



Statement of Environmental Effects

Construction and Use of a Centre-Based Childcare Facility

1, 3 & 5 Station Lane, Lochinvar NSW 2321

Maitland City Council

PO Box 220, Maitland NSW 2320

Prepared by:

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1.0 Introduction

This Statement of Environmental Effects (SEE) accompanies a Development Application (DA) to the Maitland City Council (Council) and has been prepared by SLR Consulting Australia Pty Ltd (SLR) on behalf of Boar Island Unit Trust.

This application seeks consent for the construction and use of a single-storey centre-based child care facility, comprising of nine indoor learning areas, outdoor play areas, bathrooms, reception, onsite car parking and associated works to cater for the early education and care of 141 children. The facility is to be located over three allotments, namely on Lots 1, 2, and 3 of DP516963, also known as 1, 3, & 5 Station Lane, Lochinvar NSW 2321 (the site).

This SEE describes the site, its environs, the proposed development and provides an assessment of the proposal in terms of the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It should be read in conjunction with all supporting information and documentation prepared and included in the appendices to this report.

1.1 Council Consultation

A pre-DA meeting was held with Council on 23 May 2024. Key matters discussed in this meeting are addressed in Appendix G.

2.0 The Site and Surrounds

The site is located at 1, 3, & 5 Station Lane, Lochinvar NSW 2321, and is legally described as Lots 1, 2, and 3 of DP516963. It has a prominent exposure and street frontage to New England Highway and Station Lane. The site is located within the City of Maitland Local Government Area (LGA).

The site is situated on the western side of Station Lane in the suburb of Lochinvar, within the Lochinvar Urban Release Area (URA). It is identified for residential development under the Lochinvar URA Area Plan. Residential subdivision in this locality is advancing in accordance with the Area Plan, including a 353-lot development at 134 Station Lane, approved under DA2022/511 in October 2024.

The site is located in a predominantly low-density setting including residential and educational land uses. It is bound by New England Highway to the north, Station Lane to the east, a residential property to the south, and Lochinvar Creek to the west. St Nicholas Early Education Centre is located immediately east of the site across Station Lane. The site is located within walking distance to public transport services and connected to reticulated water and sewer services and electricity.

The site has an area of approximately 5,028m² and displays an irregular shape. Boundaries to the north, east, and south are linear, whilst the western boundary is irregular defined by Lochinvar Creek. The site is orientated on an east to west axis displaying a maximum length of 98m from the east to west and a maximum width of 56m from the north to south.

The three allotments currently contain three detached single storey dwellings, including fencing, sheds and detached carports. All existing structures on site are to be demolished for the proposed development. There is vegetation existing within the boundaries of the site, predominantly along the creek line at the rear. All riparian vegetation is to be retained.



Figure 1 Site Aerial (Source: Nearmap)



Figure 2 Cadastral Plan (Source: SIX Maps)



3.0 Proposed Development

The proposal includes demolition of existing structures and improvements and the construction of a new purpose-built centre-based child care facility at the site. The facility will cater for a maximum of 141 children aged between 0 - 5 years and will provide a high quality, well designed facility that will assist in addressing child care needs in the locality and surrounding areas.

The single storey building has been designed and sited in response to surrounding development. The main built form is positioned in the centre of the three allotments orientated with the building main frontage to Station Lane.

The proposal includes semi-covered and outdoor playgrounds providing structured activities and unstructured nature play. A car park with provision for 33 spaces will be located on the eastern portion of the site with a combined vehicle ingress and egress proposed via Station Lane.

Extensive landscaping will be provided throughout the site to embellish the riparian zone at the rear as well as soften the built form and hardstand spaces , and enhance the visual amenity of the development and streetscape.

3.1 Development Description

Provision of a single-storey centre-based child care facility of varying floor areas includes the following:

Development Description			
Proposed Building Height	7.62m		
Total Site Area	5,028m ²		
Gross Floor Area	952.7m ²		
Proposed FSR	18.9%		
Proposed Number of Children	141 total children, including 36 babies (0-2yrs), 45 toddlers (2-3yrs), and 60 pre-schoolers (3-5yrs)		
Proposed Number of Staff	26 total staff, including 24 educators, and 2 admin staff		
Proposed Hours of Operation	6:00am – 6:00pm Monday to Friday		
Car Parking	33 parking spaces including two (2) accessible spaces in accordance with AS2890		
Age Bracket	0-2 years	2-3 years	3-5 years
Breakdown of unencumbered indoor play are per age group	117m ² required	130m ² required	143m ² required
	125.5m ² provided	147m ² provided	195.3m ² provided
Breakdown of unencumbered outdoor play area	987m ² required		
	1,537m ² provided		
Installation of six (6) business identification signs.			
Demolition consent is requested for existing dwellings and ancillary structures (refer to Architectural Plans Drawing DA-102-001, Issue A.			



3.1.1 Demolition and Earthworks

Demolition of all existing structures including dwellings, garages, carports, sheds, hardstand areas, fences and retaining walls is proposed under this DA.

The works will be carried out in accordance with the requirements of WorkCover NSW and Australian Standards AS 2601:2001 (The Demolition of Structures) and AS 2436 (Guide to Noise Control on Construction, Maintenance and Demolition Sites). A Hazardous Substances Audit will be prepared prior to any demolition being carried out.

All demolition waste will be disposed of at an approved facility. A Waste Management Plan covering demolition works is included at Appendix I.

The development has been sited and designed to work with the existing site levels as far as practicable, however, earthworks are required in order to provide suitable building levels as well as a suitably graded car park and site access levels. Excavation will also occur to implement stormwater management measures. Refer to the Civil Plans contained at Appendix B for full details.

3.1.2 Centre-based child care facility operations

The centre-based child care facility will have a capacity of 141 places per day catering for children 6 weeks to 5 years of age, as follows:

- 0-2 years – 36 places
- 2-3 years – 45 places
- 3-5 years – 60 places

The facility will operate between 6:00am to 6:00pm Monday to Friday.

The facility will be operated by a total of 26 staff (including 24 educators, and 2 admin staff) at any one time. The number of staff is dictated by required ratios under the Education and Care Services National Regulation.

There will be a structured routine where the children will be divided between their age groups of 0-2 years (Babies), 2-3 years (Toddlers) and 3-5 years (Pre-schoolers). A daily programme will be based on their needs and individual development/ progress.

The facility will operate for 51 weeks per year, closing between Christmas and New Year and for public holidays.

Further details are provided in the Plan of Management contained at Appendix J.

3.1.3 Deliveries

For the centre-based child care facility, most consumables are purchased by staff and transported to site within private light vehicles. Other deliveries will be made via van or similar vehicles that could utilise a normal car parking space within the car park.

Where deliveries by external parties is required, it will occur outside the peak parking demand periods for the facility, and therefore will not conflict with majority of child drop off and pick up traffic movements.

3.1.4 Plan of Management

A Plan of Management (PoM) has been prepared for the facility and included at Appendix J. The PoM sets out a number of policies and procedures to help make the premises a safe, efficient and pleasant environment in which to work and visit. The safety and security issues



addressed in the PoM have been devised to ensure the amenity of the surrounding area is maintained at all times.

3.2 Signage

Approval is sought for six (6) business identification signs. Signage includes four (4) wall signs placed on the northern, eastern and western elevations, as well as two boundary signs (refer to Figure 3, Figure 4, and Figure 5). Final signage content will be subject to the childcare operator.

Figure 3 View from New England Highway (Source: Drawing DA-900-001, Issue A)



Figure 4 View from car park (Source: Drawing DA-900-001, Issue A)



Figure 5 View from rear of the site (Drawing DA-900-002, Issue A)



3.3 Waste Management

On site waste is to be stored in the designated bin storage area identified at the northern side of the site and incorporated into the building design. The waste area will be maintained to high standard of cleanliness. The bins and waste storage areas will be cleaned by staff on a regular basis and appropriate vermin control measures will be put in place when required.

A private waste contractor will be engaged to collect waste on site. Waste collection will occur outside of peak pick up and drop off periods.

Further details on waste management are provided in the Waste Management Plan (WMP) at Appendix I.

3.4 Stormwater Management

A Stormwater Management Plan has been prepared by Northrop, and is included within the Civil Plans at Appendix B. The design of the system includes water quantity and quality controls and on-site detention to meet SDI criteria. The system will collect stormwater from the hardstand areas of the site and convey it to the north-west of the site, where it will connect into the detention basin before ultimately discharging to Lochinvar Creek.

Full details of the proposed stormwater drainage network are shown within Drawing DA-C03.01, Rev 1 at Appendix B.

