

# DEVELOPMENT CONDITIONS



**APPLICANT:** BELIVAH PTY LTD  
**APPLICATION NUMBER:** COM/5/2023  
**TYPE & DESCRIPTION:** COMBINED APPLICATION FOR:  

- RECONFIGURING A LOT (1 LOT INTO 123 LOTS); AND
- MATERIAL CHANGE OF USE (DWELLING HOUSE)

## OFFICER DETAILS

The Assessment Manager for this application was:

**Officer Name:** Kieren Nyko  
**Contact Number:** (07) 3412 5269  
**Please Quote:** COM/5/2023  
**Document Number:** 16626082

## LAND

Development Conditions to apply to the following land:

**Street Address:** Lot 3 Jim Davidson Boulevard, BELIVAH QLD 4207  
**Real Property Description:** Lot 3 SP 290608

## CONDITIONS OF DEVELOPMENT:

### PART A – RECONFIGURING A LOT – 1 LOT INTO 123 LOT SUBDIVISION

#### 1. GENERAL Approved Documents

- 1.1. Undertake development generally in accordance with the following approved plan(s) of development and/or document(s); except as altered by other conditions of this development approval including any amendments wherever made in red on the approved plan(s) and/or document(s):

Title	Plan Number	Rev	Date	Prepared by
PROPOSED SUBDIVISION DAVIDSONS at BELIVAH: PROPOSED LOTS 266-289 & 301-399	1 of 11	V2	17/02/2023	N H VOLKER & Co. PTY. LTD
PROPOSED LOTS 266-289	2 of 11	V2	17/02/2023	N H VOLKER & Co. PTY. LTD
PROPOSED LOTS 301-344	3 of 11	V2	17/02/2023	N H VOLKER & Co. PTY. LTD
PROPOSED LOTS 345-375	4 of 11	V2	17/02/2023	N H VOLKER & Co. PTY. LTD
PROPOSED LOTS 376-399	5 of 11	V2	17/02/2023	N H VOLKER & Co. PTY. LTD
TRUNCATION DETAILS	6 of 11	V2	17/02/2023	N H VOLKER & Co. PTY. LTD

Title	Document Number	Rev/Amd't	Date	Prepared by
LANDSCAPE CONCEPT PLAN – STAGE 3A-D	2303	B	20/3/23	Mark Baldock Landscape Architect

## **Compliance Timing**

- 1.2. Comply with all conditions of this development approval at no cost to Council and prior to the Council's endorsement of any Subdivision Plan (eg. a Plan of Survey) unless otherwise stated in a specific condition.
- 1.3. Ensure that the registration of the Survey Plan for Stage 2B (COM/23/2021) takes place prior to the registration of Stage 3A (COM/5/2023).

## **Terms**

- 1.4. Interpret words and terms used in this development approval as having the meaning ascribed to them in the planning scheme under which this development approval has been given unless otherwise stated in a specific condition.

## **Development in Stages**

- 1.5. Develop the site in accordance with the stages identified on the approved plan of development with the stages to be developed in the consecutive numeric or alphabetic order of each stage as identified on the plan. The applicant must comply with each condition of this development approval as it relates to each stage, unless otherwise specifically stated in the condition.

## **2. PROPERTY**

### **New Street Address**

- 2.1. Submit to and have approved by Council a request for street addresses for each proposed lot.
- 2.2. Submit the approval for street addresses for each proposed lot to the Council with a request to Council for approval of a Subdivision Plan (ie. Survey Plan).

### **Street Names**

- 2.3. Submit to and have approved by Council a request for naming any proposed new road prior to or concurrently with any application to Council for operational works for constructing the proposed new road with a copy of the approval submitted with a request to Council for approval of a Subdivision Plan (ie. Survey Plan). The request must include:
  - 2.3.1. a minimum of 3 proposed names for each new road;
  - 2.3.2. the reasons for selection of the proposed names;
  - 2.3.3. proposed names that;
    - 2.3.3.1. are not offensive, profane or racist;
    - 2.3.3.2. are not the name of another road in the local government area;
    - 2.3.3.3. are not difficult to spell;
    - 2.3.3.4. allow for logical and unambiguous street numbering in accordance with road/street hierarchy;
    - 2.3.3.5. are single names rather than double or hyphenated names; and
    - 2.3.3.6. enable Emergency Services to readily locate properties.

