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Document Number: 12779034/WILSOND:wilsond  
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1 May 2019

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N Newman  
C/O Locality Planning and Consulting  
PO Box 481  
MOFFAT BEACH QLD 4551

Dear Sir/Madam

### DECISION NOTICE - *PLANNING ACT 2016*

**APPLICATION NUMBER** MCUI/50/2018  
**PROPERTY ADDRESS** 891 KINGSTON ROAD, WATERFORD WEST QLD 4133  
**PROPERTY DESCRIPTION** LOT 9 RP 889224  
**APPLICATION DESCRIPTION**  
• **MATERIAL CHANGE OF USE - CHILD CARE CENTRE**

#### 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 1 May 2019.

#### 2. **APPROVAL TYPE**

Development Permit

#### 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.

5. REFERRAL	Referral Trigger	Name of Agency	Status	Address
	Area within 25 metres of a State controlled road.	Department of State Development Manufacturing, Infrastructure & Planning	Concurrence Agency	Department of State Development Manufacturing, Infrastructure & Planning. State Assessment and Referral Agency South East QLD - Gold Coast Regional Office PO Box 3290 AUSTRALIA FAIR QLD 4215

## 6. MADE SUBMISSIONS

There were no properly made submissions that were received for this development application during the public notification period.

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

Operational Works

Building Works

Plumbing and Drainage Works

## 8. STATEMENT OF REASONS

<b>Description of the development</b>	The proposed development is for a Material Change of Use Impact - Child Care Centre.	
<b>Assessment benchmarks</b>	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> <li>• Low density residential zone code</li> <li>• Filling and excavation code</li> <li>• Infrastructure code</li> <li>• Landscape code</li> <li>• Servicing, access and parking code</li> <li>• Biodiversity Areas Overlay Code</li> <li>• Acid Sulfate Soils Overlay Code</li> <li>• Flood Hazard Overlay Code</li> <li>• Waterway Corridors and Wetlands Overlay Code</li> </ul>	
<b>Relevant matters</b>	<p>The proposed development was assessed against the following relevant matters:</p> <ol style="list-style-type: none"> <li>1. The Applicant has provided a local needs assessment which found that the proposed development will be of an appropriate scale and intensity to cater for the current and future demand within the local catchment area. The approved and existing Childcare Centres are unable to service the current child care demand in the local catchment area and there is an identified need for an additional Childcare Centre in the catchment.</li> <li>2. The design, scale and uses proposed are compatible with the existing uses in the area and will not result in any significant adverse amenity or traffic impacts associated with the proposal.</li> <li>3. The proposed development underwent public notification for 15 business days and no submissions were received from the public during this time, which suggests that the proposed development meets the expectations of the community.</li> </ol>	
<b>Matters raised in submissions</b>	Not applicable - No properly made submissions were received.	
<b>Reasons for decision</b>	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exception(s) listed below.	
	<b>Assessment benchmark</b>	<b>Reasons for the approval despite non-compliance with benchmark</b>
	<b>Low Density Residential Zone Code -</b>	Section 6.2.5.2(3)(h)(i) of the Low Density Residential Zone code outlines the accepted land uses of the Suburban Precinct. A childcare centre is listed as

	<p><b>Performance Outcome 1</b></p>	<p>'other use' which is required to cater for local residents. The Low density residential zone also lists the preferred land uses, which includes Community activities. In accordance with Schedule 1 – Definitions, Section SC1.1.1, Defined Activity Groups, lists a Childcare centre as being a "community activity". The proposed development therefore meets the overall outcomes and the greater purpose of the zone code which is to provide community uses and community facilities which are small-scale services that cater for local residents.</p> <p>To demonstrate how the proposed development will cater for the local residents, the applicant has provided a local needs assessment for the local catchment area which found that:</p> <ul style="list-style-type: none"> <li>• There is a total of 708 children aged 0 to 4 in the catchment which require child care services. The catchment area is only serviced by 5 child care centres of which do not completely service the current demand.</li> <li>• The population projection for the catchment area is higher than both the Queensland the Australian average at 1.93% and increasing. Demonstrating that with the high portion of the population in Waterford West being between the ages of 0-4 years old, the demand for specialised professional child care services will be ever increasing into the future. The current supply of child care services does not have the capacity to cater for the increasing population growth in the area and increase in demand for services.</li> <li>• The catchment area has employment rate of mothers with dependent children ranges predominantly between 65-75%, which is considered a significant driver for child care service demand.</li> </ul> <p>Therefore, the proposed development is an accepted land use that has been able to demonstrate that there is an economic, planning community need for the development and will cater for the needs of the local residents.</p>
	<p><b>Low Density Residential Zone Code - Performance Outcome 22</b></p>	<p>Being a Childcare Centre, the proposed development is a commercial use. However, through building design, the proposed development has achieved a built form that is commensurate with the surrounding area and Kingston road in general. The proposed Childcare Centre incorporates articulation through the use of various materials, colours and textures integrate seamlessly into the existing residential character of the surrounding area. The proposed development will also include appropriate landscaping, along with a paved footpath and street trees to contribute to the streetscape of Kingston Road.</p>

<b>Matters prescribed by a regulation</b>	Not applicable.
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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: <http://pdonline.logan.qld.gov.au>. When accessing Council's website please use the following Application Number: MCUI/50/2018

## 9. CURRENCY PERIOD

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

## 10. 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 Daniel Wilson on (07) 3412 5269 or via email to [development@logan.qld.gov.au](mailto:development@logan.qld.gov.au)

Yours faithfully,

Tonnia Plail  
Senior Planning Officer  
Planning Assessment and Technical Services