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16 January 2025

Onefin Ops Pty Ltd
C/- Urbis Pty Ltd
Level 32
300 George St
Brisbane City Qld 4000

Attention: Nicholas Kelly

Dear Sir

DECISION NOTICE - PLANNING ACT 2016

APPLICATION NUMBER MCUI/56/2023

PROPERTY ADDRESS 2-6 LANCEWOOD STREET, PARK RIDGE QLD 4125

PROPERTY DESCRIPTION LOT 3 RP 227158

APPLICATION DESCRIPTION

- **MATERIAL CHANGE OF USE - CHILDCARE CENTRE**
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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 **16 January 2025**.

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

There were no Referral Agencies applicable to this development application.

5. PROPERLY MADE SUBMISSIONS

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

Chung-Wei Chiu

8-12 Lancewood St, PARK RIDGE QLD 4125
cwchiu55@hotmail.com

John Longden

Park Ridge Early Learning Centre, 226 Crest Rd, PARK
RIDGE QLD 4125
john@cpcc.com.au

Ian Devlin

10 Fiddlewood Ct, PARK RIDGE QLD 4125
ian@ypm.me**6. OTHER DEVELOPMENT PERMITS OR CERTIFICATES NECESSARY TO ALLOW THE DEVELOPMENT TO BE CARRIED OUT**

Operational Works - Stormwater Quantity, Earthworks, Sewer and Water, Stormwater Quality.

Building Works

Plumbing and Drainage Works

7. STATEMENT OF REASONS

Description of the development	The proposed development is for a Material Change of Use - Childcare Centre.
Assessment benchmarks	<ul style="list-style-type: none"> • The proposed development was assessed against the following assessment benchmarks: • 6.2.5 Low density residential zone code • 8.2.2 Biodiversity areas overlay code • 9.3.1 Childcare centre 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	<ul style="list-style-type: none"> • There is sufficient economic, and community need for a Childcare centre to be located on the proposed site. <ul style="list-style-type: none"> ○ The applicant has reduced the scale and capacity of the Childcare centre to 90 child spaces with their Childcare Needs Assessment demonstrating that economic need manifests within the catchment by 2029 and as confirmed through Council's peer reviews carried out by an independent economic consultant. ○ With market forces expected to exist for additional Childcare centres within this catchment, any negative impacts that may result, if this proposed Childcare centre proceeds prior to 2029, will most likely result in a delay in the opening of approved or future proposed Childcare centres, rather than result in significant negative impacts on the performance of existing facilities. ○ The proposed operator will provide additional choice in the market, which contributes to community need. • The proposal is a community use which will be co-located with other community uses such as the Park Ridge State High School to the east of the site. The site is also within proximity to Mount Lindesay Highway, which is a State transport corridor. Local bus services are also available to the site, with the Park Ridge Park 'n' Ride facility located to the north.

	<ul style="list-style-type: none"> • The proposal will be highly assessable by being located on a major local road being Crest Road; however, will obtain access from the lower order road, being Lancewood Street. • The proposed built form of the proposed Childcare centre is small scale and generally has a residential appearance. Landscaping outcomes will maintain the intended acreage residential character and through focussing development at the rear with the retention of vegetation at the front of the site. • The development is able to connect to existing infrastructure which has sufficient capacity to accommodate the use and includes landowner consent. • Conditions have been recommended to ensure the amenity of adjoining neighbours, such as through provision of acoustic fencing and hours of operation of the use. 	
Matters raised in submissions		
	Issue	How matter was dealt with
	Fencing, height of the development and buffer landscaping along the driveway and southern fence line to neighbouring residential property.	<p>Council officers worked with the applicant regarding the built form and landscaping aspects of the proposal and considered the requests made by the adjoining neighbour to mitigate the visual interface of the proposed Childcare centre to the adjoining residential property.</p> <p>A 1.8 metre height acoustic fence will be provided along the southern boundary, which will also mitigate potential noise impacts associated with the proposal. In addition, a landscape buffer having a minimum width of 2 metres will be provided along the southern property boundary to assist with visual screening of the development from the neighbouring property.</p>
	Proposal is inconsistent with the zone.	The proposed land use is not contemplated within the Low density residential zone - Acreage precinct; however, the applicant has sought that the proposal be supported based on the merits of the site's current location, which is adjoining Park Ridge State High School and within proximity to existing similar land uses, as well as major road corridors. Further relevant matters have also included economic and community need for the use and the small scale built form and visual design of the Childcare centre, to complement the existing surrounding character.
Confusion regarding which plans apply to the proposal.	The original plans submitted at time of lodgement were dated 6 September 2023. Council officers raised a number of concerns with the proposal within the Information request issued to the applicant. Information Request response plans submitted by the applicant, dated 14 March 2024. Council officers have made further follow up requests in relation to landscaping and built form	

