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Cr Pam Parker
Mayor
Logan City Council
PO Box 3226
Logan City DC, Qld 4114

Dear Cr Parker



Draft Logan Planning Scheme 2014

Thank you for the opportunity to provide comment on Logan City Council's (Council) Draft Logan Planning Scheme 2014 (Scheme).

The Property Council appreciates the consultation undertaken with our members to date, including through presenting at our events, and via representation on the Development and Industry Reference Group.

A copy of the Property Council's *Property Interests: Benchmarks for Queensland planning schemes* has previously been provided to Council, and we understand a thorough review against this document has taken place.

The following comments highlight the industry's key concerns with the Scheme.

Positives

The Property Council commends Council for its efforts in combining sections of the former Gold Coast, Beaudesert and Logan planning schemes, and adequately reconciling conflicts to create a single, consistent Scheme for the city.

While at times long and repetitive, the Scheme is easy to read, with clearly written provisions and signposts distributed throughout to assist reader navigation. This enables users of the Scheme to be more confident that they have identified all of the components of the Scheme that are relevant to their proposal.

The limited use of Overlays is supported, as is the use of Level One Zones from the Queensland Planning Provisions, which means there are no unnecessary codes in the document.

The Zones are logical and clear, and their function as the primary assessment tool is strongly supported.

Precincts have not been overused, and where they have been used, they generally add value.

Overall, the Scheme's strategic plan predominantly aligns with Council's corporate vision, including the provision of affordable housing, although it is at times let down by the supporting detail.



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Finally, the Property Council appreciates the openness and willingness of Council to engage with the industry and to take our feedback into consideration.

General

While the provisions of the Scheme are clear, many of the Codes are repetitive, with the purpose of the Code written both in the purpose section, and outlined again in each code. Removing this duplication would be a simple way to reduce the length of the Scheme.

In many instances, Performance Outcomes are provided, however no Acceptable Outcome is offered. As identified in *Property Interests*, Council must be able to articulate an acceptable outcome for all codes in the Scheme.

There is a slight mismatch in some of the zoning carried across from the previous schemes into the new one.

An example of this can be found in the Low Density Residential Zone within the Acreage Precinct, where the minimum lot size is 5000m². In the Rural Residential Zone in the Park Residential Precinct, the minimum lot size is 4000m².

It would be reasonable to assume that a low density residential zone would ordinarily allow smaller lot sizes than a rural residential zone. A review of the Scheme needs to be undertaken to ensure consistency across the local government area.

Offsets policy

As discussed in great detail during the Development and Industry Reference Group meetings, the Property Council does not support the inclusion of an offset policy within the planning scheme.

It is acknowledged that Council has taken a sensible approach to offsets, which balances environmental protection and economic growth. However, with the Queensland Government working to finalise a single environmental offsets policy, which is comprehensive, there is no need for Council to have a further policy in this regard.

Overlays

The limited use of overlays is supported by the Property Council, as they often introduce confusion, complexity and additional planning requirements. While the attempt to limit their use in raising levels of assessment is supported, their use to raise levels of assessment should be removed completely.

It is also important to note that the Overlay Codes should not provide for building matters covered by Australian Standards, Building Codes Australia, or the Queensland Development Code.

The Outcomes provided in the Bushfire hazard overlay are a clear example of matters that should not be included within the Scheme.

It is positive to see the introduction of exemptions for sites under 5000m² in the Biodiversity areas overlay (unless remnant endangered), as this recognises the fractured nature of biodiversity in existing urban areas.

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It would be of benefit to the industry if similar exemptions can be applied across other constraints, such as the Waterways corridors and wetlands overlay code.

The Scheme does not provide an avenue for proponents to challenge Overlays, which causes an issue particularly where the Overlay may have an impact on the proposed use of a site. It would be of benefit to the industry for Council to introduce a process through which the Scheme's mapping can be challenged.

An example of this can be found in the Secondary vegetation management area in the Vegetation management areas Overlay. The mapping appears to be quite arbitrary outside of built-up urban areas, as it covers large areas of land that have no vegetation of value.

For developments where multiple applications are required, there must be recognition that where the issues identified in an Overlay have already been addressed, subsequent approvals should not trigger the Overlay. For example, where a reconfiguration of a lot addresses a constraint, the subsequent material change of use application should not also have to address this issue.

