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9 December 2024

18 BERNICE AVENUE PTY LTD and YCL ENTERPRISE PTY LTD
C/- JREY
PO Box 47
MOFFAT BEACH QLD 4551

ATT: Jessica Reynolds

Dear Madam

DECISION NOTICE - PLANNING ACT 2016

APPLICATION NUMBER MCUI/34/2024
PROPERTY ADDRESS 896 KINGSTON ROAD, WATERFORD WEST QLD 4133
PROPERTY DESCRIPTION LOT 281 RP 849284
APPLICATION DESCRIPTION
• **MATERIAL CHANGE OF USE - HEALTH CARE SERVICE**

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 9 December 2024.

2. APPROVAL TYPE

- Development Permit – Material Change of Use - Health care service

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.

SARA	Conditions imposed
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5. PROPERLY MADE SUBMISSIONS

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

Michael John Taffe 46 Torrens St, WATERFORD WEST QLD 4133

Email Address: micktaffe@gmail.com

Justene Shennan-Lee 12/766-768 Kingston Rd, LOGANLEA QLD 4131

Email Address: Justene.alice91@gmail.com

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

- Operational works permit for pedestrian access (footpath) and stormwater quantity.
- Building Works
- Plumbing and Drainage Works

7. STATEMENT OF REASONS

Description of the development	Material Change of Use - Health Care Service	
Assessment benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <p>Part 3 Strategic Framework</p> <p><u>Zone codes:</u></p> <p>6.2.5 Low density residential zone code</p> <p><u>Development Use code:</u></p> <p>9.3.3 Health care service code</p> <p><u>Development codes:</u></p> <p>9.4.2 Filing and excavation code</p> <p>9.4.3 Infrastructure code</p> <p>9.4.4 Landscape code</p> <p>9.4.7 Servicing, access and parking code</p>	
Relevant matters	Not applicable – application complies with the planning scheme.	
Matters raised in submissions	Issue	How matter was dealt with
	<p>Planning and economic need. There are other suitably zoned sites along Kingston Road that would be used instead of this site.</p>	<p>The applicant has provided an Economic Need and Impact report which demonstrates that other suitably zoned sites along Kingston Road are flood affected and are otherwise not currently available for further development. A shortage of health professionals and services has been demonstrated for the service area, with shortages to all health service groups with the exception of podiatry. There is a forecast undersupply of 26 GPs in the area by 2028 to cover future population growth and a shortfall of other health care professionals including</p>

		chiropractors, dentists, pharmacy facilities, physiotherapists and psychologists.
	Gross Floor Area does not include the hallway and should be clarified	Amended plans have been provided to remove the downstairs tenancies and include a further car parking space. The GFA calculations now include the corridor area in the GFA and car parking now complies with the planning scheme for the total GFA area proposed.
	<p>Sufficient car parking, manoeuvring of vehicles, refuse collection and increase in traffic.</p> <p>Concerns that there is not enough car parking spaces and overflow car parking will occur on the road.</p>	<p>The proposed car parking, manoeuvring and refuse collection arrangements have been reviewed by Council officers and conditions can be imposed to ensure compliance with the relevant requirements. An RPEQ has also signed off on the submitted traffic report addressing car parking, traffic and manoeuvring for the proposal.</p> <p>The car parking spaces comply with the rate required in the planning scheme, with only the separate loading bay not being provided (to be used in conjunction with the ambulance bay).</p> <p>A Health care service requires manoeuvring for an SRV (the size of a small rigid vehicle or ambulance) as the design vehicle. This has been demonstrated and signed off by an RPEQ.</p> <p>A pick up and set down area has been provided, whilst a loading bay area can be used in other spaces (being for an SRV size) with extended hours of servicing which are one hour before and after the hours of operation. Notwithstanding this, kerbside collection can be undertaken by Council for general waste, with medical waste to be collected by private contractors on site.</p> <p>The size of the car parking spaces has been provided by a RPEQ and checked to the Australian Standards AS2890 by Council's Development Engineers.</p>
	Right and left turning from Kingston Road into the site, all access to the site is not addressed	A traffic impact and parking assessment report was provided by the applicant and reviewed by Council's Technical Services officers. They have advised that the anticipated additional traffic generated by the proposal will not adversely impact the surrounding road network. The location of the proposed crossover into the car parking area has been designed to be the furthest distance from the intersection. Vehicle access and queuing meets the commercial width to allow vehicles to enter and exit simultaneously and in a forward gear. Access to the site is available from a left or right turn at the existing traffic lights from Kingston Road, or south from Beutel Street. The