		and the most recent proposal plans to be approved by Council are dated 11 July 2024, which have been submitted by the applicant in response to Council's requests. All sets of plans, clearly dated, are available on Council's website.
	Lack of services, including sewer.	The applicant has sufficiently demonstrated that the proposal is able to connect to Council's reticulated sewer network. Sewer infrastructure will be provided through private lands and the applicant has supplied consent from the Department of Education for the sewer to be extended through Park Ridge State High School to connect to the subject site. The connection location will be within a portion of the Crest Road reserve which is currently part of the School's car parking area, and consultation with Council's Roads and Infrastructure team has confirmed support for this arrangement.
	Road widening should be required due to the upgrade of Crest Road.	The design associated with the proposed road widening and upgrade of Crest Road is not sufficiently progressed to inform any land dedication requirements for the site. The future widening of Crest Road could also be designed to be accommodated within the existing road reserve width. As a result, Council officers will not be requiring any land dedication towards the upgrade of Crest Road.
	Lack of need for additional Childcare centre places, with sufficient Childcare centres nearby and the immediate acreage area not experiencing significant population growth. All operating Childcare centres in the area are operating with vacancies in all age groups.	Council officers have considered the needs assessment reporting submitted by the applicant and the peer review undertaken has determined that there is a low economic need for the proposed 90 Childcare spaces at this time, however, a higher level of economic need will emerge by 2029. This is within the six year currency period that any approval that might be granted would have. The identified Catchment Area is experiencing strong population growth, with demand for at least one Childcare centre every year. Further to this, Council officers consider the subject site to have merit in terms of its location, adjoining Park Ridge State High School and within proximity to existing similar land uses, as well as major road corridors. With market forces expected to exist for additional Childcare centres in the future, any negative impacts that may result if the proposed Childcare centre were to proceed, will most likely be a delay in the opening of approved or future proposed Childcare centres, rather than result in significant negative impacts on the performance of existing facilities.

Reasons for decision	The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.	
	Assessment benchmark	Reasons for the approval despite non-compliance with benchmark
	AO1/PO1 of the Low density residential zone code and 6.2.5.2(3)(e)(i) Overall outcome.	<p>AO1 and PO1 state that the contemplated land uses for the Low density residential zone - Acreage precinct are identified in section 6.2.5.2(3)(e)(i) Overall outcomes for the Acreage precinct.</p> <p>The Overall outcomes of the zone code state that:</p> <p><i>e. in the Acreage precinct:</i></p> <p><i>i. land uses comprise Caretaker's accommodation, Dual occupancy (auxiliary unit), Dwelling house on a large single lot, Home-based business, Residential care facility, Retirement facility or Sales office;</i></p> <p><i>ii. the built form is characterised by Dwelling houses in a semi-rural landscape setting where the landscape or bush character dominates the built environment;</i></p> <p><i>iii. development has a maximum density of 2.5 dwellings per hectare;</i></p> <p>The Overall outcomes as stated above does not identify a Childcare centre as a contemplated use within the Acreage precinct of the Low density residential zone. However, the Purpose of the zone code identifies that community uses, and small-scale services, facilities and infrastructure, are contemplated in the Low density residential zone to support local residents.</p> <p>The Childcare centre seeks to establish 90 child spaces which is on the upper range of what could be considered 'small scale'; as a centre which is generally accepted as being approximately 80 spaces. In order to confirm if the proposal will meet the needs of local residents, the Applicant submitted a Childcare Needs Assessment as part of the application material, which was subject to several amendments. Council officers appointed a peer reviewer to provide an analysis of the recommendations of the Childcare Needs Assessment and subsequent follow up submissions submitted by the Applicant.</p>

