



STATEMENT OF ENVIRONMENTAL EFFECTS

**Proposed Childcare Centre
Proposed Lots 307-310
Current Lot 200 DP 1269482
30 Christopher Road, Lochinvar
NSW 2321**

Prepared by:

GWH Build Pty Ltd
352 Hunter Street
NEWCASTLE NSW 2300

Prepared for submission to:

Maitland City Council

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Enclosures:

- Architectural Plans (GWH)
- Stormwater, Erosion & Sediment Plans (BGE)
- Site Waste Management Plan (GWH)
- Traffic Impact Assessment (Intersect Traffic)
- Acoustic Impact Assessment (Reverb Acoustics)
- Access Report (LP Access)

1. INTRODUCTION

1.1. Overview

This Statement of Environmental Effects (SoEE) has been prepared by GWH Build Pty Ltd to accompany a development application seeking consent for the construction of a child care centre on proposed lots 307-310 that were approved under DA18-456 in 2020. The current lot is identified as Lot 200 DP 1269482, 30 Christopher Road, Lochinvar. It assesses the proposal against matters referred to in Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EPA Act)*. The drawings and documents forming part of the application and underpinning the SoEE are listed in the foreword.

This SEE has been prepared in accordance with Clause 2(1)(c) & 4 of Schedule 1 of the Environmental Planning & Assessment Regulation 2000, having regard to Section 4.15 of the Environmental Planning & Assessment Act 1979. It provides a description of the existing land and the site context in Section 2, with details of the proposed development in Section 3. Section 4 notes the environmental planning controls applying to the site and provides an assessment of compliance with these controls. Section 5 includes an evaluation of the likely impacts of the proposal and the suitability of the site to accommodate the development. Section 6 contains concluding comments in respect of the proposed development.

This SEE has addressed the potential impacts arising from the proposal on surrounding properties, including traffic and access, noise, waste management, and stormwater management. Where necessary, mitigation measures are proposed to minimise these impacts and reduce potential risk associated with the development.

Through the proposal's merits and absence of any significant adverse environmental impacts, the DA is considered to be in the public's interest and recommended for Council's support subject to standard conditions.

1.2. Consultation

Prior to lodgement, the development has been subject to:

- Dial Before You Dig enquiries to confirm the status of services.
- Application or enquiry to some service providers / regulatory authorities; and

The application will undergo referral and public notification prior during assessment and prior to determination. The consent authority will need to consider any submission received, and if necessary, the applicant will respond to matters raised through this process.

2. SITE DETAILS

2.1. General

The subject site comprises four proposed lots under the approved Lochinvar Downs subdivision, DA18- 456, which was approved by Council in 2020. The site is due for registration in the 3rd quarter of 2023, with construction planned immediately following registration.

The lots are identified as approved Lots 307,308,309 and 310. The site has dual frontage to

proposed Robert Road and Leyland Circuit and has a combined area of 3,156,59m².

The current site is identified as 30 Christopher Street, Lochinvar, Lot 200 DP 1269482. Figures 1 and 2 below show the approved subdivision layout and aerial image of the site.

