

Development Application	5636/2021/MCU
Application Description	Material Change of Use – Community Use (Child Care Centre)
Location	54-56 Arthur Summervilles Road, KARALEE QLD 4306
Owner	Cherish Enterprises Pty Ltd
Applicant	Griffith Group One Pty Ltd
Reason for Referral	Contentious application receiving >50 submissions
Panel Members	Kate Isles – Planning (Chairperson) Shelley McCormack – Economics Dale Kleimeyer – Traffic

EXECUTIVE SUMMARY

This is a report concerning an application seeking approval for a Material Change of Use – Community Use (Child Care Centre) over land at 54-56 Arthur Summervilles Road, Karalee.

The subject application requires determination by Council in accordance with the Framework for Development Applications and Related Activities Policy as more than 20 properly made submissions objecting to the proposed development were received. Accordingly, the application is considered to be a Sensitive Development Matter.

The proposed development has been assessed with regard to the applicable assessment benchmarks. A public hearing involving the applicant, submitters, council officers and Mayor and Councillors was held Thursday, 14 October 2021.

As a result of the assessment and having regard to the submissions (as further explained in the public hearing) the IDRPs recommendation is ***to agree with the proposed Council recommendation to approve the development application, subject to changes or inclusion of additional conditions.***

PANEL REVIEW

The panel is exercising its functions as per the terms of reference have taken into consideration the following:-

1. Public notification and submissions received;
2. Public hearing;
3. Review of the Officer's Recommendation; and
4. The relevant legislation and planning scheme.

Public Notification and submissions received

The Panel understands that based on the common materials available that the application was subject to Impact assessment which was carried out between 25 May 2021 and 17 June 2021. During this time 280 properly made submissions were received. It is further noted that a petition was also tabled with council containing approximately 858 signatures.

The Panel is satisfied that the public notification was carried out as required.

It is noted that of the submissions received the following were the main matters raised:-

- Conflict with the Planning Scheme
- Demonstration of Need
- Traffic

Other matters were also raised including acoustic, landscape treatment, odour, on-site effluent treatment, and impacts on amenity.

The submissions section of the Officer's report provides an overview of the matters raised by the submitters and the assessment undertaken. As elaborated on further, it is the Panel's view that further consideration of the matters raised in the submissions is warranted.

Public hearing

The Panel members attended and chaired the Public hearing held on 14 October 2021. Presentations from both applicant and submitter were provided. The Panel notes and publicly stated the quality of the presentations provided and commended presenters on the succinct and concise approach to the relevant matters by both sides. It is noted that four members of the community spoke in the submitter presentation. There were approximately 50 people in attendance at the session.

The Panel noted that the Public hearing provided further valuable context on matters already under review. The Public hearing was an important and effective platform and has informed the Panel's recommendation.

Review of the Officer's Recommendation

The Panel has undertaken a full review of the Officer's report. As detailed further under Panel Comments aspects of the application are considered to require further consideration.

Panel Comments

The Panel has formed the view that the key matters for consideration include:-

1. Demonstration of Local Community Need as per S03 of the Large Lot Residential Zone code;
2. Provision of appropriate Landscape Buffer as per 12.12.4 of the Community uses code;
3. Demonstration that the site can be appropriately serviced by a heavy rigid vehicle which is required for the purpose of effluent disposal;
4. Demonstration that the internal carparking layout is compliant with relevant standards; and
5. Demonstration that a short right turn auxiliary lane (CHRs) into Elaine Street from Arthur Summervilles Rd is compliant with relevant standards

IDRP Comment – Demonstration of Local Community Need

An 'Economic Needs Assessment' was submitted by the applicant which identified a current undersupply of 46-72 child care places in the Main Trade Area in 2021 which increases to 121-146 child care places in 2041.

The Panel's review has been informed by the material provided in the assessment benchmarks, properly made submissions (and further explained during the public hearing) and consideration of relevant data sources to inform the assessment, including the Australian Bureau of Statistics (2016 Census data and estimated resident population estimates post Census), official population projections prepared by the

Queensland Government's Statistician's Office, details regarding existing child care facilities from the Australian Children's Education & Care Quality Authority (ACECQA) and service enrolment data from the Queensland Government's Early Childhood Education and Care Census.