### **Land dedication specifically as road reserve**

- 2.4. Dedicate to the state the following land as road reserve:
  - 2.4.1. land identified as Jim Davidson Boulevard, Learmonth Drive, Penelope Way, Walker Avenue, Road 3A and Road 3B as shown on the approved plan of development;
  - 2.4.2. a 6.0 metre radius or dimension by 3 chord truncation on the corner of roads or as shown on the approved plan of development, whichever is the greater.

- 2.5. The land is to be dedicated at no cost to Council.

*This condition is imposed under section 145 of the Planning Act 2016.*

**Further Advice:**

*Documentation in relation to any land required to be registered to the benefit of Council is required to be prepared and carried out by Council's solicitors at the applicant's expense.*

**Easement(s)**

- 2.6. Lodge for registration at the office of the Land Registry the following easement(s):

- 2.6.1. temporary access easements, within adjacent lot/s, to accommodate the turn around movements of a refuse vehicle or as otherwise determined in any approval for operational works, to the benefit of Council and its agents at the end of Road 3A, Road 3B, Learmonth Drive, Walker Avenue and Jim Davidson Boulevard where the development is being staged.
- 2.6.2. Sewerage easements over any sewerage infrastructure within private property and the land where it is in Council ownership or where Council is the trustee, in accordance with the South-East Queensland Design and Construction Code (SEQ D&C Code) at no cost to Council.
- 2.6.3. A 1m wide access easement along the side boundary for any allotment where maintenance structure (maintenance hole, maintenance shaft or terminal entry point) is proposed/located at the rear of the lot at the applicant's cost.

**Further Advice:**

*Documentation in relation to any easement proposed to be registered to the benefit of Council is required to:*

1. *Include Council's standard terms for easements (as amended from time to time), relevant at the time the request for approval of plan of subdivision is made. At time of writing, the Titles Registry Dealing Numbers for Council's standard terms documents are 720963430 for easements over freehold land and 716055287 for easements over trust and reserves; or*
2. *be prepared and carried out by Council's solicitors at the owner's expense if Council's standard terms are not used, or not permitted by a condition of approval.*

**3. LANDSCAPE AND AMENITY**

**Landscaping Works**

- 3.1. Ensure landscaping works on site are undertaken in accordance with Planning Scheme Policy 5 – Infrastructure, at no cost to Council, consistent with the approved plan(s) and approved documents(s) of development and modified as follows:
- 3.1.1. Provide street trees, ensuring;
- 3.1.1.1. species selection to be from Table 4.2.4 in Part 4 – Guidelines, section 4.2 of Planning Scheme Policy 5;
- 3.1.1.2. locations with required clearance, spacings and setbacks in accordance with standard drawing LCC 8-00418 as identified in Table 8.2.1.1 – Standard drawings for landscaping in Part 8, Section 8.2.1 of Planning Scheme Policy 5 – Infrastructure;
- 3.1.1.3. setbacks to infrastructure and services are to be in accordance with Table 6.3.3.1 – Street tree setback requirements in Part 9, Standard specification No. 2 (Landscaping) 2015, Section 6.3.3 of Planning Scheme Policy 5 – Infrastructure, ensuring a minimum of one street tree per 15 metres.

*This condition is imposed under section 145 of the Planning Act 2016.*

**Boundary Fence Lots 389-396**

- 3.2. Provide a rear boundary fence for Lots 389-396 on top of the retaining wall that does not exceed a combined height of 2.7 metres when calculated from the base of the retaining wall, with the fence component provided at the maximum height achievable within the 2.7 metre allowance, capped at a maximum height of 1.8 metres.

**Further advice:**

*For clarity, the height of the fence must be 1.8 metres, unless it would exceed a combined height of 2.7 metres when measured from the bottom of the retaining wall. In instances where a 1.8 metre fence would exceed a combined height of 2.7 metres, the fence must be reduced to a height that will result in a combined height of 2.7 metres or less.*

*For example, a property where the retaining wall is 1.5 metres would result in a rear boundary fence height of 1.2 metres. Where the retaining wall is 0.5 metres, the rear boundary fence would be 1.8 metres.*

**Boundary Fence**

- 3.3. Unless otherwise required by other conditions of this approval or works on site, install a 1.8 metre high fence at the applicant's expense:
- 3.3.1. on all shared property boundaries between the development site and private land unless it can be demonstrated to Council that a 1.8 metre high fence in good condition already exists or an adjoining land owner for the respective part of the property boundary advises the applicant in writing that the existing fence is not to be replaced;
  - 3.3.2. using quality materials and that if constructed using soft wood, the timber is CCA treated and 3 rails are used;
  - 3.3.3. that if there is any existing fence on the property boundary, replaces that fence and is not constructed as a second fence abutting the existing fence with a narrow gap between; and
  - 3.3.4. has a gap between the bottom of the fence and the finished ground level of no more than 100mm.

