

# STATEMENT OF ENVIRONMENTAL EFFECTS

Development Application for  
Development Consent for Centre-  
based Child Care Facility (106 places),  
Ancillary Car Park and Signage

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**Parent Lot Address:**

- 581 and 651 Raymond Terrace Road, Chisholm, NSW 2322
- Lot 81 DP1302072 and Lot 1 DP1288624

**Development Site Address:**

- Approved Lot 205, Sophia Waters Subdivision (Stage 4A)
- 

**August 2024**



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## Application Overview

Site and Application Details	
<b>Address (Parent Lot)</b>	581 and 651 Raymond Terrace Road, Chisholm, NSW 2322
<b>Lot on Plan (Parent Lot)</b>	Lot 81 DP1302072 and Lot 1 DP1288624
<b>Development Site</b>	Approved Lot 205 Sophia Waters Subdivision (Stage 4A)
<b>Development Site Area</b>	Lot 205: 3,602m <sup>2</sup>
<b>Consent Authority</b>	Maitland City Council
<b>Zoning</b>	R1 General Residential
<b>Existing Use</b>	Vacant lot forming part of the Sophia Waters Subdivision (Stage 4A)
<b>Application Details</b>	Development Application for Development Consent for Centre-based Child Care Facility, Ancillary Car Park and Signage
<b>Assessment Category</b>	Permitted with Consent
<b>Integrated Development</b>	<p>The proposal triggers integrated development under section 4.46 of the EP&amp;A Act for the following purpose(s):</p> <ul style="list-style-type: none"> <li>Rural Fire Service – s100B Bushfire Safety Authority under <i>Rural Fires Act 1997</i> – special fire protection purpose (requiring bushfire safety authority from NSW RFS)</li> </ul>
<b>Applicant Details</b>	<p><b>Chisholm CC Pty Ltd (A.C.N. 671 061 831) ATF Chisholm Unit Trust (A.B.N. 28 512 568 226)</b>                      c/- HPC Planning                      1024 Ann Street, Fortitude Valley, QLD 4006                      Contact: Chris Lewis                      Phone: (07) 3217 5800                      Email: Christopher.L@hpcplanning.com.au                      Web: <a href="http://www.hpcplanning.com.au">www.hpcplanning.com.au</a></p>
<b>Landowner</b>	Allam Land No. 4 Pty Ltd (A.C.N. 617 512 615) and Thornton Waters Pty Ltd (A.C.N. 606 351 400)

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Appendix B:	Landscape Plan	Dune St Landscape Architects
Appendix C:	Civil Engineering Plans	Northrop
Appendix D:	Traffic Assessment	SECA Solution
Appendix E:	Noise Assessment	Spectrum Acoustics
Appendix F:	Site Waste Minimisation and Management Plan	HPC Planning
Appendix G:	Cost Estimate Report	MCG Quantity Surveyors
Appendix H:	Pre-lodgement Meeting Minutes	Maitland City Council
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# 1 Introduction

## 1.1 Overview

HPC Planning have been engaged by Chisholm CC Pty Ltd ATF Chisholm Unit Trust ('the Applicant') to prepare and lodge a Development Application for **Development Consent for Centre-based Child Care Facility, Ancillary Car Park and Signage** on land at 581 and 651 Raymond Terrace Road, Chisholm, NSW 2322, described as Lot 81 DP1302072 and Lot 1 DP1288624 ('the subject site'). The proposed development relates specifically to Approved Lot 205 of the Sophia Waters Subdivision (Stage 4A) ('the development site').

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This Statement of Environmental Effects ('SEE') provides context to the proposed development by describing the subject site and surrounding locality. Second, the SEE sets out the details of the proposed development and key planning, development and environmental considerations. Last, the report provides an independent assessment of the proposal against the applicable environmental planning instruments, which demonstrates the acceptability of the proposal and that it will generally have positive environmental impacts in light of Section 4.15 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act').

## 1.2 Summary of Proposals

The development site is a vacant 3,602m<sup>2</sup> development ready allotment located within the Sophia Waters subdivision, currently under construction. The subject site represents a key strategic location for the proposed Centre-based Child Care Facility given the rapidly expanding residential population in the immediate locality of Chisholm and Thornton, with an estimated yield of 5,000 new residential lots over 900 hectares and an increase in population by about 9,500 expected as a result of the Thornton North Urban Release Area ('URA'). The proposal will therefore take advantage of a highly accessible location by supplying additional much needed long day care places to support the local population growth, particularly for families in the immediate Sophia Waters estate that is under construction.

The proposed development involves the construction and operation of a Centre-based Child Care Facility that will cater for up to 106 children aged between 0-5 years in a 927m<sup>2</sup> Gross Floor Area ('GFA') purpose-built building. Externally, the proposal will involve 7.5m wide driveway access with separate pedestrian access, 27 parking spaces, 1,218m<sup>2</sup> of useable outdoor play area plus a 28m<sup>2</sup> vegetable garden and substantial landscaping, with a strong focus on planting along the front and side boundaries. A business identification sign will be erected adjacent to the driveway entrance, which also forms part of this development application.

The centre proposes a high-quality built form and landscape design outcome which is sympathetic to the intended character of the surrounding low density residential estate. The design of the centre has been developed with due regard to future adjoining dwellings to the west and will successfully mitigate external impacts (primarily noise) to these future uses.

## 1.3 Legislative Framework

Under the *Maitland Local Environmental Plan 2011* ('MLEP'), the subject site is zoned R1 General Residential. The purpose of the General Residential zone is to provide a variety of housing types and densities and to provide other facilities or services that meet the day to day needs of residents. The proposal is for a Centre-based Child Care Facility which will service the day to day child care needs of residents. The development is therefore consistent with the intent of the zone and is noted to be 'permitted with consent' development under the Land Use Table for Zone R1 General Residential.

## 1.4 Supporting Information

Independent specialist studies have been prepared to ensure that all engineering and amenity matters are evaluated and addressed as part of the design process. This SEE should be read in conjunction and considered with the following supporting documentation:

- Architectural Plans – *Cyber Drafting and Design*
- Landscape Plan – *Dune St Landscape Architects*
- Civil Engineering Plans – *Northrop*
- Traffic Assessment – *SECA*
- Noise Report – *Spectrum Acoustics*
- Cost Estimate – *MCG Quantity Surveyors*
- Bushfire Threat Assessment - *AEP*

All relevant supporting information has been provided for the development application to be considered properly made.

## 1.5 Recommendation

This independent SEE, coupled with the supporting specialist reports demonstrates that the proposed development is an appropriate outcome for the site, generally accords with the relevant provisions of the MLEP and *Maitland Development Control Plan 2011* ('MDCP') and relevant state environmental planning instruments, and will not prejudice the development potential or residential amenity of surrounding lots. As such, the application is recommended for approval, subject to reasonable and relevant conditions.

## 2 Site + Surrounding Development

### 2.1 Property Description

The development site straddles two existing parent lots as described below (Table 1), both with frontage to Raymond Terrace Road. The development site is located over approved Lot 205 as described below (Table 2), which will be registered subject to the completion of the approved subdivision.

Street Address	RP Description	Zoning	Site Area
581 Raymond Terrace Road, Chisholm	Lot 81 DP1302072	R1 General Residential	14.06 ha
651 Raymond Terrace Road, Chisholm	Lot 1 DP1288624	R1 General Residential	4.526 ha

Table 1: Parent Lot Details

Street Address	RP Description	Zoning	Site Area
Will be generated once lot is registered	Approved Lot 205	R1 General Residential	3,602m <sup>2</sup>

Table 2: Development Site Details

### 2.2 The Site

The development site is located approximately 9km south-east of Maitland city centre and comprises a vacant development ready lot which forms part of Stage 4A of the Sophia Waters residential subdivision. The site has a 65.7m frontage to Ballymore Drive (under construction), which connects to Raymond Terrace Road (major road) to the south. Pursuant to the MLEP, the site is included within Zone R1 General Residential. Figure 1 below shows the location of the development site, while Figure 2 shows the zoning of the land.