In undertaking an assessment of economic need for a proposed child care centre (otherwise referred to as a long day care centre), consideration is given to the following factors:

- Geographic definition of the main trade area (or catchment) for the proposed child care centre, taking into consideration a number of factors, including:
 - Existing and proposed road network;
 - Natural/artificial or psychological barriers that may hinder perceptions of convenience and accessibility;
 - Primary school main trade area boundaries;
 - Location of competitive child care centres (existing and approved);
 - Australian Bureau of Statistics geographies for which Census data is available. Given that child care centres service a local need, main trade areas are typically defined based on SA1 or SA2 boundaries;
- Socio-economic characteristics of the main trade area to inform assumptions relating to the incidence of children utilising child care services within the main trade area;
- Population estimates and projections by age cohort (i.e. children aged 0-4 years as this represents the key cohort for child care services);
- Existing and approved child care supply within the main trade area, including consideration of both quantitative (e.g. number of places at each centre) and qualitative factors (e.g. National Quality Service rating). This assessment is limited to identification of existing and approved facilities that operate as a long day care centre and provide care to children from 0 years of age, and excludes facilities such as family day care and kindergarten services that are not provided in a long day care setting (e.g. C&K facilities that operate limited hours and do not provide care outside of the school term);
- Sources of demand for child care places at the subject site, i.e. whether the proposed child care centre will predominately cater to the needs of local residents or whether it will source significant enrolments from beyond the defined main trade area (which can be the case for child care centres located in proximity to major employment centres). This assessment is informed by consideration of service enrolment data, which is available at the SA2 level and above for the 2016 to 2020 period. As with the supply assessment, the demand assessment considers demand only for long day care services and excludes the demand for alternative options such as family day care and kindergarten services; and
- Impact on the proposed child care centre on existing and approved child care centres, including whether the proposed development is anticipated to lead to the potential closure of existing facilities or delay/defer the development of approved child care facilities.

The Location IQ report has considered the factors outlined above, but our review has identified the following shortcomings:

- Projected population: The Location IQ report contends that the population of the main trade area is projected to increase from 9,650 persons in 2020 to 13,810 persons in 2041. Whilst the Location IQ report has marginally understated the 2020 population (ABS estimated resident population data released subsequent to the completion of the report in February 2021 indicates a main trade area population of 9,739 persons), we are of the view that the main trade area population would be lower at 12,989 persons by 2041;
- Projected 0-4 year population: The Location IQ report anticipates the 0-4 year population within the main trade area would increase from 614 persons in 2020 to 812 persons in 2041. Our review suggests that whilst the 0-4 year population in 2020 is again marginally understated (ABS data identifies 625 children aged 0-4 years in the defined main trade area), the 0-4 year population would be lower at 766 children by 2041;
- Demographic characteristics: We note that the Location IQ report does not consider labour force

characteristics in their demographic overview of the main trade area, which are key drivers influencing participation in child care. Our review identifies that the main trade area is characterised by a significantly higher incidence of full time employment and higher levels of labour force participation by both males and females relative to the state average. These characteristics are indicative of higher than average demand for child care places, which is consistent with the Location IQ assessment;

- Participation in child care: The Location IQ assessment has assumed that 60% of children aged 0-4 years within the main trade area would utilise child care services throughout the projection horizon. This represents an optimistic assumption for the defined main trade area. The review has assumed that the proportion of 0-4 year olds in child care in the main trade area is currently 55% and increases to 60% by 2031;
- Allowance for children aged 5 years: The Location IQ report has assumed that 10% of children at child care services are 5 years of age, whereas it is generally accepted that the 5 year age cohort represents 6% of children at child care services. The review has adopted the assumption that 6% of children at child care services are 5 years of age;
- Net outflow of enrolments: The Location IQ report has assumed no net outflow of enrolments, which is unusual for an area which is predominately residential in nature. Typically, parents opt to place their children at a child care centre that is either close to their place of residence, close to the school at which older sibling/s attend or close to their place of work. The peer review assumes net leakage of 10% of locally generated demand.

In assessing the economic need for child care places, a target occupancy rate of 70% to 80% is adopted across the defined main service area, with this occupancy rate representing a balance of supply and demand that provides choice and availability whilst at the same time ensuring centres remain viable and can meet service standards.

