

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/- Town Planning Alliance

APPLICATION DETAILS

Application number: 5636/2021/MCU
Application type: Material Change of Use
Approval sought: Development Permit
Description of proposed development: Community Use (Child Care Centre)
Level of Assessment: Impact

SITE DETAILS

Street address: 54-56 Arthur Summervilles Road, KARALEE QLD 4306
Real property description: Lot 22 RP 121008 TO DEPTH 22.86M

DECISION

Date of decision: 16 December 2021
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, or resolved a conflict between the benchmarks.
- 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	Urban Areas Code (Part 4) Large Lot Residential Zone Code (Part 4, Division 4) Development Constraints Overlays Code (Part 11, Division 4) Parking Code (Part 12, Division 9) Community Use Code (Part 12, Division 12) Planning Scheme Policy 3 General Works Planning Scheme Policy 5 Infrastructure Implementation Guideline No. 13 Provision of Electricity, Driveways and Crossovers, Footpaths, Kerb and Channel Implementation Guideline No. 21 Appropriate Visual and Acoustic Treatment of Roadways Implementation Guideline No. 24 Stormwater Management Implementation Guideline No. 28 Dispersive Soil Management

3. Compliance with Benchmarks

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

4. Relevant matters

The application was given regard to, the following matters:

Relevant matter	Given regard to
Planning Regulation 2017, s31(1)(d)	(i) The regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and (ii) the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in 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

Not applicable.

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
<p>Vehicular and Pedestrian Traffic</p> <ul style="list-style-type: none">• The proposed Child Care Centre development will have a detrimental impact on the surrounding road network, contributing to the existing congestion issue and increasing delays in the suburbs of Karalee and Barellan Point which only have one primary access point being the Warrego Highway and Mt Crosby interchange.• The traffic assessment submitted by the applicant does not consider how the proposed development will impact on traffic in the surrounding streets and suburb of Karalee which only has one major thoroughfare in and out.• During peak periods vehicles are queuing from the Karalee State School to the Warrego Highway and Mt Crosby Road interchange and onto the highway.• Council should not permit additional development until the Warrego Highway and Mt Crosby interchange is upgraded. The development would result in an increase in traffic at the interchange.• Arthur Summervilles Road, Elaine Street, Lillian Street and surrounding streets are already congested during Karalee State School pick up and drop off times. The development will contribute to congestion not only during drop off and pick up times but throughout the day.	<ul style="list-style-type: none">• The applicant has submitted a 'Traffic Impact Assessment' prepared by a RPEQ engineer which includes an assessment and analysis of the traffic impacts of the development on the local road network. Specifically, the 'Traffic Impact Assessment' stipulates the following:<ul style="list-style-type: none">– The 'Traffic Impact Assessment' includes a traffic count which was undertaken at the Arthur Summervilles Road/Elaine Street intersection between the hours of 6:30am and 6:30pm on Thursday 33 April 2021. The traffic count revealed that the AM peak period occurs between 8:00am and 9:00am and the PM peak period occurs between 4:30pm to 5:30pm.– Assuming the Child Care Centre reaches full capacity (100 children), a total of 80 vehicle trips (i.e. 40 arrivals and 40 departures) in the morning peak period and 70 vehicle trips (i.e. 35 arrivals and 35 departures) in the evening peak period.– This equates to approximately one (1) additional vehicle trip every two (2) minutes during peak periods based on a 2032 post-development forecast, which is not anticipated to have an impact on through traffic on Elaine Street or on the operations of the Arthur Summervilles Road/Elaine Street intersection.– The assessment includes an intersection and driveway capacity analysis using the anticipated vehicle trips and traffic count results which demonstrates that both the Arthur