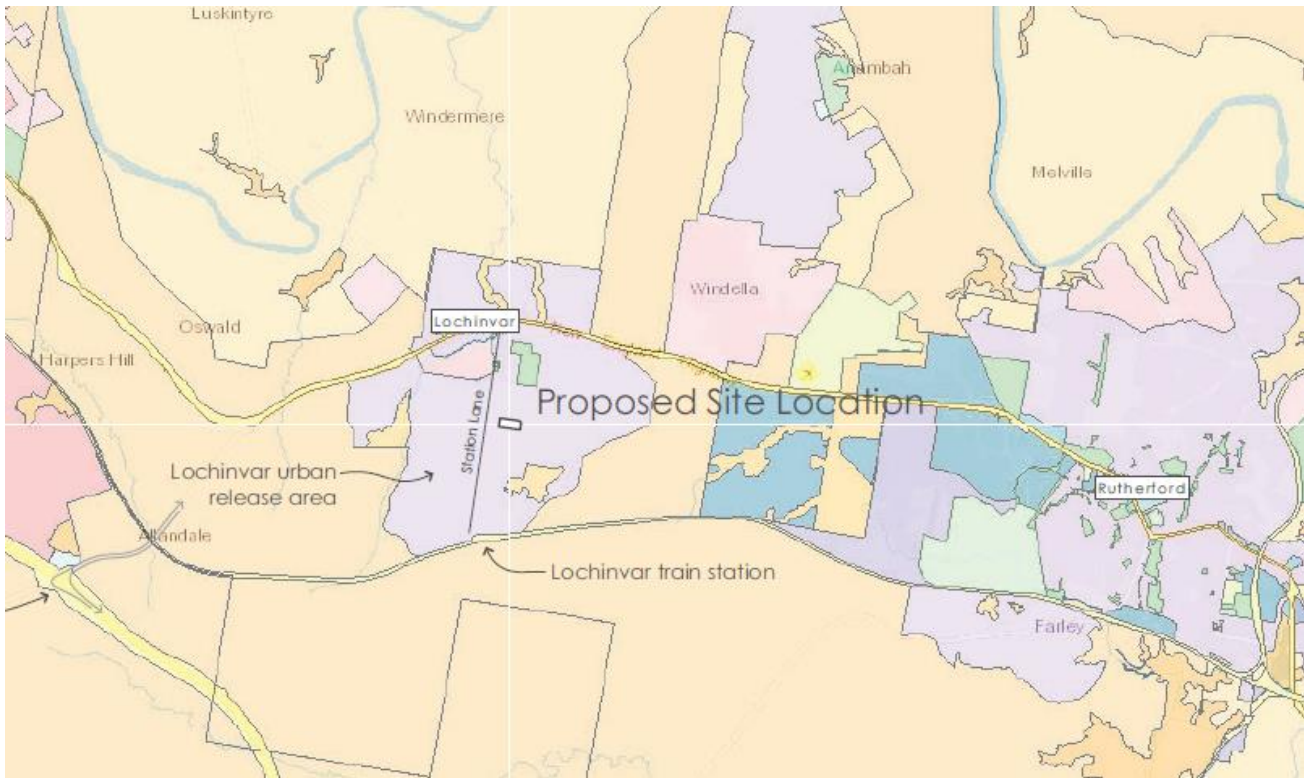


Figure 1 Location plan

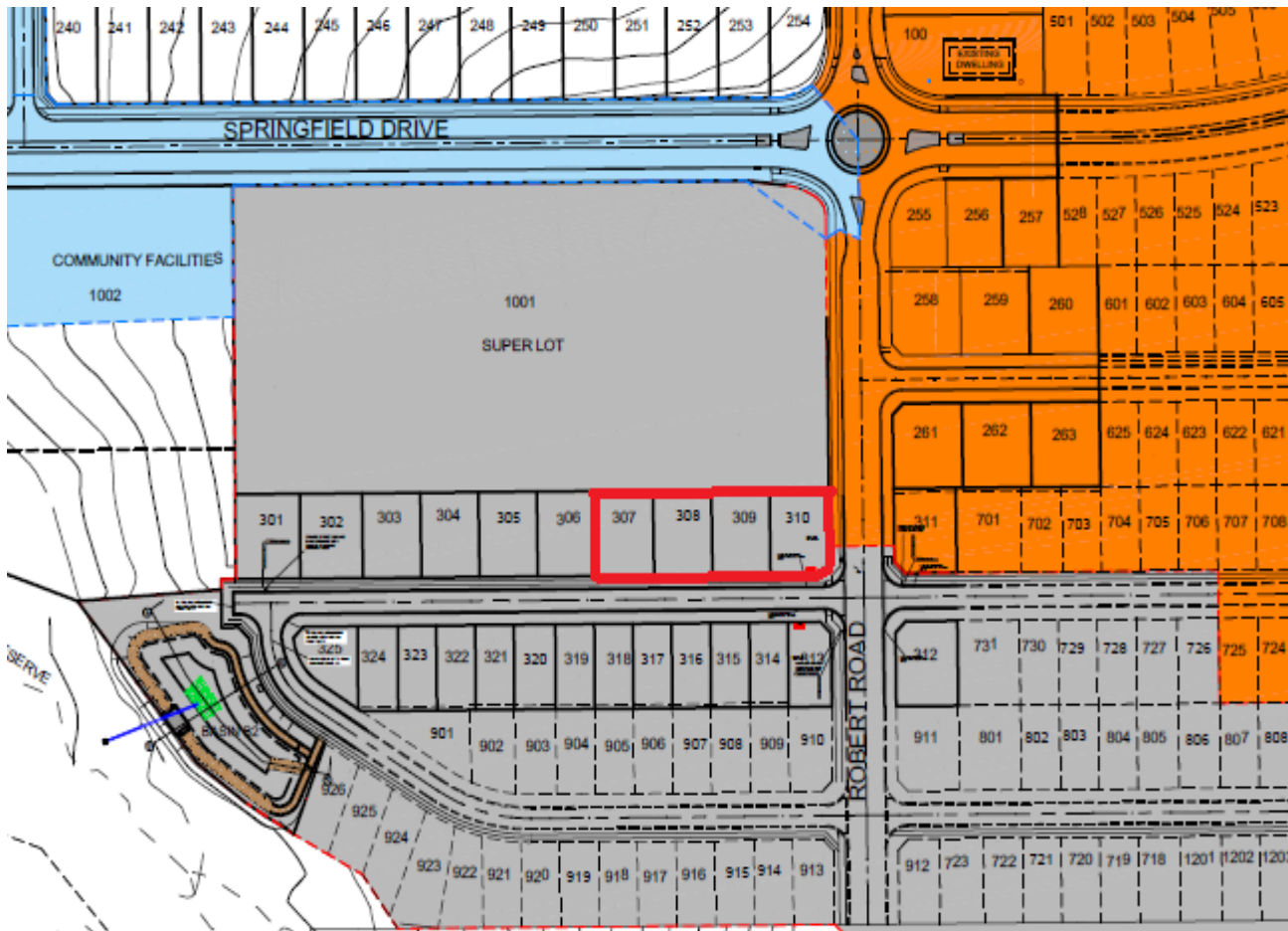


Figure 2 Childcare Centre location on Approved subdivision plan, approved under DA18-456

2.2. Site Context

2.2.1. General setting

The subject site is located in the suburb of Lochinvar, within the local government area of Maitland. It is approximately 11 kilometres northwest of the Maitland central business district (CBD).

Lochinvar is currently a small township located along the New England Highway with a population of approximately 800 people (2016 Census). This is set to grow to about 13,500 people once all of the current zoned land has been developed. Lochinvar also has a train station located on Station Lane which is serviced by trains to and from Maitland and Newcastle, and a broader regional service to Brisbane.

