Enquiry Phone: Customer Service (07) 3412 5269
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13 September 2023

Evangelical Formosan Church Of Rohi Inc
C/- Jerome Fang
505/77 Victoria St
WEST END QLD 4101

Dear Sir/Madam

DECISION NOTICE - *PLANNING ACT 2016*

APPLICATION NUMBER **MCUI/24/2023**
PROPERTY ADDRESS **3303 LOGAN ROAD & 3305 LOGAN ROAD, UNDERWOOD QLD 4119**
PROPERTY DESCRIPTION **LOT 36 SL 10904, LOT 37 SL 10904**
APPLICATION DESCRIPTION

- **MATERIAL CHANGE OF USE - PLACE OF WORSHIP**

1. DECISION

The abovementioned development application was assessed and **approved** subject to conditions. The decision was made by Logan City Council as the Assessment Manager on 13 September 2023.

2. APPROVAL TYPE

- Development Permit – Material change of use

3. CONDITIONS OF APPROVAL - ASSESSMENT MANAGER

The Assessment Manager conditions are attached to this Decision Notice.

4. REFERRAL AGENCIES

The following were Referral Agencies applicable to this development application. If the Referral Agency has given conditions of approval or provided advice, it is listed below and is attached to this Decision Notice.

DEPARTMENT OF INFRASTRUCTURE, LOCAL GOVERNMENT AND PLANNING	No requirements.

5. PROPERLY MADE SUBMISSIONS

The following are submitters who made properly made submissions about the development application during the public notification period**:**

Alan Bell 3299 Logan Rd, UNDERWOOD QLD 4119
alan@cutloose.org

6. OTHER DEVELOPMENT PERMITS OR CERTIFICATES NECESSARY TO ALLOW THE DEVELOPMENT TO BE CARRIED OUT

Operational Works - Stormwater Quantity, Earthworks and Access, Parking, Sewer and Water

Building Works

Plumbing and Drainage Works

7. STATEMENT OF REASONS

Description of the development	Material Change of Use - Place of Worship.	
Assessment benchmarks	The proposed development was assessed against the following assessment benchmarks: *Logan Planning Scheme 2015 v9* in its entirety including but not limited to: 6.2.10 Mixed use zone code 8.2.2 Biodiversity areas overlay code 8.2.5 Flood hazard overlay code 8.2.10 Strategic airport and environs overlay code 8.2.12 Waterway corridors and wetlands overlay code 9.4.2 Filling and excavation code 9.4.3 Infrastructure code 9.4.4 Landscape code 9.4.7 Servicing, access and parking code	
Relevant matters	There were no relevant matters for this application. The proposal complies with the Strategic Framework of the *Logan Planning Scheme 2015*.	
Matters raised in submissions	**Issue**	**How matter was dealt with**
	Requesting that nothing be built on top of the shared retaining wall with the property to the west, including any acoustic fencing as the wall was constructed in 1983 and cannot withstand additional load.	These concerns have been addressed as Council's Technical Services officers have confirmed no acoustic fence is required along the western side boundary.
	A fence would obstruct views of their building from the service road, therefore a fence constructed beside the wall should not be more than 1m above the top of the retaining wall.	The Applicant has confirmed there is no proposed fill against the concrete retaining wall which could impact the height of the existing boundary fence.
	Car parking concerns and ensuring church users do not park on or in front of their premises.	The submitters concerns have been addressed as the church is expected to operate at 25% capacity during the week, thus reducing car parking demand during the week. The Place of Worship is anticipated to operate at 100% capacity on a Sunday. It should be noted there are sufficient on-site car parks for full capacity on a Sunday and for the reduced capacity during the week, as the car parking supply