Residential

Council's commitment to providing affordable housing is clear within the Scheme, however this intent is often not reflected in the detailed provisions.

The Property Council applauds Council's resolution to introduce an 'equivalent dwellings' methodology and remove infrastructure charges for dual occupancies. With a new infrastructure charges framework being introduced, the Property Council would like to see this initiative extended.

The removal of minimum lot sizes for greenfield residential is supported, and will lead to the development of more affordable housing.

The Strategic Framework acknowledges the Emerging Community areas of Park Ridge and Bahrs Scrub, and calls up plans indicating future development patterns that development is to be generally in accordance with.

Although significant planning has been undertaken for these areas, the Emerging Community Zone requires impact assessment for Reconfiguring a Lot on sites less than 20 hectares.

With detailed planning and community consultation already undertaken for these sites, applications for Reconfiguring a Lot could potentially be made code assessable, where generally in accordance with the land use intent in the Strategic Framework.

For infill sites, however, very limited gains will be made in the delivery of higher densities, as the lot sizes required to meet the Scheme's requirements render development unfeasible.

The lot sizes required for a duplex (on two titles), for example, would require the amalgamation of two standard suburban lots. It would provide greater returns to retain the two houses, rather than build townhouses.

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As discussed in detail at the Development and Industry Reference Group, there is great confusion regarding differentiation between 'dual occupancy', 'dual key' and 'secondary dwelling'. Once explained, the intent of these provisions is clear, however the Scheme must be amended to ensure the intent of each use is adequately conveyed.

Finally, the Scheme does not provide advice on how the South East Queensland Regional Plan (SEQRP) fits within the planning framework, nor how Logan has progressed in achieving its targets under the SEQRP.

Centres

The Strategic Framework aspires to 'a hierarchy and network of interrelated centres' and 'vibrant, accessible and integrated places', however the strict limitations provided throughout the Centre Zone Code will restrict this vision.

While the centres hierarchy within the Scheme aligns with the SEQRP, the SEQRP does not nominate GFA/GLA limits on centres, instead it differentiates them through their role and function.

This ensures a network approach to centres, which allows them to develop and fulfil their allocated role and function based on actual circumstances, such as population growth and investment.

This is in stark contrast to the Scheme, where arbitrary GFA/GLA caps have been introduced to trigger the elevation of applications from code to impact assessment, and limit the GFA of a Zone or Precinct.

The validity of the provision in the Strategic Framework prohibiting further retail uses in Shailer Park (Section 3.5.3.1(5)(c)(i)) is questioned, as local governments are not permitted to prohibit development through their planning scheme, unless identified in Schedule 1 of the *Sustainable Planning Act 2009*.

The use of GFA caps is a blunt approach to retail planning, and is not supported by the Property Council, nor by Council's own consultants, MacroPlan Australia, and Foresight Partners.

As in the case of the current Logan planning scheme where pre-2006 caps exist, they become entrenched, and are not reviewed or revised to reflect actual circumstances.

Where retail and commercial uses are proposed in centre, there is no need for caps or triggers. Additionally, the trade area stipulations in the Code provide unnecessary limitations on growth, and lead to further time and cost in applications as proponents are required to demonstrate impacts and economic need.

The Property Council recommends Council undertake a review of its approach to centres, in line with the release of a revised SEQRP.

This would provide an opportunity to reflect any changes through the SEQRP review process, as well as updating the reports undertaken to inform the preparation of the Scheme (from 2009), and allow for a more commercially viable, network approach to planning for centres.

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Mixed Use Zone

The Mixed Use Zone is used widely throughout the Scheme, which has the potential to achieve some good outcomes. There is some concern, however, that the lack of support for 'Shops' in the mixed use zone will be problematic.

With the vast number of uses envisioned within the mixed use zone, it is inevitable that 'Shop' uses will make sense in these areas, particularly given the broad reach of the 'shop' definition.

Opposing 'Shops' in these zones is likely to lead to issues with the classification of 'Showrooms', as many existing 'Showrooms' could arguably be classified as 'Shops', or a combination of the two.

Industry

Logan is strategically located in close proximity to major infrastructure, such as the M1 and Logan Motorway. This provides the city with a unique advantage to cater for industrial uses that rely on road-based infrastructure.

Through the Scheme, the city has lost opportunities for employment generation and economic growth through prohibiting high impact industrial uses. Provisions could have been included to ensure noxious uses are prevented, while still allowing for other industrial uses that will provide jobs for the Logan community.