3.5 Vehicular Access and Parking

Vehicle access to the development will be provided via Station Lane. The driveway has a width of 6m and will be constructed to be compliant with AS28890.1 to allow for two-way movement.

A total of 33 car parking spaces, inclusive of two (2) disabled spaces, are provided to support the demand created by the development.



3.6 Landscaping

Landscaped areas are provided throughout the development as indicated in the Landscape Plans prepared by Xeriscapes (Appendix C). The landscape design includes trees and shrubs for shade, privacy and visual amenity. Planting is integrated within the car park design and natural play elements.

The planting design strategy has been carefully considered and includes the following:

- Tree planting within appropriate deep soil zones to reduce bulk & scale of the development;
- Evergreen tree planting to provide shade & amenity;
- Deciduous tree planting to allow for solar access & seasonal change;
- A broad planting palette to include a variety native species & exotic species to provide colour, texture, aroma & form; and
- Implementation of indigenous species to increase local biodiversity and enhance the riparian corridor and remnant vegetation communities.

In addition to the above, in recognition of the sensitive nature of the development the following safety initiatives have been implemented within the design:

- Avoid planting tree species that are prone to potential limb drop;
- Avoid planting species close to paths and hard paved areas that are known for excessive flower and foliage drop that may cause potential slip hazards;
- Avoid planting species that are known for invasive root structure that may cause damage to existing infrastructure and damage paths & hard paved areas, which may cause potential trip hazards; and
- Avoid planting species that are known to be toxic or may cause respiratory, allergy and/or skin irritations.

Shrub species, sizing and locations are to ensure that passive surveillance is maintained and all plantings are to be layered with smaller groundcovers and shrubs adjacent to paths and buildings in accordance with Crime Prevention Through Environmental Design (CPTED) principles.

All proposed plant species selection has been considered in terms of soil types, species hardiness and on-going watering maintenance requirements. Predominantly low water use species (both native and exotic) have been grouped in regard to watering requirements and to reduce reliance on use of potable water.

The proposed plant schedule is provided in Figure 6.



Figure 6 Indicative Plant Schedule (Landscape Plans, Appendix C)

Image	Botanical Name	Common Name	Mature Height (m)	Mature Spread (m)	Pot Size (mm)	Comments
Street Tree (Avenue Planting)						
01	<i>Melia azadirach</i> var. <i>australasica</i>	White Cedar	10-12	6-8	75L	HFW, Deciduous
	<i>Nolana microcarpa</i> var. <i>microcarpa</i>	Narrow-leaf Mock Olive	10	4	75L	HFW
Evergreen Tree						
03	<i>Baccharis citrioides</i>	Lemon Myrtle	5-10	2-5	75L	Eddie leaves
	<i>Casuarina antarctica</i>	Tasmanian Ash	8	7	75L	Stakes and tea
	<i>Tristania Laccus</i>	Laccus Water Gum	8	5	75L	Stakes and tea
Shade Amenity Tree						
05	<i>Baccharis myrtilloides</i>	Cinnamon Myrtle	3-7	2-4	45L	Eddie leaves
04	<i>Stemodia subulata</i>	Cinnamon Myrtle	10	5-8	45L	Stakes and tea
	<i>Waterhousea floribunda</i> 'Greaser'	Weeping Lily Pilly	10	7	75L	Stakes and tea
Tall Screen Planting						
07	<i>Hymenocallis laevis</i>	Native Frangipani	12	8		Can clip for hedging
06	<i>Syzygium anacardium</i>	Cinnamon Myrtle	3-8	3-5	300mm	Eddie leaves
	<i>Syzygium australe</i> 'Straight & Narrow'	Narrow Lily Pilly	5-8	1-1.5	300mm	
	<i>Viburnum odoratissimum</i>	Genoa Fence	2.5	2	300mm	
Shrub Planting						
11	<i>Cornus pallida</i>	Henry Lambert	0.7	0.7	200mm	
	<i>Cornus australis</i> x <i>saligna</i> 'Fastidiosa'	Fastidiosa Winterrose	1.2	1	140mm	
09	<i>Dreolina victorae</i> x <i>myrtilloides</i> 'Lady D'	Lady D Dreolina	1.2	2-2.5	200mm	
	<i>Lanternia cuneata</i>	French Lavender	1.2	1	140mm	
12	<i>Lactopodium pycnanthum</i>	Yellow Tea Tree	1.3	1-3	200mm	
	<i>Melaleuca myrtilloides</i>	Thyme Honey Myrtle	1.2	2	200mm	
	<i>Waxargyria hololepis</i> 'Zena'	Waxargyria Zena	1.2	1.2	200mm	
Mass Planted Groundcovers						
	<i>Echium purpureum</i>	Purple Convolvulaceae	0.5-1	0.5	140mm	
14	<i>Erigeron fastidiosus</i> (var. <i>Chamaemelum nobile</i>)	Red Berry Setbaush	0.5	0.5	140mm	HFW, Rockery, Host for Butterflies
	<i>Callitriche 'Baller-John'</i>	Red-John Butterbaush	1.2	0.9	200mm	Eddie leaves
	<i>Convolvulus crinitus</i>	Sliverbaush	0.6	0.6-1	140mm	
22	<i>Oenothera caerulea</i> 'Little Jewel'	Little Jewel Pink Lily	0.4	0.4	140mm	
	<i>Dichondra repens</i>	Kidney Weed	0.1	1	140mm	HFW
	<i>Geranium oxonianum</i> var. <i>oxonianum</i>	Native Geranium	0.2	1	140mm	HFW, Rockery
	<i>Mitella dipycnantha</i> var. <i>albipetala</i>	Yellow Pigeon	0.1-0.7	0.5	140mm	HFW, Lawn substitute, Attracts native butterflies
18	<i>Mycoselinum parviflorum</i> 'Venus'	Venus Creeping Butterbells	0.1	1	140mm	
	<i>Mentha gracilis</i>	Walking tea	0.5	0.5	140mm	
17	<i>Plectranthus parviflorus</i> 'Blue Spirit'	Blue Spirit Four Pines	0.5	0.4	140mm	
	<i>Poa labillardieri</i> 'Kingspaal'	Blue Tussock Grass	0.45	0.45	140mm	
	<i>Thymus serpyllifolius</i>	Thymus	1	1.5	140mm	
	<i>Waxargyria 'Mand'</i>	Waxargyria Mand	0.6	1.5	140mm	
Low Border Planting						
	<i>Asperula ruscifolia</i> 'Pink Elf'	Pink Elf Bugleweed	0.3	0.2	140mm	
21	<i>Chrysanthemum apiculatum</i>	Yellow Buttons	0.6	1	140mm	HFW
20	<i>Hebecladia viridula</i> 'Memento'	Memento Snake Vine	0.5	2	140mm	
19	<i>Leucanthea abrotanifolia</i> 'Primavera'	Primavera Spanish Lavender	0.4	0.4	140mm	
22	<i>Zinnia mexicana</i>	Lamb's Ears	0.5	0.5	140mm	
	<i>Vicia hederacea</i>	Native Violet	0.1	0.3	140mm	
Accent Plantings						
	<i>Anthriscus silvestris</i>	NZ Rock Lily	0.6	1	200mm	
23	<i>Baccharis nodosa</i>	Tasmanian Water Fern	0.5	0.5	140mm	
	<i>Dioscorea oppositifolia</i>	Poker Plant	0.6	0.5	140mm	
Cascading and Climber Planting						
24	<i>Cassia glabra</i> 'Cocoon II'	Cocoon II She-oak	0.2	2	140mm	
25	<i>Hedera helix</i> 'Algerian'	Snake Vine	3	5	140mm	
Dry Creek Bed Planting						
	<i>River rose</i>	River Rose	0.5-1	1.5	140mm	Moist, shady position.
	<i>Chamaemelum nobile</i>	Red Berry Setbaush	0.4	0.5	140mm	
	<i>Cynara latifolia</i>	Starburst Blue Lily	0.1	0.3	140mm	HFW, Rockery
	<i>Panicum polyanthum</i>	Knight's Club Grass	1	1	140mm	
13	<i>Lomandra laevis</i> 'Evergreen Baby'	Evergreen Baby Lomandra	0.45	0.45	140mm	
	<i>Lomandra laevis</i>	Slender Nail Heath	1	1	140mm	

HFW - Hunter Floodplain-Road Gum Woodland (Indigenous ecological community)

3.7 Construction Management

A Construction Management Plan will be prepared and be submitted to the Certifier for approval prior to issue of a Construction Certificate.