There is limited commercial development existing within the Lochinvar area at present, comprising three businesses located along the New England Highway.

Council approved a Development Application (DA 18-456) for subdivision of land at Lot 310 DP 1034974, 44 Christopher Road Lochinvar. This included the land the subject to this Development Application.

2.3. Site Conditions

2.3.1. Existing Structures

The site is cleared, vacant land with all required services to be located on the street frontage at the completion of the subdivision works.

2.3.2. Ecology and Vegetation

The site is cleared and is considered to have little to no ecological value.

2.3.3. Slope Stability and Soils

The site is generally flat with no naturally occurring slope stability issues.

2.3.4. Stormwater

Stormwater will be directed to a pit and pipe system with discharge to the existing infrastructure in Leyland Circuit.

2.3.5. Flooding

The site IS NOT identified as being affected by flooding or inundation.

2.3.6. Bushfire

The site is currently identified as bushfire prone, however on the completion of subdivision works, the site will be classed as urban land and will no longer be classified as bushfire prone.

2.3.7. Contamination

The site is not identified as being potentially contaminated. The site is suitable for the proposed industrial development.

2.3.8. Mines Subsidence

It IS NOT in a mine subsidence district.

2.3.9. Heritage

The site contains NO item of heritage significance on the State Heritage Register or Schedule 5 of the LEP.

There ARE NO listed heritage items in the immediate vicinity and the site IS NOT within a heritage conservation area.

The AHIMS database DID NOT identify any recorded sites or places in or near the site.

2.3.10. Access and Parking

Access will be available off Robert Road which is suitable for the proposed development. Proposed parking complies with the requirements of the DCP.

2.3.11. Easements or Restrictions

There are no easements required on the site, however, a boundary adjustment is required to be completed prior to the registering of the lots. A part of the larger super lot will be incorporated into the proposed site.

SoEE- Lochinvar Childcare Centre

2.3.12. Utilities

The subject site can be adequately serviced by all necessary infrastructure, including stormwater, sewerage, water, electricity, and telecommunications all established as part of the Lochinvar Down Subdivision. Detailed design of the connection of water and sewer services to the proposal will be completed during the construction certificate stage of development.



Figure 3 Photo showing site location taken from current end point of Springfield Drive

3. PROPOSED DEVELOPMENT

The proposal is for the construction of a new purpose-built childcare centre at the subject site. The centre will cater for a maximum of 128 children aged between 0-6 years, including indoor playrooms, outdoor play areas, administrative and staff facilities, reception, ancillary office, kitchen, laundry, car parking and landscaping. The childcare centre will provide a high quality and well-designed community facility that will assist in addressing the childcare needs in the growing Lochinvar locality and surrounding areas.

The building footprint of the proposed centre is 914.47m² with 6 different childcare rooms and 910m² of usable outdoor space. The building is setback 3m from Leyland Circuit, with a 6m setback to the carpark on Robert Road. The building has an overall height, to the top of the ridgeline, of 4.2m.

The single storey building has been sited in response to surrounding development and site constraints. The main built form is along northern boundary with adjoining shopping centre building with the main frontage to Robert Road. The playground is located in somewhat the centre of the site with the car park located on the eastern portion of the site.

Landscaping to enhance the visual amenity of the development and streetscape is provided to all street frontages. The key focus of the proposed landscaping is to the primary southern frontage and eastern frontage which contains vehicle and pedestrian entrances. A generous 4m landscape strip is provided across this frontage to ameliorate visual impacts from the carpark and to provide a visually appealing entry statement to the building.

Sewer, water, stormwater, electricity and telecommunications are to be provided to the site as part of the overarching subdivision approval for the site.

3.1. Operation and Management

The proposed centre is being designed to cater for a total of 120 children and 17 staff and operate Monday to Friday from 6:00am to 7:00pm. Table 1 below outlines the breakup of children proposed at the centre.

Table 1 Breakdown of number of children and staff

Age	No. Children	No. Staff
Babies (0-24mths)	28	7
Toddlers (24mths – 36 mths)	20	6
Pre-Schoolers (36mths – 5 yrs)	80	8
Total	128	21 + 4 operational staff

The servicing requirements for the proposal consist primarily of food deliveries and refuse collection service. The proposed development provides for onsite refuse collection. A screened bin storage area is provided and refuse collection will take place from the loading bay/turning bay within the carpark, outside of peak access times for the centre. A detailed waste management plan will be prepared by the operator prior to the commencement of use.

As confirmed by the Traffic Assessment the loading bay is accessible to refuse collection vehicles

and other service vehicles, for example food delivery vans/trucks.

4. REVIEW OF ENVIRONMENTAL IMPACTS

4.1. Physical Impacts

Development impacts are summarised below. Mitigation or management measures are, where relevant, also contained in technical reports or elsewhere in this SoEE.

4.1.1. Ecology

The site has no vegetation any items of ecological values, and the proposed development will have no significant or adverse impact.

4.1.2. Landscaping

As detailed on the landscape documentation, the proposal will incorporate landscape planting focused on the dual frontage setback areas to soften the built form and to improve the streetscape amenity. The proposed landscaping is appropriate for the type and scale of development and the residential setting.

4.1.3. Earthworks and Slope Stability

There are no slope stability issues identified on the site and only minor earthworks will be required to prepare and during construction.

4.1.4. Erosion and Sediment

Erosion and sediment controls are nominated on the plans, with measures that include:

- erosion and sediment fencing,
- geotextile inlet filters, and
- stabilised site access.