		<p>Accordingly, the proposed development does not comply with AO1, PO1, the Overall outcomes or the Purpose of the Low density residential zone code, and the assessment has been escalated to the Strategic framework in terms of discussion in relation to the land use non-compliance, along with other relevant matters, including economic, community and planning need, have been considered in relation to the proposal.</p>
	AO5/PO5 of the Low density residential zone code	<p>The Applicant has submitted an acoustic report and has demonstrated the proposal will comply with the noise emissions criteria for residential amenity as specified within AO5, subject to providing acoustic barriers having a height of 1.8 metre high along the southern and eastern site boundary (specified to be height above top of retaining wall or driveway level, whichever is higher). The hours of operation will be between the hours of 6:30am and 6:30pm Monday to Friday.</p> <p>Approval conditions are recommended to be imposed on the development to ensure compliance with AO5, including the establishment of the recommended acoustic fencing, as well as limiting hours of operation as noted above. Conditions also recommended limiting loading, unloading, delivery activities and waste collection activities to occur only between 7.00am and 6.00pm, Monday to Friday (except public holidays).</p>
	AO8/PO8 of the Low density residential zone code	<p>AO8 does not include an acceptable outcome and as a result the proposal requires assessment against PO8. The proposed development is set away from the primary frontage being Lancewood Street, with the remaining portion of the site within the property frontage being retained with existing trees. The front portion of the site is also the nominated location for offset planting for mature trees proposed to be removed where the Childcare centre is to be constructed. Direct pedestrian access will be provided from the Lancewood Street frontage, which is located parallel with the vehicular driveway.</p> <p>The length of the proposed Childcare centre building will abut Crest Road to the north and has a length of approximately 54 metres. The outdoor play areas and landscape planter boxes will soften the appearance of the centre to the road frontage. The building being only single</p>

		<p>storey in height will not have a significant visual impact. Whilst upper building extent and roof line will be visible above fencing along the road frontages it will be appropriately articulated with differing roof treatments and a variety of cladding types are provided in contrasting colours.</p> <p>In response to the lack of direct orientation to the primary street frontage, the proposal does not satisfy Performance Outcome (PO8); however, where escalated to the Overall outcomes of the code, the relevant provisions relating to built form have been provided below.</p> <p><i>The purpose of the code will be achieved through the following overall outcomes:</i></p> <ol style="list-style-type: none"> a. <i>the design of the built form:</i> <ol style="list-style-type: none"> i. <i>is responsive to site characteristics, including the shape, frontage, size, orientation and slope;</i> ii. <i>ensures that its size and bulk is consistent with the character of the residential environment;</i> iii. <i>incorporates appropriate boundary clearances and building separation to protect and provide privacy for residents;</i> iv. <i>ensures it is easily and safely accessed;</i> v. <i>provides a <u>streetscape</u> that is attractive, pedestrian friendly and supports the precinct character;</i> b. <i>development protects amenity consistent with its location in the Low density residential zone and precinct and the surrounding area;</i> c. <i>development contributes to the visual amenity of the residential streetscape;</i> d. <i>development ensures that positive social and health impacts are enhanced and negative impacts are mitigated or avoided</i> <p>The proposed design of the Childcare centre will be responsive to the existing topography, and other site characteristics, having minimal slope across the site and not requiring significant earthworks at the site. The size and bulk of the building is considered to be compatible with the character of the area, due to the single storey nature, and the significant natural buffering created through the retention of the trees at the front of the site. The site immediate adjoins Park Ridge State High School which provides a more intensive character, with larger buildings being in immediate proximity to the site. Furthermore,</p>
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		<p>land to the north of Crest Road, immediate opposite the site is contemplated for higher density development. The site abuts an urban arterial road, which will be upgraded to a dual carriageway road in the future and also being proximity to the Mount Lindesay Highway, including on and offramp along with Park 'n' Ride facilities. It is expected that Childcare centre should accord with the existing and emerging character, with the more intensive residential densities intended to the north of the site and the existing School to the east of the site providing a more built up character than the acreage precinct. The development is able to achieve a consistent site coverage percentage across the entire site, with western portion of the site being retained in a relatively natural state, which contributes to softening the visual appearance to the streetscape. Additional street tree planting in the Crest Road reserve will assist to soften the built form from this road frontage.</p> <p>On this basis, the proposed development satisfies Performance Outcome PO8.</p>
	AO9/PO9 of the Low density residential zone code	<p>AO9 does not include an acceptable outcome and as a result the proposal requires assessment against PO9. The applicant provided a Landscape Concept Plan and Council officers have made amendments in red to include additional street trees along Crest Road. This is an interim arrangement prior to its ultimate upgrade to be carried out at an undetermined time in the future. The establishment of proposed landscaping at the site in terms of shade trees, screen planting and street trees, in conjunction with existing trees and rehabilitation trees, will soften the hardscape elements to the streetscape and create visual interest and a sense of place. Separate pedestrian access to the Childcare centre is being provided and existing footpaths are provided within the road frontages to facilitate connectivity within the local area. The development outcome at the site is considered by Council officers to accord with the character of the zone and precinct.</p> <p>On this basis, the proposed development satisfies Performance Outcome PO9.</p>
	AO15/PO15 of the Low density residential zone code	<p>AO15 does not include an acceptable outcome and as a result the proposal requires assessment against PO15. The existing character of the area adjoining the site does not</p>