<ul style="list-style-type: none"> • Drop off and pick up times for the Child Care Centre will coincide with Karalee State School drop off/pick up times increasing congestion during these times. • The Arthur Summervilles Road and Elaine Street intersection cannot cater to the additional vehicular movements that will occur if the development is approved. There are existing pedestrian crossings onto Arthur Summervilles Road and Elaine Street which also contribute to the congestion. • The development will increase traffic in the surrounding residential streets as commuters try and avoid the Arthur Summervilles Road and Elaine Street intersection. • The existing roads surrounding the development are too narrow and have not been upgraded over time to cater to population growth and increasing traffic demand which will only increase if the development is approved. • Service and waste collection vehicles accessing the development site will create additional congestion and result in delays. • Pedestrian routes are not provided in the car park to separate vehicle and pedestrian access. • Karalee State School offers before and after school care and activities such as swimming carnivals, Easter and Christmas parades and events, national holiday events, discos and parent/teacher nights which generate noise and traffic and impact residents. 	<p>Summervilles Road/Elaine Street intersection and site access driveway will be operating within acceptable capacity limits with limited queuing and delays, having regard to additional traffic generated by the development.</p> <ul style="list-style-type: none"> – The traffic generated by the proposed development can be accommodated for without any mitigation works required from a capacity perspective. <ul style="list-style-type: none"> • Relevant conditions have been included in the recommendation to ensure all waste collection and servicing occurs on the subject site. • The applicant is proposing to provide an internal pedestrian path which adjoins the internal car park and connects to the external footpath network in Elaine Street. The level of pedestrian connectivity proposed by the applicant is therefore considered appropriate. • Impacts on surrounding residents including traffic impacts as a result of the existing operations of the Karalee State School is not a planning matter Council can base its decision on. • A condition has been included in the recommendation requiring the applicant to provide a short right turn auxiliary lane (CHR) from Arthur Summervilles Road into Elaine Street in accordance with the Austroads Guide to Traffic Management Part 6.
<p>Infrastructure</p> <ul style="list-style-type: none"> • More and more development is occurring in the area without infrastructure needs being met. 	<ul style="list-style-type: none"> • The applicant has submitted a 'Traffic Impact Assessment' prepared by a RPEQ engineer which includes an assessment and

<ul style="list-style-type: none"> • The site is too small to accommodate a Child Care Centre in a congested area without the relevant infrastructure to accommodate it. • Council have not upgraded infrastructure in the area to facilitate an increase in commercial type developments whilst ensuring impacts on residents are minimal. • Much needed infrastructure upgrades have not been delivered to keep up with the traffic demand. Arthur Summervilles Road has not been designed to cater for the increase in residential development, let alone the increased traffic demand from the Child Care Centre. 	<p>analysis of the traffic impacts of the development on the local road network. Specifically, the 'Traffic Impact Assessment' stipulates the following:</p> <ul style="list-style-type: none"> – The assessment includes an intersection and driveway capacity analysis using the anticipated vehicle trips and traffic count results which demonstrates that both the Arthur Summervilles Road/Elaine Street intersection and site access driveway will be operating within acceptable capacity limits with limited queuing and delays, having regard to additional traffic generated by the development. – The assessment demonstrates that traffic generated by the proposed development can be accommodated for without any mitigation works required from a capacity perspective. <ul style="list-style-type: none"> • A condition has been included in the recommendation requiring the applicant to provide a short right turn auxiliary lane (CHR) from Arthur Summervilles Road into Elaine Street in accordance with the Austroads Guide to Traffic Management Part 6.
<p>Driveway Location</p> <ul style="list-style-type: none"> • The proposed driveway location onto Elaine Street instead of Arthur Summervilles Road is not appropriate. • The proposed driveway location onto Elaine Street will cause congestion and queuing in Elaine Street and Arthur Summervilles Road as vehicles wait to perform a right turn into Elaine Street. • Vehicles currently park on both sides of Elaine Street during school drop off/pick up times which will reduce visibility for vehicles entering and exiting the site via the proposed driveway. 	<ul style="list-style-type: none"> • The applicant has submitted a 'Traffic Impact Assessment' which includes an intersection and driveway capacity analysis using the anticipated vehicle trips and traffic count results which demonstrates that both the Arthur Summervilles Road/Elaine Street intersection and site access driveway will be operating within acceptable capacity limits with limited queuing and delays, having regard to additional traffic generated by the development. • There are existing 'no stopping' and 'pedestrian crossing' regulatory signs on either side of the pedestrian crossings on Arthur Summervilles Road and Elaine Street in accordance with relevant road safety standards which ensure vehicles parking in the streets will not obstruct