Based on a target occupancy rate of 70%, the need for child care places within the main service area is currently limited to 37 places, increasing to 71 places by 2026.

It is noted Specific Outcome SO3 (Non-Residential uses) of the Large Lot Residential Zone Code identifies *"each non-residential use fulfils a local community need; and is accessible to the population it serves..."*. In recognition of the assessment benchmarks, it is the panel's view that the development should be limited to a maximum of 75 places to ensure the non-residential use fulfils a local community need only and will be accessible to the (local) population it serves.

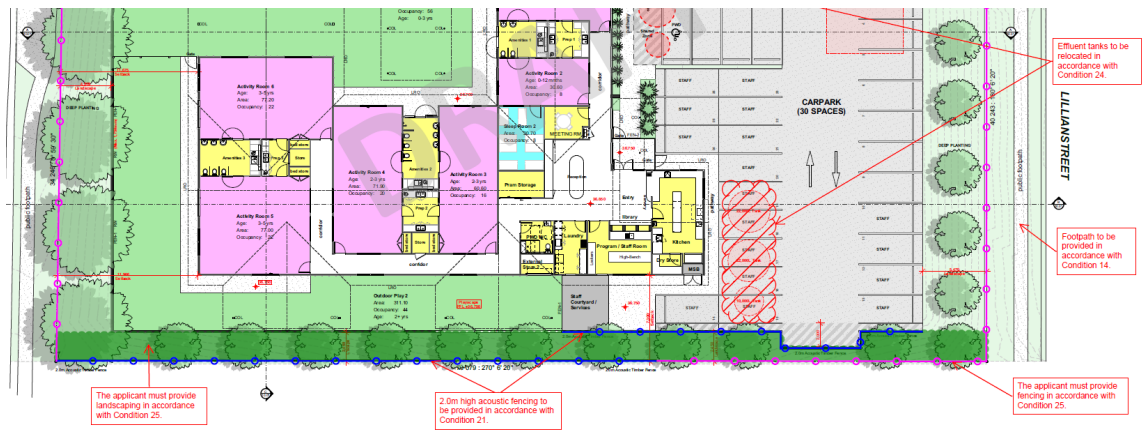
This would necessitate a change to proposed condition 6 (limits of approval) which currently sets a 100 children limit. In addition, the reduction in the maximum number of places may necessitate (or warrant) further design changes by the applicant and as such it may be prudent to seek for these changes prior to a decision on the application.

5.1. Assessment Manager Response

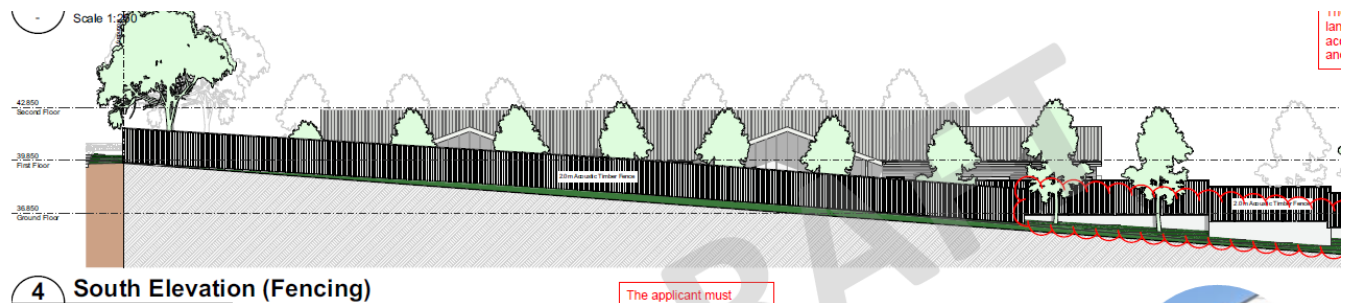
- **Assessment Manager to respond to any IDRPs commentary where necessary.**

IDRP Comment – LANDSCAPE BUFFER

Probable Solution 2(d) of the Community Use Code requires a minimum ten (10) metre landscape buffer for the proposed development because the site abuts land in a residential zone. The applicant is proposing a 2.46m wide landscape buffer (average width) along the southern boundary of the subject site which will be partially behind acoustic fencing (that will be 2m in height along the boundary). Refer site plan below.