		<p>length of the driveway from the crossover in Remaro Street allows a vehicle to queue if required onto the site. The traffic report submitted has been provided by a RPEQ engineer.</p> <p>Kingston Road is a State controlled road and the application has therefore been referred to SARA, who have provided a referral agency response with conditions. The conditions prevent direct access to Kingston Road and stormwater management must not cause worsening to the operating performance of the State-controlled Road.</p>
	SRV height clearance proposed is not sufficient	The Australian Standard AS/NZS 2890.1:2004 shows a van of the size proposed at 2.081m in height can meet the 2.8 metre height clearance provided. The clearance height for an SRV class design vehicle is 2.3 metres in accordance with the planning scheme. It has therefore been confirmed that there is sufficient clearance by Council's Development Engineers and the applicants traffic report to meet both the Council and the Australian Standards.
	Introduction of a commercial use in a residential area	The use proposed is an intended use for the zone (including the size of the development, being less than 200m ² GFA in size) and can be conditioned to comply with the requirements of the planning scheme.
	Removal of house during a housing crisis	As noted above, the proposal is for a use that is intended in the applicable zone in the planning scheme. The proposed use is for a community benefit.
	Not enough specific details on the type of Health care services proposed	The planning scheme definition for Health care services will allow for the proposal to be used for a variety of health care functions, including a GP clinic, physiotherapy, dentist, etc. Development conditions will be applied to ensure that the proposal is not used for a pharmacotherapy clinic.
Reasons for decision	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception(s) listed below.	
	Assessment benchmark	Reasons for the approval despite non-compliance with benchmark
	Low density residential zone code – PO3/AO3	The setbacks for the proposed development do not meet Table 6.2.5.3.3 for the road boundary clearances to Kingston Road and Remaro Street, which are 4 metres to the building in lieu of a 6 metre setback to the road boundary. Compliance with AO3 hasn't been demonstrated

		<p>and an assessment against PO3 is therefore required.</p> <p>The development proposes landscaping and built form treatments to reduce the bulk of the building on the corner lot. It will have a relatively low site cover (36% site cover proposed) and fully compliance side and rear boundary setbacks, which will also reduce the built form bulk. The size of the proposed development will be small scale, being under 200m² in GFA, which is consistent with the requirements of the zone and precinct and the established character of Kingston Road. The setbacks to neighbouring properties, in addition to landscaping and acoustic fencing, will reduce potential amenity impacts upon the nearby residents.</p> <p>On this basis, the proposed development satisfies PO3.</p>
	Health Care Service Code – PO3/AO3	<p>The proposed Health care service is not for a Pharmacotherapy clinic and will have a GFA of 188.54m² and therefore complies with AO3 (a) and (b) above; however, the proposal will be located within 800 metres of an existing Health care service, specifically the existing Health care service within the Waterford West local centre which is approximately 600-700 metres from the subject site. As such, the proposal does not comply with AO3 (c) and is referred to the corresponding PO3.</p> <p>The proposed development is considered to comply with PO3 based on the following:</p> <ul style="list-style-type: none"> • The proposal is for future health care service practitioners, which does not include a Pharmacotherapy clinic. • The proposal is considered to be small scale, as the Health care service will have a GFA of less than 200m² and an overall site cover of only 36 percent. • The proposal will not undermine the residential character of the area, as the use is to take place within a new two storey building, with appropriate landscaping provided along the frontage and throughout the site. The use is also anticipated at this scale, within this precinct and compliant side and rear boundary setbacks are proposed. • There are other existing commercial developments located opposite the site, including a Childcare centre, aged care facility and Places of Worship, so the character of Kingston Road will remain. • The proposal will protect and maintains residential amenity by limiting hours of