	<p>pedestrian movements or visibility.</p> <ul style="list-style-type: none"> • The submitted 'Traffic Impact Assessment' demonstrates that the proposed driveway and location comply with the relevant Australian Standard. • A condition has been included in the recommendation to ensure the waste bin storage area adjoining the proposed driveway does not obstruct pedestrian sight lines on exit in accordance with the relevant Australian Standard. • A condition has been included in the recommendation to ensure the driveway crossover is constructed in accordance with Council's standards.
<p>Car Parking</p> <ul style="list-style-type: none"> • The applicant is not proposing to provide enough car parking in accordance with the requirements of the Parking Code of the <i>Ipswich Planning Scheme 2006</i>. The shortfall in car parking will result in an increase in cars parking in the surrounding streets. • The applicant is proposing tandem car parking spaces for staff which will not be used as staff will park on the street. • The submitted 'Traffic Impact Assessment' states that a rate of 1 space per 4 children is acceptable based on applicable car parking rates in the Brisbane and Gold Coast local government areas. However, regard should be given to the location of both local government areas being more urbanised with better public transport links. Karalee is not well serviced by public transport routes and therefore employees and visitors will primarily use cars to travel to and from the Child Care Centre and therefore the correct number of car parking spaces should be provided. • There is already insufficient on-street car parking available near the Karalee 	<ul style="list-style-type: none"> • The Parking Code of the <i>Ipswich Planning Scheme 2006</i> requires 1 space per staff member (FTE) plus 1 space per 8 children. A condition has been included in the recommendation limiting the capacity of the Child Care Centre to 75 children as per the recommendations of the IDRP report submitted to Council on 28 October 2021. Therefore, a total of ten (10) car parking spaces are required for visitors in accordance with the Parking Code. • The applicant has not indicated how many full time employees (FTE) are required based on the reduced capacity of the Child Care Centre. A condition has therefore been included in the recommendation requiring ten (10) car parking spaces for visitors and seventeen (17) spaces for full time employees (FTE) unless the applicant provides details on the number of staff (FTE) including office and support staff required to service the Child Care Centre with a maximum capacity of 75 children. • A condition has been included in the recommendation requiring the applicant to undertake roadworks along both Elaine Street and Lillian Street to ensure the development is serviced by concrete kerb and channel and footpath infrastructure in

<p>State School. The development will reduce the availability of on-street car parking spaces in the surrounding streets.</p> <ul style="list-style-type: none"> • The construction of a driveway crossover onto Elaine Street will reduce the number of available on-street car parking in Elaine Street. • The developer has only provided car parking spaces for full time staff and not casual employees who will have to park in the surrounding residential streets which don't have appropriate drainage or kerb and channel (e.g. Lillian Street and Wenona Street). • The developer fails to address the parking needs of part time, auxiliary and administration staff, and service vehicle parking as part of their proposal. • Parking spaces for service and waste collection vehicles has not been provided on-site. 	<p>accordance with Council's standards.</p> <ul style="list-style-type: none"> • A condition has been included in the recommendation requiring the applicant to submit amended proposal plans which include a parking space for service vehicles.
<p>Persons with a Disability</p> <ul style="list-style-type: none"> • The applicant has not addressed how the Child Care Centre will cater to children with disabilities. 	<ul style="list-style-type: none"> • Conditions have been included in the recommendation to ensure adequate access and car parking is provided for persons with a disability in accordance with the requirements of the <i>Ipswich Planning Scheme 2006</i>. • Notwithstanding Council's requirements, the Child Care Centre operator will need to comply with relevant legislation and regulations applicable to Child Care Centres including any requirements of the National Quality Framework with respect to catering for children with disabilities.
<p>Safety</p> <ul style="list-style-type: none"> • The increase in traffic and congestion as a result of the proposed development poses a safety risk during school pick-up and drop-off times. • Pedestrian safety is a concern given the increase in traffic, on-street car 	<ul style="list-style-type: none"> • Relevant conditions have been included in the recommendation to ensure that all vehicles enter and exit the site in a forward gear. • There is existing 'no stopping' and 'pedestrian crossing' regulatory signs on