These measures are considered adequate to mitigate potential impacts. Any further detail can be confirmed in detailed construction documentation.

4.1.5. Stormwater

The proposed stormwater system comprises:

- Surface water grading to pit and pipe for conveyance to existing kerb inlet pit; and
- Capture and conveyance of roof water to the onsite rainwater tank, with overflow connected to the pit and pipe system.

4.1.6. Flooding

The site IS NOT flood affected. No further assessment has been completed or is necessary.

4.1.7. Bushfire

The site is currently identified as bushfire prone, however on the completion of subdivision works, the site will be classed as urban land and will no longer be classified as bushfire prone.

4.1.8. Contamination

The site is not identified as being potentially contaminated and is suitable for the proposed industrial use.

4.1.9. Hazardous Substances

There are no hazardous materials or substances proposed to be stored on site as part of this development application.

4.1.10. Heritage & Archaeology

The site is not identified as a heritage item and not located in a heritage conservation area. No further assessment regarding heritage or archaeology is considered necessary.

4.1.11. Vehicle Access

A 8m two-way driveway is proposed off Robert Road. The access to the site is considered suitable in accordance with Australian Standards and safety.

4.1.12. Traffic

The potential traffic generation from the retail space on the site can be calculated as follows (rounded up).

AM peak

$$PVT = 0.8 \times 128 = 103 \text{ vtp}$$

PM peak

$$PVT = 0.7 \times 128 = 90 \text{ vtp}$$

This rate of traffic generation is considered within the capacity of the surrounding street network, which has been designed and constructed to service the residential estate. As existing traffic volumes in the Lochinvar locality are below the capacity threshold it is reasonable to conclude that the existing road network has spare capacity to cater for additional development in the area.

4.1.13. Parking

Car parking required to service staff and clients is calculated below.

Proposed Use	DCP Parking Rate	Proposed Children	Car Spaces Required	Car Spaces Proposed
Childcare Centre	1 per 4 children	128	32	32

A total of 32 spaces are proposed, inclusive of one (1) accessible car space. The location of parking is depicted on the plans and is considered to provide an appropriate distribution to efficiently service the staff and client parking needs.

4.1.14. Height

The proposed building has a maximum height of approximately 4.2 metres. There is no nominated LEP height of building control for this site. The built form is consistent with the surrounding context and character, causes no significant or adverse impact on the streetscape or broader landscape setting, and is considered acceptable.

4.1.15. Setbacks

The building is set back between a minimum of 6m on the eastern frontage, which is considered to primary frontage, and 3m on the southern frontage, which is the secondary frontage. The setbacks allows for a landscaping buffer along the frontage to screen carparking, soften the building elevation, and contribute to a positive streetscape. The building has 500mm setbacks to the northern boundary adjoining the shopping centre which is considered suitable. The building is setback 3m from the rear or western boundary. The setbacks are considered suitable in relation to the context and orientation of the development.

4.1.16. Streetscape & Visual Impact

The development provides a suitable streetscape outcome, with good landscaping at the frontage to soften the buildings. The materials and colours are appropriate and not visually intrusive. Proposed locations and dimensions for business identification signage are designed to avoid visual clutter across the frontage and the streetscape and visual impact is considered appropriate to the site context. It will not have any significant or adverse impact on the visual amenity of the area.

4.1.17. Noise

A noise impact assessment proposed child care centre at Lots 307, 308, 309 and 310 Leyland Circuit, Lochinvar, has been completed. The assessment has shown that the site is suitable for the intended purpose, subject to our recommendations. With these or equivalent measures in place, noise impacting on the centre is predicted to be compliant with the criteria.

4.1.18. Waste Management

A waste management plan has been prepared and accompanies the application. The operator will be directly responsible for the ongoing management of on-site waste, in accordance with this Waste Management Plan. The facility is provided with a refuse area at the southern end of the building, and the centre manager will be responsible for the implementation of this Waste Management Plan. Contractors may be engaged to undertake onsite maintenance and waste disposal on an as-needs basis.

Staff will separate general waste and recyclables within the building and transport to the refuse area. In the service yard a minimum of three separate bins will be located. Waste and recycling bins will be clearly labelled and identifiable. The bins and waste storages area will be cleaned by staff with protective gloves.

4.1.19. Crime Prevention through Environmental Design (CPTED)

Crime Prevention through Environmental Design (CPTED) aims to mitigate the risk of offences occurring within and surrounding the development.

An assessment of the proposed development against CPTED Principles is provided in **Table 2**.

Table 2 Assessment of CPTED principles

Principle	Assessment
Surveillance	The building has been designed and orientated to provide good natural surveillance between public and private spaces. Windows are located to clearly see outdoor areas. Landscaping is provided within and around the development in consideration of ensuring clear sightlines, in particular from the car park.
Access Control	The design of the carpark, pathways and internal spaces enables appropriate access control measures to be put in place to enable clearly delineated areas for carers, staff and children.
Territorial Reinforcement/ Ownership	The development has been designed to clearly delineate between public and private spaces. This has been done by providing clear site boundaries through landscaping, fencing, pathways and signage.
Space Management	Space management will be employed through a combination of signage, lighting and onsite management. Adequate staffing ratios and design ensure the management of the space in line with regulations and design guidelines.