4.0 Relevant Legislation and Planning Controls

The following legislation, Environmental Planning Instruments (EPIs) and Development Control Plan (DCP) are relevant to the proposed amendment:

- *Environmental Planning and Assessment Act 1979;*
- *Water Management Act 2000;*
- *Education and Care Services National Regulations 2011;*
- *State Environmental Planning Policy (Industry and Employment) 2021;*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021;*
- *State Environmental Planning Policy (Resilience and Hazards) 2021;*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021;*
- *Maitland Local Environmental Plan (LEP) 2011;*
- *Maitland Development Control Plan (DCP) 2011;* and
- *Childcare Planning Guideline.*



4.1 Environmental Planning and Assessment Act 1979

Future development at the site is subject to the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). Section 4.15 of the EP&A Act 1979 provides criteria which a consent authority is to take into consideration, where relevant, when considering a DA. An assessment of the subject DA, in accordance with the relevant matters prescribed under Section 4.15(1), is provided within Section 5.0 of this report.

4.1.1 Integrated Development

Under the provisions of Section 4.46 of the EP&A Act 1979 the proposed development constitutes “integrated development” and requires assessment under Section 91 of the *Water Management Act 2000*.

4.2 Water Management Act 2000

Any works located within a 40m buffer zone of an identified waterway or waterbody will require referral to the appropriate referral authority under the *Water Management Act 2000*. The proposal includes works within a 40m buffer to an existing waterbody (Lochinvar Creek), therefore will require referral. The works however will not affect the waterbody in an adverse way.

4.3 Education and Care Services National Regulations 2011

This Regulation applies to the proposed centre-based education and care service (child care centre). *Part 4.3 Physical Environment* stipulates various requirements for centre-based child care services. A summary of this list of requirements is provided in Section 4.5 and within Appendix L, including details of how the each of the requirements is met in the design of the proposed child care facility. Where relevant, such requirements are also demonstrated within the Architectural Plans at Appendix A.

The proposal satisfies all of Part 4 requirements in the design. Additional requirements under other Parts of the Regulation, including record keeping, staffing and operational matters are required to be met by the service provider.

4.4 State Environmental Planning Policy (Industry and Employment) 2021

4.4.1 Chapter 3 Advertising and Signage

Six (6) business identification signs are proposed to be installed to appropriately identify the childcare provider on site. Clause 3.6 of 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 Chapter as set out in section 3.1(1)(a), and

(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.

It is considered that the proposed signage satisfies the relevant criteria as described in Clause 3.6 of the SEPP.



The assessment criteria in Schedule 5 of the SEPP relates to matters for consideration such as character of the area, amenity of residential areas, views and vistas, streetscape, setting and landscape, site and building, illumination, and safety.

Consistency of the development with clause 3(1)(a) is discussed further in Section 5.6 of this report and a detailed assessment of the proposal against the Schedule 5 Assessment Criteria is provided at Appendix I.

4.5 State Environmental Planning Policy (Transport and Infrastructure) 2021

4.5.1 Chapter 2 Infrastructure

Clause 2.48 Determination of development applications—other development

(1) *This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—*

(a) *the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*

(b) *development carried out—*

(i) *within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*

(ii) *immediately adjacent to an electricity substation, or*

(iii) *within 5m of an exposed overhead electricity power line,*

(c) *installation of a swimming pool any part of which is—*

(i) *within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or*

(ii) *within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,*

(d) *development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.*

(2) *Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—*

(a) *give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and*

(b) *take into consideration any response to the notice that is received within 21 days after the notice is given.*

Overhead power lines exist along the Station Lane frontage, therefore it is expected the DA will be referred to the local energy provider for comment in relation to potential safety risks.



The development is designed and constructed to comply with relevant requirements, and is not expected to cause adverse impacts on infrastructure.

Clause 2.119 Development with frontage to classified road

The site has frontage to New England Highway, a state classified road which comes under the control of Transport for NSW (TfNSW). As such, Clause 2.119 applies:

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land

The site currently has direct access to New England Highway, however, the proposed development will not utilise this and includes the removal of the existing accessway. Access to the site will be from Station Lane approximately 30m south of the intersection with New England Highway. As the development represents a new land use in proximity to a classified road, the DA is expected to be referred to TfNSW for comment.

A Traffic Impact Review has been prepared by One Mile Grid and is included at Appendix D.

Clause 2.122 Traffic Generating Development

This clause requires that before granting consent to development of a type nominated in Schedule 3 of the Policy, Council must refer a DA to TfNSW for comment on various matters including;

The efficiency of movement of people to and from the site and the extent of multipurpose trips;

The potential to minimise the need for travel by car, and,

Any potential traffic safety, road congestion or parking implications of the development.

Under Schedule 3 of this SEPP, the proposed centre-based child care facility falls under 'Any other purpose' in Column 1. Traffic Generating Development (TGD) will be triggered if a development under 'Any other purpose' has access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road), and generates 50 or more motor vehicles per hour.

The proposal is likely to exceed the TGD threshold as confirmed within the Traffic Impact Review which estimates a peak generation of 110 vehicle movements per hour. (Refer to Appendix D). Referral to TfNSW in this regard will therefore be necessary.

4.5.2 Chapter 3 Educational Establishments and Child Care Facilities

Clause 3.23 Centre-based child care—matters for consideration by consent authorities

Clause 3.23 states the following:



Before determining a DA 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.

The applicable provisions of the Child Care Planning Guideline are addressed below.

Clause 3.25 Centre-based child care facility—floor space ratio

(1) Development consent must not be granted for the purposes of a centre-based child care facility in Zone R2 Low Density Residential if the floor space ratio for the building on the site of the facility exceeds 0.5:1.

(2) This section does not apply if another environmental planning instrument or a development control plan sets a maximum floor space ratio for the centre-based child care facility.

The site is not located in an R2 Zone, and does not have a stipulated FSR under the Maitland LEP 2011. Therefore, this clause does not need further consideration.

Clause 3.26 Centre-based child care—non-discretionary development standards

(1) The object of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.

(2) The following are non-discretionary development standards for the purposes of section 79C (2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility:

*(a) **location**—the development may be located at any distance from an existing or proposed early education and care facility,*

*(b) **indoor or outdoor space***

(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or

(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,

*(c) **site area and site dimensions**—the development may be located on a site of any size and have any length of street frontage or any allotment depth,*

*(d) **colour of building materials or shade structures**—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.*



A total capacity of 141 children is proposed which will generate the following requirements under the *Education and Care Services National Regulations*:

- Indoor unencumbered space: $141 \times 3.25 = 458.25\text{m}^2$
- Outdoor unencumbered space: $141 \times 7 = 987\text{m}^2$

The child care facility is designed to comply with the minimum requirements for both indoor and outdoor unencumbered space as set out within the *Education and Care Services National Regulation*.

4.5.2.1 Child Care Planning Guideline

Objectives under the Child Care Planning Guideline include:

- *promote high quality planning and design of child care facilities in accordance with the physical requirements of the National Regulations*
- *ensure that child care facilities are compatible with the existing streetscape, context and neighbouring land uses*
- *minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment*
- *deliver greater certainty to applicants, operators and the community by embedding the physical requirements for service approval into the planning requirements for child care facilities.*

Part 3 – Matters for Consideration

The proposed child care facility has been suitably designed to achieve high levels of amenity for the occupants of the building, and to provide a safe and functional child care centre layout. The design is consistent with the objectives of the design criteria contained within Part 3 of the Planning Guideline and matters for consideration as outlined below:

3.1 Site selection and location – The site is appropriately zoned for a child care facility and suitably located within an area close to schools and local services. The potential impacts from traffic and parking, noise, privacy and local character, slope stability, contamination and social impacts on the health, safety and wellbeing of children, staff and visitors at the centre are considered low and further details can be found within Section 5.0 of this SEE.

3.2 Local character, streetscape and the public domain interface – The proposed child care facility has been designed to reflect an appropriate built form, including scale, bulk and density, and therefore will remain consistent with the locality and existing streetscape. Landscaping of the site will help provide a clear transition between public and private realms.

3.3 Building orientation, envelope, and design – The height, setbacks, FSR, design features and materials and finishes are favourable for a child care development.

3.4 Landscaping – The landscaping proposal has been designed around the requirements of usable and practical external areas offering play opportunities for the children at the centre. Shade trees and screen planting are included in the scheme.

3.5 Visual privacy – The building is designed and oriented without openings to the neighbouring residential property to the south to preserve visual privacy. Acoustic fencing will also provide a visual barrier between the car park and outdoor play space from adjoining land.

