

STATEMENT OF ENVIRONMENTAL EFFECTS

Development Application for
Development Consent for Centre-
based Child Care Facility

2 Gregory Road, Lochinvar NSW 2321

Lot 1101 in DP1275266

December 2021



HPC Planning

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Prepared by **HPC Planning**

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Application Overview

Site and Application Details	
Address	2 Gregory Road, Lochinvar NSW 2321
Lot on Plan	Lot 1101 in Deposited Plan 1275266
Site Area	3,021m ²
Consent Authority	Maitland City Council
Zoning	R1 General Residential
Local Plan	Not applicable
Existing Use	Vacant lot forming part of the Hereford Hill Subdivision
Application Details	Development Application for Development Consent for Centre-based Child Care Facility
Assessment Category	Permitted with Consent
Referral Agencies	Not applicable
Applicant Details	<p>Lochinvar Child Care Pty Ltd c/- HPC Planning 2544 Gold Coast Highway, Mermaid Beach QLD 4218 Contact: Chris Lewis Phone: (07) 3217 5800 Email: christopher.l@hpcurban.com.au Web: www.hpcurban.com.au</p>
Landowner	McCloy Lochinvar Pty Ltd

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Appendix B:	Architectural Plans	Cyber Drafting & Design
Appendix C:	Landscape Plans	Michael Webber Design
Appendix D:	Civil Engineering Plans	Northrop
Appendix E:	Traffic Assessment	SECA solution
Appendix F:	Noise Assessment	Spectrum Acoustics
Appendix G:	Air Quality Assessment	NorthStar Air Quality
Appendix H:	Childcare Needs Assessment	Business Geographics
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1 Introduction

1.1 Overview

HPC Planning have been engaged by Lochinvar Child Care Pty Ltd (“the Applicant”) to prepare and lodge a Development Application for Development Consent for Centre-based Child Care Facility on land at 2 Gregory Road, Lochinvar NSW 2321, described as Lot 1101 in DP1275266 (“the subject 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 describes the proposed development and key planning issues. Last, the report provides an independent assessment of the proposal against the applicable statutory planning instruments, which demonstrates the acceptability of the proposal.

1.2 Summary of Proposals

The development site is a vacant allotment within the Hereford Hill Lochinvar residential estate which is currently under construction. The subject site represents a key strategic location for the proposed child care centre given the expanding residential population in the immediate locality, with an estimated yield of 5,000 new residential lots expected in the Lochinvar Urban Release area¹. The proposal will therefore take advantage of a highly accessible location and an identified need for long day care places to be generated by local population growth.

The proposed development involves the construction and operation of a Centre-based child care facility providing 82 places. The centre will include 5 activity rooms and will provide long and short day care for children aged 0-6 years as well as limited before-school, after-school and vacation care for school-aged children. The centre proposes 1,103m² of outdoor play area and a total GFA of 741m².

The centre proposes a high-quality built form and landscaping 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 2011), 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 to meet the needs of the community and to provide facilities or services to 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 Plans – *Michael Webber Design*
- Civil Engineering Plans – *Northrop*
- Traffic Assessment – *SECA*

¹ Lochinvar Structure Plan, Maitland City Council 2007

- Noise Report – *Spectrum Acoustics*
- Air Quality Report – *NorthStar Air Quality*
- Childcare Needs Assessment – *Business Geographics*

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 2011* and *MDCP 2011* and state 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 subject site is a newly registered lot as described below (Table 2), with frontage to Springfield Road, Pasture Drive and Gregory Road.

Street Address	RP Description	Zoning	Site Area
2 Gregory Road, Lochinvar NSW 2321	Lot 1101 in DP1275266	R1 General Residential	3,021m ²

Table 1: Development Site Details

2.2 The Site

The subject site forms part of Stage 11A of the Hereford Hill residential subdivision. The subject site is a vacant newly established lot with frontage to three roads. The development site slopes predominately to the north-west with an average grade of 2.5%. Pursuant to the Maitland LEP 2011, the site is included within Zone R1 General Residential. Figure 1 below shows the context of the development site in relation to the surrounding area, while Figure 2 shows the zoning of the land.