**Further advice:**

*Where there is an existing 1.8 metre high fence in good condition that is proposed to be retained, supporting evidence must be provided to demonstrate the fence is in satisfactory condition, such as photos of all sections of the fencing to be retained.*

**4. ENGINEERING**

**General - Other Permits**

- 4.1. Obtain an operational works permit for Roadworks (internal), Stormwater Quantity and Sewer and Water.
- 4.2. An operational works permit is not required for Access and Parking, Erosion and Sediment Control and Electrical Reticulation.

**General - Engineering standard**

- 4.3. Construct all works in accordance with the approved plan(s) of development and in accordance with the Council's adopted standards.

**Rectification & Replacement**

- 4.4. Undertake, at no cost to Council, any alteration or relocation necessary to any service, public utility, installation, plant, equipment, easements or other item belonging to or under the control of the Council or other public utility provider resulting from construction works required with the development.
- 4.5. Replace existing Council infrastructure (including but not limited to street trees, water, sewer, stormwater and footpaths) at the time the damage occurs as part of construction works, to Council's standards.

*This condition is imposed under section 145 of the Planning Act 2016.*

**Stormwater Quantity - Lawful Point of Discharge**

- 4.6. The lawful point of discharge for the development is Beaudesert Beenleigh Road.

- 4.7. Discharge all minor storm flows that fall or pass onto the site to the lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM).

### **Stormwater Quantity – Connection**

- 4.8. Connect all proposed lots to the existing stormwater system, at no cost to Council.  
*This condition is imposed under section 145 of the Planning Act 2016.*

### **Stormwater Quantity - Design**

- 4.9. An operational works permit is required to address Stormwater Quantity design.
- 4.10. Provide stormwater drainage for the development in accordance with the Queensland Urban Drainage Manual (QUDM), Australian Rainfall and Runoff (ARR) and the applicable section 3.6 of the Planning Scheme Policy 5, at no cost to Council. Where there is any inconsistency, the planning scheme takes precedence  
*This condition is imposed under section 145 of the Planning Act 2016.*
- 4.11. Provide measures to manage overland flows draining to and through the land to ensure no actionable nuisance is created to any person or premises, at no cost to Council. The development must not result in ponding on adjacent land, redirection of overland flows to other premises and/or blockage of an overland flow relief paths.  
*This condition is imposed under section 145 of the Planning Act 2016.*
- 4.12. Design and construct stormwater drainage, at no cost to Council, to ensure that the development will achieve 'no worsening' as described in section 3.6 of Planning Scheme Policy 5 and not:
- 4.12.1. make material changes to the pre-development overland flows and/or peak flow; or
  - 4.12.2. increase the pre-development, frequency or concentration of overland stormwater flow at the point of discharge to all downstream properties including road reserves and the like. This must be based on the range of design storms of Q2, Q5, Q10, Q20, Q50 and Q100.  
*This condition is imposed under section 145 of the Planning Act 2016.*
- 4.13. Design and construct stormwater drainage, at no cost to Council that provides:
- 4.13.1. for stormwater infrastructure to be included in easements where the infrastructure is located in downstream properties;
  - 4.13.2. a network that commands the whole of the site and provides for external upstream catchments;
  - 4.13.3. pipeline connections to the upstream catchment;
  - 4.13.4. an extension to and/or upgrades of the downstream stormwater infrastructure required to convey design flows to the lawful point of discharge;
  - 4.13.5. inter-allotment drainage that complies with the Queensland Urban Drainage Manual (QUDM); and
  - 4.13.6. two drainage outlets (approved metal kerb adaptor) in the kerb and channel for each lot draining towards the road along its frontage;  
*This condition is imposed under section 145 of the Planning Act 2016.*
- 4.14. Submit to Council a stormwater design, checked and certified by a Registered Professional Engineer of Queensland (RPEQ) for a major storm of 100 year ARI. The design must have a minimum freeboard determined in accordance with the requirements of the Queensland Urban Drainage Manual (QUDM) for overland flow paths and provides an underground network designed to cater for the minor storm of 2 year ARI.