Figure 1: Site Location Map

Source: Nearmap

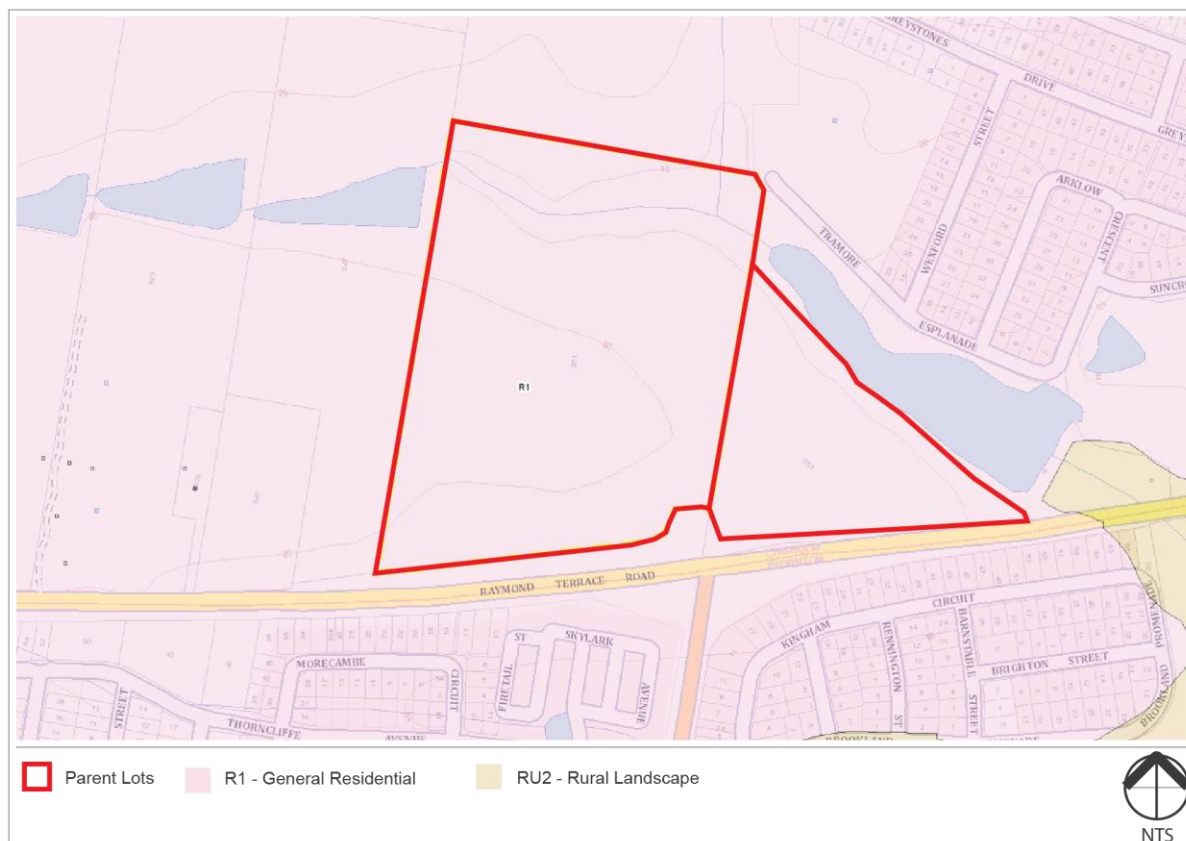


Figure 2: Surrounding Zones

Source: NSW Planning Portal Spatial Viewer

### 2.3 Thornton North Urban Release Area

The area of Chisholm is currently going through a high level of urban residential growth forming part of the Thornton North URA. This priority area was first identified over 20 years ago in the Maitland Urban Settlement Strategy (2001) as potentially suitable for urban development ('greenfield' growth) due to its opportune location near the New England Highway and the M1. On 9 December 2003, the Thornton North Master Plan was adopted to provide a broad framework for the potential development of a future community of around 9,500 people in the Thornton North area. Not long after the Master Plan was adopted, the *Lower Hunter Regional Strategy* (October 2006) earmarked the area as a major URA site required to achieve the dwelling targets for population growth in the Lower Hunter.

The Thornton North Structure Plan was adopted in July 2011 and the area rezoned. The Structure Plan comprises 900 hectares of land and provides for a future growth of approximately 5,000 lots or up to 9,500 people. It also sets out the planning principles and direction for the area, which is generally reflective of those in the adopted 2003 Master Plan. The Structure Plan and associated Infrastructure Plans (including a specific Section 94 Contributions Plan) are included within Part F7 of the MDCP.

Under the Thornton North Structure Plan, the site forms part of the 'Raymond Terrace Road – Eastern Precinct' (Precinct 6 and 7), which was adopted on 26 May 2015. This is one of the latter stages of the Thornton North Structure Plan. Current aerial mapping confirms that Precinct 6 is almost 50% complete, with only land to the north and west (Precinct 7) left to be developed. The adopted layout for the Eastern Precinct is shown in Figure 3 over.





Figure 3: Eastern Precinct Structure Plan Layout

Source: MDCP

As a direct consequence of the rapid population growth, there is a need for additional community facilities coordinated with the growth and release of new residential areas particularly in the immediate surrounding Raymond Terrace Road – Eastern Precinct, which does not currently contain any existing or approved community facilities.

## 2.4 Surrounding Land Uses

Chisholm is mainly comprised of low and low-medium density residential development reflective of the high residential growth that started over 10 years ago as a result of the rezoning from the Thornton North URA and Structure Plan. There are currently few community facilities and services available in Chisholm due to the area being relatively new. These existing services include St Bede’s Catholic College, St Aloysius Catholic Primary School, a few Child Care Facilities and public parks and sports grounds.

Refer to Figure 4 for a graphical representation of the immediate surrounding land uses in Chisholm. Whilst there are a few Child Care Facilities in the area, there are no existing or approved purpose-built facilities within the Sophia Waters subdivision or the wider Raymond Terrace Road Eastern Precinct, which is likely to be fully developed in the coming years. Furthermore, the presence of Child Care Facilities in the other completed stages of the Thornton North Structure Plan / URA demonstrates that there is a high demand for these facilities.

The site’s strategic location within a rapidly growing area of Thornton North, with convenient access to Raymond Terrace Road (major road), which provides connection to Raymond Terrace to the east and East Maitland to the west, makes the site an important location for the proposed Centre-based Child Care Facility and will supply additional much needed long day care places to support the local population growth.



**Figure 4: Subject Site Strategic Context**

**Source: Nearmap**

## 2.5 Easements and Covenants

As per the Draft Deposited Plan of Appendix J, the development will contain two easements. These include Easement 'B' / 'Z', which is a proposed 2m wide stormwater drainage easement that runs along the north-eastern boundary, and Easement 'E', a 0.9m wide easement which runs along the southern boundary and provides for support and maintenance. These future easements have been incorporated into the layout of the proposed Child Care Facility and will not be affected by the development.

## 2.6 On-Site Vegetation

As demonstrated by the aerial photograph within Figure 1, the site is entirely cleared and currently being prepared for development in accordance with previous subdivision approvals.

## 2.7 Site History

On 5 October 2016, DA16/2323 was lodged to Maitland City Council by four separate landowners for a 400 lot residential subdivision including six (6) drainage reserve lots, three (3) road widening lots and two (2) residue lots. This 400 lot subdivision application related to land at 547 and 581 Raymond Terrace Road, and 119 Mcfarlanes Road, Chisholm (Precinct 6 of the Thornton North Structure Plan). To minimise future risk and complication to the overall development, it was agreed that each landowner involved with DA16/2323 would instead lodge an individual application over their respective parcels of land and the original 400 lot subdivision application was subsequently withdrawn.

The development site (Approved Lot 205) was established subject to two separate subdivision approvals for Sophia Waters Estate. This includes DA/2019/652 which pertains to 581 Raymond Terrace Road and DA16/2890 which pertains to 651 Raymond Terrace Road.

Table 3 below provides an overview of the historic development application(s) over the subject site, as recorder on Council's Application Tracker database.

Reference	Application Description	Lodged	Determined
<b>581 Raymond Terrace Road, Chisholm</b>			
DA16/2323	400 Lot Torrens Title Subdivision and Associated Infrastructure	05/10/2016	Withdrawn
DA/2019/652	Torrens Title Subdivision – 132 Residential Lots and Associated Infrastructure	01/08/2019	28/04/2020
DA/2019/652:1	Section 4.55(1A) Modification – Amendment to Staging and Conditions	07/04/2021	Withdrawn
DA/2019/652:2	Residential Subdivision Development	03/08/2022	31/03/2022
DA/2019/652:3	Section 4.55(1A) Delete Condition 19 (AHIP no longer required)	16/09/2022	21/09/2022
DA/2019/652:4	Section 4.55(1A) Modification to Conditions 37 and 40, delete condition 36	07/06/2023	13/10/2023
DA/2019/652:5	Section 4.55(1A) Application to Modify Subdivision Layout and Boundary Adjustments to the East Resulting in a Decrease in Residential Lots from 132 to 130	20/09/2023	24/01/2024
<b>651 Raymond Terrace Road, Chisholm</b>			
DA/2016/2890	Subdivision of 1 into 4 Lots, Associated Vegetation Clearing, Earthworks and Construction	15/12/2016	18/07/2023
DA/2016/2890:1	Section 4.55(1A) – Resolve Residual Land Between Development Sites	10/11/2023	10/11/2023

**Table 3: Previous Applications**

Per Table 3 above, there have been several Section 4.55 Modifications made to the original subdivision approvals. The most recent and relevant modifications were DA/2019/652:5, determined on 20 September 2023, and DA/2016/2890:1, determined on 10 November 2023. These modifications specifically involved boundary readjustments, the amalgamation of lots and the resolution of residual land between the two subdivision approvals. These modifications resulted in the removal of two residual lots at 651 Raymond Terrace and the replacement of these residual lots with additional residential lots, as well as the creation of a lot suitably sized for a Centre-based Child Care Facility (Approved Lot 205).

