

STATEMENT OF REASONS

(Notice about the decision given under section 63(4) of the *Planning Act 2016*)

APPLICANT DETAILS

Applicant name: Griffith Group One Pty Ltd
C/- Place Design Group

APPLICATION DETAILS

Application number: 19897/2021/MCU
Application type: Material Change of Use
Approval sought: Development Permit
Description of proposed development: Material Change of Use - Community Use (Child Care Centre)
Level of Assessment: Impact

SITE DETAILS

Street address: 102 and 104 Pine Mountain Road, BRASSALL QLD 4305
Real property description: Lot 10 on RP3267 and Lot 11 on RP862772

DECISION

Date of decision: 16 June 2022
Decision: Approved in full with conditions
Decision Authority: Full Council

1. Reasons for the Decision:

The reasons for this decision are:

- The application was properly made and followed the Development Assessment Rules in effect.
- The application was assessed against the applicable Assessment Benchmarks.
- The assessment manager, after carrying out the assessment, found that the development complied with the relevant Assessment Benchmarks applicable to the development.
- The development was not prohibited development under a categorising instrument or local categorising instrument.

2. Assessment Benchmarks

The following are the assessment benchmarks applying for this development:

Categorising Instrument	Assessment Benchmarks
State Planning Policy July 2017, Part E	Planning for liveable communities and housing Planning for economic growth Planning for environment and heritage Planning for safety and resilience to hazards Planning for infrastructure
Ipswich Planning Scheme 2006	Desired Environmental Outcomes and Performance Indicators (Part 3) Urban Areas Code (Part 4, division 3 and division 5 – Residential Low Density Zone) Parking Code (Part 12, division 9) Community Use Code (Part 12, division 12) Planning Scheme Policy 3 General Works Implementation Guideline No. 24 Stormwater Management

3. Compliance with Benchmarks

The application was found to comply with the assessment benchmarks applying to the development.

4. Relevant matters

IMPACT: The application's assessment gave regard to the following matters:

Relevant matter	Given regard to
Planning Regulation 2017, s31(1)(b)	(i) the strategic outcomes for the local government area stated in the planning scheme; and (ii) the purpose statement stated in the planning scheme for the zone and any overlay applying to the premises under the planning scheme.
Planning Regulation 2017, s31(1)(f)	any development approval for, and any lawful use of, the premises or adjacent premises; and
Planning Regulation 2017, s31(1)(g)	the common material.

5. Other Relevant Matters for development subject to impact assessment

The application's assessment gave regard to the following matter:

Relevant matter	Assessed against or had regard to
Economic need	Assessment had regard to the undersupply of child care places in the relevant catchment (Brassall and North Ipswich-Tivoli SA2s) as

	outlined in the applicant's supporting Economic Need Assessment and the demographic trends of demonstrated and substantial (50%) increase in population of 0-4 year old children in the Brassall and North Ipswich-Tivoli SA2s between the 2006 and 2016 Censuses.
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6. Matters raised in submissions for development subject to impact assessment

The following is a description of the matters raised in any submissions and how they were dealt with:

Matter raised	How matters were dealt with in reaching a decision
The proposed development will make an already unsafe traffic area (Pine Mountain Road and Clem Street intersection) more dangerous and will increase traffic congestion.	<p>The application is supported by a Traffic Report prepared and signed by a Registered Professional Engineer of Queensland (RPEQ) that demonstrates the proposed development will not adversely impact the local traffic environment or exceed the capacity of the existing intersection between Pine Mountain Road, Clem Street and Fahy Street.</p> <p>The Department of State Development, Infrastructure, Local Government and Planning in their capacity as the State Assessment and Referral Agency has assessed the impacts of the proposed development on the state-controlled Pine Mountain Road (including its intersection with Clem Street and Fahy Street) and has determined that it can proceed subject to conditions.</p>
There is an existing child care centre nearby at Clem Street and new childcare centre in this location will make it difficult for the existing child care centre to promote itself geographically.	<p>Following the commencement of the National Competition Policy (NCP) in 1995, all governments in Australia (including local governments) agreed to not make laws or decisions that would create unnecessary barriers to entry to a market or competition within a market.</p> <p>A decision preventing the establishment of the proposed development by virtue of an existing competitor would be inconsistent with the NCP.</p>
The proposed development provides inadequate parking for staff and customers.	The proposed development will be providing 25 parking spaces for staff and customers, which was supported by a Registered Professional Engineer of Queensland (RPEQ) that demonstrates the proposed number of car