### **Sediment & Erosion Control**

- 4.15. An operational works permit is not required for Sediment and Erosion Control.

- 4.16. Install, maintain, and amend where necessary erosion and sediment control measures during all phases of the construction to ensure all reasonable and practicable actions are taken to prevent environmental harm.
- 4.17. Prior to each rainfall event ensure:
  - 4.17.1. concentrated stormwater flow paths are diverted around the site to prevent any clean stormwater from mixing with polluted / contaminated site stormwater or conveyed through the site without causing erosion and without contaminating the flow and receiving waters;
  - 4.17.2. erosion control measures are implemented which prevent or minimise erosion; and
  - 4.17.3. sediment control measures are installed and implemented as necessary to maximise sediment capture.
- 4.18. Effectively stabilise all site surfaces using methods which achieve effective short term stabilisation and which will continue to achieve effective stabilisation in the long term. For the purpose of this condition, an effectively stabilised surface is defined as one that, as a result of rainfall and stormwater runoff, does not erode, does not cause sedimentation and does not cause water contamination.

#### **Roadworks – internal / new roads (Residential)**

- 4.19. An operational works permit is required for the following new roads.
- 4.20. Design and construct the new roads on the approved plan(s) of development identified as Learmonth Drive, Penelope Way, Walker Avenue, Road 3A and Road 3B as urban access roads and more specifically include the following:
  - 4.20.1. a minimum road reserve width of 15.5 metres;
  - 4.20.2. concrete mountable kerb and channel on a 4.0 metre alignment from the road reserve boundary;
  - 4.20.3. a minimum carriageway width of 7.5 metres constructed using a compacted gravel pavement and an Asphaltic Concrete (AC) wearing course;
  - 4.20.4. minimum intersection kerb return radii of 10 metres;
  - 4.20.5. provision for stormwater drainage, line marking, tapers to existing road pavement, signage and street lighting associated with the required road works;
  - 4.20.6. a minimum 1.5 metre wide reinforced concrete pedestrian path within the road verge coincident with the location of street lights wherever possible that connects into any existing paths adjacent to the site;
  - 4.20.7. disabled compliant kerb ramps at the road corners in accordance with Council's Standard Drawings 8-00411, 8-00412 or 8-00413;
  - 4.20.8. speed restriction devices in accordance with the Manual of Uniform Traffic Control Devices (MUTCD Part 13), with adjustments to the road reserve width to preserve minimum verge widths of 4.0 metres, generally in accordance with the approved plan(s) of development;
  - 4.20.9. carriageway and road reserve transitions to any existing road designed in accordance with the requirements of the Council's Planning Scheme Policy 5 – Infrastructure and adopted standards including appropriate tapers designed for the road hierarchy and speed environment of the road;
  - 4.20.10. temporary turning areas at the ends of Road 3A, Road 3B, Learmonth Drive and Walker Avenue, designed to accommodate the turning movements of a 12.5m HRV to undertake a maximum 3-point turn in accordance with Council's Planning Scheme Policy 5 - Infrastructure and adopted standards.
- 4.21. Design and construct the new road on the approved plan(s) of development identified as Jim Davidson Boulevard, as an urban access road and more specifically include the following:
  - 4.21.1. a minimum road reserve width of 17.5 metres;
  - 4.21.2. concrete mountable kerb and channel on a 4.0 metre alignment from the road reserve boundary;

- 4.21.3. a minimum carriageway width of 9.5 metres constructed using a compacted gravel pavement and an Asphaltic Concrete (AC) wearing course;
  - 4.21.4. minimum intersection kerb return radii of 10 metres;
  - 4.21.5. provision for stormwater drainage, line marking, tapers to existing road pavement, signage and street lighting associated with the required road works;
  - 4.21.6. a minimum 1.5 metre wide reinforced concrete pedestrian path within the road verge coincident with the location of street lights wherever possible that connects into any existing paths adjacent to the site;
  - 4.21.7. disabled compliant kerb ramps at the road corners in accordance with Council's Standard Drawings 8-00411, 8-00412 or 8-00413;
  - 4.21.8. speed restriction devices in accordance with the Manual of Uniform Traffic Control Devices (MUTCD Part 13), with adjustments to the road reserve width to preserve minimum verge widths of 4.0 metres, generally in accordance with the approved plan(s) of development;
  - 4.21.9. carriageway and road reserve transitions to any existing road designed in accordance with the requirements of the Councils Planning Scheme Policy 5 – Infrastructure and adopted standards including appropriate tapers designed for the road hierarchy and speed environment of the road;
  - 4.21.10. temporary turning areas at the road end designed to accommodate the turning movements of a 12.5m HRV to undertake a maximum 3-point turn in accordance with Council's Planning Scheme Policy 5 - Infrastructure and adopted standards.
- 4.22. The roads are to be provided at no cost to Council.  
*This condition is imposed under section 145 of the Planning Act 2016.*