Figure 5 shows the current indicative layout of the approved Sophia Waters subdivision.



Figure 5: Sophia Waters Subdivision Layout

Source: Allam Land

## 3 Proposed Development

### 3.1 Application Details

This application seeks **Development Consent for Centre-based Child Care Facility, Ancillary Car Park and Signage** on land at 581 and 651 Raymond Terrace Road, Chisholm, NSW 2322, described as Lot 81 DP1302072 and Lot 1 DP1288624. The proposed development relates specifically to Approved Lot 205 of the Sophia Waters Subdivision (Stage 4A).

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### 3.2 Pre-lodgement Meeting

On 14 August 2023 a pre-lodgement meeting was held with Maitland City Council (refer to Pre-lodgement Meeting Minutes at Appendix H). The pre-lodgement meeting provided a breakdown of the matters that should be considered in the making of a Development Application. This feedback was invaluable in developing the proposed layout. The key considerations identified in the pre-lodgement meeting have been considered throughout this SEE and within the supporting drawings and documents lodged in support of the application.

### 3.3 Proposal Overview

The proposal is for the construction of a new purpose-built Centre-based Child Care Facility to be contained within Approved Lot 205 (DA/2019/652:5). The 927m<sup>2</sup> GFA purpose-built facility will cater for a maximum of 106 children aged between 0-5 years and 18 educators plus ancillary staff. Internally, the facility will include indoor playrooms, art rooms, sleeping rooms, administrative and staff facilities, reception, first floor ancillary office, kitchen, laundry and storage rooms. Externally, the facility incorporates appropriately sized outdoor play areas (1,218m<sup>2</sup>) plus a vegetable garden, car park containing 27 spaces, a screened refuse collection area, and substantial boundary landscaping. Access to the site will be gained via a new 7.5m wide crossover and two separated pedestrian pathways.

The Child Care Facility has been designed specifically to reduce potential amenity impacts on surrounding residential properties through the layout, acoustic attenuation and landscaping, as discussed further below. The development provides an improved urban design outcome for the site with a high level of landscaping and an articulated contemporary built form addressing the street frontage. The design of the facility maintains the appearance of a residential dwelling house of a comparable size and scale to the area.

Overall, the Centre-based Child Care Centre will provide a high quality and well-designed community facility that will assist in addressing the child care needs in the growing Chisholm and Thornton locality and surrounding areas.

In addition to the proposed Centre-based Child Care Centre, development consent is sought for the proposed business identification signage at the front of the site. This specifically involves a free-standing pylon sign adjacent to the vehicle entry that will display the name of the Child Care Facility and key operational characteristics (e.g. hours of operation). Section plans for the proposed signage are included as insets on the Proposed Site Plan, within Appendix A.

### 3.4 Hours of Operation

The proposed Child Care Centre will operate Monday to Friday 6.15am to 6.15pm, 52 weeks per year. The findings of the Noise Assessment (Appendix E) confirm that restrictions are not required on the hours of operation for the outdoor play areas.

### 3.5 Indoor and Outdoor Space Requirements

The proposed Child Care Facility will have a total gross floor area of 927m<sup>2</sup> and a total licensed capacity of 106 spaces. Indoor and outdoor play space requirements are stipulated by regulations 107 and 108 of the *Education and Care Services National Regulations* as follows:

- Unencumbered indoor play area must be provided at the rate of 3.25m<sup>2</sup> per child; and
- Unencumbered outdoor play area must be provided at the rate of 7m<sup>2</sup> per child.

Per Table 4 below, the proposed Centre-based Child Care Centre has been designed to significantly exceed the requirements of the regulations, thereby facilitating a high quality play and learning environment for children.

Activity room	Places	Indoor space (m <sup>2</sup> )		Outdoor space (m <sup>2</sup> )	
		Required	Provided	Required	Provided
1	12	39	c.54	84	Outdoor Play 1: 328 Outdoor Play 2: 890
2	15	48.75	c.50	105	
3	15	48.75	c.58	105	
4	20	65	c.77	140	
5	20	65	c.74	140	
<b>TOTAL</b>	<b>82</b>	<b>266.5</b>	<b>313</b>	<b>574</b>	<b>1,218</b>

Table 4: Indoor and Outdoor Space requirements and provision summary

### 3.6 Built Form

#### 3.6.1 Architectural Intent

The design of the proposed centre has evolved through a design-led approach to provide a community facility which is sympathetic to the planned residential character and scale of Sophia Waters estate. Specifically, to maintain consistency with the residential character of the site and surrounds, the proposed building adopts a built form and design that is predominately low-set and features gable roof forms.

High quality materials, such as feature stone cladding, timber look aluminium feature walls, vertical cladding, rendered block walls and Colorbond roofing, accentuate the building façade and reflect materials used in the locality. The built form is articulated by recesses and steps in the building footprint, deep verandahs, and glazing on all elevations. The use of glazed features and expansive verandahs softens the overall profile of the building and provides high levels of external amenity.

Fencing and gates are proposed around the site to delineate the public and private realm. This is supported by landscaping within the site that includes the provision of new canopy trees. Together, these elements will assist in screening the development and enhance the landscaped setting of the site.

The resulting outcome is consistent with the anticipated built form of the locality whilst at the same time providing a distinguishable contribution that takes advantage of the site's key location near the entrance to the developing residential area to Raymond Terrace Road.

Refer to the Elevations and Perspective included at Appendix A for further details.



Figure 6: Perspective of proposed facility

Source: Cyber Drafting & Design

### 3.6.2 Building Height

The proposal has been designed as a low-set one storey building, with the central entrance to the containing a feature partial second storey that reaches 8.26m in height (maximum building height). The overall proposed building height is consistent with the domestic-scale building heights of the surrounding residential area, which is expected to contain a mixture of 1 and 2 storey detached dwellings. As there is no specified height limit for this area under the MLEP, MDCP and *Childcare Planning Guidelines*, this is considered to be an appropriate outcome for the site.

### 3.6.3 Setbacks

Front setback: C13 of the *Childcare Planning Guidelines* specifies that where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use. The predominant adjoining land use will be the urban residential detached dwelling houses within the Sophia Waters subdivision. Under section 5 of the MDCP, the minimum setback from the principal street frontage to the building line in an urban residential zone is 4.5m. The proposal has a 21.1m front setback to Ballymore Drive which accords with the minimum front setback for urban residential areas.

Site and rear setbacks: There are no minimum side or rear setback requirements that apply to this proposal. Notwithstanding, the proposal has been designed as a predominantly single level building with considerate setbacks provided to the adjoining residential properties in accordance with the *Childcare Planning Guidelines*. More specifically, where adjoining residential properties, a minimum 3m – 4m setback is provided, which is appropriate for a low density residential area and will not cause any overshadowing. As such it is not expected to impart any adverse privacy or amenity impacts by way of the proposed setbacks.

### 3.6.4 Crime Prevention Through Environmental Design Assessment

Part C.12 of the MDCP requires Child Care developments to implement Crime Prevention Through Environmental Design (CPTED) principles. Accordingly, the following aspects of design have been adopted.

- **Territorial Re-enforcement:** Whilst the proposal does not involve public spaces, children, visitors (parents) and staff will be encouraged to use and care for their respective spaces. Signage may be installed to communicate activities which are not appropriate.
- **Surveillance:** The proposal has been designed so that the staff and administration areas overlook the carpark and site entry. Activity rooms open out to the outdoor play spaces. Appropriate lighting and landscaping will ensure casual surveillance is maintained.

- **Access Control:** The site and outdoor play spaces will be fenced to appropriately restrict access. Building access is to be controlled via security doors and codes. Vehicles and pedestrians will have a single point of access to the site, clearly identified from the street.
- **Space/Activity Management:** The facility will be run by an experienced child care operator with industry specific management strategies and processes in place.

### 3.7 Landscaping

A Landscape Plan has been prepared to support the proposed development (Appendix B). Per Appendix B, deep planting is primarily proposed around the site's periphery with particular focus around the carpark and along the site frontage to enhance streetscape character and create a visually appealing entry statement. In response to Council feedback from the Pre-lodgement Meeting (Appendix H) shade trees are proposed around the car park at the suggested rate of 1 shade tree per 4 parking spaces. This will ensure that the carpark's hardstand is appropriately softened and will reduce summer heat radiating into the building. Screening shrubs are proposed along the entire length of the side and rear boundaries, appropriately buffering adjoining residential uses and mitigating the visual impact of proposed fencing and retaining walls.

Overall, the proposed landscaping serves to enhance the visual amenity of the development and will appropriately screen the carpark, fencing / retaining walls and built form. Refer to the Landscape Plan at Appendix B for full details.

### 3.8 Traffic and Transport Network Considerations

#### 3.8.1 Access and Servicing

Access to the proposed development is to be provided via a 7.5m wide driveway located on the northern side of the site. The Traffic Assessment (Appendix D) confirms that the width of the proposed driveway meets the minimum standard required under AS2890.1. The Traffic Assessment also confirms that the location of the proposed driveway will have appropriate sight lines due to the lower speeds of traffic along Ballymore Drive. The access shall be restricted to left in/left out/ right out only with no right turns permitted into the site. Two separate pedestrian access pathways will be provided to Ballymore Drive to ensure safe and convenient pedestrian access and encourage walking and cycling.