<p>parking and pedestrian movements.</p> <ul style="list-style-type: none"> • The increased traffic as a result of the development will put young lives at risk. The pedestrian crossing on Elaine Street is unmanned and vehicles parking on either side of Elaine Street will reduce visibility and creating blind spots which is a safety concern. • There have already been incidents outside the school associated with traffic flow. • The movement of service and waste collection vehicles poses a safety risk to children and the public as there is no way to regulate when these vehicles access the site. • The suggestion from Council to consider Lillian Street as an option for access does alleviate safety concerns for children. • There is only one route out of Karalee via Arthur Summervilles Road and Junction Road which both flood. • Money should not be a priority over the safety of children. 	<p>either side of the pedestrian crossings on Arthur Summervilles Road and Elaine Street in accordance with relevant road safety standards which ensure vehicles parking in the streets will not obstruct pedestrian movements or visibility.</p> <ul style="list-style-type: none"> • Service and waste collection vehicles are required to operate within the conditioned hours of operation, being Monday to Friday 6:30am-6:30pm. • The applicant has submitted swept paths which demonstrate that a waste collection vehicle can enter and exit the site in a forward gear. • A condition has been included in the recommendation to ensure the waste bin storage area adjoining the proposed driveway does not obstruct pedestrian sight lines on exit in accordance with the relevant Australian Standard. • The subject site is not flood affected and has flood free access in the event of a flood. • Financial factors are not planning matters Council can base its decision on and the safety of children has been considered as part of Council's assessment.
<p>Noise</p> <ul style="list-style-type: none"> • Karalee is semi-rural and the noise of 100 children at 6:00am in the morning is not welcoming and will have a significant impact on surrounding residents, exceeding the existing noise impacts experienced due to Karalee State School and the existing Child Care Centre on Arthur Summervilles Road. • Karalee State School offers before and after school care and activities such as swimming carnivals, Easter and Christmas parades and events, national holiday events, discos and parent/teacher nights which generate 	<ul style="list-style-type: none"> • The applicant has submitted a 'Noise Impact Assessment' which demonstrates that the development will not have a detrimental impact on the amenity of nearby residents with respect to noise, subject to the applicant incorporate relevant noise reduction design features. Specifically, a condition has been included in the recommendation to require the applicant to provide a 2.0m high acoustic barrier along part of the southern property boundary and southern end of the proposed car park and staff courtyard and services area in accordance with the recommendations the assessment.

<p>traffic and noise and impact residents.</p> <ul style="list-style-type: none"> • The surrounding streets are quiet suburban streets, and the proposed commercial scale development will only increase noise impacts on surrounding residents. • The Child Care Centre would generate noise for 12 hours daily with no respite from the noise even on school holidays. • Service and waste collection vehicles will result in an increase in noise levels which has not been considered as part of the submitted 'Noise Impact Assessment'. • It has not been demonstrated how the sewerage holding tanks can be emptied during the hours of operation. If collection were to occur outside the hours of operation, it would be considered noise pollution, which has not been considered in the submitted 'Traffic Impact Assessment' or 'Noise Impact Assessment'. • There is no guarantee that the developer will provide adequate fencing along the southern property boundary to reduce noise impacts on the adjoining residents. • Vehicle noise monitoring was undertaken between 22 February 2021 to 3 March 2021. The monitoring should be undertaken during the winter months as insect noise is greater in summer. 	<ul style="list-style-type: none"> • Standard conditions for acoustic treatments have also been included in the recommendation with respect to the use of outdoor public address systems, amplified or live music, play equipment, metal grilles/plates and mechanical plant and equipment. • Conditions have been included in the recommendation to ensure the Child Care Centre operates between the hours of Monday to Friday 6:00am and 7:00pm in accordance with the recommendations of the submitted 'Noise Impact Assessment'. • Service and waste collection vehicles including the on-site effluent collection vehicle are required to operate in accordance with the recommendations of the 'Noise Impact Assessment' and within standard day-time hours, being Monday to Friday 7:00am-6:30pm. • Impacts on surrounding residents including noise impacts as a result of the existing operations of the Karalee State School is not a planning matter Council can base its decision on. • Insect noise would have been taken into consideration as the applicant's acoustic consultant has undertaken modelling in accordance with Australian Standard 1055.1-1.
<p>Odour</p> <ul style="list-style-type: none"> • The odour from the on-site effluent system will adversely affect the surrounding residents every time the effluent is collected. • The applicant has not demonstrated how odour emissions from on-site effluent collection will not affect the 	<ul style="list-style-type: none"> • In order to mitigate any odour impacts on nearby residents, the applicant is proposing the following: <ul style="list-style-type: none"> - The tanks are proposed to be located as far away as practicable from the adjoining residents to the south. - A holding tank venting system is to be