		<p>operation to 8am to 5pm Monday to Saturday (excluding public holidays) and all noise, light and other emissions meeting the requirements of the planning scheme.</p> <ul style="list-style-type: none"> • While the subject site is located within 800m of Health care services, the Economic Need and Impact report provided by Foresight Partners to support the proposal has forecast an undersupply of 26 GPs by 2028 (including approved developments) in the main service area (MSA). The need demonstrated was predicted as a strong need for a Health care service in the area. The needs assessment also asserted that the proposal will not impact upon existing Health care services in the MSA, as there is a demonstrated shortage for all type of Health care services and practitioners. • The only currently available land for a Health care service is the Specialised centre zoned area along Kingston Road, which is significantly flood affected. None of the sites are available for purchase according to the Foresight Partners report. Therefore, as only limited land is available, the proposed Health care service is considered to serve the needs of local residents and be suitably located to continue to serve the needs of local residents into the future. <p>On this basis, the proposed development satisfies PO3.</p>
	Health Care Service Code – PO5/AO5	<p>The proposal includes a two metre wide landscaping buffer along the frontage of the site and a 0.825 metre landscaping buffer along the northern side boundary. As such, the proposal does not comply with AO5 (b) and is referred to the corresponding Performance Outcome (PO)5.</p> <p>The proposed development is considered to comply with PO5. The car parking area at the rear of the building has been configured to minimise any potential impacts on residential amenity by having the building located towards Kingston Road and the corner of Kingston Road and Remaro Street. There is covered car parking under the under croft and open air car parking and refuse areas along the northern boundary. All boundaries of the site contain landscaping, including to the building façade to address the streetscape. While the provision of tandem parking requires a minor reduction to the</p>

		<p>1m wide required landscaping buffer on one side of the site to facilitate sufficient space for manoeuvring, this, in addition to a driveway and hardstand area adjoins this portion of the proposed development to add an increased setback from the building to the adjoining residential development on the northern boundary. Considering the boundary will also contain a 2.2 metre acoustic fence to the boundary, this area will be screened from the adjoining neighbour. The proposed reduction in the width of the landscaping buffer is also considered to be insignificant, being a reduction of just 0.175m.</p> <p>On this basis, the proposed development satisfies PO5.</p>
	<p>Servicing, access and parking code – PO1/AO1</p>	<p>Table 9.4.7.3.2 - Vehicle parking and servicing prescribes a parking rate of 1 space per 10m² of GFA; plus 1 ambulance space for a Health care service. A total of 19 car parking spaces and a shared ambulance and servicing bay is proposed in lieu of the 19 parking spaces, one ambulance bay and one loading bay required by Table 9.4.7.3.2. The correct number of car parking spaces for the GFA proposed will be provided and a separate ambulance bay (marked) will also be provided; however, there will not be a separate loading bay. The pick up / drop off area will instead be informally marked in the under croft area and will utilise the proposed ambulance bay. As such, the proposal will not comply with AO1 of the Service, access and parking code and an assessment against PO1 is therefore required.</p> <p>Development conditions have been recommended for hours of operation for servicing that allow waste collection to occur between 7am and 6pm on Monday to Saturday (except public holidays) and loading, unloading and delivery activities associated with the operations of the use only to occur between the hours of 7am to 6pm Monday to Saturday (except public holidays). As such, the hours for servicing currently extend 1 hour in both the morning and afternoon outside of the operational hours, which will allow time on site for servicing requirements, that do not conflict with the hours of operation for the Health care service.</p> <p>Garbage and recyclable material will be collected on street by Council using individual 1,100L bulk bins and the applicant states that Medical waste by private waste contractor (VAN) will be collected on site utilising 120L bins within each tenancy.</p>

		<p>The height of the undercroft car parking spaces, bicycle spaces, crossover, layout and manoeuvring onsite has been provided by an RPEQ engineer and complies with the Australian/New Zealand Standards for Parking facilities for off street car parking.</p> <p>On this basis, the proposed development satisfies Performance Outcome PO1.</p>
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/34/2024.

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 Tonnia Plail on (07) 3412 5269 or via email to development@logan.qld.gov.au

Yours faithfully,

Jessica Binch
Principal Planning Officer
Planning Assessment and Technical Services

cc SARA - SEQSouthPlanning@dsdilgp.qld.gov.au