#### 3.8.2 Traffic Generation

The Traffic Assessment finds that the proposed Child Care Facility will have a minimal and acceptable impact upon the road network and surrounding intersections given a large number of trips will be from within the Sophia Waters subdivision itself or from diverted traffic from within the local area including trips diverted from Raymond Terrace Road. Furthermore, the intersection of Raymond Terrace Road and Government Road/Ballymore Drive has been designed to accommodate the demands associated with the residential subdivision and these diverted trips.

#### 3.8.3 Parking

Section C.11 of the MDCP specifies the carparking requirements for a Child Care Facility. Specifically, one car space is required for every four children in attendance. The proposal is for a 106 place centre and includes 27 car parking spaces in compliance with section C.11. One PWD spaces is provided immediately adjacent to the building entrance. As confirmed by the Traffic Assessment (Appendix D), the dimensions of the carpark and aisle are in accordance with AS2890.1 for employee parking and AS2890.6 for the accessible space.

### 3.9 Servicing

The servicing requirements for the proposal consist primarily of food deliveries, typically by van or small truck, and refuse collection servicing. The proposed development provides for onsite refuse collection.



A screened bin storage area is provided and refuse collection will take place outside of peak access times for the centre. The small number of deliveries to the site, shall also be scheduled to occur outside peak operating hours.

Separating service vehicle access and patron access to for pick up / drop off was suggested as a solution in the Pre-lodgement Meeting (refer to the minutes enclosed at Appendix H). The Site Waste Minimisation Management Plan (Appendix G) provides further details in relation to the refuse storage and collection arrangements for the development.

As confirmed by the Civil Engineering Plans (Appendix C) the loading bay is accessible to refuse collection vehicles and other service vehicles, for example food delivery vans/trucks.

### **3.10 Noise**

A Noise Assessment (Appendix E) has been prepared to assess the impact of noise from the proposed Centre-based Child Care Facility and ancillary car park on the amenity of surrounding land and to demonstrate that the proposal can achieve the relevant standards for the mitigation of external noise impacts.

The Noise Assessment concludes that subject to the implementation of mitigation measures, including the construction of acoustic barriers along the northern, north-eastern and south-eastern boundaries at the recommended height and density, there will be no adverse noise impacts imparted by the operation of the centre on the surrounding residential receivers. Furthermore, the assessment confirms that due to the low volume of traffic generated by the proposal and the majority of traffic being from the local area, a full quantitative assessment of traffic noise impacts for this development is not considered necessary. The acoustic requirements for external mechanical plant (air conditioning) are to be reviewed by the acoustical consult during the design stage to confirm compliance with the noise criteria specified in the report.

Overall, the findings of the Noise Assessment confirm that the proposal complies with the relevant noise policy requirements. The proposed development will be constructed in accordance with the recommendations of the Noise Assessment, and this can be further regulated by appropriate conditions.

### **3.11 Civil Works**

#### **3.11.1 Utility Servicing**

The subject site can be adequately serviced by all necessary infrastructure, including stormwater, sewerage, water, electricity, and telecommunications all established as part of the Sophia Waters Subdivision. This is confirmed by the Utilities Plan included within the Civil Engineering Plans at Appendix C. Detailed design of the connection of water and sewer services to the proposal will be completed during the construction certificate stage of development.

#### **3.11.2 Earthworks**

Bulk earthworks including retaining walls along the boundaries have been completed on the lot as part of the subdivision works for Sophia Waters. Per the Civil Engineering Plans (Appendix C), retaining walls ranging between 300mm and 2.5m are still required around the edges of the proposed development footprint to establish a single level building with flat play areas, which is crucial for the nature of the use. These retaining walls will be designed and certified by a Civil Engineer to ensure that they do not compromise or cause detrimental impact on drainage patterns and soil stability. The retaining walls are appropriately setback within the site to enable deep landscape planting to be installed between the retaining walls and property boundary. This strategy will ensure that retaining walls do not have any adverse impact on the streetscape character or amenity of future residential uses that will adjoin the site.

Appropriate Erosion and Sediment Control safeguards and practices will be implemented during construction, as per the Erosion and Sediment Control Plan enclosed within the Civil Engineering Plans (Appendix C).

### 3.11.3 Stormwater Management

The Civil Works Plan (Appendix C) demonstrate the proposed finished surface levels of the development and the proposed stormwater infrastructure. Per the Civil Works Plan, stormwater flows are proposed to be conveyed to the existing stormwater pit located in the stormwater easement in the north-eastern side of the site.

As impervious area of the site exceeds the 60% fraction allowed for the subdivision, on-site detention is required so that the capacity of the inter-allotment drainage line is not exceeded during the 1% AEP event. As such, a 51.5 KL underground on-site detention tank ('OSD') is proposed in the south-eastern corner of the site to attenuate flows before discharging into the existing stormwater pit. The OSD attenuates flows such that the downstream network capacity is not exceeded.

The Concept Stormwater Summary on the Civil Details Plan (Appendix C) confirms that stormwater quality treatment has been provided as part of the overarching subdivision for Sophia Waters. Therefore, on-site treatment is not required.

Overall, the proposed stormwater management strategy is considered to effectively meet the objectives of the MDCP. Refer to the Concept Stormwater Summary on the Civil Details Plan (Appendix C) for further information.

### 3.12 Bushfire

The site is mapped as bushfire prone land. As the proposed Centre-based Child Care Facility is a 'special fire protection purpose', the proposal triggers integrated development under section 4.46 of the EP&A Act. Accordingly, the proposal will require a bushfire safety authority from NSW RFS under section 100B of the *Rural Fires Act 1997*.

Whilst the application triggers integrated development, it is noted that Bushfire Threat Assessments ('BTA') have already been carried out and approved as part of the overarching residential subdivisions for the estate. These BTAs provided measures to ensure that the approved lots within the estate are provided adequate protection to life and property in the event of a bushfire occurring in the immediate locality, in compliance with the relevant requirements of Planning for Bushfire Protection policy guidelines and Australian Standard 3959-2009. One of these measures included removing the bushfire threat vegetation, which has since been completed as part of construction of the approved residential subdivision, effectively negating the mapped bushfire hazard over the development site. As such, the overarching subdivision is already considered to have appropriately addressed bushfire safety issues.

Notwithstanding the above, it is acknowledged that the proposed 'special fire protection purpose' was not originally assessed under BTAs for the overarching subdivision approvals. Therefore, a BTA has been prepared in respect of the proposed Child Care Facility to ensure that it meets the criteria and objectives of the RFS *Planning for Bushfire Protection 2019*. Please refer to Appendix K for this Bushfire Threat Assessment.

### 3.13 Signage

The proposal also seeks Development Consent for a business identification pylon sign located adjacent to the driveway entrance. The sign will identify the child care business name and key operational characteristics (e.g. hours of operation). The sign will have a surface area of approximately 2.98m<sup>2</sup> (1.22m (H) x 2.44m (W)). The proposed sign does not involve any illumination. The design of the business identification sign aligns with the assessment criteria under Schedule 5 of the SEPP (Industry and Employment) 2021 (refer to section 4.2.1 below for further details).

## 4 Planning Context

The following sections outline the planning assessment process that is applicable to the proposed development and summarises the relevant state and local environmental planning legislation that has been taken into consideration during the preparation of this SEE.

### 4.1 Environmental Section 4.15 Assessment

This section of the SEE evaluates the proposed development against the provisions of section 4.15 of the EP&A Act. Section 4.15 of the Act identifies the matters for consideration for development applications, as follows:

#### 4.15 Evaluation

**(1) Matters for consideration—general** *In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—*

(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 Planning 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),*
- (v) *(Repealed)*

*that apply to the land to which the development application relates,*

- (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,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

Section 4.2 below address the relevant requirements of section 4.15(1)(a), whilst sections 4.3 and 4.4 addresses subclauses 4.15(1)(b)(c)(d) and (e) of the EP&A Act.

### 4.2 State Environmental Planning Policies

The proposed development and site have been evaluated against the provisions of all current, relevant State Environmental Planning Policies (SEPP). Table 5 provides comment in relation to SEPPs which are of potential relevance to the development.