3.6 Noise and air pollution – Outside noise levels on the facility are expected to be at acceptable levels. In terms of air pollution, the facility is not located in an area that is



considered a pollution source. Moreover, the built form and external play spaces are suitability set back from street frontages to minimise impacts from potential vehicle pollution. A Noise Assessment has been prepared and is included at Appendix E.

3.7 Hours of operation – the proposed hours of operation between 6:00am – 6:00pm are supported by the Noise Assessment and will not adversely impact the amenity of surrounding properties.

3.8 Traffic, parking, and pedestrian circulation – A safe pedestrian environment is achieved with parking located as close to the building as practically possible. A Traffic Impact Review has been included with this application at Appendix D.

Part 4 – Applying the National Regulations to development proposals

4.1 Indoor space requirements – Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space.

It is recommended that a child care facility provide: a minimum of 0.3m³ per child of external storage space and a minimum of 0.2m³ per child of internal storage space.

The indoor space and storage requirements of the national regulations are met in the proposal as detailed on the Planning Controls/Project Info plan at Appendix A.

4.2 Laundry and hygiene facilities – There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.

A specific laundry room is provided within the building satisfying Regulation 106.

4.3 Toilet and hygiene facilities – A service must ensure that adequate, developmentally and age appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.

Age appropriate toilets are provided for each room in accordance with Regulation 109 and as shown on the plans.

4.4 Ventilation and natural light – Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.

Good ventilation will be achieved through a mixture of natural cross ventilation and air conditioning. The proposal will comply with the light and ventilation, and minimum ceiling height requirements of the National Construction Code.

4.5 Administrative space – A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.

An administrative area and staff offices are provided meeting the requirements of Regulation 111.

4.6 Nappy change facilities – Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children.

Nappy change facilities are provided for shared use between each playroom.

4.7 Premises designed to facilitate supervision – A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities,



indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity.

All rooms ensure optimal surveillance is possible through the use of glass windows and doors and suitable layout in accordance with Regulation 115.

4.8 Emergency and evacuation procedures – Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.

Regulation 97 sets out the detail for what those procedures must cover including:

- *instructions for what must be done in the event of an emergency*
- *an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit*
- *a risk assessment to identify potential emergencies that are relevant to the service.*

The operator will prepare emergency and evacuation plans prior to the centre opening covering all the necessary information contained within Regulation 97.

4.9 Outdoor space requirements – An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m² of unencumbered outdoor space.

1,537m² of unencumbered outdoor space is provided to satisfy Regulation 108.

4.10 Natural environment – The approved provider of a centre based child care service must ensure that the outdoor spaces allow children to explore and experience the natural environment.

The landscape plan provides ample opportunities for exploration of the natural environment including a variety of natural materials. Refer to the landscape and materials selections within the Landscape Plan at Appendix C for details.

4.11 Shade – The approved provider of a centre based child care service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.

Both natural shade from trees and built elements are included in the external play area satisfying Regulation 114.

4.12 Fencing – Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.

Appropriately high fencing is proposed to enclose the outdoor space. Any access gates will have childproof locks.

4.13 Soil assessment – Subclause (d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval.

A Preliminary Site Investigation (PSI) has been undertaken for the site. Refer to Appendix G. A DSI is currently in preparation and will be provided to Council under separate cover.



4.6 State Environmental Planning Policy (Resilience and Hazards) 2021

In relation to development applications, this SEPP requires the consent authority to consider whether the land is contaminated. Clause 4.6(1) of the SEPP states:

(1) A consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

A Preliminary Site Investigation (PSI) has been completed for the site, which recommends that a Detailed Site Investigation (DSI) be conducted. A DSI is in the works at the time of lodgement of this DA, and will be provided to Council upon completion. Where necessary a Remediation Action Plan will be developed.

4.7 State Environmental Planning Policy (Biodiversity and Conservation) 2021

In relation to development applications, this SEPP requires the consent authority to consider vegetation in non-rural areas. Clause 2.1 of the SEPP states:

The aims of this Chapter are—

(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and

(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

A total of two (2) trees are proposed for removal under this application as they are located within the development footprint. All remaining trees in proximity to the development will be retrained and protected during construction works.

Chapters 3 and 4 of SEPP (Biodiversity and Conservation) 2021 (BC SEPP) aim to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.

The subject site is zoned R1 in the City of Maitland LGA (Central Coast koala management area) and as such, is subject to the provisions of Chapter 4 Koala Habitat Protection 2021. There is no approved Koala Plan of Management for the Maitland LGA. According to the BC SEPP 2021, the policy applies if:

4.9 Development assessment process—no approved koala plan of management for land

(1) This clause applies to land to which this Chapter applies if the land—

(a) has an area of at least 1 hectare (including adjoining land within the same ownership), and



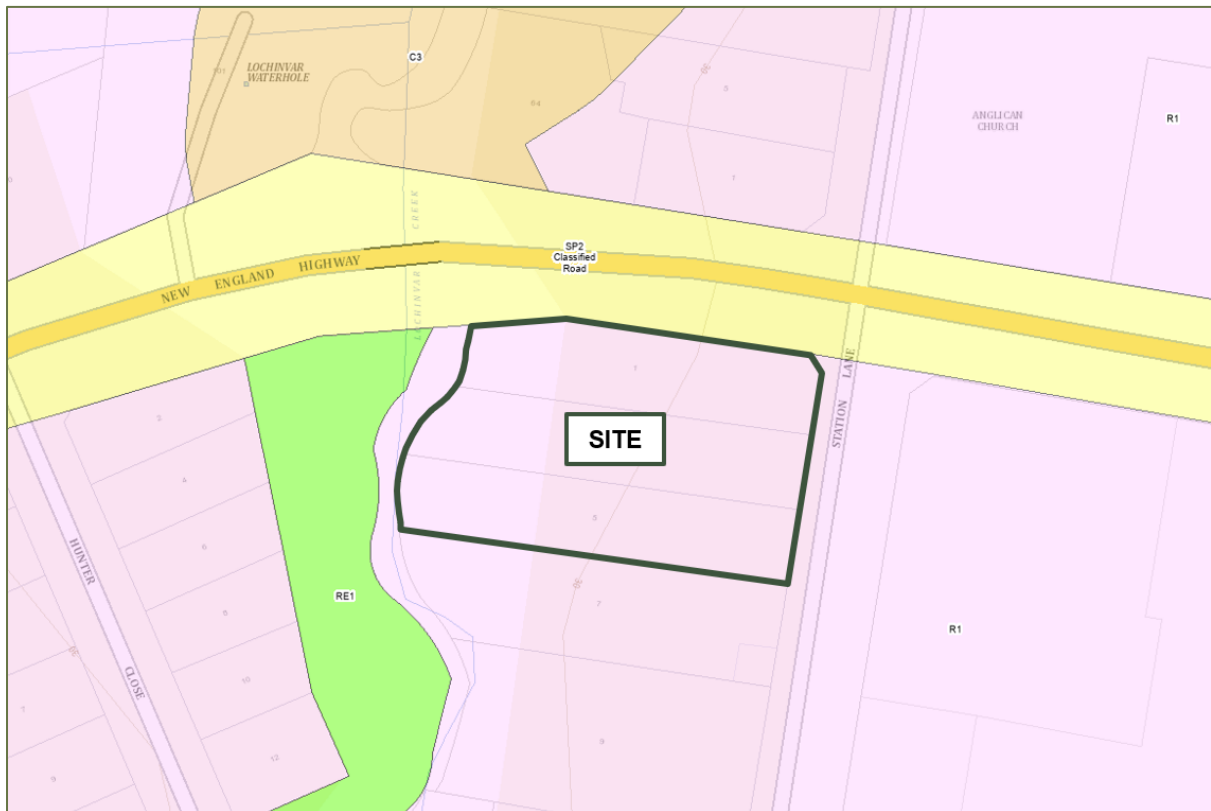
(b) does not have an approved koala plan of management applying to the land.

The site covers less than 1ha. Therefore, Chapter 4 of the BC SEPP 2021 does not apply and no koala assessment is required.

4.8 Maitland Local Environmental Plan 2011

Pursuant to the Maitland Local Environmental Plan (LEP) 2011, the site is zoned R1 General Residential as illustrated on the zoning map extract in **Figure 7**.

Figure 7 Zoning Map Extract (Source: NSW Planning Portal Spatial Viewer)



Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; **Centre-based child care facilities**; Community facilities; Dwelling houses; Group homes; Home-based child care; Home industries; Hostels; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood



shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Wharf or boating facilities; Wholesale supplies

The development is defined as a *centre-based child care facility* under the Maitland LEP 2011 and is permissible with consent in the R1 zone. The proposal is consistent with the zone objectives and provide a service to meet the daily needs of local resident by offering a long day care and preschool.

