

5 September 2024

F5Y Gladstone Pty Ltd
Care of Zone Planning
PO Box 5332
GLADSTONE QLD 4680

melissa@first5years.com.au

Dear Sir/Madam

**INFORMATION REQUEST
PLANNING ACT 2016 S68
DEVELOPMENT ASSESSMENT RULES 2017 PART 3**

**DA/46/2024 - MATERIAL CHANGE OF USE - CODE
CHILD CARE CENTRE (139 PLACES)
51 & 55-57 TANK STREET, WEST GLADSTONE QLD 4680
LOT 1 RP 605330, LOT 1 RP 604867, LOT 2 RP 604867**

Reference is made to the above Development Application and the Confirmation Notice issued on 23 August 2024.

Please be advised that upon review of the Development Application and supporting information, it has been determined that further information is required in order to satisfactorily assess the application. The information requested is set out below:

Scale of Proposal

Issue: The purpose of the Medium Density Residential zone code has not been adequately addressed by the application material. The zone is intended for medium density multiple dwellings and some other housing forms supported by community uses and **small-scale** services and facilities that cater for local residents. The application material has not addressed the purpose statement. The development is not considered small scale, therefore justification for how the proposal can be considered despite this noncompliance is warranted.

Furthermore, Overall outcome 2 h and PO25 requires development to be **low impact and small scale/limited in scale**.

Information Required:

1. Address Purpose Statement of the Code, Overall Outcome 2 h) and PO25 with respect to the scale of the proposal, note – Council does not consider the current proposal to be small/limited in scale.
2. The proposal does not provide adequate car parking (as expressed further below) Council considers that the development is of a scale that cannot provide adequate onsite carparking and therefore does not comply with PO25 d). Further justification with respect to the proposal complying with 25d) is required.

Zoning

Issue: The proposal is not considered small scale and is proposed within the Medium Residential zoned land. The main purpose of Medium Density Residential land is for residential uses. Overall outcome 2 h) and PO25 e) require that the proposal does not undermine the viability of nearby centres. These provisions require an assessment in relation to Centre zoned land, which is preferred location for a use of this type and scale.

Information Required:

3. Demonstrate that development of child care in a key location for residential growth with nearby amenities and proximity to Gladstone CBD can be justified with respect to current shortage /demand for housing. I.e. that the land is not needed for residential purposes (including the removal of three detached dwellings from current supply).
4. Provide evidence that the use being located outside centre zoned land does not impact on the viability of centre zoned locations such as Gladstone Central Shopping centre, Goondoon Street principal centre zone and elsewhere in a centre zone which could accommodate a child care centre.

Proximity to neighbouring residential lots and noise levels

Issue: The application material has not demonstrated that the development will be low impact. The submitted Noise Impact Assessment is insufficient to understand the impacts on the residential neighbourhood as no assessment of the anticipated emissions of the child care operations (including car park operations) have demonstrated that the proposed mitigation measures are sufficient.

Anticipated noise impacts on the surrounding residential area and the recommended mitigation measures need to be thoroughly addressed to support compliance with Overall outcome 2 h) PO25, which requires the development to be low impact, compatible with residential uses, and complement residential amenity. Furthermore, PO22 requires development to maintain high level of amenity and minimise impact on surrounding areas with respect to noise. In addition, PO16 of the development design code includes provisions with respect to noise and amenity.

Information Required:

5. Provide evidence that the noise generated (emissions) from the proposal/site are able to be mitigated to ensure the development does not impact on residential amenity.

Traffic Impact Assessment

Issue: The Traffic Impact Assessment (TIA) by Moloney and Sons does not suitably nor adequately address the impact of the development on the external road network nor adequately address safety/capacity and car parking issues associated with the new use.

Information Required:

6. Please resubmit the TIA utilising relevant peak hour traffic generation figures. Although peak hours may extend over several hours the peak hour generation rate must be scheduled across one hour not diluted over multiple hours. Additionally, the am peak traffic once recalculated needs to be assessed in conjunction with the external volumes in full for the development peak hour generation rate and the corresponding external volumes across that time.