SEPP	Applicability
SEPP (Biodiversity and Conservation) 2021	<b>Not applicable.</b> The site is not mapped within the Biodiversity values map. Further, biodiversity matters have been addressed under the original subdivision approval for the estate and the site is now a vacant lot and does not contain any vegetation. Assessment

SEPP	Applicability
	against the Biodiversity and Conservation SEPP is not required.
SEPP (Exempt and Complying Development Codes) 2008	<b>Not applicable.</b> The proposal requires consent and is not exempt or complying development.
SEPP (Housing) 2021	<b>Not applicable.</b> The proposal does not involve residential development.
SEPP (Industry and Employment) 2021	<b>Applicable.</b> Refer to section 4.2.1 below.
SEPP (Planning Systems) 2021	<b>Not applicable.</b> The proposal is not for State significant development, State significant infrastructure or Regionally significant development.
SEPP (Primary Production) 2021	<b>Not applicable.</b> The proposal does not involve primary production or agriculture.
SEPP (Resilience and Hazards) 2021	<p><b>Complies.</b> A small portion of the south-eastern corner of the parent lot (Lot 1 DP1288624) is identified within the 'Proximity Area for Coastal Wetland'. Approved Lot 205 is not affected by this proximity area overlay and therefore the proposal will not have any adverse impacts on Coastal Wetlands.</p> <p>Clause 4.6 requires that that Council consider whether the land is contaminated before consenting to a development. A Preliminary Contamination Assessment was carried out by Cardno as part of the overarching subdivision approval. The assessment was approved under DA/2019/652 and DA/2016/2890 and earthworks have since been completed, resulting in a development pad with clean fill. Notwithstanding, earthworks required to establish a level building pad and outdoor play areas will be carried out adopting an unexpected finds protocol, as recommended in the approved preliminary contamination assessment report and conditioned under the subdivision approvals. A similar condition can be set for this application. It is not considered necessary to carry out another preliminary investigation given the circumstances in which the site is located, within a residential subdivision prepared for development such as this.</p> <p>Lastly, the proposal does not involve hazardous or offensive development.</p>
SEPP (Resources and Energy) 2021	<b>Not applicable.</b> The proposal does not involve mining, petroleum production or extractive industries.
SEPP (Sustainable Buildings) 2022	<b>Not applicable.</b> The proposal does not have an estimated development cost of \$5 million or more.
SEPP (Transport and Infrastructure) 2021	<b>Applicable.</b> Refer to section 4.2.2 below.

SEPP	Applicability
SEPP No 65 Design Quality of Residential Apartment Development	<b>Not applicable.</b> The proposal does not involve residential development.

**Table 5: Relevant SEPP Assessment**

## 4.2.1 SEPP (Industry and Employment) 2021

As the proposal seeks Development Consent for a business identification sign (Development Consent for Signage), Chapter 3 of the Industry and Employment 2021 SEPP applies. The aims, objectives of Chapter 3 are:

*This Chapter aims –*

- (a) *to ensure that signage (including advertising)—*
  - (i) *is compatible with the desired amenity and visual character of an area, and*
  - (ii) *provides effective communication in suitable locations, and*
  - (iii) *is of high quality design and finish, and*
- (b) *to regulate signage (but not content) under Part 4 of the Act, and*
- (c) *to provide time-limited consents for the display of certain advertisements, and*
- (d) *to regulate the display of advertisements in transport corridors, and*
- (e) *to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

Per Part 3.2 (section 3.6) of the SEPP an application to display signage is required to demonstrate that the signage is consistent with the objectives of the Chapter, and that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5. An assessment has been carried out against the Schedule 5 signage criteria in Table 6 below.

Note, the proposed signage is a ‘business identification sign’ and is therefore exempt from the provisions of Part 3.3 of the SEPP.

Schedule 5 – Assessment Criteria	Assessment
<b>1 Character of the area</b>	
<i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i>	The signage is modest in scale and compatible with the existing and expected residential character of the area and proposed Centre-based Child Care Facility.
<i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i>	The proposed signage will assist in identifying the use of proposed Child Care Facility on the site in an unobtrusive manner. The proposed sign is generally consistent with other similar business identification signs in the locality.
<b>2 Special area</b>	
<i>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?</i>	The proposed signage is located adjacent a landscaped area with ample clearance to the nearest adjoining residential property. The sign will not detract from the amenity or visual quality of the residential area.
<b>3 Views and vistas</b>	

Schedule 5 – Assessment Criteria	Assessment
<i>Does the proposal obscure or compromise important views?</i>	The signage is modest in scale and will not obscure or compromise important views.
<i>Does the proposal dominate the skyline and reduce the quality of vistas?</i>	The signage is only 2.22m in height and therefore will not dominate the skyline or reduce the quality of vistas.
<i>Does the proposal respect the viewing rights of other advertisers?</i>	Signage will relate to building occupant and will not comprise third party advertising. Impacts on viewing rights will not occur.
<b>4 Streetscape, setting or landscape</b>	
<i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i>	The signage is modest in scale and will not be obtrusive in the streetscape.
<i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i>	The signage has been designed to complement the building and landscaping, thereby contributing to the visual interest of the streetscape and landscape.
<i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i>	The proposed signage will be the only free-standing sign on site.
<i>Does the proposal screen unsightliness?</i>	<b>Not applicable.</b> The site is not unsightly.
<i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i>	The proposed signage is modest in scale (2.22m in height) and therefore will not protrude above buildings, structures or tree canopies in the locality.
<i>Does the proposal require ongoing vegetation management?</i>	<b>Not applicable.</b> The signage does not incorporate planting.
<b>5 Site and building</b>	
<i>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?</i>	The signage is appropriately scaled and has been designed to complement the building and the surrounding landscaping.
<i>Does the proposal respect important features of the site or building, or both?</i>	As above, the signage has been designed to complement the proposed building and landscaping.
<i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i>	The proposal's location is logical in relation to the site entrance and streetscape.
<b>6 Associated devices and logos with advertisement and advertising structures</b>	
<i>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?</i>	The proponent's logo will be included in the signage.

Schedule 5 – Assessment Criteria	Assessment
<b>7 Illumination</b>	
<i>Would illumination result in unacceptable glare?</i>	<b>Not applicable.</b> The signage will not be illuminated.
<i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i>	
<i>Would illumination detract from the amenity of any residence or other form of accommodation?</i>	
<i>Can the intensity of the illumination be adjusted, if necessary?</i>	
<i>Is the illumination subject to a curfew?</i>	
<b>8 Safety</b>	
<i>Would the proposal reduce the safety for any public road?</i>	The signage is located within the property boundary and adjacent to the driveway. The signage has been designed to be unobtrusive and will not cause confusion, restricted sight lines or disruption to motorists.
<i>Would the proposal reduce the safety for pedestrians or bicyclists?</i>	
<i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i>	

**Table 6: Assessment against Schedule 5**

The assessment above demonstrates that the proposed signage is compatible with the desired amenity and visual character of the surrounding area, provides effective communication for the business and is of high quality design that is commensurate with the overall design and scale of the development. Therefore, the proposal complies with the objectives of the SEPP (Industry and Employment) 2021 and is appropriate for the site.

#### 4.2.2 SEPP (Transport and Infrastructure) 2021

##### Chapter 3 – Educational establishments and child care facilities

Chapter 3 of the Transport & Infrastructure SEPP aims 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

Section 3.22– Centre-based child care facility – concurrence of Regulatory Authority required for certain development. This clause requires applications for Centre-based Child Care Facilities to be referred to the Regulatory Authority where the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the *Education and Care Services National Regulations* or the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements). Per section 3.5 of this SEE, the proposal meets the indoor and outdoor space requirements of regulations 107 and 108. Therefore, referral is not triggered to the Regulatory Authority. Compliance with the National Regulations (including Part 4 of the *Child Care Planning Guidelines*) is demonstrated on the Architectural Plans.

Section 3.23– Centre-based child care facility – matters for consideration by consent authorities. This clause 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.*

Regarding Section 3.23, Table 7 below provides a detailed assessment against Part 3 of the *Child Care Planning Guidelines*. The matters in Part 3 support the design quality principles of Part 2 of the guidelines. Therefore, if the proposal accords with Part 3 of the guidelines, it is also considered to result in compliance with Part 2.

Matters for Consideration	Assessment
<b>3.1 Site selection and location</b>	
<p><b>C1:</b> <i>To ensure that appropriate zone considerations are assessed when selecting a site.</i></p>	<p>The application is supported by assessments demonstrating the site’s appropriateness with regard to acoustics, built form and visual amenity, landscaping, civil engineering and traffic. The proposal is not expected to impart any adverse amenity impacts on the surrounding residential area and is therefore considered to be compatible with the zone.</p>
<p><b>C2:</b> <i>To ensure that the site selected for a proposed child care facility is suitable for the use.</i></p>	<p>The subject site is not affected by environmental hazards and is appropriately sized for a Child Care Facility.</p>
<p><b>C3:</b> <i>To ensure that sites for child care facilities are appropriately located.</i></p>	<p>The site is located within a recent subdivision and will provide direct service to future residents. This is not an uncommon outcome, with Child Care Facilities located in other recently completed residential subdivisions elsewhere in the Thornton North Structure Plan, which proves that there is a high demand for Child Care Centres in these locations to service the long day care needs of the rapidly growing local population. Section 2.4 of this SEE confirms that the site is located near compatible social uses including St Bede’s Catholic College, St Aloysius Catholic Primary School, and public parks and recreational facilities.</p> <p>The newly created subdivision has been planned with pedestrian connectivity in mind. Furthermore, a bus stop is provided along the site frontage and services along Raymond Terrace Road are expected to be routed through the subdivision.</p>
<p><b>C4:</b> <i>To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards</i></p>	<p>The proposal will not be located in proximity to hazardous industries or odours activities. The surrounding area is primarily residential.</p>
<b>3.2 Local character, streetscape and the public domain interface</b>	