4.8.1 Relevant Clauses within Maitland LEP 2011

Clause 2.7 Demolition requires development consent

Clause 2.7 states that demolition requires development consent. The proposed works include the demolition of existing dwellings on site, which forms part of the scope of works included in this DA.

Clause 4.3 Height of Buildings

Pursuant to Clause 4.3, the site does not have a prescribed maximum building height. Therefore, this clause does not need further consideration.

Clause 4.4 Floor Space Ratio

Pursuant to Clause 4.4, the site does not have a prescribed floor space ratio. Therefore, this clause does not need further consideration.

Clause 5.10 Heritage Conservation

The site is not registered as a heritage item, nor is within a heritage conservation area. The site is in proximity to some heritage items, including *1104 Holy Trinity Church, 1105 Catholic cemetery, and 1101 Victoria House*, refer to **Figure 8**. Due to the scale of the proposed works and spatial separation provided by New England Highway the proposed works are not expected to cause detrimental impacts on the significance of these heritage items and therefore a heritage impact assessment is not deemed necessary.



Figure 8 Heritage Map Extract (Source: NSW Planning Portal Spatial Viewer)



Clause 5.21 Flood Planning

A 1% AEP flood level of 28.39m AHD is applicable to the site which will predominantly impact the rear unstructured natural play space. Structures located in the flood prone portion of the site are minimal and will not result in any significant impact to the flood behaviour in the locality.

The childcare centre will have a FFL of 30.7m AHD which is well clear of the flood level and will allow for children and staff to shelter in place in a flood event. Safe and clear passage is also available from the centre in the event of a flood as the car park and access to Station Lane also remain significantly above the identified flood level.

Clause 6.2 Public utility infrastructure

The site located within an existing urban areas and is serviced by the existing public utility infrastructure located within Station Lane and the site.

Clause 6.3 Development Control Plan

Development of the site is subject to the provisions of the Maitland Development Control Plan 2011 including section F.9 which has been developed specifically to guide development within the Lochinvar Urban Release Area.

Clause 7.1 Acid Sulfate Soils

The site is identified as Class 5 on the Acid Sulfate Soils Map. As per the requirements of this clause, development consent is required on Class 5 land for *works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which*



the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

The site is not located within 500 of land classed 1 to 4 on the ASS Soils Map and the extent of works proposed is not likely to have any impact on the water table. As such ASS are not likely to be encountered during works and further assessment is not necessary.

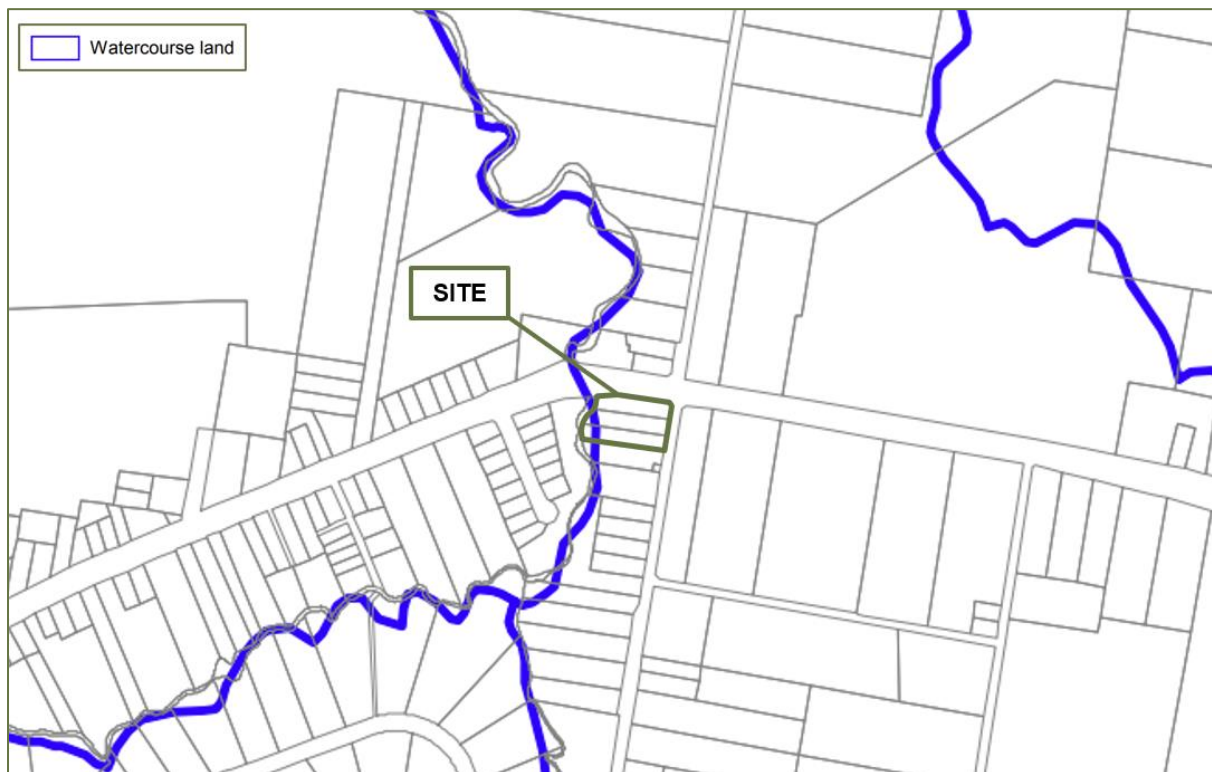
Clause 7.2 Earthworks

All earthworks conducted on site will be undertaken to minimise impact on environmental functions and processes, neighbouring uses, or features of the surrounding land. Details of the proposed earthworks, erosion and sediment controls and drainage measures have been included in the Civil Plans at Appendix B.

Clause 7.4 Riparian land and watercourses

The site is identified as watercourse land according to Clause 7.4, refer to **Figure 9**.

Figure 9 Watercourses Map Extract (Source: LEP Map Sheet WCL_002)



The objective of this clause is to protect and maintain the quality of watercourses and aquatic riparian habitats. The proposal is sited and designed in order to ensure that the integrity of the watercourse is protected and will not be affected in any adverse manner.

4.9 Maitland Development Control Plan 2011

The proposal and development are subject to the Maitland Development Control Plan 2011 (DCP 2011). The following sections of the DCP 2011 are deemed to be relevant to the proposal and its assessment:

- B.5 – Tree and Vegetation Management
- B.6 – Waste Not – Site Waste Minimisation and Management



- B.7 – Environmentally Sensitive Land
- C.6 – Signage
- C.11 – Vehicular Access and Car Parking
- F.9 – Lochinvar Urban Release Area

The proposal is generally compliant with the DCP with the exception of minor variation in relation to parking provisions. A detailed compliance table is included at Appendix I. Variations to the DCP controls have been justified against the objectives.

5.0 Assessment of Planning Issues

The following is an assessment of the environmental effects of the proposed development as described in the preceding sections of this SEE. The assessment considers only those matters under Section 4.15(1) of the EP&A Act 1979 that are relevant to the proposal.

5.1 Compliance with Planning Instruments and Controls

The proposal is generally compliant and consistent with all applicable legislative requirements, environmental planning instruments, development controls and guides as outlined in Section 4 of this SEE, and as summarised below:

- The proposal meets the national and state design standards for child care centres made under the requirements of the *Child Care Planning Guideline*, and the *Education and Care Services National Regulations*;
- Potential contamination of the land has been considered in accordance with *SEPP (Resilience and Hazards) 2021*;
- Proposed signage is consistent with the criteria contained in *SEPP (Industry and Employment) 2021*;
- The proposal meets provisions associated with child care centres as set out within *SEPP (Transport and Infrastructure) 2021*;
- The proposed use is permissible within the R1 General Residential zone under Maitland LEP 2011 and the proposal meets all LEP development standards; and
- The proposed development achieves the aims and objectives contained within the relevant sections of the Maitland DCP 2011.

5.2 Traffic, Parking and Access

A Traffic Impact Review (TIR) has been undertaken by One Mile Grid and is attached at Appendix D. The report examines the traffic implications of the proposed development including the predicted traffic generation and its impact on existing road and intersection capacities.

5.2.1 Vehicular Access

Vehicular access is provided via a 6m wide single driveway crossover located centrally along the Station Lane frontage approximately 35m from the intersection with New England Highway. The location of the driveway crossover is designed to align with the car park levels which are directly tied to the building access arrangements. The vehicular access has been located as far south along the frontage as possible to provide spatial separation from the intersection and is offset from the access to St Nicholas Early Learning Centre opposite.