The proposed lack of support for High Impact Industry not only precludes potential employment generators for Logan, it also jeopardises the longevity of existing uses that currently meet this definition, some of which are significant economic contributors.

Specific provisions for some industrial areas (e.g. Berrinba, Loganholme, Crestmead) have been replaced by more general zones such as Mixed Use or Medium Impact Industry. The previous provisions provided a clear intent for these areas, which allowed for a greater range of uses.

Combined with the highly restrictive retail provisions, the Scheme's restrictions on industrial uses mean the Scheme does not provide the necessary support for the key employment generators for the city.

Engineering provisions

A review of the Scheme's various engineering policies, standards and codes, highlights numerous internal and external inconsistencies.

For example, a performance outcome within the Filling and Excavation Code (PO8(a)) prohibits the location of retaining walls on existing or proposed lot boundaries. This contradicts section 3.3.6.2(5) of Planning Scheme Policy 5- Infrastructure, which allows for boundary retaining walls for differential allotment levels, subject to satisfying certain criteria.

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External inconsistencies can also be found between the Scheme and the South East Queensland Water Supply and Sewerage Design and Construction Code.

Attachment One provides a list of the identified inconsistencies in the Scheme, along with recommendations for how each inconsistency can be rectified.

Conclusion

Thank you once again for the opportunity to provide feedback on the Scheme.

If you have any further questions regarding the Property Council or this submission, please do not hesitate to contact me on kmacdermott@propertyoz.com.au or 07 3225 3000.

Yours sincerely



Kathy Mac Dermott
Executive Director

Enc. Attachment One

Filling and Excavation Code:

Table 9.4.2.3.2

PO8(a) states that a retaining wall cannot be located on existing or proposed lot boundaries. The Acceptable Outcome AO8 refers to section 3.3.6.2 – Retaining structures in planning scheme policy 5 – Infrastructure. This PO is inconsistent with section 3.3.6.2(5) of Policy 5 which allows for boundary retaining walls for differential allotment levels subject to satisfying certain criteria.

Policy 5 Infrastructure

2.2.1 General Standards for Engineering Drawings

(2)(a), (3)

This clause requires the submission of engineering drawings to be on an A1 sheet. The provision of A1 drawings is time consuming and costly and in time will represent a storage problem for Council. Generally drawings are drawn at A3 and are suitable to read when printed at A3

Policy 5 Infrastructure

2.2.10 Stormwater drainage catchment plan. 2(a)

This clause requires the submission of stormwater drainage calculations to be on an A1 sheet. The provision of A1 drawings is time consuming and costly and in time will represent a storage problem for Council. Generally drawings are drawn at A3 and are suitable to read when printed at A3.

Policy 5 Infrastructure

3.3.2 Cover of infrastructure (2) and (2)

These clauses provide requirements for pipe cover for water and sewerage reticulation main. These requirements are in excess of the requirements recently adopted in the SEQ water and sewer design and construction code. The "SEQ water service providers" standard drawings SEQ-sew-1200-2a and SEQ-WAT-1200-2a provides the necessary information.

Policy 5 Infrastructure

Batters and Retaining Walls

3.3.6.1 Batters

This provision includes strict requirements for the maximum grade of batters (1 in 4) and the setback of batters to property boundaries (1.5m) and does not allow batters to extend into parks and road reserves. These provisions cannot adequately accommodate benching of lots in an urban area or the transition of parks and roads to lots. Compliance with the provisions will often lead to an inefficient subdivision layout, significantly decreased densities and in some cases compliance will not be possible.

Clause 3.3.6.1 (1)(a) is overly restrictive and is not conducive with development in steeper country. The 1 in 4 maximum grades is not workable in all situations, Particularly with side boundaries within allotments.

Clause 3.3.6.1 (1)(b) request maximum grade of 1 in 10 for public open space. Whilst this is desirable there are occasions in which steeper grades within open space can be utilised to create the flat spaces utilised by the public.

Clauses 3.3.6.1 (3b) and (10) suggest that the top and toe of batters be a minimum distance of 1.5m from the property batter. This restriction will result in an excessive waste of land within allotments resulting in reduction of housing affordability.