Matters for Consideration	Assessment
<p><b>C5:</b> <i>To ensure that the child care facility is compatible with the local character and surrounding streetscape.</i></p>	<p>The proposed facility has been designed to reflect the lowset residential character of the area. Building materials and colours will complement the future nearby houses and landscaping will assist in softening the built form and carpark. Refer to section 3.6 and 3.7 of this SEE for further details regarding the built form and landscape design.</p>
<p><b>C6-C8:</b> <i>To ensure clear delineation between the child care facility and public spaces.</i></p>	<p>The facility has been designed to ensure safety for children, visitors and staff alike. Passive surveillance to the street and carpark will be achieved from the reception and western activity rooms. Fencing will be provided within landscaped areas, appropriate to the adjoining location.</p>
<p><b>C9-C10:</b> <i>To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain.</i></p>	<p>Front fencing is of permeable design. In addition front fencing and retaining walls are set back behind deep planting areas and will not dominate the public domain.</p>
<p><b>3.3 Building orientation, envelope, building design and accessibility</b></p>	
<p><b>C11:</b> <i>To respond to the streetscape and site, mitigate impacts on neighbours, while optimising solar access and opportunities for shade.</i></p>	<p>The proposal has been designed to address the new road frontage (Ballymore Drive). The orientation of the building and outdoor play areas optimises solar access from the north. The layout also maximises natural cross ventilation, and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Acoustic fencing will be provided along key boundaries to residential properties to ensure visual privacy and to mitigate noise impacts on neighbours (as per the recommendations of the Noise Assessment).</p>
<p><b>C12:</b> <i>To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.</i></p>	<p>Per section 3.6.2 above, the overall proposed building height is consistent with the domestic-scale building heights of the surrounding residential area, which is expected to contain a mixture of 1 and 2 storey dwellings.</p>
<p><b>C13-C14:</b> <i>To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.</i></p>	<p>The proposal does not front a classified road. Per section 3.6.3 above, the proposal has a front setback that complies with the minimum 4.5m required for urban residential zones. In addition, the proposed side and rears setbacks exceed the prevailing setbacks required for a dwelling house in urban residential zones which allows for adequate privacy for neighbours and children at the proposed Child Care Facility.</p>

Matters for Consideration	Assessment
<p><b>C15:</b> <i>To ensure that buildings are designed to create safe environments for all users.</i></p>	<p>The proposed building has a main entry that is visible from the street and carpark and can be readily monitored. No access is proposed through an outdoor play area.</p>
<p><b>C16:</b> <i>To ensure that child care facilities are designed to be accessible by all potential users.</i></p>	<p>The facility's accessibility has been designed in accordance with the relevant legislation for accessibility.</p>
<p><b>3.4 Landscaping</b></p>	
<p><b>C17-C18:</b> <i>To provide landscape design that contributes to the streetscape and amenity.</i></p>	<p>A variety of plants and landscaping features will be used to reinforce local character, screen parking areas and soften the built form. Refer to the Landscape Plan (Appendix B) for details. As suggested in the Pre-lodgement Meeting (Appendix H), additional shade trees are proposed around the car parking area at the recommended rate of 1 tree per 4 parking spaces. The overall landscape strategy will create a cool outdoor environment and reduce summer heat radiating into buildings.</p>
<p><b>3.5 Visual and acoustic privacy</b></p>	
<p><b>C19-C20:</b> <i>To protect the privacy and security of children attending the facility.</i></p>	<p>Secure fencing is provided to the perimeter of all outdoor play areas. Building access is to be controlled via security doors and codes. Fencing around the site boundary will also serve to screen the indoor rooms and outdoor play spaces from view from public areas (Ballymore Drive).</p>
<p><b>C21:</b> <i>To minimise impacts on privacy of adjoining properties.</i></p>	<p>The proposed building has been designed to avoid overlooking beyond the site boundaries. The proposed building is setback a minimum of 3m – 4m from side and rear boundaries to residential properties to avoid overlooking beyond the site boundaries. Furthermore, screening shrubs and fencing are proposed along these boundaries to improve privacy for future residences in the surrounding area.</p>
<p><b>C22-C23:</b> <i>To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments.</i></p>	<p>A Noise Assessment (Appendix E) has been prepared by a suitably qualified noise consultant which covers the matters set out in C23. Per the Noise Assessment, acoustic fencing will be provided along the site's side and rear boundaries to mitigate impacts on the acoustic privacy of neighbouring residential developments.</p>
<p><b>3.6 Noise and air pollution</b></p>	

Matters for Consideration	Assessment
<b>C24-C25:</b> <i>To ensure that outside noise levels on the facility are minimised to acceptable levels.</i>	The site is not located in proximity to any major noise sources (e.g. classified roads, railways, aircraft noise).
<b>C26-C27:</b> <i>To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.</i>	The proposed development is not located on a major road or within close proximity to industrial development.
<b>3.7 Hours of operation</b>	
<b>C28-C29:</b> <i>To minimise the impact of the child care facility on the amenity of neighbouring residential developments.</i>	The proposed hours of operation are 7am to 7pm, Monday to Fridays. The proposed hours of operation are supported by the Noise Assessment (Appendix E).
<b>3.8 Traffic, parking and pedestrian circulation</b>	
<b>C30-C32:</b> <i>To provide parking that satisfies the needs of users and the demand generated by the centre and to minimise conflicts between pedestrians and vehicles.</i>	The proposal will provide 27 parking spaces, in accordance with the requirements of the MDCP. Refer to the Traffic Assessment for further details (Appendix D).
<b>C33-C34:</b> <i>To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.</i>	Ballymore Drive is not a classified road or cul-de-sac. Refer to the Traffic Assessment for further details (Appendix D).
<b>C35-C37:</b> <i>To provide a safe and connected environment for pedestrians both on and around the site.</i>	Separated pedestrian access is provided from the street frontage and carpark to the building entry. Fencing will be provided around play areas to prevent children accessing the carpark.

**Table 7: Assessment against the *Child Care Planning Guidelines***

## 4.2.3 Maitland Local Environmental Plan 2011

### 4.2.3.1 Clause 1.2 Aims of Plan

The MLEP is the primary planning instrument for the Maitland City area. The MLEP provides local environmental planning provisions for land in Maitland in accordance with the relevant standards for environmental planning instruments under clause 3.20 of the Act.

#### **Aims of Plan**

- (1) *This Plan aims to make local environmental planning provisions for land in Maitland in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.*
- (2) *The particular aims of this Plan are as follows—*
  - (aa) *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
  - (a) *to facilitate ecologically sustainable development of land and natural assets,*
  - (b) *to protect and maintain the extent, condition, connectivity and resilience of natural ecosystems, native vegetation, wetlands and landscapes, including those aspects of the environment that are matters of national environmental significance within Maitland in the long term,*

- (c) *to properly plan and protect human-made resources of Maitland including buildings, structures and sites of recognised significance which are part of the heritage of Maitland,*
- (d) *to protect, enhance or conserve the natural resources of Maitland including the following—*
  - (i) *areas of high scenic rural quality,*
  - (ii) *productive agricultural land,*
  - (iii) *habitat for listed threatened species and endangered ecological communities,*
  - (iv) *minerals of regional significance,*
- (e) *to create liveable communities which are well connected, accessible and sustainable,*
- (f) *to provide a diversity of affordable housing with a range of housing choices throughout Maitland,*
- (g) *to allow for future urban development on land within urban release areas and ensure that development on such land occurs in a co-ordinated and cost-effective manner,*
- (h) *to concentrate intensive urban land uses and trip-generating activities in locations most accessible to transport and centres, strengthening activity centre and precinct hierarchies and employment opportunities,*
- (i) *to ensure that land uses are organised to minimise risks from hazards including flooding, bushfire, subsidence, acid sulfate soils and climate change,*
- (j) *to encourage orderly, feasible and equitable development whilst safeguarding the community's interests, environmentally sensitive areas and residential amenity.*

The proposed development is consistent with the above aims, in particular (e) and (g), as well as being consistent with the detailed provisions of the MLEP as discussed in the following sections of this report.

#### **4.2.3.2 Zoning**

The subject site is located within the Zone R1 General Residential pursuant to the MLEP. Figure 2 earlier in this SEE shows the zoning of the site and surrounding land.

#### **4.2.3.3 Approval Sought**

This application is seeking Development Consent for a Centre-based Child Care Facility. The MLEP defines a **Centre-based Child Care Facility** as follows

**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 therefore consistent with part (a) of the definition for a Centre-based Child Care Facility.