	<p>parking spaces will be sufficient and will not generate result in impacts on the local traffic environment</p>
<p>The proposed development will adversely impact on residential amenity by way of noise.</p>	<p>The proposed development is supported by a Noise Impact Assessment that made specific recommendations on necessary acoustic treatments to ensure noise levels for nearby residential uses comply with the acoustic quality objectives for dwellings outlined in the <i>Queensland Environmental Protection (Noise) Policy 2019</i>.</p> <p>A condition will be included requiring the design and construction of all required acoustic treatments nominated in the Noise Impact Assessment.</p>
<p>There are already 4 existing and 1 approved child care centres in the area making it unviable to introduce another one, particularly since there is less population growth in the area compared to other parts of Ipswich.</p>	<p>The application is supported by an Economic Need Assessment which identifies there is current undersupply of child care places in the catchment and that the proposed development is unlikely to result in significant oversupply out to 2041.</p> <p>While population growth has been slower in both the Brassall and North Ipswich-Tivoli SA2s than in other places, Census data from the Australian Bureau of Statistics reveals that between 2006 and 2016 the population aged 0-4 in the Brassall SA2 increased from 499 to 915 (around 83%). The population of the same age cohort in the North Ipswich Tivoli SA2 increased more modestly over the same period from 425 to 478 (around 12%). The total increase of children aged 0-4 for the catchment is therefore 469 (around 50%) aged. While no data is currently available from the 2021 Census, these trends have likely continued and so there is a demonstrated growth in the number of children and families who may benefit from increased availability of child care places.</p>
<p>The existing houses appear to be Character homes and should not be able to be removed like houses on the northern side of Pine Mountain Road.</p>	<p>While the existing houses are traditional Queenslander-style buildings that appear to have been built before 1946, the site is not included in a Character Zone and the buildings themselves are not identified as Character Places in Schedule 2 of the Planning Scheme. As such, the Planning Scheme provisions relating the Character and the retention of pre-1946 buildings are not relevant assessment</p>

	benchmarks for the purposes of this application.
The proposed development will increase stormwater runoff and add to existing flooding impacts in the area.	The proposed development is supported by a Stormwater Management Plan prepared and signed by a Registered Professional Engineer of Queensland that details how increased runoff will be managed and addressed to ensure stormwater flows are no worse than those currently related to the site.
The proposed retaining wall along the western boundary will adversely impact on a significant established tree within an adjoining property.	The applicant has submitted an arborist report concerning the trees in the adjoining property and has revised the design of the proposed retaining wall and parking area along the southwestern boundary so that it will not adversely impact on them in line with the recommendations of the report.
Retaining walls should be located at least 600mm within private property.	There is no legal impediment to the construction of a retaining wall on the common boundary between two properties provided they will not create any common law nuisance. Additionally, the applicant has revised the proposed development so that existing trees in the property adjoining to the southwest will not be adversely impacted by the development.
Consideration should be given to the design of the acoustic fence to ensure an acceptable level of finish.	It is considered that a 1.8m tall lapped timber acoustic barrier is not visually distinct from a standard 1.8m timber paling fence. In addition, a condition will be included requiring the use of visually interesting materials and design features.
Consideration should be given to moving the entry to Pine Mountain Road and to modifying the current intersection into a proper roundabout.	<p>Pine Mountain Road (including the intersection with Clem Street and Fahy Street) is a state-controlled road and the Queensland Government is responsible for assessing the impact of development within the corridor and determining access and upgrade requirements.</p> <p>The Department of State Development, Infrastructure, Local Government and Planning in their capacity as the State Assessment and Referral Agency has assessed the impacts of the proposed development on the state-controlled Pine Mountain Road (including its intersection with Clem Street and Fahy Street) and has determined that it can proceed subject to conditions.</p>
The proposed retaining wall along the northwestern property boundary may have impacts on an adjoining carport where there is	Boundary encroachments relating the existing buildings are a private civil matter that requires resolution directly between landowners.

<p>an existing boundary encroachment onto the development site.</p>	<p>While the proposed retaining wall will run along the common boundary, it will be designed and certified by a Registered Professional Engineer of Queensland. The application was supported by a written statement from a structural Registered Professional Engineer of Queensland certifying that the proposed retaining wall could be designed and constructed so that the structural integrity of nearby adjoining buildings will not be adversely affected. Consequently, a condition will be included to ensure the design and construction of the retaining wall will not have adverse impacts prior to the issue of a subsequent operational works approval.</p>
<p>Location and impacts of rainwater tanks</p>	<p>While three of the proposed tanks (total length of 9.9m) will be located near to the existing residence adjoining to the northwest, it is considered that this arrangement is analogous to a contemporary residential property including a slimline water tank along the side boundary. Further, the proposed development will include an acoustic barrier at least 1.8m tall along this boundary. As such, it is not considered that the proposed rainwater tanks will result in unreasonable adverse visual or acoustic impacts on the adjoining property.</p>