<p>amenity of surrounding residents.</p> <ul style="list-style-type: none"> • When the tanks servicing Karalee State School are pumped, the smell travels some distance, and it is anticipated that the tanks for the Child Care Centre will have the same impact. • The effluent tanks and waste collection bins are proposed to be located within close proximity to the southern property boundary, adjoining existing residents which will have a direct odour impact on the bedrooms located along the northern side of the dwelling on the adjoining site. • The effluent tanks should be appropriately located to reduce odour impacts on all residents. • An independent odour assessment should be undertaken by a company not associated with the developers. 	<p>installed and sealed hatchets are to be used for the holding tanks to ensure any odours are vented via the release point.</p> <ul style="list-style-type: none"> - Transfer of sewage from the holding tanks to the waste collection vehicle will be via a an in-tank pump system minimising any potential noise emissions and odour emissions. - The waste collection vehicle parking area is to be bunded to contain any spills with a diversion valve directing any spills back to the underground tanks. • A condition has been included in the recommendation which requires the applicant to provide a holding tank venting system and to submit a 'Sewage Management Plan' to ensure any odour and noise impacts are appropriately managed. • The applicant will be required to submit a certificate of compliance prior to the commencement of the use from an independent and suitably qualified air quality consultant demonstrating that the relevant Australian Standard has been complied with respect to holding tank ventilating system.
<p>On-site Effluent System</p> <ul style="list-style-type: none"> • It has not been demonstrated how the sewerage holding tanks can be emptied during the hours of operation. • There is insufficient room available on site to facilitate the safe collection of on-site effluent. • The amount of effluent that will be produced by a Child Care Centre with capacity for 100 children and staff is better suited to a site serviced by reticulated sewer. • Locating a 100 children and staff on a lot serviced by on-site effluent is concerning. 	<ul style="list-style-type: none"> • In order to mitigate any odour impacts on nearby residents, the applicant is proposing the following: <ul style="list-style-type: none"> - The tanks are proposed to be located as far away as practicable from the adjoining residents to the south. - A holding tank venting system is to be installed and sealed hatchets are to be used for the holding tanks to ensure any odours are vented via the release point. - Transfer of sewage from the holding tanks to the waste collection vehicle will be via a an in-tank pump system minimising any potential noise emissions and odour emissions. - The waste collection vehicle parking area is to be bunded to contain any spills with a diversion valve directing any spills back to the underground tanks.

	<ul style="list-style-type: none"> • A condition has been included in the recommendation which requires the applicant to provide a holding tank venting system and to submit a 'Sewage Management Plan' to ensure any odour and noise impacts are appropriately managed. • The applicant will be required to submit a certificate of compliance prior to the commencement of the use from an independent and suitably qualified air quality consultant demonstrating that the relevant Australian Standard has been complied with respect to holding tank ventilating system.
Location <ul style="list-style-type: none"> • There are more appropriate locations for the proposed Child Care Centre in Karalee and surrounding suburbs which are serviced by reticulated sewer, and where the development wouldn't have a detrimental impact on the amenity and safety of adjoining residents or traffic and car parking. • The location suits the developer and not the residential community which will be impacted by the development in the long term. • The development would not have been considered if the address for the property was on Elaine Street as Elaine Street is not a main road. 	<ul style="list-style-type: none"> • The development application has been assessed against the relevant assessment benchmarks having regard to the location and characteristics of the subject site. • The property address is not a planning matter Council can base its decision on. Proposed access for the development onto Elaine Street has been considered as part of the assessment of the application.
Large Lot Residential Zone <ul style="list-style-type: none"> • The property is located in a residential zone and those neighbouring the property or within close proximity purchased their properties in good faith, expecting that the lot would be used for residential purposes. • The site is currently zoned Large Lot Residential and is surrounded by residential housing. The site is not suitable for a commercial development such as a Child Care Centre. 	<ul style="list-style-type: none"> • The proposal complies with the specific outcomes sought for non-residential uses in the Large Lot Residential Zone. Specifically: <ul style="list-style-type: none"> - The proposed Child Care Centre will be fulfilling a local community need as demonstrated by the submitted 'Economic Needs Assessment' prepared by the applicant and the review undertaken by the Independent Decision Review Panel (IDRP). - The proposed Child Care Centre will be co-located with another non-