Due to the left-only turn restrictions from Station Lane at the intersection, and modest level of traffic volumes on New England Highway, it is expected that queueing is unlikely to extend back to the site access, and that drivers may readily enter and exit the site safely.

To eliminate any potential risks, it is recommended that “Keep Clear” road markings are installed on Station Lane in the northbound carriageway to ensure that drivers approaching from the north may enter without impeding southbound through movements.

5.2.2 Parking Provision

A total of 33 parking spaces are to be provided within the site, two (2) of which are accessible spaces.

The Maitland DCP specifies an off-street carparking requirement for a childcare centre of 1 car space for every 4 children in attendance. In accordance with this rate, a total of 36 spaces are required, resulting in a numerical shortfall of 3 spaces.

Allowing for illness and holidays, along with siblings travelling together which is likely given the spread of age groups, it is assumed that the equivalent of 90% of the 141 children may be in attendance on any particular day, therefore 127 children. The proposed 33 spaces would therefore cater for the demand in accordance with both the DCP and GtTGD rates.

A 2015 study by TEF Consulting, commissioned by Transport for NSW (formerly RMS), aimed to update parking data for childcare centres and revealed a correlation between parking demand and centre size. Specifically, as enrolments grow, the parking rate per child decreases. This trend suggests an economy of scale, where larger centres benefit from optimised staff-to-child ratios, more flexible hours, and the ability to accommodate siblings across different age groups. Importantly, the findings apply broadly across various centres, suggesting that parking demand is influenced by centre operations rather than specific travel modes or locations.

The study indicates that childcare centres with higher enrolments (more than 70 children) exhibit a peak parking demand of approximately one space per six enrolled children. In contrast, smaller centres with fewer than 45 children tend to require about one parking space per four children. These rates reflect the different operational efficiencies between large and small centres, where larger centres are able to reduce parking needs per child due to shared resources and scheduling flexibility.

For the proposed 141 placements, based on a rate of 1 space per 6 spaces, carparking demand would be 24 spaces.

5.3 Visual Impact

The development incorporates an appropriate bulk, scale and materiality consistent with the residential setting. The proposed development presents positively to Station Lane with activated street frontage elements where possible and complimentary site landscaping.

On-site landscape works and plantings will make a positive contribution to the streetscape and enhance the overall internal amenity of the proposal. Good quality endemic landscaping is provided within the site, including tree plantings, along with several shrubs, accent plants, grasses, groundcovers and turf.

Buildings incorporate high quality finishes and muted contemporary colours and materials, which will positively contribute to the amenity of the surrounding area. External signage proposed is considered appropriate given the use of the site and not excessive in height, number or size. Signage has been designed to incorporate seamlessly within the building facades.



Streetscape perspectives of the proposed development have been included in the Architectural Plans at Appendix A to assist with visualising the proposal.

5.4 Noise Impact

A Noise Assessment (NA) for the proposal has been conducted by Muller Acoustic Consulting Pty Ltd, a copy of which is provided at Appendix E. The Assessment has been prepared in accordance with and having regard for:

- NSW Environment Protection Authority (EPA), Noise Policy for Industry (NPI) 2017;
- NSW Environment Protection Authority (EPA), Approved methods for the measurement and analysis of environmental noise in NSW, 2022;
- Australian Standard AS 1055:2018 - Acoustics - Description and measurement of environmental noise - General Procedures;
- NSW Department of Environment and Climate Change (DECCW) – NSW Interim Construction Noise Guideline (ICNG), July 2009; and
- Association of Australian Acoustical Consultants (AAAC), Guideline for Child Care Centre Acoustic Assessment V3 (GCCCAA), 2022.

5.4.1 Operational Noise

The development incorporates multiple activities which will contribute to the cumulative operational generated noise sources, including light vehicles, deliveries, and child care outdoor play. The closest sensitive receivers include the residential properties immediately south of the site, and north of the site across New England Highway. One educational receiver is also located in close proximity to the east of the site across Station Lane.

The results of the NA demonstrate that noise emissions from the operation would satisfy the relevant trigger levels at all assessed receivers once noise controls for the project are implemented:

- the project is constructed as per the site design and plans, which includes the barrier attenuation provided by the project buildings orientation;
- construction of the playground retaining wall as per the site plans;
- construction of an impervious barriers surrounding the southern boundary of project car park area (see Figure 3 within NA). The barriers should be constructed to an RL of 1.8m above the relative ground level of the car park. The barriers should consist of materials with a surface density of at least 10kg/m², and not contain any gaps (ie lapped and capped timber or equivalent);
- construction of an impervious barrier surrounding the northern side of the playground (see Figure 3 within NA). The barrier should be constructed to an RL of 1.8m above the relative ground level of the outdoor play area. The barrier should consist of materials consistent with those outlined above; and
- the mechanical plant for the CCC is yet to be finalised. Therefore, the modelling assumes one AC unit per classroom and one for the admin spaces, totalling ten AC units. The AC units are assumed to be located on rooftop of the building located over each educational/admin space (see Figure 3 within NA).

Sleep disturbance is not anticipated, as emissions from maximum noise events (i.e. impact noise from staff car door slams during the morning shoulder) are predicted to satisfy the criteria in the Guideline for Child Care Centre Acoustic Assessment. Accordingly, as the



applicable criteria in the Guideline for Child Care Centre Acoustic Assessment are satisfied the project is deemed to also comply with the NPIs maximum noise trigger levels.

5.4.2 Construction Noise

The results of the NA demonstrate that levels during standard construction hours are above the ICNG Noise Management Levels at several assessed receivers surrounding the project. Accordingly, it has been recommended that noise management and mitigation measures be adopted during noise intensive construction activities to limit impacts on surrounding receivers.

Recommendations for consideration during construction activities for this project include:

- implement boundary fences/retaining walls as early as possible to maximise their attenuation benefits to surrounding receivers;
- toolbox and induction of personnel prior to shift to discuss noise control measures that may be implemented to reduce noise emissions to the community;
- where possible use mobile screens or construction hording to act as barriers between construction works and receivers;
- all plant should be shut down when not in use. Plant to be parked/started at farthest point from relevant assessment locations;
- operating plant in a conservative manner (no over-revving);
- selection of the quietest suitable machinery available for each activity;
- avoidance of noisy plant/machinery working simultaneously where practicable;
- minimisation of metallic impact noise;
- all plant are to utilise a broadband reverse alarm in lieu of the traditional hi frequency type reverse alarm; and
- undertake letter box drops to notify receivers of potential works.

5.5 Safety and Security

The development has been designed to and shall be managed to minimise and discourage criminal activity and ensure the safety of children, staff, and the local community. The proposal has been designed to be consistent with Crime Prevention through Environmental Design (CPTED) principles.

A Crime Risk Assessment has been undertaken and is included at Appendix H. The purpose of the Crime Risk Assessment is to identify and assess crime risk associated with the proposed development, and to minimise opportunities for crime through design. The Crime Risk Assessment has regard for the 4 key strategies (surveillance, access control, territorial reinforcement and activity and space management) of crime prevention and public safety.

In addition to CPTED principles, appropriate lighting will be installed on the proposed premises, including lighting for car parking and outdoor areas. External lighting will be directed inward and away from nearby properties with boundary fencing obscuring the majority of the light spill and/or glare. Lighting will be in accordance with AS4282-1997 Control of the obtrusive effects of outdoor lighting. External lighting will contribute to the overall safety of the site, in conjunction with other security measures such as CCTV cameras.



5.6 Signage

A total of six (6) business identification signs are proposed. The location and indicative scale of proposed signage is illustrated within the Architectural Plans provided at Appendix A.

It is considered that the proposed signage is compatible with the site's location and setting and will not adversely affect the visual character of the area. The proposed signage is not illuminated, will be of a high quality and finish and will not impact the safety of vehicles or pedestrians nor the amenity of neighbouring residents.

Overall, the proposed signage is appropriate for the use and setting of the site and will contribute to the visual interest of the area. The proposed signage meets the objectives and provisions of SEPP (Industry and Employment) 2021 as demonstrated at Appendix G.

5.7 Landscaping

The proposed landscaping has been prepared generally in accordance with the Maitland DCP 2011 as well as having regard for the practicality of ongoing maintenance and management of the site. A detailed Landscape Plan prepared by Xeriscapes is included at Appendix C.

Tree and shrub species, sizing and locations have been chosen to ensure that passive surveillance is maintained at building, carpark and driveway entries with smaller groundcovers and shrubs adjacent to paths and buildings in accordance with CPTED principles.