### **Electricity and Telecommunications**

- 4.23. An operational works permit is not required for electricity and telecommunications.
- 4.24. Design and provide underground electricity supply and telecommunications to all lots within the development in accordance with the Planning Scheme Policy 5 - Infrastructure and the Energex - Underground Distribution Construction Manual. Ensure all conduits are located within the 0-750mm corridor measured from the road reserve boundaries.
- 4.25. Remove all redundant electrical and telecommunications connections and reinstate the land.
- 4.26. Pay the cost of any alterations to electricity supply and telecommunications mains, services or installations required as a result of the development.
- 4.27. Prior to Council's endorsement of the survey plan, submit to Council an Energex certificate of supply and written confirmation from an electricity provider that an agreement has been made for the supply of electricity to the development and where staged, written confirmation is required for each stage of the development.
- 4.28. Prior to Council's endorsement of the survey plan, submit to Council written confirmation from a telecommunications carrier that an agreement has been made for the supply of telecommunications to the development and where staged, written confirmation is required for each stage of the development.
- 4.29. Do not install any electrical transformers or telephone control pillars within existing or proposed park unless otherwise approved by Council in writing.
- 4.30. Do not install property poles or flying fox overhead connections.
- 4.31. Design and install, where required, a street and path light system on all roads in accordance with Australian Standard 1158 and on all footpaths/bikeways within park and road reserves associated with the development at no cost to Council. The street and path light system must be designed in accordance with the 'Crime Prevention through Environmental Design: Guidelines for Queensland' (CPTED) produced by the State and unless otherwise approved by Council in writing, be powered using underground reticulation.

*This condition is imposed under section 145 of the Planning Act 2016.*

- 4.32. Install street lighting in all road reserves on the same side of the road that accommodates any footpath.
- 4.33. Submit the electrical reticulation and street lighting design plans to ENERGEX for approval prior to commencement of any electrical works.

#### **Electricity and Telecommunications – Road Crossing**

- 4.34. Construct electrical and telecommunications conduits where required under any existing road to service the development by thrust boring.

### **5. WATER OPERATIONS**

#### **Water:**

- 5.1. Ensure that each lot is provided with direct access to Council's water reticulation network, prior to the endorsement of survey plans, at the applicant's cost.

*This condition is imposed under section 145 of the Planning Act 2016.*

- 5.2. An operational works permit is required for the construction of water supply infrastructure assets to be owned and/or operated by Council.

- 5.3. Extend the Council's water supply reticulation to ensure each proposed allotment can be serviced in accordance with all requirements of the SEQ D&C Code, subject to Operational Works approval at the applicant's cost.

*This condition is imposed under section 145 of the Planning Act 2016.*

- 5.4. Ensure the extension of Council's water supply network makes allowance for any adjacent property requiring future connection, subject to Operational Works approval at the applicant's cost.

*This condition is imposed under section 145 of the Planning Act 2016.*

- 5.5. Ensure that with the construction of any new Council water main, any required service connections and water meter boxes are provided for with a suitably sized property service connection and conduits where necessary. Any connection to Council's reticulation main is to be made with an approved tapping band.

- 5.6. The installation of water meters for the development requires the lodgement of a "Water Meter Connection" application with Council's Water Operations Branch via [waterapplications@logan.qld.gov.au](mailto:waterapplications@logan.qld.gov.au) at building stage.

- 5.7. Ensure that every house plumbing is wholly contained within the lot being serviced or within a dedicated services easement.

- 5.8. Ensure that all properties have a Council installed and owned fire hydrant within 40m of its property boundary in accordance with SEQ D&C Code requirements and standards.

