.1.7. a reference to the Infrastructure Agreement, is a reference to the Main Flinders Infrastructure Agreement, dated 5 February 2016.
- 2.1.8. A reference to infrastructure regarding the following networks;
- 2.1.8.1. Movement;
- 2.1.8.2. Parks and Land for Community Facilities;
- 2.1.8.3. Sewerage;
- 2.1.8.4. Water Supply; and
- 2.1.8.5. Stormwater.
- are as those terms are used in the Council's Priority Infrastructure Plan which is part of the Logan Planning Scheme 2015.

3. APPROVED DOCUMENTS

- 3.1. The approved documents are set out in Table 1 below:

Table 1: Approved documents

Title	Plan Number	Rev/ Amd't	Date	Prepared by
Flinders Land Use Plan Draft	23303-DPS-P02	C	23/09/15	Mortons Urban Solutions

Title	Report Number	Rev / Amd't	Date	Prepared by
Flinders Development Scheme including any amendments wherever made in red on the approved Flinders Development Scheme.	-	-	December 2015	Mortons Urban Solutions

4. RELEVANT PERIOD

- 4.1. In accordance with section 343(3)(a) of the *Sustainable Planning Act 2009* any development that is specified in this Preliminary Approval (or a development brought into effect by this Preliminary

Approval) to be Assessable Development, Self-Assessable Development, Exempt Development or development requiring compliance assessment or any combination thereof pursuant to section 242 of the *Sustainable Planning Act 2009*, must be completed within forty (40) years from the date this Preliminary Approval takes effect.

5. CARRYING OUT THE DEVELOPMENT

- 5.1. Development must be generally in accordance with:
 - 5.1.1. the Flinders Land Use Plan; and
 - the Flinders Development Scheme.
- 5.2. Submit to, and have approved by, the Development Assessment Program within the Development Assessment Branch of Council, prior to the submission of the First Context Plan Application for the development, a clean copy of the Flinders Development Scheme. Once approved, the amended Flinders Development Scheme will become the approved document with which to assess future applications subject to this Preliminary Approval.
- 5.3. Development must be consistent with the hierarchy of subsequent approvals contained in section 2.2 of the Flinders Development Scheme.

6. VARIATION OF EFFECT OF PLANNING SCHEME

- 6.1. This Preliminary Approval, in accordance with section 242 of the *Sustainable Planning Act 2009*, varies the effect of the Planning Scheme only in respect to:
 - 6.1.1. The level of assessment for Material Change of Use (pursuant to section 242(3)(a)) to be in accordance with Table 1 of section 6.1 and *Table 4 of Section 6.3 Material Change of Use - Levels of Assessment* of the Flinders Development Scheme, which overrides *Part 5 Tables of assessment – 5.5 Levels of assessment—Material change of use - Emerging community zone* of the Logan Planning Scheme 2015 version 1.0 for determining the level of assessment relating to a Material Change of Use on the land.
 - 6.1.2. The level of assessment for Reconfiguring a Lot (pursuant to section 242(3)(a)) to be in accordance with *Table 6 of Section 6.5 Reconfiguring a Lot - Levels of Assessment* of the Flinders Development Scheme, which overrides *Part 5 Tables of assessment – 5.6 Levels of assessment—Reconfiguring a lot* of the Logan Planning Scheme 2015 version 1.0 for determining the level of assessment relating to a Reconfiguring a Lot on the land.
 - 6.1.3. The level of assessment for Operational Works (pursuant to section 242(3)(a)) to be in accordance with *Table 8 of Section 6.7 Operational Works - Levels of Assessment* of the Flinders Development Scheme, which overrides *Part 5 Tables of assessment – 5.8 Levels of assessment—Operational work* of the Logan Planning Scheme 2015 version 1.0 for determining the level of assessment relating to a Operational Works on the land.
 - 6.1.4. The assessment criteria for:
 - 6.1.4.1. Material Change of Use for the Context Plan and Site Development Plan(s);
 - a) Table 2 contained within section 6.2 - Context Plan & Site Development Plans – Assessment Criteria of the Flinders Development Scheme; and
 - b) Table 3 contained within section 6.2 - Logan Scheme Zones – Applicable Zone Codes of the Flinders Development Scheme;
 - 6.1.4.2. For all other Material Change of Use - Assessment Criteria Table 6.4 of the Flinders Development Scheme; and
 - 6.1.4.3. For Reconfiguring a Lot - Assessment Criteria Table 6.6 of the Flinders Development Scheme;