7. Please provide an amended development layout showing the required car parking numbers per the GRC Planning Scheme. Additionally shared/tandem car parking is not acceptable for any car parks other than exclusively for staff parking.
8. Please carry out a safety assessment including turn warrants assessment of the site access including a visibility assessment. Noting there are several on street carparks that adversely impact the minimum required sight distance requirements
9. Justify why the driveway location cannot be located further west to avoid conflicts with the intersection of Glenlyon, Tank and Fisher Streets.

Pedestrian Access

Issue: The proposed footpath on the Tank Street frontage does not extend for the entire frontage. The design fails to meet AO13 of the Development Design Code. The planning report does not adequately address AO13 or PO13.

Information Required:

10. Provide updated plans including an extended footpath for the entire frontage to the existing network in Glenlyon Street to meet the Development Design Code and provide safe access to the existing footpath network connecting to Gladstone CBD.

Stormwater

Issue: Further information is required to assess the Stormwater Management Plan.

Information Required:

11. The external catchment is shown as flowing through the site but does not appear to be accounted for in the stormwater quality and quantity assessment. The impact of additional volumes of water will have an impact on the performance of both storage and quality treatment and should therefore be included in the assessment where external flows aren't diverted around the inlets. Provide an updated SMP that accounts for this.
12. Please clarify the pre-development and post-development hydrologic parameters (e.g. IL/CL, Manning's roughness etc) applied in the model.
13. Please clarify the tailwater assumptions applied in the model to the outlet node.
14. It appears that the modelling is reliant on the assumption that the downstream underground stormwater network has capacity to accept up to and including the 1% design flows, however typically networks are designed for much lower magnitude events. Please clarify how the downstream network is capable of accepting the modelled flows in such a way that the performance of the storage and the network are not compromised.

Water and Sewer Network

Issue: Further information is required to demonstrate the existing water and sewer networks have sufficient capacity for the proposed development.

Information Required:

15. Applicant is to demonstrate the sewer network has sufficient capacity for the proposed development.
16. Applicant is to demonstrate the water network has sufficient water pressure for fire fighting purposes and identify any booster pumps or the like.

Earthworks

Issue: Further information is required to understand the potential impacts on the dwelling at 59 Tank Street in proximity to the proposed retaining wall and acoustic fence.

Information Required:

17. Provide sections and details of the retaining wall and acoustic fence proposed, including setback from the existing dwelling on 59 Tank Street.

Please note that the next stage of the application process cannot commence until an information request response to this information request and any applicable referral agency's information request has been made by the applicant. A response to this information request may be provided in one of the following three ways:

1. providing all of the information requested together with a written notice asking the Assessment Manager and any applicable referral agency to proceed to the next stage of the application process; or
2. providing part of the information requested together with a written notice asking the Assessment Manager and any applicable referral agency to proceed to the next stage of the application process; or
3. a written notice:
 - (i) stating that the applicant does not intend to supply any of the information requested; and
 - (ii) asking the Assessment Manager and any applicable referral agency to proceed with the assessment of the application.

Also, please note that if no response is received to this information request or any applicable referral agency's information request within 3 months of the date of this request/s, then the application will automatically transition to the Decision Stage. However, you may obtain from the requesting Authority (ie. Council or a referral agency) an extension of time to respond to the information request. The request for the extension must be in writing and must be received by the requesting Authority prior to the expiry of the three (3) month period. Please refer to Part 3 of the *Development Assessment Rules 2017* for further detail.

Should you have any queries in relation to this matter, please contact Council's Planning Officer Aidan Parish on (07) 4970 0700.