		<p>reflect a bushland character which predominates the built form due to the existing State High School which adjoins the site to the east. However, the residential properties along Lancewood Street have a landscape character being on larger acreage style lots.</p> <p>The proposed built form of the Childcare centre is also reflective of this requirement. More specifically, the proposed Childcare centre will present in a generally similar form to a dwelling house, with a generally neutral colour palette, being only single storey, contain pitched rooflines, and is set away from the Lancewood Street frontage. The proposed Childcare centre building also provides a low site cover of 17.3%. The proposal includes new landscaping and retained trees and gardens, which will mitigate the visual impact of acoustic fencing, retaining walls and car parking areas to Lancewood Street. As the site does not naturally lend itself to having a bushland character, it will not have this character but the proposal will ensure landscaping predominates. The building length is in the order 53 metres, however, includes steps and recessions to break up the built form, with the bulk of the building set away from the Crest Road frontage behind outdoor play areas. Additional street trees provided in the Crest Road road reserve will assist with further softening blockwork fencing along the northern boundary. The undeveloped portion of the site addresses Lancewood Street will achieve intended landscape character to the residential street.</p> <p>In combination, all of these elements will ensure that the proposed Childcare centre presents as a small-scale development in the context of the surrounding area and will ensure the landscape character dominates.</p> <p>On this basis, the proposed development satisfies Performance Outcome PO15.</p>
	AO1/PO1 of the Childcare centre code	<p>AO1 sets out locational criteria for a Childcare centre. The subject site is located on a premises that adjoins an existing Educational establishment, being Park Ridge State High School; however is located within the Acreage Precinct of a Residential zone category. As a result, it does not comply with AO1(e), with items (a) to (d) applying to the proposal, and requires assessment against PO1.</p>

		<p>The Overall outcomes of the Low density residential zone do identify a Childcare centre as a contemplated use within the Acreage precinct of the Low density residential zone and this reinforces the requirements of AO1 of the Childcare centre code. The subject site adjoins the Park Ridge State High School therefore is in close proximity to an Educational establishment, despite being less convenient than a primary school relative to a childcare centre.</p> <p>The site is not located close to any shopping centres, with the Park Ridge Town Centre being located to the east of the Mount Lindesay Highway. An existing Childcare centre is located to the north-east of the site; however, despite this use and the state transport corridor infrastructure, most other amenities are located east of the site.</p> <p>Accordingly, the proposed development does not comply with AO1; however, does not entirely address PO1 of the code. Therefore, the assessment is escalated to the Overall outcomes or the Purpose of the Childcare centre code.</p>
	AO4/PO4 of the Childcare centre code	<p>AO4 does not include an acceptable outcome and as a result the proposal requires assessment against PO4. Performance outcome PO4 seeks to ensure the site is able to accommodate the needs for a Childcare centre, where having an appropriate size and shape, and to ensure that the use operates safely. The proposed Childcare centre only occupies part of the site, with the Lancewood Street frontage remaining landscaped, with existing and proposed trees to be planted. The Childcare centre is able to safely accommodate refuse collection, servicing and carparking at the site, with separated pedestrian access being provided, away from the Childcare building and associated outdoor play areas. The development complies with PO4 accordingly.</p>
	AO5/PO5 of the Childcare centre code	<p>AO5 does not include an acceptable outcome and as a result the proposal requires assessment against PO5. A clearly defined and separately located pedestrian footpath is proposed extending from the Lancewood Street frontage to the Childcare centre entrance. The proposal complies with PO5 accordingly.</p>
	AO6/PO6 of the Childcare centre code	<p>AO6 does not include an acceptable outcome and as a result the proposal requires</p>