- 5.9. Disused and/or redundant water meter connections must be removed by Logan City Council at the applicant's cost.

*This condition is imposed under section 145 of the Planning Act 2016.*

**Further Advice:** *The removal of property service connections and water meters for the development requires a lodgement of a "Water Meter Disconnection" application with Council Water Operations Branch via [waterapplications@logan.qld.gov.au](mailto:waterapplications@logan.qld.gov.au)*

#### **Sewer:**

- 5.10. Ensure that each lot is provided with a separate sewerage property connection to Council's sewerage reticulation network, prior to the endorsement of survey plans, at the applicant's cost.

*This condition is imposed under section 145 of the Planning Act 2016.*

- 5.11. Provide a 150 mm diameter property service connection for any lot where future multi-unit development is proposed, unless otherwise approved by Logan City Council.

*This condition is imposed under section 145 of the Planning Act 2016.*

- 5.12. An operational works permit is required for the construction of sewerage infrastructure assets to be owned and/or operated by Council.

- 5.13. Extend Council's existing sewerage reticulation to ensure each proposed allotment can be serviced in accordance with all requirements of the SEQ D&C Code, subject to Operational Works approval at the applicant's cost.

*This condition is imposed under section 145 of the Planning Act 2016.*

- 5.14. Ensure the extension of Council's sewerage network makes allowance for any adjacent property requiring future connection, subject to Operational Works approval at the applicant's cost.

*This condition is imposed under section 145 of the Planning Act 2016.*

- 5.15. Ensure that any redundant sewerage property connections are removed by Council, at the applicant's cost.

**Further Advice:** *The removal of any redundant sewerage property connection requires the lodgement of a "Sewer Disconnection" Application with Council's Water Operations Branch via [waterapplications@logan.qld.gov.au](mailto:waterapplications@logan.qld.gov.au)*

- 5.16. Ensure that any sanitary house drainage is wholly contained within the lot being serviced.

## **PART B – MATERIAL CHANGE OF USE – PLAN OF DEVELOPMENT**

### **6. GENERAL**

- 6.1. Undertake development generally in accordance with the following approved plan(s) of development and/or document(s); except as altered by other conditions of this development approval including any amendments wherever made in red on the approved plan(s) and/or document(s):

<b>Title</b>	<b>Plan No.</b>	<b>Rev</b>	<b>Date</b>	<b>Prepared by</b>
BUILDING ENVELOPE PLAN - PROPOSED LOTS 266-289	7 of 11	V2	17/02/2023	N H VOLKER & Co. PTY. LTD
BUILDING ENVELOPE PLAN - PROPOSED LOTS 301-344	8 of 11	V2	17/02/2023	N H VOLKER & Co. PTY. LTD
BUILDING ENVELOPE PLAN - PROPOSED LOTS 345-375	9 of 11	V2	17/02/2023	N H VOLKER & Co. PTY. LTD
BUILDING ENVELOPE PLAN - PROPOSED LOTS 376-399	10 of 11	V2	17/02/2023	N H VOLKER & Co. PTY. LTD
DEVELOPMENT CRITERIA - PLAN OF DEVELOPMENT	11 of 11	V2	17/02/2023	N H VOLKER & Co. PTY. LTD

#### **Compliance Timing**

- 6.2. Development in accordance with the approved Plan of Development cannot occur until the registration of the lots within the corresponding stage of the Reconfiguring a lot component (Part A) of the COM/5/2023 development permit has occurred with the Titles Office.
- 6.3. Comply with all conditions of this development approval at no cost to Council and prior to the Final Inspection Certificate by a Building Certifier or commencement of the use, whichever comes and ensure that compliance is maintained thereafter, unless otherwise stated in a specific condition.

#### **Terms**

- 6.4. Interpret words and terms used in this development approval as having the meaning ascribed to them in the planning scheme under which this development approval has been given unless otherwise stated in a specific condition.

### **7. PROPERTY**

#### **Development envelope area**

- 7.1. Do not carry out development outside of the approved Development Envelope area unless another condition of this development approval specifically states otherwise.