#### 4.2.3.4 Objectives of Zone R1 General Residential and Land Use Table

Part 2 – Land Use Table of the MLEP identifies that within the Zone R1 General Residential, Centre-based Child Care Facilities are permitted with consent. Further, the proposed development meets the objectives of the Zone R1 General Residential as follows:

Objectives of Zone SP2 – Infrastructure	Response
<i>To provide for the housing needs of the community.</i>	<b>Not applicable.</b> The proposal does not involve housing.
<i>To provide for a variety of housing types and densities.</i>	<b>Not applicable.</b> The proposal does not involve housing.
<i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	<b>Complies.</b> The proposal seeks to establish a Centre-based Child Care Facility to be occupied by an experienced and accredited child care operator. The proposal will provide for the education and care of children to support the local population growth and release of new residential areas, particularly in the immediate surrounding Raymond Terrace Road – Eastern Precinct which does not currently contain any existing or approved community facilities. The proposal will therefore provide an important service for the surrounding residential area which meets a day to day need of residents.

**Table 8: MLEP R1 General Residential Zone Objectives**

#### 4.2.3.5 Maitland LEP 2011 Development Standards

This section provides an assessment of the proposed development against the relevant provisions of the MLEP. As per Table 9 below, the development complies with all applicable standards within part 4 through to 7 of the MLEP.

Part 4: Principal Development Standards	Response
Clause 4.1 – Minimum subdivision lot size	

Clause 4.1AA – Minimum subdivision lot size for community title schemes	<b>Not applicable.</b> None of the development types referred to under Clause 4.1 to Clause 4.2 are applicable to this application.
Clause 4.1A – Exceptions to minimum lot sizes in Zone R1	
Clause 4.2 – Rural subdivision	
Clause 4.2A – Erection of dwelling houses on land in certain rural and conservation zones	
Clause 4.2B – No strata plan subdivision in certain rural, residential or conservation zones	
4.2C – Minimum subdivision lot sizes for certain split zones	
Clause 4.3 – Height of buildings	<b>Not applicable.</b> The site is not identified on the Height of Buildings Map. Notwithstanding, the proposed building height will be domestic in scale, consistent with future surrounding residential development. Refer to section 3.6.2 of this SEE for further details.
Clause 4.4 – Floor space ratio	<b>Not applicable.</b> The site is not identified on the Floor Space Ratio Map. Notwithstanding, the proposed FSR will appropriately reflect the planned urban residential streetscape and character of the area with ample setbacks, landscaping and open space around the building.
Clause 4.5 – Calculation of floor space ratio and site area	<b>Not applicable.</b> As above – Clause 4.4.
Clause 4.6 – Exceptions to development standards	<b>Not applicable.</b> The proposal does not contravene any development standards.
<b>Part 5: Miscellaneous Provisions</b>	<b>Response</b>
Clause 5.1 – Relevant acquisition authority	<b>Not applicable.</b> No part of the site is identified on the Land Reservation Acquisition Map.
Clause 5.1A – Development on land intended to be acquired for public purposes	
Clause 5.2 – Classification and reclassification of public land	<b>Not applicable.</b> The proposal does not involve classifying or reclassifying public land as the land is under private ownership.
Clause 5.3 – Development near zone boundaries	<b>Not applicable.</b> The development site is not near any zone boundary.
Clause 5.4 – Controls relating to miscellaneous permissible uses	<b>Not applicable.</b> The development does not include a miscellaneous permissible use.
Clause 5.5 – Controls relating to secondary dwellings on land in a rural zone	<b>Clause not adopted.</b>
Clause 5.6 – Architectural roof features	<b>Not applicable.</b> The proposal does not exceed the height limit in clause 4.3.

Clause 5.7 – Development below mean high water mark	<b>Not applicable.</b> The site is not covered by tidal waters.
Clause 5.8 – Conversion of fire alarms	<b>Not applicable.</b> The proposal does not involve converting a fire alarm system.
Clause 5.9 – Dwelling house or secondary dwelling affected by natural disaster	<b>Not applicable.</b> The proposal does not involve the repair or replacement of lawfully erected dwelling houses and secondary dwellings that have been damaged or destroyed by a natural disaster.
5.9AA – (Repealed)	<b>Clause repealed.</b>
Clause 5.10 – Heritage conservation	<b>Not applicable.</b> The subject site is not identified as containing a heritage item or within a heritage conservation area under the Heritage Map or as described in Schedule 5 of the LEP.  A comprehensive Archaeological Due Diligence Assessment was undertaken as part of the original subdivision approvals for the estate which confirmed that an Aboriginal Cultural Heritage Impact Permit ('AHIP') was not required. Consequently, no further assessments are warranted to demonstrate compliance with clause 5.10.
Clause 5.11 – Bush fire hazard reduction	<b>Not applicable.</b> The proposal does not involve bushfire hazard reduction work.
Clause 5.12 – Infrastructure development and use of existing buildings of the Crown	<b>Not applicable.</b> The proposal does not involve infrastructure development or the use of existing buildings of the crown.
Clause 5.13 – Eco-tourist facilities	<b>Not applicable.</b> The proposal does not involve eco-tourist facilities.
Clause 5.14 – Siding Spring Observatory—maintaining dark sky	<b>Clause not adopted.</b>
Clause 5.15 – Defence communications facility	<b>Clause not adopted.</b>
Clause 5.16 – Subdivision of, or dwellings on, land in certain rural, residential or conservation zones	<b>Not applicable.</b> The proposal is not for a subdivision or the erection of a dwelling.
Clause 5.17 – Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	<b>Clause not adopted.</b>
Clause 5.18 – Intensive livestock agriculture	<b>Not applicable.</b> The proposal does not involve intensive livestock agriculture.
Clause 5.19 – Pond-based, tank-based and oyster aquaculture	<b>Not applicable.</b> The proposal does not involve pond-based, tank-based and oyster aquaculture.
Clause 5.20 – Standards that cannot be used to refuse consent—playing and performing music	<b>Not applicable.</b> The proposal does not involve a licensed premises.
Clause 5.21 – Flood planning	<b>Not applicable.</b> The subject site is not located in a flood planning area.

Clause 5.22 – Special flood considerations	<b>Clause not adopted.</b>
Clause 5.23 – Public bushland	<b>Clause not adopted.</b>
Clause 5.24 – Farm stay accommodation	<b>Clause not adopted.</b>
Clause 5.25 – Farm gate premises	<b>Clause not adopted.</b>
<b>Part 6: Urban release areas</b>	<b>Response</b>
Clause 6.1 – Repealed	<b>Repealed.</b>
Clause 6.2 – Public utility infrastructure	<b>Complies.</b> The site is in the Thornton North URA. The overarching subdivision approvals for the estate includes all appropriate public utility infrastructure.
Clause 6.3 – Development control plan	<b>Complies.</b> The matters specified in subclause (3) have been included in the Thornton North Structure Plan. These matters have been appropriately addressed as part of the overarching subdivision approvals for the estate.
Clause 6.4 – Relationship between Part and remainder of Plan	<b>Not applicable.</b> There are no inconsistencies between Part 6 and any other part of the MLEP.
<b>Part 7: Additional local provisions</b>	<b>Response</b>
Clause 7.1 – Acid sulfate soils	<p><b>Complies.</b></p> <p>The objective of this clause is:</p> <p style="padding-left: 40px;"><i>(1) .... to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</i></p> <p>The subject site is mapped as containing Class 5 Acid Sulfate Soils. The proposed development does not involve any works below 5m AHD within 500m of adjacent Class 1, 2, 3 or 4 land.</p> <p>The conditions of the overarching subdivision approvals require to Acid Sulfate Soils to be appropriately managed as part of the Bulk Earthworks Management Plan and Soil and Water Management Plan. Earthworks are being completed by the developer for these subdivision approvals and the proposed Child Care Facility will be constructed on a development ready pad with clean fill. Therefore, the proposal is considered to comply with the objective of the clause and no further assessment is required.</p>
Clause 7.2 – Earthworks	<b>Complies.</b> Refer to section 3.11.2 for further details regarding proposed earthworks and retaining walls.
Clause 7.3 – Repealed	<b>Repealed.</b>
Clause 7.4 – Riparian land and watercourses	<b>Complies.</b> The site is not identified on the Riparian Land and Watercourses Map.



Clause 7.5 – Significant extractive resources	<b>Not applicable.</b> The site is not in vicinity of an existing mine, petroleum production facility or extractive industry as per the Mineral Resource Area Map and is therefore not subject to assessment against section 2.19 of the of State Environmental Planning Policy (Resources and Energy) 2021.
Clause 7.6 – Location of sex services premises	<b>Not applicable.</b> The proposal is not for the purposes of a purposes of sex services premises.
Clause 7.7 – Certain development at Racecourse Road, Rutherford	<b>Not applicable.</b> The site is not Lot 1504, DP 1141535.
Clause 7.8 – Subdivision of land in Zone R1 in Anambah Urban Release Area	<b>Not applicable.</b> The site is not in the Anambah Urban Release Area.

**Table 9: Maitland LEP 2011 Assessment**

#### 4.2.4 Maitland Development Control Plan 2011

The MDCP provides detailed provisions for development in Maitland and supplements the legal frameworks contained in the MLEP. This section provides an assessment of the proposal against the relevant development controls of the MDCP.