		<p>assessment against PO6. The Childcare centre has been designed to include a variety of materials, treatments and colours on the elevations. These include a combination of weatherboard horizontal cladding, vertical panelling and brickwork generally in neutral or earthy colours. A low pitch of 3 degrees for the roof line is proposed but variation in the roof line is provided via the design of the parapet walls along the northern elevation. Incorporating landscape planters in the fencing along the Crest Road frontage is also a design element which will enhance the streetscape Overall, Council officers consider the development to comply with PO6.</p>
	AO8/PO8 of the Childcare centre code	<p>AO8 does not include an acceptable outcome, therefore, the proposal requires assessment against PO8. The proposed Childcare centre adjoins a residential property to the south; however, has been designed to protect the amenity of the adjoining residence. Acoustic fencing is to be provided to mitigate car parking and driveway noise and a 2 metre wide landscape buffer will be provided to create further visual screening. The building is single storey and with child activity areas oriented towards the north away from adjoining neighbour. As a result, no overlooking will occur as a result of the use. The proposed development complies with PO8 accordingly.</p>
	AO10/PO10 of the Childcare centre code	<p>AO10 does not include an acceptable outcome, therefore, the proposal requires assessment against PO10. The applicant submitted a Childcare Needs Assessment prepared by Location IQ as part of the application material, which was subject to several amendments. Council officers appointed a peer reviewer to provide an analysis of the recommendations of the Childcare Needs Assessment and subsequent follow up submissions submitted by the Applicant. Council's independent peer review concluded that need for the Childcare centre was not going to manifest until 2029, and Council officers had initial discussions with the applicant to require a delayed start as part of the development. However, after further representations from the applicant for a 2026 start date to be imposed, Council officers agreed to no delayed commencement limitations being imposed. Based on the date of decision, the future opening date for the centre will likely be similar to when the need emerges or with only a</p>

		<p>short intervening period. Based on peer reviewer's advice, the likely outcome of the commencement of this centre could be the delayed construction or opening of other approved centres in the catchment. However, overall, due to the strong population growth occurring within the broader Park Ridge area, and the fact that it is not always typical for approvals to be acted on in the sequence that they are approved, it is expected that there will be a very minimal impact to existing approved or future Code Assessable Childcare centres to be constructed in the area. As a result, Council officer accept that there is sufficient demonstrated need for the Childcare centre. The development is therefore, accepted as complying with PO10 of the code.</p>
	AO11/PO11 of the Childcare centre code	<p>AO11 does not include an acceptable outcome and as a result the proposal requires assessment against PO11. The proposed Childcare centre will have 90 child spaces which is close to the maximum sizes Council officers would consider to be constitute a 'small scale' centre. The number of child spaces proposed are considered to accord with a small-scale centre. Other aspects of the proposal that has the potential to impact on the adjoining residential neighbour will be appropriately mitigated. Sufficient car parking will be provided at the site. Therefore, the proposal complies with PO11 accordingly.</p>
	Section 9.3.1.2 (2)(a) of the Childcare centre code	<p>As a result of the proposed location of the Childcare centre not complying with PO1 of the Childcare centre code, the assessment is escalated to the Overall outcomes of the code. Section 9.3.1.2 of the Childcare centre code and Overall outcome 2(a) requires that:</p> <p><i>A Childcare centre is located and designed to:</i></p> <p><i>i. be conveniently and safely accessible;</i></p> <p>The proposed development is accepted as having a level of convenience associated with its location on a major road, which will be upgraded in the future as an Urban Arterial Road with a dual carriageway and being within proximity of State transport infrastructure, such as the Mount Lindesay Highway and the Park Ridge Park 'n' Ride. Also, with the site being sited next to an existing High School and being adjacent to an existing Childcare centre to the north east, the</p>

		Childcare centre will be in proximity to other existing community uses. Whilst the proposal will not be co-located with a primary school, which would be more convenient for parent with other children close in age, and with local shops being located on the eastern extent of the Highway, the site is still considered to be easily accessible and generally convenient given the other community uses nearby. Therefore, Council officers accept that the proposal complies with the Overall outcomes and Purpose of the Childcare centre 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/56/2023.

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

Yours faithfully,

Tonna Plail
A/Principal Planning Officer
Planning Assessment & Technical Services