- 7.2. Carry out development within the approved Development Envelopes (refer approved Plans of Development and Development Criteria prepared by N H Volker & Co. Pty. Ltd, Plan Numbers: DAB - Stages 3A (Proposed Lots 266-289), DAB - Stages 3B (Proposed Lots 301-344), DAB - Stages 3C (Proposed Lots 345-375), DAB - Stages 3D (Proposed Lots 376-399) and Plan of Development – Development Criteria, dated 17 February 2023 (revision v2) unless another condition of this development approval specifically states otherwise or unless otherwise approved in writing by Council.
- 7.3. A Property Record Notation will be imposed on Lots 266-399 advising that a building envelope encumbers the property. The Property Record notation is to read as follows:

*“Building Envelope restrictions apply in respect to the use and development of this property. A copy of the building envelope plan is available from Council. Landowners or purchasers are strongly advised to seek further details by contacting Council’s Development Assessment Branch.”*

## **FURTHER ADVICE TO THE APPLICANT**

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

1. The currency period for this approval is in accordance with Section 85 of the *Planning Act 2016*.
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. Prior to commencing work which will ultimately become the responsibility of Council; or work on adjacent roads or drainage schemes; Council is to be advised in writing of the name of the principal contractor and 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 contractor is to execute the appropriate form for appointment of Principal Contractor prior to commencing work.
5. *Aboriginal Cultural Heritage Act 2003*

There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003*.

The *ACH Act* establishes a cultural heritage duty of care which provides that: "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage."

It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land Court, and the Minister administering the Act can also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

You should contact the Cultural Heritage Unit on 07 3238 3838 to discuss any obligations under the *ACH Act*.

## **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.

The *Plumbing and Drainage Act 2018* requires a Plumbing and Drainage Permit for any regulated plumbing and drainage work. The Plumbing and Drainage application must be lodged and approved by Council's Plumbing Services section prior to the commencement of any plumbing and drainage work onsite.

Regulated work can be defined as plumbing and drainage works that will not become a service provider's asset. Examples are where:

- House drainage and/or water service is to be installed along an access driveway/easement to rear lots
- Existing dwellings require house drains and/or water services to be connected to new wastewater (sewer) and/or new water meters

In the case of a Dual Occupancy, a separate wastewater (sewer) connection, roof water and water meter connection must be provided for each unit within their own designated area

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 regard 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

## **Important Warning – Updated Flood Hazard**

### **1. Flood hazard is being remodelled across the city**

Logan City Council is in the process of remodelling flood hazard across the city in accordance with the endorsed Flood Hazard Review Program.

### **2. Logan Planning Scheme Flood hazard overlay does not reflect the updated flood hazard**

The existing Logan Planning Scheme 2015 Flood hazard overlay map OM-0.500 does not reflect the updated flood hazard and should not be relied upon as accurately reflecting the current extent of properties affected by flood hazard.

### **3. Existing approvals do not reflect the updated flood hazard**

Any existing approvals are not based on the updated extent of flood hazard likely to affect a property.

### **4. There are substantial changes to the extent of properties affected by flood hazard and increases in flood level heights**

Based on updated flood data it is expected there will be substantial changes to the extent of properties affected by flood hazard and flood level heights.

### **5. You must obtain the latest flood information from Council**

As flood studies are completed the updated extent of flood hazard and the updated flood level height will be included in the online flood report available on Council's PDHub. Any person undertaking development must refer to Council's PDHub for the updated flood level height for the 1% Annual Exceedance Probability event (1% AEP).

Completed flood studies [and the progress status of others] are available on Council's website.

The Planning Scheme will be updated to reflect the completed flood studies, including climate change and flood events greater than the 1% Annual Exceedance Probability event (1% AEP) in line with best practice in flood risk management. But this must follow a plan making process so will not take effect immediately.

### **6. You must take responsibility for ensuring your development avoids serious harm to persons and property from the updated flood hazard**

Any person undertaking development is responsible for ensuring they obtain the latest information on flood hazard affecting the property and that the development is located and designed based on the updated flood hazard. This is important to ensure that the risks associated with flood hazard are avoided or mitigated to protect people and property.

### **7. Other applications and approvals may be affected**

Any person undertaking development must ensure the updated flood level on Council's PDHub is used in the preparation of the other development permits and certificates necessary to allow the development to be carried out (including for example the design of operational, building and plumbing and drainage work). In the case of plumbing and drainage work, plumbing fixtures, overflow relief gullies and sanitary drainage must be above the updated flood level in order to be able to comply with requirements of the *Plumbing and Drainage Act 2018*, the *Plumbing and Drainage Regulation 2019* and the Plumbing Code of Australia.