Policy 5 Infrastructure

Batters & Retaining Walls

3.3.6.2 Retaining Walls

This provision does not adequately address the current techniques that LCC have adopted for developments in recent OPW approvals and as negotiated with local engineers to resolve the issues in relation to steep land and build to boundary development. In particular, with reference to tier heights and setback to boundaries. The draft regulations propose restrictions of height and setback in a number of the proposed regulations of Clause 3.3.6.2.

Policy 5 Infrastructure
Batters and Retaining Walls
3.3.6.2(8)(a) Retaining Walls

This provision states that walls are to be stepped every 1.5m in height up to a maximum height of 3m. Approval for an alternative arrangement that allows the lower retaining wall to be a maximum of 2m in height have been issued by LCC. This provides flexibility when dealing with sites that are moderately slope affected.

Policy 5 Infrastructure
Batters & Retaining Walls
3.3.6.2(8)(b) Retaining Walls

This policy stipulates a maximum 3m height for an industrial and commercial wall. This prohibits development of this category on moderate to steep sloping land due to the requirement of large flat development footprints necessary for viability.

We note that this condition conflicts with condition 3.3.6.2 (12) (e) which allows a maximum height of 5m.

Policy 5 Design Standards for roads.
Table 3.4.4.2.1 – Road Design Standards.

This table specifies the maximum grades for each of the road types. Of particular note is the grade proposed for Urban and non-urban access streets of 12%. The limitations proposed for each of the road categories are prohibitive for development of moderate to steep sloping development sites.

We note that clause 3.4.4.5(2) refers to a "minor urban collector road" which is not referenced in the above table however a road of this nature maybe desirable between the 7.5m Urban Access road and the 15m Urban Collector road.

Policy 5 Design Standards for access and driveways. 3.4.5 (8)

Clause 3.4.5(8) (a) states a maximum grade of 16% for a residential driveway. The restriction will cause the need for excessive earthworks to be undertaken which is not conducive with affordable housing and may render some site unviable.

Policy 5 Movement Infrastructure Standards
Geometric Standards 3.4.7.1(1)

This provision states that a four way intersection must provide signalisation or a roundabout at the intersection. We believe that there are circumstances where such expensive (cost and land take) options are unnecessary. For example where a laneway intersects with an access street. In this situation there is a clear priority established for the intersection that can be reinforced by threshold treatments or a "stop sign". In dense urban environments this option should be available.

Policy 5 – Infrastructure
Part 3 – Standards; Section 3.6 – Stormwater infrastructure standards; Subsection 3.6.1.2
Multifunctional network

These provisions adequately address the risks associated with this infrastructure, however it fails to recognise and describe the potential opportunities of a multifunctional stormwater system. To adequately describe a 'multifunctional network', the current description of functions should be expanded – refer to below.

Policy 5 – Infrastructure

**Part 3 – Standards; Section 3.6 – Stormwater infrastructure standards; Subsection 3.6.2.22
Stormwater infrastructure located in a waterway and wetland buffer area**

This subsection states that stormwater infrastructure cannot be located in a waterway and wetland buffer area unless it is degraded and the stormwater infrastructure would enhance the condition and ecological function of the buffer area. The wording used is unnecessarily limiting with the effect that other opportunities are not recognised or included. The potential benefits of locating appropriately designed stormwater infrastructure within waterways and wetland buffer areas can include:

- habitat enhancement,
- improved flow management in steep and/or erosion prone soils and landscapes,
- aesthetic improvements,
- multifunctional use opportunities (e.g. active and/or passive open space) and
- opportunities for increased community awareness/education regarding waterway health and function.

Policy 5 – Infrastructure

**Part 3 – Standards; Section 3.6 – Stormwater infrastructure standards; Subsection 3.6.6.1
Acceptable types of detention systems**

This subsection identifies that (1) a variety of different detention systems are acceptable for use, provided they are suitable for site constraints, development type and intended ownership. There is however, an emphasis in this and the following sub-sections on the use of detention basins which should be balanced by further acknowledgement that those other detention systems are acceptable and potentially provide a better outcome.

Policy 5 – Infrastructure

**Part 3 – Standards; Section 3.6 – Stormwater infrastructure standards; Subsection 3.6.6.2
Location of detention basins**

This provision states that detention systems are to be designed as offline systems. The subsection as written presents this proposition as unequivocal and final. Such an approach is not supported as it fails to recognise and accommodate situations in which online detention provides a superior solution.