4.1.20. Social Impacts

the proposed child care facility is justified and needed in the area and would deliver a substantial net community benefit, including:

- Offering increased choice and availability to local residents;
- Ensuring residents do not need to travel out of the local area to meet their child care needs; and
- Increasing labour force participation and economic benefits for the local community.

4.1.21. Economic Impacts

The proposed childcare centre will have positive economic impacts by generating employment at the construction and ongoing operation stage. The centre will also enables parents and carers to study, enter or re-enter the workforce by childcare for their children during normal working hours.

4.2. **Statutory Controls/ Matters for Consideration**

The legislation and environmental planning instruments relevant and applicable to the subject site and proposal include:

- Environmental Planning and Assessment Act 1979;
- State Environmental Planning Policy- Resilience and Hazards 2021
- State Environmental Planning Policy- Transport and Infrastructure 2021
- State Environmental Planning Policy- Industry and Employment 2021

- Maitland Local Environmental Plan 2011; and
- Maitland Development Control Plan 2011.

Where relevant, these controls are addressed below

4.2.1. Acts

Section 4.15(1) prescribes matters for consideration which a consent authority is to take into consideration when considering a DA.

The objects of the EP&A Act are:

(a) to encourage:

(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,

(ii) the promotion and co-ordination of the orderly and economic use and development of land,

(iii) the protection, provision and co-ordination of communication and utility services,

(iv) the provision of land for public purposes,

(v) the provision and co-ordination of community services and facilities, and

(vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and

(vii) ecologically sustainable development, and

(viii) the provision and maintenance of affordable housing, and..."

For the reasons set out below, it is considered that the proposed development satisfies the above stated objects of the EP&A Act:

- The proposal will facilitate the orderly and economic use and development of land as the site is of an appropriate size, location and land use zoning to accommodate the proposed development.
- It will create additional employment opportunities during the construction phase and operational phase both in the short and long-term.
- Appropriate utility services are available to serve the subject site.
- There will be no unreasonable adverse environmental impacts.

4.2.2. State Environmental Planning Policies

The development has been assessed against SEPPs and found to be either consistent with relevant provisions, or otherwise not affecting the application of SEPPs that apply to the land.

State Environmental Planning Policy – Resilience and Hazards 2021

Chapter 4 of the SEPP Resilience and Hazards requires that land contamination be considered whenever a planning authority considers a development where the new use may increase risk from contamination, if it is present. This means that the consent authority must routinely consider whether land is suitable for a proposed use in terms of the risk from contamination. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

The site is not identified as being potentially contaminated, as was identified during the subdivision approval process. Based on the previous investigations, it was established that due to the low intensity nature of the previous land uses and no identified areas of environmental concern, the site was suitable for commercial development.

State Environmental Planning Policy (Transport and Infrastructure) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021 replaced (SEPP Education and Child Care) and aims is to facilitate the effective delivery of educational establishments and early education and care facilities across the State.

Part 3.3 Early education and care facilities - specific development controls

- Clause 3.22 - requires concurrence with the Regulatory Authority where a proposal does not comply with minimum internal unencumbered space (3.25m² per child) and outdoor space (7m² per child) pursuant to the Education and Care Services National Regulations.

Based on 128 children the development exceeds the minimum standards providing a total of indoor space of 432.5m² (min 416m² required) and 909.75m² of outdoor space (min 896m² required) as outlined in Table 2.

Room	No. Children	Indoor space required	Indoor Space (m ²)	Outdoor Space (m ²)
Babies	28	91m ²	103.65m ²	909.75m ²
Toddlers	20	65m ²	66.23m ²	
Pre-Schoolers	80	260m ²	262.63m ²	
Total	128	416m²	432.51m²	909.75m²

Table 3 Childcare unencumbered space compliance table

- Clause 23 - states “before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development”.

An assessment of the development against the Child Care Planning Guideline has been undertaken and complies as outlined in Table 4.

Table 4 Assessment of Childcare Planning guideline

Matters for Consideration	Assessment
3.1 Site Selection and Location	<p>The subject site is environmentally safe and free from hazard including bushfire and flood. A preliminary Site Contamination Assessment was undertaken as part of the original subdivision application.</p> <p>Release Area. The subject site has recently been subdivided and currently cleared and considered suitable for use as a childcare centre.</p> <p>The subject site is located in a residential zone. The design of the development has been carried out in consideration of acoustic and privacy impacts of surrounding residents and proposes car parking and setbacks in keeping with the character of the area.</p> <p>The facility is compatible with the surrounding local land uses being a single storey in a growing residential area.</p>

<p>3.2 Local Character, Streetscape and the public domain interface</p>	<p>A detailed site analysis has been undertaken to ensure a well-designed centre that takes into consideration the existing site constraints, surrounding environment and landuses.</p> <p>The development has been designed to limit its bulk and scale to ensure compatibility with surrounding residential dwellings while enhancing the architectural features and facades that contribute to the visual interest of the building in keeping with its prominent corner location and commercial use.</p> <p>The development has been designed to provide clear delineation between the facility and public spaces through footpaths, landscaping and fences. The proposed facility is considered suitable in relation the adjoining shopping village development.</p>
<p>3.3 Building orientation, envelope, design and accessibility</p>	<p>The building has been designed and sited to ensure surrounding residential amenity is maintained while providing a safe and accessible area for children.</p> <p>The building has been designed to ensure visual privacy and minimise potential noise and overlooking impacts of neighbours.</p> <p>An access audit has been carried out which concludes that accessible design has been achieved.</p>
<p>3.4 Landscaping</p>	<p>Extensive landscaping is provided throughout the development as shown in the Landscape plans and includes:</p> <ul style="list-style-type: none"> • Appropriate planting along the boundary integrated with fencing; • Inclusion of trees and shrubs for shade, privacy and visual amenity; • Planting integrated within the car park design; and • Passive recreation areas, seating and natural play elements.
<p>3.5 Visual and Acoustic Privacy</p>	<p>The building is designed and sited to minimise direct overlooking of main internal living areas and private open spaces in adjoining developments. The use of existing fencing and landscaping is also provided to enhance privacy.</p> <p>An acoustic assessment has been prepared to assess noise impacts for children and also adjoining residents. The report concludes that there will be no impact subject to appropriate acoustic fencing being retained and enhanced.</p>

