



Department of Infrastructure,  
Local Government and Planning

Our reference: SDA-0815-022939  
Your reference: MCUI/38/2015

17 December 2015

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

Dear Sir / Madam

**Concurrence agency response—preliminary approval only (with conditions)**

Mount Elliot Road, Undullah, QLD 4285 (Lot 79 on SP312955, Lot 80 on SL1163, Lot 2 on RP896513, Lot 74 on S312820, Lot 42 on SL5873, Lot 32 on S311402, Lot 2 on S31878, Lot 3 on RP46302, Lot 1 on RP35158, Lot 2 on RP46303, Lot 19 on S311970, Lot 390 on SP133193, Lot 2 on RP46302 and Lot 1 on RP48606)

(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of Infrastructure, Local Government and Planning under section 272 of the *Sustainable Planning Act 2009* on 11 August 2015.

**Applicant details**

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Applicant name: Pacific International Development Corporation  
Applicant contact details: c/- Mortons Urban Solutions  
PO Box 284  
Southport Queensland 4215  
gavinj@urbansolutions.net.au

**Site details**

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Street address: Mt Elliot Road, Undullah  
Lot on plan: Lot 79 on SP312955, Lot 80 on SL1163, Lot 2 on RP896513, Lot 74 on S312820, Lot 42 on SL5873, Lot 32 on S311402, Lot 2 on S31878, Lot 3 on RP46302, Lot 1 on RP35158, Lot 2 on RP46303, Lot 19 on S311970, Lot 390 on SP133193, Lot 2 on RP46302 and Lot 1 on RP48606

Local government area: Logan City

### Application details

Proposed development: Preliminary approval for material change of use under s242 of the *Sustainable Planning Act 2009* (varying the effect of the Logan Planning Scheme 2015)

### Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material change of use	Preliminary approval	Overriding the Logan Planning Scheme for "urban", "centre" and "environmental conservation and management" purposes in accordance with the Flinders Development Scheme	Impact Assessment

### Referral triggers

The development application was referred to the department under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger                      Schedule 7, Table 3, Item 2—Development impacting on State transport infrastructure

    Schedule 7, Table 3, Item 10—Clearing vegetation

    Schedule 7, Table 3, Item 15—Railways

### Preliminary approval only

Under section 287(1)(c) of the *Sustainable Planning Act 2009*, any development approval given by the assessment manager for the application must be a preliminary approval only.

### Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the department requires that the conditions set out in Attachment 1 must be attached to any development approval.

### Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, the department must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

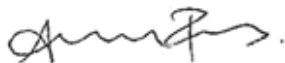
### Further advice

Under section 287(6) of the *Sustainable Planning Act 2009*, the department offers advice about the application to the assessment manager—see Attachment 3.

A copy of this response has been sent to the applicant for their information.

For further information, please contact Lauren Dykes, Senior Planning Officer, SARA SEQ South-Gold Coast on (07) 5644 3217, or email [GCSARA@dilgp.qld.gov.au](mailto:GCSARA@dilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Amanda Tzannes  
Manager – Planning

cc: Pacific International Development Corporation , [gavinj@urbansolutions.net.au](mailto:gavinj@urbansolutions.net.au)  
enc: Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Further advice  
Attachment 4—Approved plans and specifications

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## Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
<b>Preliminary Approval for Material Change of Use (Urban, Centre and Environmental Conservation and Management)</b>		
<b>7.3.15A—Railways</b> Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	a) Stormwater management of the development must ensure no worsening or actionable nuisance to existing railways and future railway land. b) Any works on the land must not: <ul style="list-style-type: none"> <li>i. create new discharge points for stormwater runoff onto existing railways and future railway land;</li> <li>ii. interfere with and/or cause damage to the existing stormwater drainage on the existing railways and future railway land;</li> <li>iii. surcharge any existing culvert or drain on the existing railways and future railway land; and</li> <li>iv. reduce the quality of stormwater discharge onto existing railways and future railway land.</li> </ul>	At all times
<b>7.3.10—Clearing vegetation</b> Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Department of Natural Resources and Mines to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
2.	Clearing must not occur in a Category B area containing endangered regional ecosystems as shown on the Vegetation Management Supporting Map on Lot 42 on Plan SL5873.	At all times
3.	Any new infrastructure other than fences, roads and underground services must not be located in or within 20 metres or 1.5 times the height of the tallest adjacent tree, whichever is greater, of a Category B area within the area identified within the Environmental Conservation and Management precinct (not including the Agricultural, Education and Tourism overlay area) on the FDS-01 Flinders Balance Land plan (Drawing Number 23303-DPS-PO2, Amendment C).	At all times

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## **Attachment 2—Reasons for decision to impose conditions**

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The reasons for this decision are:

- To ensure the impacts of stormwater events associated with the development are minimised and managed to avoid creating any adverse impacts on future railway land
- To ensure the development is carried out generally in accordance with the plans of development submitted with the application
- To ensure clearing of Category B Regulated Vegetation in the Environmental Conservation and Management precinct is avoided and minimised

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### Attachment 3—Further advice

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General advice	
1.	<p><b>Works in or on a railway corridor</b></p> <p>Pursuant to section 255 of the <i>Transport Infrastructure Act 1994</i>, the railway manager's written approval is required to carry out works in or on a railway corridor or otherwise interfere with the railway or its operations.</p>
2.	<p><b>Vegetation clearing</b></p> <p>Clearing in an endangered regional ecosystem must not occur unless it is non-assessable development as prescribed under Schedule 24, Parts 1 and 2 of the <i>Sustainable Planning Regulation 2009</i>.</p>

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#### **Attachment 4—Approved plans and specifications**

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