<table>
<tr><td></td><td colspan="2"></td><td>complies with the Servicing, Access and Parking code.</td></tr>
<tr><td>Reasons for decision</td><td colspan="3">The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.</td></tr>
<tr><td></td><td colspan="2">Assessment benchmark</td><td>Reasons for the approval despite non-compliance with benchmark</td></tr>
<tr><td></td><td colspan="2">Mixed use zone code – Performance Outcome 10 – General emissions</td><td>An Acoustic Report prepared by Acoustic Works, dated 5 July 2023, was reviewed by Council's Technical Services officers. The criteria for Noise Receivers 2 to 4 were amended to 65dB(A) LAeq at the boundary. As such, an acoustic fence is not required as part of the proposal. As the site is within the Mixed use zone, a condition has been included to ensure lighting certification is obtained by Council. It should be noted the closest residents are across Logan Road from the site. As there are errors in Table 9 of the Acoustic Report, it has not been included as an approved document. Noise and lighting emissions have been assessed by Council officers and considered acceptable and compliant against PO10 of the Mixed use zone code, subject to conditions.</td></tr>
<tr><td></td><td colspan="2">Mixed use zone code – Performance Outcome 18 – Service areas and parking</td><td>The proposed car parking is visible from the service road and is not situated underground or behind the building. As such, the proposal triggers AO18 of the Mixed use zone code. The proposal meets PO18 as:
Vehicle entrances are separate from pedestrian entrances, therefore minimises disruption to building frontages;
The parking areas are situated to the west of the Place of Worship building and is partially screened by vegetation and planting;
Although the proposed parking area takes up a large portion of the frontage, it will not visually impact the streetscape as the combination of fencing and landscaping will minimise disruption to building frontages.
On this basis, the development complies with PO18 of the Mixed use zone code, subject to conditions.</td></tr>
<tr><td></td><td colspan="2">Infrastructure code – Performance Outcome 1 to 3 and 8 to 10</td><td>Council's Development Engineers and Technical Services officers have reviewed the Stormwater Management Plan (SMP) prepared by HCE Engineers, dated 9 May 2023. The submitted SMP states that the site is currently serviced by an existing HumesCeptor (STC2) and the 'runoff from the site is collected via internal stormwater grated pits and piped to the 'HumesCeptor prior to discharge from the site'.</td></tr>
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		This approach is considered by Council officers to demonstrate compliance with PO10 of the Infrastructure code. An existing 375mm DN stormwater pipe is located along the eastern side boundary of the site. The proposal decreases the impervious site area and does not result in an increase in peak discharge from the site. Stormwater detention is not proposed, and the development will utilise the existing water quality treatment infrastructure on-site. It should be noted no further water quality treatment measures are proposed. Council's Development Engineers have confirmed the proposal demonstrates compliance with PO1, PO2, PO3, PO8 and PO9 standards for stormwater infrastructure specified in Part 3.6 of Planning Scheme Policy 5 – Infrastructure. Council's Technical Services officers have included conditions to ensure all new paved car parking areas drain to the existing HumeCeptor (STC2), and to maintain the HumeCeptor (STC2) as per the manufacturer's specifications.
	Landscape code – Performance Outcome 1 – Landscape design	Council's Technical Services officers have reviewed the submitted landscape concept plan and consider it demonstrates compliance with PO1 of the Landscape code, subject to conditions. A new fence is proposed along the frontage to Logan Road and fencing and vegetation screening is proposed along the side and rear boundaries. Shade trees are proposed within carparking areas. Existing street trees along Logan Road are proposed to be retained, however as Logan Road is state-controlled, Council officers have not added conditions relating to street trees on the Logan Road road reserve. It should be noted the approved landscape plans have annotations to remove any doubt as a result of amended building configuration plans.
	Servicing, access and parking code - Performance Outcome 1 – Provision of parking spaces for vehicles	A Place of Worship requires loading bays and pick-up/set-down areas as per Table 9.4.7.3.2 of AO1 within the Servicing, access and parking code. The proposal does not include loading bays, therefore triggers AO1. An assessment against the corresponding PO1 is therefore required. The proposal complies with PO1 as it has been designed to accommodate up to 10.5m rigid refuse vehicles. A Swept Path & Driveway Sight Line Analysis by Fernway Engineering was provided to demonstrate the design vehicle can manoeuvre within the site, including entering and exiting in a forward gear.

		On this basis, the proposal complies with PO1 of the Servicing, access and parking code, subject to conditions.
	Waterway corridors and wetlands overlay code - Performance Outcome 1 - Design and location	The subject site is partially located within a mapped waterway and therefore does not comply with AO1 of the Waterway corridors and wetlands overlay code. Given the site is degraded with no ecological values, it is considered the development will protect existing ecosystem processes, waterway quality, function, scenic amenity and landscape values of the waterway corridor. As such, the proposal complies with PO1 of the Waterway corridors and wetlands overlay code.
	Waterway corridors and wetlands overlay code - Performance Outcome 2 - Location and ecosystem processes	An ecological assessment has not been submitted; therefore, the proposal does not comply with AO2 of the Waterway corridors and wetlands overlay code. Given the degraded condition of the site and the distance from the proposed works and waterway bank, the development will protect in-stream and riparian habitat values, and wildlife movement and fish passage. As such, the proposal demonstrates compliance with PO2 of the Waterway corridors and wetlands overlay code.
Matters prescribed by a regulation	Not applicable.	

For further details on the assessment of this development application, please see the Delegated Report available for public viewing on the Logan City Council Planning and Development Online website at: https://devet.loganhub.com.au When accessing Council's website please use the following Application Number: MCUI/24/2023

8. CURRENCY PERIOD

In accordance with section 85 of the *Planning Act 2016*, this approval has a currency period of 6 years.

9. RIGHTS OF APPEAL

This Decision Notice may be appealed in accordance with the following sections of the *Planning Act 2016*:

- Chapter 6 (Dispute Resolution), Part 1 (Appeal Rights); and
- Schedule 1 (Appeals).

Appeals to the Planning and Environment Court
Information about how to proceed with an appeal to the Planning and Environment Court may be found on the Court's website: http://www.courts.qld.gov.au/courts/planning-and-environment-court

For further information about this application please contact the Assessment Manager Reagan Brady on (07) 3412 4402 or via email to development@logan.qld.gov.au

Yours faithfully,

Lisa Heanue
Acting Principal Planning Officer
Planning Assessment and Technical Services

Cc: Department of Infrastructure, Local Government and Planning (DILGP)
solomon.johnstone@dsdilgp.qld.gov.au