3.6 Noise and Air Pollution	<p>An acoustic assessment and air quality assessment accompany this application. The assessments concluded that:</p> <ul style="list-style-type: none"> • relevant noise level criteria will not be exceeded, provided recommendations outlined in the report are implemented; and • there will be no adverse impact on the child care centre from air emissions (including odours) from traffic on the nearby roads.
3.7 Hours of Operation	<p>The proposed hours of 6am to 7pm have been assessed in the acoustic report and have been found to be appropriate for the residential area. As per the report, minimal impact is expected on adjoining residential receivers.</p>
3.8 Traffic, Parking and Pedestrian Circulation	<p>A Traffic Impact Statement has been carried out as part of this application. A designated car parking area will be provided which:</p> <ul style="list-style-type: none"> • provides suitable entry via Robert Road • provides carparking that satisfies the needs of users and demand generated by the centre • will be designed to be safe and accessible in accordance with Council's and Australian Standards.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3, Part 3.2 of the SEPP states the following:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

(a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and

(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

It is considered that the proposal satisfies the relevant criteria outlined within SEPP.

The proposed signage is consistent with the provisions of 3.1(a) as the signage is compatible with the desired outcomes for a residential zoned parcel of land, provides effective communication for uses located on the site and are considered of high-quality design and finish.

A detailed assessment of the proposal against the Schedule 5 Assessment Criteria is provided below.

Table 5 Assessment of Signage Criteria

Assessment Criteria		Comment	Compliance
1) Character of the area	Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is compatible with the character of the locality, being zoned for residential purposes adjacent to a commercial development.	Y
	Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is consistent with the objectives for signage under the DCP but there is no specific theme for this locality.	N/A
2) Special areas	Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage does not detract from any areas of environmental or cultural importance and there are no immediate neighbours. The surrounding area is to be developed into residential housing, however the proposed size and scale of the signage will not detract from the future surrounding residential land.	Y
3) Views and vistas	Does the proposal obscure or compromise important views?	All signage, freestanding and on the building, is within the building height and does not comprise any views or vistas.	Y
	Does the proposal dominate the skyline and reduce the quality of vistas?	The external signage is located on the building and does not protrude above the structure on which it is located.	Y
	Does the proposal respect the viewing rights of other advertisers?	The proposed signage will not obscure any other advertising.	Y

4)Streetscape, setting or landscape	Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed scale, proportion and form of signage is appropriate for the streetscape given it fronts a main road.	Y
	Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage will contribute to the visual interest of the area through its integration with the built form and uncluttered appearance. The signage appropriately identifies the future users of the site.	Y
	Does the proposal reduce clutter by rationalizing and simplifying existing advertising?	An integrated whole-site approach to advertising has been adopted including shared pylon signs and this will simplify / de-clutter signage.	Y
	Does the proposal screen the unsightlines?		N/A
	Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	N/A, site is an isolated local centre zoned site supporting a residential growth area.	N/A
	Does the proposal require ongoing vegetation management?	No, vegetation management for landscaping within the site will occur.	N/A
5)Site and building	Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signage has been designed to integrate with the built form and site characteristics.	Y
	Does the proposal respect important features of the site	The proposed signage does not detract from important features	Y

	or building, or both?	of the site or proposed building.	
	Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is consistent with the users' branding. The placement of signage is considered the most appropriate given the site topography, building siting, access points, car parking and landscape elements.	Y
6) Associated devices and logos with advertisements and advertising structures	Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed signage includes elements of appropriately illuminated signage.	Y
7) Illumination	Would illumination result in unacceptable glare?	Signage will be illuminated at appropriate LUX levels to not result in unacceptable glare.	Y
	Would illumination affect safety for pedestrians, vehicles or aircraft?	The illuminated signage will not provide a safety concern for pedestrians, vehicles or aircraft.	Y
	Would illumination detract from the amenity of any residence or other form of accommodation?	The proposed illuminated signage will not detract from the amenity of any residences.	Y
	Can the intensity of the illumination be adjusted, if necessary?	No, however the illumination is not expected to create any negative visual impacts or unacceptable glare.	N/A
	Is the illumination subject to a curfew?	The signs will only be on during business hours.	N/A
8) Safety	Would the proposal reduce the safety for any public road?	The proposed signage will not reduce road safety. Safe sightlines can be achieved to	Y

		and from the site.	
	Would the proposal reduce the safety for pedestrians or cyclists?	The proposed signage will not reduce existing safety for pedestrians and cyclists. All signage is contained wholly within the site and not within the road or footpath.	Y
	Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage does not obscure sightlines from public areas.	Y

4.2.3. Maitland Local Environmental Plan 2011

The development is consistent with the provisions of the LEP that may be considered applicable, as discussed below.