- 6.1.4.4. For Operational works - Assessment Criteria Table 6.8 of the Flinders Development Scheme.
- 6.1.5. The Codes for the development that are as follows:
 - 6.1.5.1. The Flinders Development Scheme including the *"Flinders Place Code" included in part 7 of the Flinders Development Scheme*, to replace the Emerging Community Zone Code of the Logan Planning Scheme 2015;
 - 6.1.5.2. The relevant Development Codes (or equivalent) applicable to the Logan Planning Scheme 2015 in effect at the time of lodgement of future development applications;
- 6.2. Any subsequent application submitted to the Council seeking a further preliminary approval, or seeking a development permit on the Land must be consistent with this Preliminary Approval to the extent the subsequent application relates to this Preliminary Approval.
- 6.3. If there is any inconsistency between the conditions of this Preliminary Approval and the Flinders Development Scheme, the conditions of this Preliminary Approval prevail.

7. INFRASTRUCTURE

- 7.1. The land to which this Preliminary Approval relates is subject to the Main Flinders Infrastructure Agreement.
- 7.2. In accordance with section 346(1)(c) of the *Sustainable Planning Act 2009*, the Main Flinders Infrastructure Agreement, including the infrastructure planning process set out in Schedule 5 to the Main Flinders Infrastructure Agreement, must be complied with.

8. INFRASTRUCTURE MASTER PLAN

- 8.1. Prepare infrastructure master plans for each of the following Council networks, in conjunction with the preparation of the application for approval of a Context Plan, at the Developer's cost:
 - 8.1.1. Movement;
 - 8.1.2. Parks and Land for Community Facilities;
 - 8.1.3. Sewerage;
 - 8.1.4. Water Supply; and
 - 8.1.5. Stormwater.
- 8.2. Infrastructure required for the above mentioned networks are as those terms are used in the Council's Priority Infrastructure Plan and Planning Scheme Policy 5 - Infrastructure which is part of the Logan Planning Scheme 2015.
- 8.3. An Infrastructure Master Plan must be for the whole of the Development Land, unless the Council otherwise agrees.
- 8.4. Consult with the Council in the preparation of the Infrastructure Master Plans.
- 8.5. Each Infrastructure Master Plan must:
 - 8.5.1. detail infrastructure networks both within and external to the Development Land (including in the parts of the PDA and any local government area adjacent to the Land) and identify where works are required to connect existing or future networks on the Development Land into existing or future networks;
 - 8.5.2. address requirements and standards outlined in:
 - 1. the Main Flinders Infrastructure Agreement;
 - 2. the conditions for this Preliminary Approval, including the Flinders Development Scheme;

3. the Council's relevant standards current at that time, including
 - a. the Council's Priority Infrastructure Plan (known as a local government infrastructure plan);
 - b. the Council's Planning Scheme Policy 5 – Infrastructure including the standards identified in Planning Scheme Policy 5, the standard specifications identified in Planning Scheme Policy 5, and the standard drawings identified in Planning Scheme Policy 5;
- 8.5.3. identify the overall planning and delivery principles for the infrastructure works, required to support the ultimate development of the Development Land;
 - 8.5.3.1. identify the internal and external infrastructure required for the ultimate development of the Development Land;
- 8.6. identify how and when a component of infrastructure will be required (including dedication/transfer) or if not known, how and when provision of infrastructure is to be determined (i.e. thresholds)

FURTHER ADVICE TO APPLICANT

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

1. The relevant period for this approval is in accordance with Section 341 of the *Sustainable Planning Act 2009*.
2. Authorised persons of the Council may enter the premises the subject of this approval at any reasonable time to ascertain whether the above conditions have been complied with (and/or whether the above requirements have been carried out).
3. All site works and earthworks must be carried out in accordance with the Standard Drawings and policies in the assessable Planning Scheme.
4. Commencement of works which will ultimately revert to Council or on adjacent roads or drainage schemes until Council has been advised in writing, of the name of the responsible contractor and that the contractor has received from Council a notice of appointment of principal contractor under the provisions of the *Workplace Health and Safety Act 2011*.

The applicant and owner be further advised:-

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

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

For further information in regards to the provisions of the *Aboriginal Cultural Heritage Act 2003*, please contact the Cultural Heritage Coordination Unit, Department of Natural Resources and Water on (07)3238 3838.

DECISION

That in accordance with delegation to the Development Assessment Manager under Section 277 of the *Local Government Act 2009* it is recommended that in accordance with the matters set out in the submission to the

Delegate and the recommendation of the officer, I am satisfied that the conditions accord with relevant standards and the *Sustainable Planning Act 2009* where applicable and as such approve the above conditions.

Dated the^{24th}..... day of February 2016



Adam Avalos
Program Leader – Major Developments
Strategy and Sustainability
AS DELEGATE OF THE COUNCIL