<ul style="list-style-type: none"> • The proposal is not consistent with the character of surrounding properties and will have adverse impacts on the surrounding community and environment. • The locality is already serviced by a School and several Child Care Centres. The addition of another non-residential use will further detract from the intent of the zone. 	<p>residential use, i.e. Karalee State School and will be easily accessible to the population it serves.</p> <ul style="list-style-type: none"> - The applicant has demonstrated through various technical reports that the proposed development will not have a detrimental impact on the amenity of nearby residents through the generation of odours, noise, waste production, traffic or lighting. - The proposed Child Care Centre is a single a storey building which is commensurate with the bulk and scale of a residential dwelling.
<p>Compliance with the <i>Ipswich Planning Scheme 2006</i></p> <ul style="list-style-type: none"> • The proposal does not comply with the relevant planning scheme provisions. 	<ul style="list-style-type: none"> • The proposal generally complies with or has been conditioned to comply with the requirements of the <i>Ipswich Planning Scheme 2006</i>.
<p>Landscaping</p> <ul style="list-style-type: none"> • There is insufficient area available on the site to allow for the Child Care Centre development to be provided with sufficient landscape buffers. • There is no buffer provided to the residential property to the south which does not comply with the Community Use Code of the <i>Ipswich Planning Scheme 2006</i>. The report submitted by the applicant states that the proposal complies, yet an outdoor play area is proposed within the setback, not landscaping. • In accordance with the Community Use Code, 'landscape buffers with a minimum width of 10 metres are provided to the side and rear boundaries where the site abuts land in a residential zone'. The submitted proposal plans do not illustrate that a sufficient buffer is proposed. • The area between the proposed Child Care Centre and southern property is boundary is unlikely to be maintained by the developer and will become an eyesore. 	<ul style="list-style-type: none"> • A condition has been included in the recommendation requiring the applicant to provide a minimum 5.0m wide landscape buffer along the entire southern property boundary (which will ensure the Child Care Centre building, car park and outdoor play area are also setback 5m). The proposed landscape buffer is considered reasonable in this instance to demonstrate that the location of the Child Care Centre building and outdoor play areas will not have a detrimental impact on the amenity of residents to the south. Specifically, appropriate fencing including acoustic fencing and landscaping along the southern property boundary will ensure the amenity and privacy of the adjoining residents is maintained.
<p>Boundary Fencing</p>	

<ul style="list-style-type: none"> There is no guarantee that the developer will work with the adjoining land owner to the south to provide adequate fencing. 	<ul style="list-style-type: none"> The applicant is required to provide a 2.0m high acoustic along part of the southern property boundary and along the southern boundary of the car park and staff courtyard/services area in accordance with the submitted 'Acoustic Impact Assessment'. A condition has been included in the recommendation which requires the applicant to provide a 1.2m high pool style fence for the remainder of the southern property boundary unless otherwise approved in writing by Council and in consultation with the adjoining land owner.
Privacy and Residential Amenity <ul style="list-style-type: none"> The development will result in a lack of privacy for surrounding residents. Consideration needs to be given to the impacts of the development on long term residents and their living conditions. The development will have a direct impact on surrounding residents which want to live in peace and quiet and have their privacy maintained. The proposed two (2) storey Child Care Centre would result in overlooking into surrounding homes. 	<ul style="list-style-type: none"> The proposed Child Care Centre is a single storey building which is commensurate with the bulk and scale of a residential dwelling. Relevant conditions have been included in the recommendation to ensure privacy fencing is provided along the southern property boundary to maintain the privacy of the adjoining residents.
Environment <ul style="list-style-type: none"> The developer has no respect for the environment or environmental impacts as they have undertaken clearing and earthworks prior to obtaining a development permit. Council fines need to be sizeably increased to ensure Council regulations and processes are followed prior to clearing being undertaken. 	<ul style="list-style-type: none"> Previous vegetation clearing on the subject site is a separate matter and has not been considered as part of the assessment of this application as the site is currently clear of any vegetation. Conditions have been included in the recommendation to ensure landscaping incorporates native, non-invasive plant species.
Rubbish <ul style="list-style-type: none"> The development will result in extra rubbish ending up in residents' yards on top of the rubbish generated from the school. 	<ul style="list-style-type: none"> Relevant conditions have been included in the recommendation to ensure waste is appropriately stored and collected from the site.
Crime <ul style="list-style-type: none"> The Child Care Centre would increase 	<ul style="list-style-type: none"> As far as practicable, the design of the