Yours faithfully



T R MCDONALD
PRINCIPAL PLANNING LEAD

16 September 2024

F5Y Gladstone Pty Ltd
Care of Zone Planning
PO Box 5332
GLADSTONE QLD 4680

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Dear Sir/Madam

FURTHER ADVICE
PLANNING ACT 2016 S68 (1)
DEVELOPMENT ASSESSMENT RULES 2017 PART 3 S35
DA/46/2024 - MATERIAL CHANGE OF USE - CODE
CHILD CARE CENTRE (139 PLACES)
51 & 55-57 TANK STREET, WEST GLADSTONE QLD 4680
LOT 1 RP 605330, LOT 1 RP 604867, LOT 2 RP 604867

Reference is made to the above Development Application and the Confirmation Notice dated 23 August. Council has further reviewed the Development Application and supporting information, and as a result the following advice and further information is given:

1. Specify the proposed location/s for sewer connection for the proposed development in accordance with Acceptable Outcome 2.1 of the Development Design Code.
2. The submitted Engineering Services Report proposes that the existing sewerage main through the site be diverted through the construction of an additional three (3) sewerage manholes and three (3) sewerage mains. The proposed alignment will position the majority of the sewerage infrastructure within the proposed car park and access driveway. Council considers the most efficient location for this infrastructure is an alignment along the rear and side boundaries with offset in accordance with Table D12.08.02 of CMDG D12 Sewerage Design. Provide an updated plan and Engineering Services Report demonstrating this alignment.

The Applicant will be required to provide a sewerage easement over the existing sewerage main on the development site and any new sewerage infrastructure, if proposed. An updated plan detailing the location of this easement is required to be submitted.

The requested information is additional to the Information Request issued 5 September 2024. It is noted that the above request does not impact on the current stage or timeframes of this application. Should you have any queries in relation to this matter, please contact Council's Planning Officer Aidan Parish on (07) 4970 0700.

Yours faithfully



T R MCDONALD
PRINCIPAL PLANNING LEAD

13 November 2024

F5Y Gladstone Pty Ltd
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Dear Sir/Madam

FURTHER ADVICE
PLANNING ACT 2016 S68 (1)
DEVELOPMENT ASSESSMENT RULES 2017 PART 3 S35

DA/46/2024 - MATERIAL CHANGE OF USE - CODE
CHILD CARE CENTRE (129 PLACES)
51 & 55-57 TANK STREET, WEST GLADSTONE QLD 4680
LOT 1 RP 605330, LOT 1 RP 604867, LOT 2 RP 604867

Reference is made to the above Development Application and the Confirmation Notice dated 26 August 2024. Council has reviewed the Development Application and supporting information, including the information provided on 8 October 2024 in response to the Information Request issued. As a result the following advice and further information is given:

Residential Amenity and Impact – Noise

Issue: The application material has not demonstrated that the development is low impact and compatible with neighbouring land uses with a high level of residential amenity in accordance with the Medium Density Residential Zone.

Requested material: The technical report submitted does not adequately assess noise impacts from the operation of the proposed childcare development. The following matters remain outstanding:

1. Noise measurement data: The noise measurement graphs show irregularities, likely due to extraneous noise. If this is the case, such noise should be excluded from calculations. Additionally, tabulated noise measurement data should be provided to enable verification of noise calculations.
2. Establishment of quantifiable noise criteria: Appropriate noise criteria should be established to assess impacts. Relevant policies and guidelines may include:
 - a. Environmental Protection (Noise) Policy 2019.
 - b. TMR Road Traffic Noise Management Code of Practice Volume 1 2013.
 - c. Association of Australasian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment Version 3.0.
3. Noise predictions for outdoor play areas: Noise predictions should be conducted for all four proposed outdoor play areas. If they are proposed to operate concurrently, the cumulative noise emission is required to be assessed.
4. Noise predictions for activity rooms: Noise emissions from the eight activity rooms are required to be assessed, with predictions made for both open and closed windows if the

rooms have operable windows. Cumulative noise emissions should be evaluated if the rooms are intended to operate simultaneously.