Permissibility – The subject site is zoned R1 General Residential. Centre-based childcare facilities are permitted with consent within the zone. The subject development is for a long day care which is included within the definition. The use is consistent with the objectives of the zone to provide facilities and services to meet the day-to-day needs of residents.

centre-based child care facility means—

(a) a building or place used for the education and care of children that provides any one or more of the following—

- (i) long day care,*
- (ii) occasional child care,*
- (iii) out-of-school-hours care (including vacation care),*
- (iv) preschool care, or*

(b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),

Note—

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided.

but does not include—

- (c) *a building or place used for home-based child care or school-based child care, or*
- (d) *an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or*
- (e) *a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or*
- (f) *a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or*
- (g) *a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or*
- (h) *a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.*

The proposed use of the site will involve long day care, out-of-school hours care and preschool care and is consistent with part (a) of the definition for a centre-based child care facility.

CI 7.1 - Acid Sulfate Soils - The land is mapped as Class 5 acid sulphate soils. Given the nature of works to be undertaken on site and the classification of the site, an acid sulphate soils management plan is not considered to be necessary.

CI 7.2 – Earthworks - Some minor earthworks of the site will be necessary to create a level building platform, associated car park and play areas and to meet accessibility requirements. All works will be carried out in accordance with the Stormwater Management Plan and Sediment and Erosion Control Management Plan.

4.2.4. Maitland Development Control Plan 2011

The Maitland Development Control Plan 2012 (MDCP) applies to the proposed development.

It is noted Clause 26 of the Education and Child care SEPP provides that:

(1) a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:

- (a) operational or management plans or arrangements (including hours of operation),*
- (b) demonstrated need or demand for child care services,*
- (c) proximity of facility to other early childhood education and care facilities,*
- (d) any matter relating to development for the purpose of a centre-based child care facility contained in:*
 - (i) the design principles set out in Part 2 of the Child Care Planning Guideline, or*
 - (ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car*

parking rates).

(2) This clause applies regardless of when the development control plan was made.

Compliance with the relevant controls is addressed in Table 5 below. Overall, the development complies with the controls.

Control	Assessment	Comply
Part B – Environmental Guidelines		
B.5 Tree Management	The site is currently clear of vegetation.	Y
B.6 Waste Not – Site Waste	A Site Waste Minimisation and Management Plan (SWMMP) has been prepared and included as part of this application.	Y
Minimisation and Management	The development has been designed to accommodate and minimise waste during the operational phase by providing appropriate areas for waste storage and pickup and is shown on the Architectural Plans.	Y
Part C Design Guidelines		
C.1 Accessible Living	An Access Report has been prepared and included as part of this application. The report provides an assessment of the development against the requirements of the Building Code of Australia 2019 and the Disability Discrimination Act 1992 with regard to access for persons with a disability. The report notes that all standards are compliant or can be addressed during detailed design stage.	Y
C.6 Outdoor Advertising		
3. Guidelines for Outdoor Advertising Signs	The signage has been assessed under the SEPP is considered suitable for the location.	Y
C.11 Vehicle Access and Car Parking		
2.1 General Principles	A Traffic Impact Statement has been prepared is included as part of this application. The report provides a detailed assessment of parking and access requirements for the development and potential traffic impacts.	Y

2.2 Calculation of Parking Requirements	A total of 32 spaces are proposed, inclusive of one (1) accessible car space. The location of parking is depicted on the plans and is considered to provide an appropriate distribution to efficiently service the staff and client parking needs.	Y
3.1 Access to the Site	The development has been designed to provide adequate on-site manoeuvring and circulating areas to ensure that all vehicles can	Y
	enter and leave the site in a forward direction. Turning paths are provided as part of this application.	
3.2 Sight Distances	<p>With Robert Road being a 50 km/h road the required vehicular sight lines from the access needs to be a minimum 45 metres or 69 metres desirable. Given the location of the access and the relatively straight alignment of Robert Road the only constraint to the provision of suitable sight lines is likely to be on-street car parking adjacent to the access. Therefore, it is recommended that on-street car parking be prohibited within 10 metres of the access through appropriate regulatory signage approved by Maitland City Council's Traffic Committee.</p> <p>The requirements for pedestrian sight lines within <i>AS2890.1-2004</i> can be ensured through conditioning of the consent to ensure no walls, fencing or landscaping above 1.2 metres high exists within the pedestrian sight triangle required by <i>AS2890.1-2004</i>.</p> <p>Overall, it is concluded that the proposed access arrangements to the development are satisfactory and would comply with the requirements of Australian Standards. It is however also recommended that approval be sought from Maitland City Council's Traffic Committee for the installation of onstreet regulatory parking signage to prohibit on-street car parking within 10 metres of the proposed accesses to the site.</p>	Y
3.3 Entrance/Exit to the site	Suitable and compliant access is provided from Robert Road. The access is compliant with all relevant standards and controls.	Y