Per Table 10 below, the following parts of the MDCP are applicable to the proposed development.

DCP Part	Comment
<b>Part A – Administration</b>	<b>A.4 Notification:</b> Notification will be required in accordance with clause 4.2.2(5), as the proposal is for a non-residential use in a residential zone.
<b>Part B – Environmental Guidelines</b>	<b>B.6 – Waste Not – Site Waste Minimisation &amp; Management:</b> A Site Waste Minimisation and Management Plan (SWMMP) has been lodged in support of this application (refer to Appendix G). The remaining sections of Part B are not applicable to the development.
<b>Part C – Design Guidelines</b>	<b>C.2 – Child Care Centres:</b> This section has been repealed and replaced by the <i>Childcare Planning Guidelines</i> which are addressed in section 4.2.2 of this SEE. <b>C.11 – Vehicular Access &amp; Car Parking:</b> As per the Traffic Assessment (Appendix D), the proposed parking and access provision are consistent with MDCP and AS2890 requirements and further assessment against part C.11 is not considered necessary. <b>C.12 – Crime Prevention through Environmental Design</b> An appropriate CPTED assessment has been undertaken in section 3.6.4 of this SEE.
<b>Part D – Locality Plans</b>	<b>Not applicable.</b> There are no locality plans identified in Part D which apply to the subject site.
<b>Part E – Special Precincts</b>	<b>Not applicable.</b>

	The site is not within a Centre, Employment Area or Heritage Conservation Area. This Part of the MDCP is not applicable to the development.
<b>Part F – Urban Release Areas</b>	The site is located in the Thornton North Urban Release Area. The overarching subdivision approvals to create the estate in which the development site is located adequately addressed all relevant requirements of Part F and further assessment is not required.

**Table 10: Applicable MDCP Parts**

#### 4.2.5 Section 4.15 (1)(b)–(e) Assessment

The following is an assessment of the proposal with respect to the considerations of section 4.15(1)(b)–(e) of the Act.

Matters for Consideration	Assessment
<i>(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</i>	<p>The proposal is generally consistent with the objectives and development controls contained within the various environmental planning instruments and development control plans that apply to the site.</p> <p>The development site has been cleared and prepared for development under prior subdivision approvals for the estate. As such, the proposal will not have any adverse impacts on the natural environment.</p> <p>Furthermore, the proposal will not detrimentally affect the surrounding local residential amenity. The design is domestic in scale and entirely appropriate for the residential locality and is consistent with the anticipated built form pattern of the locality.</p> <p>The proposal will provide direct community and economic benefit by providing families with much needed child care and education in an area where there is a high level of local population growth. The proposal is considered to be compatible with the existing area and will not detrimentally affect the social or economic conditions existing in the locality</p>
<i>(c) the suitability of the site for the development</i>	<p>The proposed use is permissible within the Zone R1 General Residential and is proposed on a site which has been created by the estate developer for the purpose of a Child Care Facility. Furthermore, the application is supported by assessments demonstrating the site’s suitability for the proposed development with regard to acoustics, built form and visual amenity, landscaping, civil engineering and traffic.</p>
<i>(d) any submissions made in accordance with this Act or the regulations</i>	<p>All submissions are to be appropriately considered by Council as part of the assessment process.</p>
<i>(e) the public interest.</i>	<p>The public interest is best served by the orderly and economic use of land for purposes permissible under the relevant planning regime and predominantly in accordance with the prevailing planning controls. The proposal is in the public interest as it will satisfy a</p>

Matters for Consideration	Assessment
	need for essential Child Care Facilities in a community that is undergoing a high level of growth. Furthermore, the proposed development is a permissible land use and satisfies the provisions of the relevant environmental planning instruments and legislation and can be delivered with no significant adverse environmental, built form, social or economic impacts. The proposal is therefore a positive outcome for the emerging local community and is in the public interest

**Table 11: Assessment against s4.15(b) – (e)**

### 4.3 Designated Development

Schedule 3 of the *Environmental Planning and Assessment Regulation 2021* (Regulations) identifies development that is designated development. Assessment against Schedule 3 of the Regulations confirms the proposed development is **not** designated development.

### 4.4 Integrated Development

As demonstrated in Table 12 below, the proposed development **triggers** integrated development pursuant to the provisions of Section 4.46 of the EP&A Act. This is because a Child Care Facility is considered to be a 'special fire protection purpose' for the purposes of s100B of the *Rural Fires Act 1997*.

Integrated Development			
Act	Provision	Approval	HPC comment
<b>Coal Mine Subsidence Compensation Act 2017</b>	s22	Approval to alter or erect improvements, or to subdivide land, within a mine subsidence district.	<b>Not applicable.</b>
<b>Fisheries Management Act 1994</b>	s144	Aquaculture permit.	<b>Not applicable.</b>
	s201	Permit to carry out dredging or reclamation work.	<b>Not applicable.</b>
	s205	Permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease.	<b>Not applicable.</b>
	s219	Permit to: (a) set a net, netting or other material, or (b) construct or alter a dam, floodgate, causeway or weir, or (c) otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat.	<b>Not applicable.</b>

<b>Heritage Act 1977</b>	s58	Approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57 (1).	<b>Not applicable.</b> The site contains no State Heritage listings.
<b>Mining Act 1992</b>	ss 63, 64	Grant of mining lease	<b>Not applicable.</b>
<b>National Parks and Wildlife Act 1974</b>	s90	Grant of aboriginal heritage impact permit.	<b>Not applicable.</b>
<b>Petroleum (Onshore) Act 1991</b>	s16	Grant of production lease.	<b>Not applicable.</b>
<b>Protection of the Environment Operations Act 1997</b>	ss 43(a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises.	<b>Not applicable.</b> Scheduled development is not proposed
	ss 43(b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”).	<b>Not applicable.</b> Scheduled activities are not proposed.
	ss 43(d), 55 and 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	<b>Not applicable.</b>
<b>Roads Act 1993</b>	s138	Consent to– (a). erect a structure or carry out a work in, on or over a public road, or (b). dig up or disturb the surface of a public road, or (c). remove or interfere with a structure, work or tree on a public road, or (d). pump water into a public road from any land adjoining the road, or (e). connect a road (whether public or private) to a classified road	<b>Not applicable.</b> The proposal does not involve works in, on or over a public road.

<p><b>Rural Fires Act 1997</b></p>	<p>s100B</p>	<p>authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes</p>	<p><b>Applicable.</b> The proposal is for a 'special fire protection purpose' (Child Care Facility). Bushfire safety authority will be required from NSW RFS as part of this application. Refer to section 3.12 of this SEE for further details.</p> <p>A Bushfire Threat Assessment report has been completed and is included at Appendix K.</p>
<p><b>Water Management Act 2000</b></p>	<p>ss 89, 90, 91</p>	<p>water use approval, water management work approval or activity approval under Part 3 of Chapter 3</p>	<p><b>Not applicable.</b> Interception of the water table will not occur and therefore no approvals under this Act are required.</p>

**Table 12: Integrated Development**

## 5 Conclusion

This Statement of Environmental Effects has been prepared on behalf of Chisholm CC Pty Ltd ATF Chisholm Unit Trust, in support of a development application seeking **Development Consent for Centre-based Child Care Facility, Ancillary Car Park and Signage** on land at 581 and 651 Raymond Terrace Road, Chisholm, NSW 2322, described as Lot 81 DP1302072 and Lot 1 DP1288624. The proposed development relates specifically to Approved Lot 205 of the Sophia Waters Subdivision (Stage 4A).

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The application has been assessed against the relevant requirements of the MLEP, MDCP, *Education and Care Services National Regulations*, *Childcare Planning Guidelines* and the relevant state planning instruments, and is demonstrably appropriate for the subject site. Consequently, the application is recommended for approval subject to reasonable and relevant conditions.

This SEE has demonstrated the following key planning grounds as the basis for the above recommendation:

- The subject site represents a strategic location for a Child Care Facility, being located in the rapidly growing residential area of Thornton North with convenient access to Raymond Terrace Road (major road) and
- The proposal will supply additional much needed long day care places to support the local population growth. On this basis the proposal provides an important service for the surrounding residential area which meets a day to day need of residents and is consistent with the objectives of Zone R1 General Residential;
- The design of the facility has given due regard to the emerging residential character of the area, by providing a predominately single level domestic scale design with ample setbacks, substantial landscaping and appropriate acoustic treatments that will be implemented in accordance with the supporting Noise Assessment;
- The development provides a high-quality learning and play environment for children and educators alike, with generous indoor and outdoor play areas proposed which significantly exceed minimum standards; and
- External impacts generated by the use including noise, traffic generation and stormwater drainage will be appropriately mitigated, as demonstrated by the supporting application material.

In conclusion, it is recommended that Development Consent for Centre-based Child Care Facility be granted in accordance with the plans and documentation submitted.

Yours Sincerely,

**HPC Planning**

A.B.N. 93 670 815 022

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