

Riverton Stage 4A – Logan City Exemption to TLPI

From: Schroeder, Dale <DaleSchroeder@logan.qld.gov.au>
Sent: Thursday, February 22, 2024 5:19 PM
To: fraser@gassman.com.au; Short, Simon <SimonShort@logan.qld.gov.au>
Cc: Keith Cummins <kcummins@avjennings.com.au>
Subject: RE: Riverton TLPI - Next Steps Discussion (5544)

Good afternoon Fraser and Keith,

I refer to your email below and can advise that Council officers have undertaken a review of the questions tabled. The following response is relevant to Stage 4A only and further consideration will be required as relevant to the other stages of the subdivision.

As Stage 4A benefits from a Development permit for a MCU for Dwelling houses over 68 lots approved as part COM/94/2022/B, the requirements of the TLPI will not be applicable to the future establishment Dwelling houses over these lots.

I trust that this has addressed your enquiry as relevant to Stage 4A.

Regards



Dale Schroeder
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Logan City Council acknowledges the Traditional Custodians of the lands and waterways across the City of Logan.

We pay our respects to Elders past, present and emerging.

From: Fraser Gassman <fraser@gassman.com.au>
Sent: Monday, February 19, 2024 3:21 PM
To: Short, Simon <SimonShort@logan.qld.gov.au>; Schroeder, Dale <DaleSchroeder@logan.qld.gov.au>
Cc: Keith Cummins <kcummins@avjennings.com.au>
Subject: Riverton TLPI - Next Steps Discussion (5544)

Good afternoon Simon and Dale,

Firstly, thank you for your time last week and appreciate the assistance with keeping Riverton moving forward to deliver much needed housing for the City. I have copied in **Keith Cummins** who is a development manager from AVJ coordinating the Riverton project.

I am writing specifically in regard to progression of dwelling houses within the already titled or approved stages of Riverton. I note the balance land requires some more work, however, getting the approved lots ready for construction ASAP is the immediate priority for AVJ to ensure the existing purchasers experience minimal delays by the new TLPI.

In our meeting, we discussed Council's willingness to support an approval in some form to ensure the new TLPI provisions would not apply to approved lots. We also need to ensure this matter is addressed at a planning approval level, but also covers future building work applications and certification of future dwellings.

I have broken my initial thinking into two areas, Planning and Building.

Planning

As you would both be aware, all stages within the Riverton Estate are accompanied by an MCU approval to establish specific design controls for future dwellings. This means each stage effectively already has a dwelling approved (if consistent with the setbacks etc.). Would this not be sufficient to establish the position that all approved lots have an approved dwelling on them prior to the TLPI being enacted?

If this can be agreed to, we would anticipate no further MCU or planning approvals would be required. Even if this were agreed upon, we would still need some clarity from Council any future residents who may wish to alter these provisions can be assessed without consideration of the TLPI requirements.

Building

Currently, building applications for each dwelling must be assessed against the new TPLI. Upon detailed review of the TTLPI, the affects of its variation on building work assessable under the Planning Scheme appear to be limited to finished floor levels – could you confirm if this is the case?

If not, the primary concern is the requirement to provide access to local services (in the form of a shop) is unachievable currently, regardless of the MCU approval discussed above. This requirement stems from PO/AO37 of the Dual Occ and Dwelling House Code – but wouldn't think this was triggered for building work applications? Would appreciate your commentary on the above to confirm what applies here to see if any blanket approvals are required.

Alternate Option

Alternatively, another way of addressing this issue might be an exemption certificate. I note these can only be issued lawfully under the *Planning Act 2016* for the following reasons:

- development is categorised assessable as a result of an error; or
- development is categorised assessable solely due to circumstances that no longer apply; or
- the effects of the development would be minor or inconsequential considering the circumstances under which the development was categorised as assessable development.

Upon review of these, I would suggest the first option would be the only suitable avenue given the TLPI has applied restraints to approved lots with approval for dwellings on them. It can be considered this establishes an error whereby the TPLI would effectively remove the approval for the dwelling. Happy to workshop this with Council if it is seen as a viable option.

Few things to grow through, but would appreciate your time to find the right pathway forward. Myself and AVJ would appreciate a meeting to run through these also to make sure we are all on the same page moving forward. AVJ are under tremendous pressure for timing as they have a number of people looking to confirm process for their future homes and causing quite a bit of angst for new lot owners. We are very happy to work with Council to resolve as quickly as possible.

Kind regards,

g a s s m a n **development perspectives**



Fraser Gassman

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