5. Vehicle noise in the car park: Noise predictions for the car park, including car door slams, should be conducted. Peak hourly vehicle movement volumes may be obtained from a traffic engineer.
6. Waste collection noise: Model the noise generated by waste collection activities. Information on the proposed type of waste collection should also be included.
7. Mechanical plant noise: Mechanical plant emissions must comply with established noise limits. Compliance should be certified prior to occupancy by an acoustic consultant who is a member of the Australian Acoustical Society.
8. Road traffic noise intrusion: Justify why road traffic noise intrusion into outdoor play and sleeping areas is not considered or, alternatively, conduct predictions of road traffic noise intrusion and assess compliance against relevant noise criteria.

Low Impact and Limited Scale – Car Parking

Issue: The development is not considered low impact, limited or small scale, the proposal does not provide adequate car parking as previously raised by Council.

Requested material: Council does not agree to the extent of relying on tandem parking arrangements, as the operation of tandem bays requires the operator to ensure each space is available/able to be used at all times.

9. Council does not accept the proposed reduction in staff/childcare places to 129 to attempt to alleviate carparking demand. The planning scheme requires that carparking is calculated on the number of children “able to be accommodated on site”. The proposed building is still able to technically accommodate the original 139 places as proposed.
10. Provide amended plans that do not rely on tandem parking arrangements for approximately 65% of parking spaces. Council may accept a reduced number of spaces in a tandem arrangement but cannot support the majority of spaces. Alternatively, reducing the scale of the proposed use to ensure the development is located on a site which can adequately accommodate activity needs and space requirements as indicated within the Medium Density Zone Code (ie. the development is not reliant on tandem parking spaces and provides adequate number of carparks in a non-tandem arrangement).

Low Impact - Traffic

Issue: The application material has not adequately addressed the impact of the development on the surrounding road network.

Requested material:

11. The Traffic Impact Assessment assesses peak hour development generated impacts in conjunction with entire peak hour volumes. Despite identified existing peak hour and proposed peak hour only sharing a 20-minute incidence, full hourly volumes must be assessed to account for fluctuations of traffic movement within the identified peak – ie. natural fluctuations in vehicle movements mean the distribution of traffic during peak hour may not be linear.

Scale of Proposal

Issue: The Medium Density Residential Zone is intended for medium density multiple dwellings and some other housing forms supported by community uses and small-scale services and facilities that cater for local residents. The Medium Density Zone Code includes specific provisions for Childcare Centres, Community Care Centres and Community uses, most notably that they are low impact and

limited in scale. This does not imply that they are all community uses, more to specify that the intent for all these uses is that they are limited in scale.

The Planning Scheme does not define a Childcare Centre as a community use, although by definition it is a non-residential use (ie. not for residential occupation). The Medium Density Residential Zone Table of Assessment listing does not imply this by separately listing other commercial uses in the Gladstone Hospital Precinct. This is merely the Scheme specifying the levels of assessment under the various Precincts.

By virtue of the level of assessment, it is agreed that the Zone Code contemplates Childcare Centres, it is the scale, intensity and impact it seeks to limit. As referenced above in regard to the acoustic and traffic impacts, Council remains of the position that the use as proposed is not low impact or limited in scale or has demonstrated a high level of residential amenity. To be clear, this is not to state that a Childcare Centre cannot be located within the Medium Density Residential Zone it is understanding and addressing the impacts of the scale of the current proposed design.

The above request does not impact on the processing of this application and as such Council also requests an extension to the Decision Making Period to 20 December 2024. It is noted that the applicant may require more time to respond to the above and enable officers to meet Council Meeting agenda deadlines.

Should you have any queries in relation to this matter, please contact Council's Planning Officer Aidan Parish on (07) 4970 0700.

Yours sincerely

A handwritten signature in black ink, consisting of several overlapping, slanted strokes that form the letters 'T R MCDONALD'.

T R MCDONALD
PRINCIPAL PLANNING LEAD