All proposed tree and plant species selection has been considered in terms of soil types, species hardiness and on-going watering maintenance requirements. Predominantly low water use species have been grouped in regard to watering requirements and to reduce reliance on use of potable water.

In summary, the new landscaping proposed will integrate the built form and hardstand areas associated with the proposal.

5.8 Waste Management

A Waste Management Plan (WMP) has been prepared for the proposed development, addressing each stage of the development from earthworks and construction through to the ongoing management of waste when the premises are operational. The WMP has been prepared in accordance with Council's DCP and is provided at Appendix I.

Waste will be stored in the designated bin storage area at the north-eastern corner of the building where it will be separated into general waste and recycling. The refuse area will be maintained to high standard of cleanliness. The bins and waste storage areas will be cleaned by staff on a regular basis and appropriate vermin control measures will be put in place if required.

A private waste contractor will be engaged to collect waste on site outside the peak pick up and drop off periods. The contractor shall be responsible for moving bins to the car park for emptying and returning them to the storage area on completion.

5.9 Contamination

A Preliminary Site Investigation (PSI) was commissioned for the site and is included under Appendix F.

The site history review showed that the site has been used for residential purposes from at least 1976 to the present day, and was likely vacant farming (grazing) land prior to 1976.



Dwellings were constructed on Lots 1 and 2 between 1961 and 1976, and on Lot 3 between 1984 and 1991.

Four AEC's were identified for the site:

1. Current and former buildings on the site;
2. Storage of vehicles, equipment, and waste materials;
3. Imported Fill - Potential use of contaminated imported fill; and,
4. Former agricultural use (grazing).

The Conceptual Site Model (CSM) indicated that exposure pathways were potentially complete for current and future site users, construction/maintenance workers and/or ecological receptors.

Based on the above, the PSI recommended that a Detailed Site Investigation (DSI), comprising intrusive investigations, be carried out on the site. A DSI is currently underway and will be provided to Council upon completion.

5.10 Stormwater and Flooding

The site exhibits a fall from Station Lane to Lochinvar Creek at the rear which is a 3rd order watercourse. Stormwater infrastructure will be constructed as per the details provided on the Civil plans prepared by Northrop included at Appendix B to convey stormwater flows under gravity for legal discharge to Lochinvar Creek via overland flow.

The rear of the site adjacent to Lochinvar Creek is identified as being impacted by flooding with a 1% AEP flood level of 28.39m AHD. The FFL of the childcare centre, car park and vehicle access to Station Lane are all positioned above the flood height and will provide flood refuge and evacuation in the event of site flooding.

Works within the lower flood-prone areas of the site are limited to landscaping and minor play structures that are resilient to the impacts of flood waters and inundation.

5.11 Ecologically Sustainable Development

The proposal has been designed to meet the principles of Ecologically Sustainable Development (ESD) as best as possible. The following design principles have been used to promote sustainable building design and operation:

- Building insulation;
- Building orientation;
- Maximise use of natural lighting;
- Energy efficient lighting;
- Recycling programs for ongoing waste management;
- Use of environmentally friendly cleaning products;
- Reduced flush or twin flush cisterns fitted in WC's; and
- Use of native landscaping suitable to the local climate.

It is considered that the above management strategies and design principles will result in the proposed development having sound levels of sustainability.



5.12 Aboriginal Heritage

An Aboriginal Heritage Due Diligence Report has been prepared by Heritage Now and is included at Appendix N. The assessment was prepared in accordance with the due diligence process outlined in the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECCW 2010:10) and included a desktop review of legislative requirements, historical use and occupation of the site, the environmental and heritage context, and known archaeological background. The assessment also includes a site inspection which included a registered Archaeologist and member of the Mindaribba Local Aboriginal Land Council.

An isolated artefact was identified in the Project Area, on the low-lying flood-prone land immediately next to Lochinvar Creek, however, given the low-lying, flood-prone location, it is unlikely that this artefact is the result of past Aboriginal camping in this location but may represent transient use of the area for gathering resources.

While the Project Area is located in the vicinity of a third order creek, the construction of the buildings and associated services, accessways and landscaping has impacted the potential for intact archaeology to be present, particularly in the eastern part of the Project Area. It is therefore considered that the proposed works will have a low likelihood of causing harm to Aboriginal objects and may proceed subject to the recommendations below.

Standard recommendations have been made to protect the artefact identified within the site from construction impacts and account for unexpected finds during construction works:

Recommendation 1

ST LN AFT-01 is to be cordoned off using temporary fencing prior to the commencement of ground disturbing works. This will prevent any inadvertent impacts to the site.

Recommendation 2

All on-site personnel are to be made aware of their obligations under the National Parks and Wildlife Act 1974. This includes protection of Aboriginal sites and the reporting of any new, or suspected, Aboriginal heritage sites. This may be done through an on-site induction or other suitable format.

Recommendation 3

In the unlikely event that Aboriginal, or suspected Aboriginal, archaeological material is uncovered during the development, then works in that area are to stop and the area is to be cordoned off. The Project Manager is to contact the heritage consultant to make an assessment as to whether the material is classed as Aboriginal object/s under the National Parks and Wildlife Act 1974 and advise on the required management and mitigation measures. Works are not to recommence in the cordoned off area until heritage clearance is given and/or the required management and mitigation measures have been implemented.

Recommendation 4

In the unlikely event that human remains, or suspected human remains, are uncovered during the development, then works in that area are to stop and the area is to be cordoned off. The Project Manager is to contact the NSW Police to establish whether the area is a crime scene. If it is not a crime scene, and the remains are determined to be Aboriginal ancestral remains, then Heritage NSW is to be notified via the Environment Line on 131 555 and management measures are to be devised in consultation with the Aboriginal stakeholders. Works are not to recommence in the area until the management measures have been implemented.



5.13 Social and Economic Impact

There is no identified negative impact on any community service infrastructure created by the proposal. The proposed development will be compliant with relevant disability standards and will meet the needs of people with physical, mental and sensory disabilities.

The proposal will ensure the safety of the general public through the implementation of security measures as outlined in the sites relevant Plan of Management included at Appendix J. CPTED principals have been adopted and a Crime Risk Assessment included at Appendix H. The child care centre will be a modern facility containing inbuilt security measures and the latest technology when it comes to building security.

The proposed development will have a positive impact on the public domain through the provision of a modern premises incorporating appropriate landscaping to visually enhance the built form.

Providing local families with a modern educational facility for their children, the child care centre's extended curriculum is based upon proven research that supports the successful development of child through activities that enhance cognitive, social, emotional, physical and creative skills. Overall, the proposal is expected to have an ongoing positive social impact on the local area and wider Maitland community.

The proposal will result in economic benefits associated with the construction works. Moreover, it will generate direct employment opportunities with flow on employment multipliers benefitting the local community.

5.14 Public Interest

The proposal is considered to be in the public interest as it will deliver a number of public, social and economic benefits with minimal adverse impacts (as detailed within this report). The land use and style of development is appropriate for the location and zoning and will provide necessary services to local residents.

5.15 Building Access

Access to the building will be compliant with the relevant legislation and criteria including The Building Code of Australia (BCA), The Disability Discrimination Act 1992 and AS1428 – Design for Access and Mobility to ensure that adequate pedestrian and disabled access is provided for the development.

5.16 Fit-out of Food Preparation Area

The proposed food preparation area will be designed in accordance with the general construction and design food premises. The space has considered adequate space for food storage, design flow, waste and sewage disposal, appropriate ventilation and lighting. Additionally, the flooring constructed will be non-absorbent, and appropriate for the area. The food storage areas will be compliant with the standards, including temperature-controlled storage. Design details will be provided with the Construction Certificate documentation demonstrating compliance with the relevant sections of the Food Standards Code and Australian Standards 4674-2004: Design, construction and fit-out of food premises and 1668.2-2012: Mechanical ventilation in buildings.



6.0 Conclusion

The proposed centre-based child care facility occupying 1, 3 & 5 Station Lane, Lochinvar NSW 2321 will provide a well-designed, modern facility compliant with relevant environmental standards and guidelines for child care centres. The proposed development aims to provide convenient child care services for the local Lochinvar and broader Maitland community whilst also, providing a number of employment opportunities for the local community.

The proposal is compliant with relevant legislative requirements and Environmental Planning Instruments including the Maitland LEP 2011. The proposal is permissible within the R1 General Residential zone, consistent with the zone objectives and is compliant with the LEP clauses applicable to the site.