Whilst play areas supplement the landscape buffer on this boundary it is noted the building (roof) extends out over these play areas effectively to the edge of the landscape buffer and therefore being setback 2.46m from the southern boundary. The outlook of the adjoining southern property is represented in the section below, with the outermost projection of the roof pitch being setback 2.46m.



It is noted Specific Outcome SO3 (Non-Residential uses) of the Large Lot Residential Zone Code requires non-residential uses to maintain a scale and appearance in keeping with the residential amenity and character of the locality with adequate buffering or screening to nearby residential uses. It is considered that the setback of 2.46m to the building and the 2.46m landscape buffer **is not** in keeping with the large lot residential amenity and character of the locality and that inadequate buffering is provided to the nearby residential use. The Panel also notes, that the landscape buffer requirements for other non-residential land uses outlined in the Community Use Code 2 (c) are a minimum of 4m (with this development proposing 2.46m).

It is the panel's view that the landscape buffer and accordingly the building setbacks should both be increased to a minimum of 5m with the landscaping increased to provide additional large shade trees within the buffer that screen the building at mature height. These changes would necessitate amendments to the proposal plans.

5.2. Assessment Manager Response

- Assessment Manager to respond to any IDRP commentary where necessary.

IDRP Comment – EFFLUENT DISPOSAL PUMP OUT

The development proposes to utilise holding tanks for effluent disposal which will be collected from the site via a truck. The tanks are to be located near to the northern boundary under the car park. The applicant proposes to install a holding tank venting system and sealed hatchets are to be utilized to ensure odours are vented via the release point. Council officers have conditioned a sewage management plan (draft condition 24) which requires additional details on the sewage arrangements.

It is understood the tanker pump out is to occur outside child care centre operating hours and may commence as early as 4am. The panel considers pump outs occurring this early as inappropriate for the locality and conditions should be included to ensure pump outs occur during trading hours or at other times which will not adversely affect amenity. In doing so consideration will be required to ensure that the service vehicle can undertake the works in the event there are cars parked in the designated car spaces.

5.3. Assessment Manager Response

- Assessment Manager to respond to any IDRП commentary where necessary.

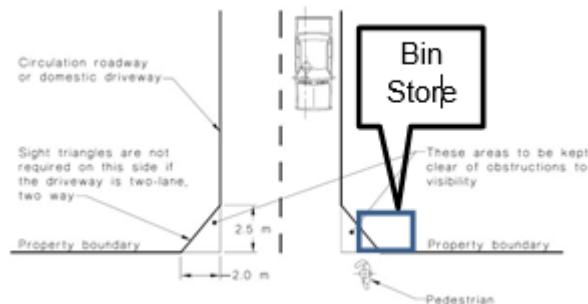
IDRP Comment – INTERNAL CARPARK LAYOUT

The Panel has undertaken a review of the internal carpark layout and raises a number of concerns with the layout as presented in the proposal plans. Specifically:-

- The driveway is offset from the car parking aisle and too narrow for simultaneous cars entering and leaving. The lane width available is not sufficient space for two B99 vehicles to pass. Car space 27 (red highlight) is therefore in a vulnerable position with no median kerb protection from the aisle. This is an unsafe outcome which should be reviewed and rectified.



- The bin store area partially obstructs pedestrian sight line on exit which is non-compliant with AS2890.1. This outcome should be reviewed and rectified.



- No turning bay has been provided which results in visitors entering to reverse out along the entire length of the aisle which is unsafe. This outcome should be reviewed and rectified.
- The current proposal plans and draft conditions (condition 11) require 17 staff car parking spaces to be provided. Whilst the applicant has provided spaces as per the nominated staff per each identified room, it is unclear if provision has been made for the actual number of staff servicing the entire development, which also include office and support staff such as the centre manager (typically based on-site), cook/chef and float staff (i.e. those staff who cover shifts during lunch breaks to ensure staffing

requirements in each room continue to be met). Based on earlier comments regarding the limitation of the size of the centre to 75 the number of car spaces should be reviewed and amended accordingly as part of revised plans.

- (e) There is no parking zone identified in the car park for a service vehicle and there is insufficient space with a service vehicle internal to the site to enter and leave in a forward gear.