3.4 Location of Parking Areas	<p>A parking area is provided on the eastern portion of the site clearly visible from the street with entry and exit signage proposed.</p> <p>The location of parking has been designed to ensure:</p> <ul style="list-style-type: none"> • visual amenity of the proposed and adjacent residential; and • clear and accessible access to the main entry. 	Y
3.5 Parking space and aisle dimensions	<p>Parking area dimensions and parking layout shall comply with Australian standard 2890.1 – 2004 User Class 3 (being 2.6 metres wide). A minimum aisle width of 6.5m shall be provided.</p> <p>This can be achieved with the design of the parking area for the subject site.</p>	Y
3.6 Construction Requirements	All work will be carried out in accordance with the construction management plan.	Y
3.7 Landscaping	The car park has been designed to include appropriately placed landscaping to contribute to the streetscape and provide buffers between the adjoining residential dwelling to the north while maintaining sightlines.	Y
3.8 Directional Signs and Marking	Parking areas are proposed to be clearly signposted and line-marked. Entry and exit points will be clearly delineated through signage and the accessible space will be clearly defined.	Y
3.9 Principles for Crime Prevention	<p>The design of the car park has considered crime risk and includes:</p> <ul style="list-style-type: none"> • Lighting is to be provided in off-street car parks in accordance with the requirements of AS 2890.1, 1993 – Parking Facilities Off Street Parking; • Provision of clear sightlines between public and private places; • Landscaping that does not reduce sightlines; and <p>Onsite management to ensure site cleanliness and regular upgrades and repair as required.</p>	Y
4. Loading and Unloading	<p>Adequate space for loading and unloading is provided off street adjacent to the waste storage area. The area has been designed to ensure vehicles can manoeuvre into and out of all loading areas and leave the site in a forward direction.</p> <p>All loading will be undertaken outside of peak hours by private contractors to minimise any conflict with drop-offs and pick-ups.</p>	
5. Car parking for persons with a disability	1 accessible parking space is provided in accordance with Australian Standard AS2890.1 – 1993.	

C.12 Crime Prevention through environmental design		
1.1 Development Requirements	The proposed development has been designed in accordance with the CPTED principles of surveillance, access control, territorial reinforcement, and space management.	Y

5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

In determining the DA, the consent authority is required to consider Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979*. This is addressed below.

5.1. Section 4.15(1)(a) – Statutory Planning Considerations

Section 4.15(1)(a) requires the consent authority to take into consideration:

(a) *the provisions of:*

(i) *any environmental planning instrument, and*

(ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

(iii) *any development control plan, and*

(iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

(iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*

(v) *any coastal zone management plan (within the meaning of the [Coastal Protection Act 1979](#)),*

that apply to the land to which the development application relates

The proposal is permissible with consent and consistent with the provisions and objectives of the Newcastle LSPS; Maitland LEP 2011; and Development Control Plan 2011.

5.2. Section 4.15(1)(b) – Environmental, Social and Economic Impacts

Section 4.15(1)(b) requires the consent authority to consider:

(b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*

The relevant matters are addressed in the following paragraphs.

5.2.1. Impacts on the Natural Environment

The proposed development and its environmental impacts have been investigated and addressed in the application documentation. No significant vegetation will be removed and there will be no long term or irreparable impact on the natural environment. Water quality management, and erosion-sediment controls measures are incorporated in the design to mitigate impacts from the volume and quality of discharged water. Impacts on the natural environment are acceptable for the nature, context, and scale of the development.

5.2.2. Impacts on the Built Environment

The site is an urban area, and the development is appropriate given site opportunities and constraints. The form, scale and positioning of the built form manages environmental impacts, and the materials, finishes, and landscaping are compatible with the local character. Impacts on the built environment are appropriate and acceptable for the nature, context, and scale of the development.

5.2.3. Social and Economic Impacts

The development is consistent with Council's strategic planning and will not result in any significant or dramatic shift in the local demographics or economic conditions. Construction expenditure will support local businesses and the economy. Ongoing operation will provide jobs and promote economic activity. The development is considered to deliver positive social and economic benefits.

5.3. Section 4.15(1)(c) – The Suitability of the Site

Section 4.15(1)(c) requires the consent authority to consider:

(c) the suitability of the site for the development

The site is identified, through zoning, for this type of development. All necessary environmental investigations have been undertaken and where necessary, measures have been identified to ensure the development mitigates adverse environmental impacts. The development responds to its physical characteristics, is compatible with surrounding development, and is a suitable use of the site.

5.4. Section 4.15(1)(d) – Submissions

Section 4.15(1)(d) requires the consent authority to consider:

(d) any submissions made in accordance with this Act or the regulations.

Preparation of this documentation involved consultation with some stakeholders. Any representations and submissions received during the assessment and determination will need to be considered by the consent authority. Where necessary the applicant will respond to specific matters raised through this process.

5.5. Section 4.15(1)(e) – Public Interest

Section 4.15(1)(e) requires the consent authority to consider:

(e) the public interest.

Public interest is best served by the orderly and economic use of land for purposes permissible under the relevant planning regime and in accordance with prevailing development controls. The development is permissible and is consistent with strategic policies specific to the site, and those dealing more generally with land use supply and economic development within Newcastle. The development will support economic activity and can be delivered with no significant, adverse environmental impacts. The proposal is considered in the public interest.

6. CONCLUSION

Having regard to site characteristics, nature of the proposed development, and prevailing land uses in the area, the development will provide opportunity for new childcare business to establish and contribute to the desired growth and character of the area. The built form and scale are consistent with the local pattern of development, and the site is accessible to necessary services and infrastructure.

Building work will be consistent with the National Construction Code, Australian Standards, and planning controls. As demonstrated through this application, works can be delivered without any significant, adverse impact on the surrounding natural or built environment.

The proposal is reasonable and appropriate when considered under the relevant heads of

consideration in *Section 4.15 of the Environmental Planning and Assessment Act, 1979*, and is worthy of favourable consideration by Council.