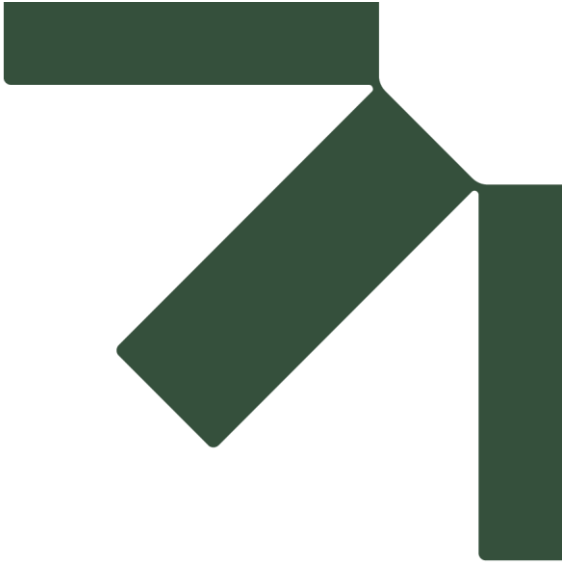
The proposal is generally compliant with the applicable requirements of Maitland DCP 2011.

The proposed development incorporates high quality building presentation and signage with an integrated overall approach to site development. The design of the development incorporates appropriate stormwater management. The proposal, including appropriate mitigation measures where necessary, is compatible with surrounding land uses due to its modest bulk and scale and as a result, will cause minimal adverse environmental and amenity impact.

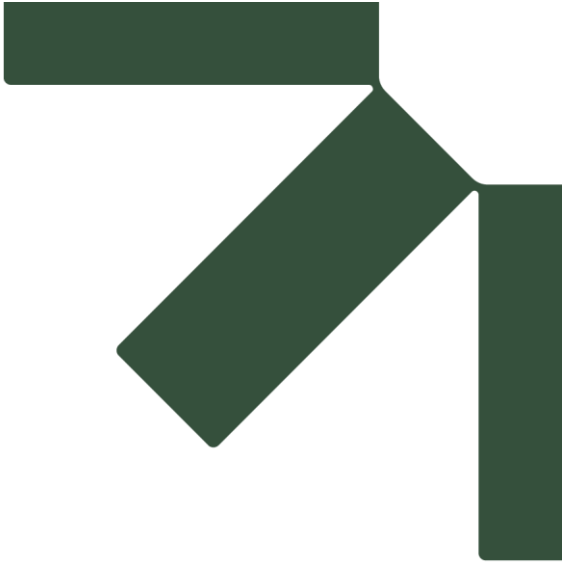
This SEE has addressed the potential impacts arising from the proposal on surrounding properties including but not limited to traffic and access, noise, social impacts, visual impacts, and waste and water management. Where necessary, mitigation measures are proposed to minimise the potential impacts and reduce potential risk associated with the development. Furthermore, it is in the interest of the operators to employ strict management procedures for the premises to ensure that the development is a safe, efficient, and pleasant environment in which to work and visit.

Given the merit of the design and the absence of any significant adverse environmental impacts or planning issues, the DA is considered to be in the public's interest and worthy of Council's support.

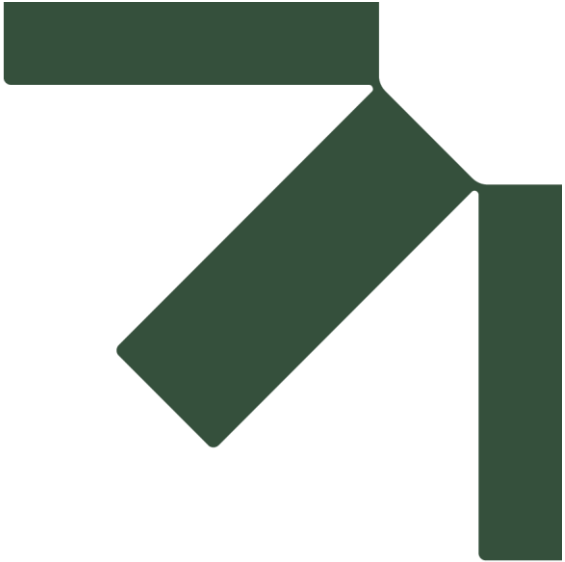




Appendix A Architectural Plans



Appendix B Civil Plans



Appendix C Landscape Plan



Appendix D Traffic Impact Review



Appendix E Noise Assessment



**Appendix F Preliminary Site
Investigation**



Appendix G Compliance Tables



Appendix H CPTED Report



**Appendix I Waste Management
Plan**



Appendix J Plan of Management



Appendix K Survey Plan



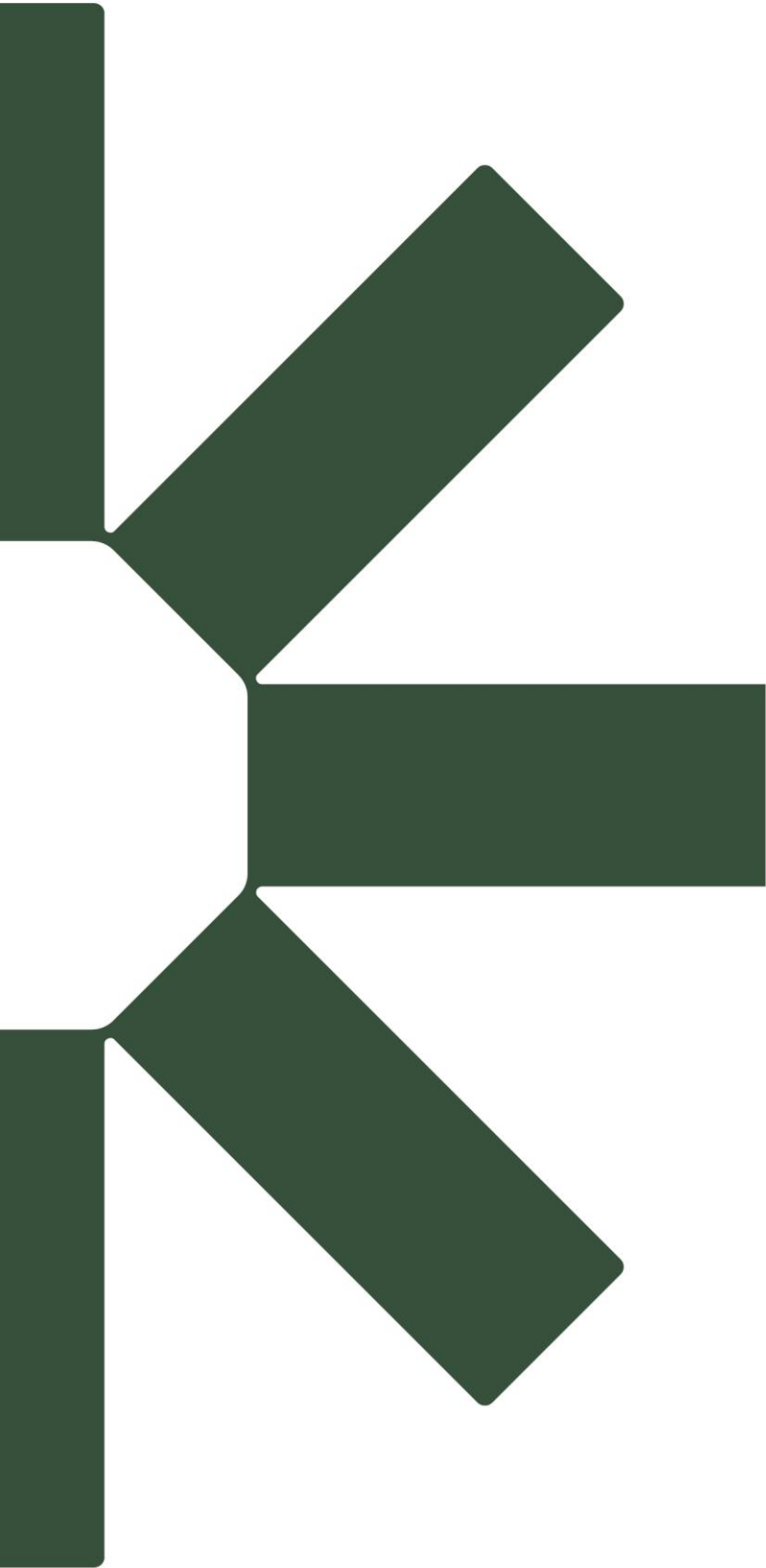
**Appendix L National Quality
Framework
Assessment Checklist**



**Appendix M Estimated
Development Cost
Report**



**Appendix N Aboriginal Heritage
Due Diligence Report**



Making Sustainability Happen