The panel recommends that the internal car parking layout issues identified (a) – (e) above are reviewed and appropriately conditioned as part of the Officer's recommendation.

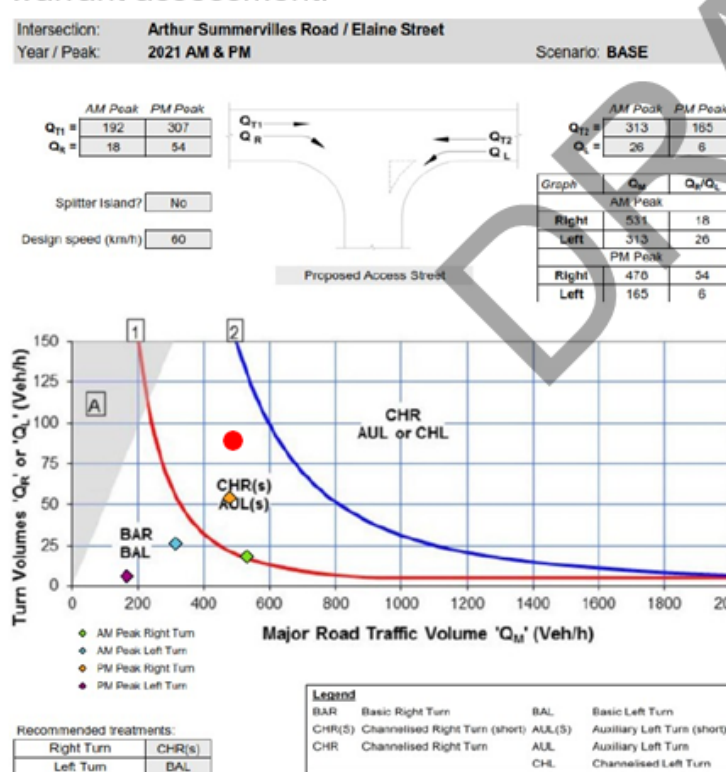
5.4. Assessment Manager Response

- Assessment Manager to respond to any IDRP commentary where necessary.

6. IDRP Comment – EXTERNAL ROADWORKS

The traffic report demonstrates the right turn from Arthur Somerville Rd South Approach into Elaine Street is 89 vehicles per hour (red dot on below extract). However, a lower value of 54 vehicles per hour has been used in QTraffic Turn Warrant Assessment. Extract from QTraffic Report as follows:

Extract from QTraffic Report 12 May 2021 turn warrant assessment.



The review of the traffic reporting by the Panel suggests this intersection requires a short right turn auxiliary lane (CHR). No provision for a short right turn lane has been made in the proposal and hence the development is not in accordance with Austroads Guide to Traffic Management Part 6. It is noted this intersection has also been the subject of a previous crash.

The Panel recommends a CHR(s) right turn lane be required in Arthur Somerville Road south approach, including a concept layout for future Operational Works approval.

6.1. Assessment Manager Response

- Assessment Manager to respond to any IDRPs commentary where necessary.

Overall, the Panel has formed the view that the proposal in its current form does not comply with the Ipswich Planning Scheme and associated standards. The Panel has been made recommendations specifically regarding the size of the centre, the servicing of the centre and the protection of adjoining amenity. As provided for under the *Planning Act 2016*, where there is identified non-compliance with the planning scheme, conditions can be imposed to satisfy the relevant assessment benchmarks.

The Panel is of the view that with appropriate conditions being imposed to limit the size of the centre, undertake roadworks and the provisions of amended plans the proposed Child care centre could achieve compliance with the Planning Scheme. In the event that revised conditions are not imposed as part of the Officer's Recommendation the Panel is of the view that the application as presented in its current form should be refused.

RECOMMENDATION

The Panel recommends that: *(select one option)*

- IDRPs agrees with the proposed Council recommendation, subject to change or inclusion of additional conditions or reasons for refusal.



Signature of IDRPs Chairperson

Name: Kate Isles

Discipline: Planning (Chairperson)



Signature of IDRPs Member

Name: Shelley McCormack – Economics

Discipline: Economics



Signature of IDRPs Member

Name: Dale Kleimeyer

Discipline: Traffic