<p>crime in the area by attracting opportunistic criminals and vagrants when the Child Care Centre is vacant.</p>	<p>proposed Child Care Centre provides opportunities for casual surveillance from the building to the street.</p> <ul style="list-style-type: none"> • Conditions have been included in the recommendation to ensure front fencing is 1.2m high pool style fencing to enable some outlook to the street where possible to achieve safety and surveillance.
<p>Property Values</p> <ul style="list-style-type: none"> • The development will have a negative impact on property values for properties within close proximity to the development. 	<ul style="list-style-type: none"> • The impact of the development on property values is not a planning matter Council can base its decision on.
<p>Public Notification</p> <ul style="list-style-type: none"> • There was no publication in any local newspaper that distributes to any of the homes that would be directly impacted by the development, i.e. no one in Elaine Street, Oxley Drive or Arthur Summervilles Road received a paper with the development listed. 	<ul style="list-style-type: none"> • The applicant submitted a notice of compliance confirming that public notification was undertaken in accordance with the requirements of the <i>Planning Act 2016</i>.
<p>Existing Child Care Centres and School/s</p> <ul style="list-style-type: none"> • The development of a Child Care Centre a few metres from an existing Child Care Centre and the Karalee State School is unnecessary. • There are already three existing Child Care Centres within 1-2 minutes' drive from Karalee State School which should be sufficient to meet the needs of the community and those who have children enrolled at Karalee State School. • The development will not cater to older children. Karalee State School is near capacity with no plans to expand. There are also no plans for a high school. • As the development application takes into account land that has not yet developed, another Child Care Centre in this area will detract from existing businesses that employ locally and will affect occupancy and staffing levels, thus affecting the jobs of existing employees. 	<ul style="list-style-type: none"> • The 'Economic Needs Assessment' submitted by the applicant and review undertaken by the Independent Decision Review Panel (IDRP) demonstrates that proposed Child Care Centre will be fulfilling a local community need. • Employment decisions made by Child Care Centre operators is not a planning matter Council can base its decision on.

<ul style="list-style-type: none"> It is important to protect existing businesses that employ locally instead of allowing commercial development to occur which isn't needed in the area. 	
<p>Economic Needs Assessment</p> <ul style="list-style-type: none"> The submitted needs assessment takes into account developments that have not been approved which is not standard practice and should be removed from the assessment as the developments may not be undertaken. Standard practice is to use existing growth rates for the area, not perceived or projected growth rates. Currently there are five Child Care Centres in Karalee, two are located on Arthur Summervilles Road, and a third is accessed from Harold Summervilles Road. None of these Child Care Centres are full and by introducing a 100 place Child Care Centre, these businesses which are family owned and operated and employ local residents will be adversely affected by the incorrect needs assessment submitted by the applicant. 	<ul style="list-style-type: none"> The 'Economic Needs Assessment' submitted by the applicant and review undertaken by the Independent Decision Review Panel (IDRP) demonstrates that proposed Child Care Centre will be fulfilling a local community need.
<p>Assessment Process</p> <ul style="list-style-type: none"> The application should collectively be determined by Council's elected representatives via the Growth, Infrastructure and Waste Committee and at a full Council meeting, rather than delegated to a Council officer to make. This will ensure the <i>Local Government Act 2009</i> principles of democratic representation and transparent and effective decision making in the public interest are enacted. This also aligns with Council's 'Framework for Development Applications and Related Activities'. 	<ul style="list-style-type: none"> A total of 280 properly made submissions were received during the public notification period of the application and therefore the application will be decided by full Council at the Growth, Infrastructure and Waste Committee or Council Ordinary Meeting in accordance with Council's 'Framework for Development Applications and Related Activities Policy'.