Figure 1: Site Analysis Plan

Source: Nearmap

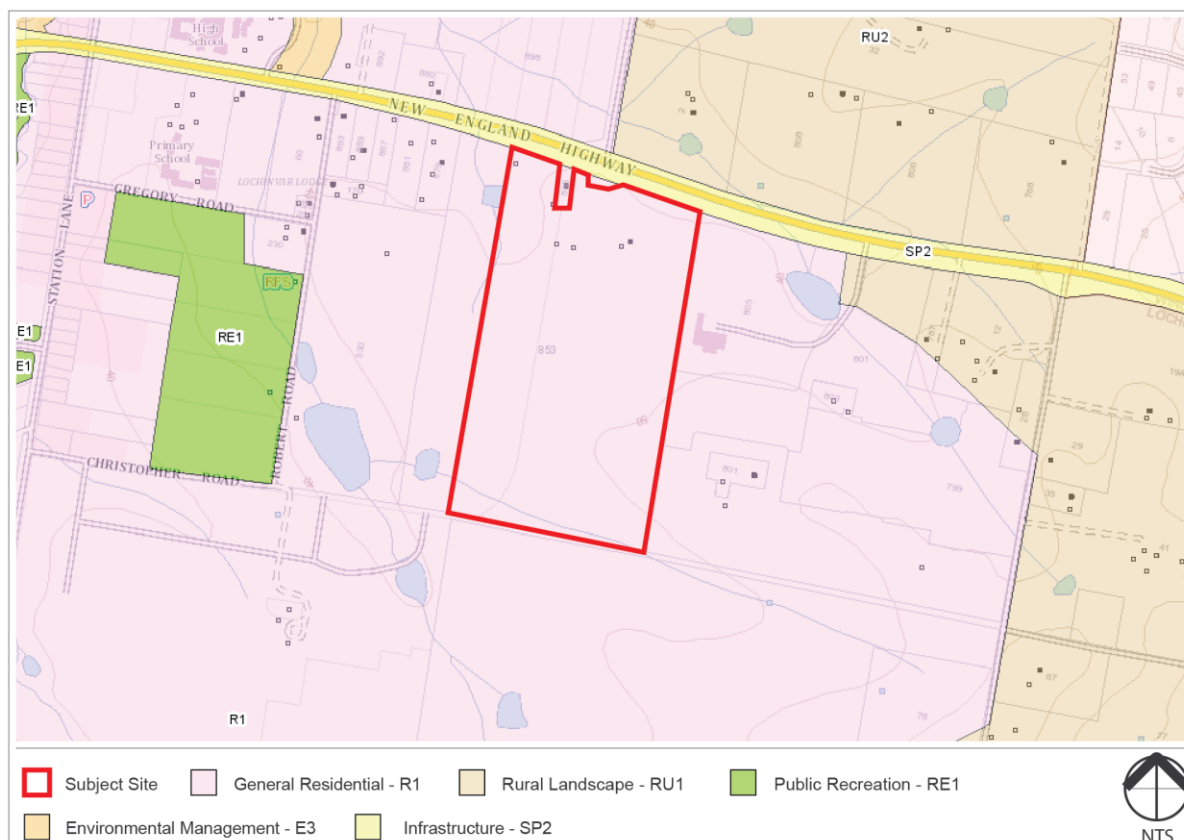


Figure 2: Surrounding Zones

Source: ePlanning Spatial Viewer

2.3 Surrounding Land Uses

Lochinvar is located along the New England Highway in the Lower Hunter Valley approximately 10km west of Maitland city centre (High Street). The existing Lochinvar village is based around the New England Highway. Community facilities and services currently provided in Lochinvar include ecclesiastical buildings, public primary school, non-government schools, sports ground, passive open space, police station, rural fire service, community hall, tennis courts, hotel, convenience store/takeaway shop, and post office. Refer to Figure 3 for a graphical representation of the key surrounding land uses. Whilst the village is currently undergoing rapid development (as discussed below), most of the surrounding area is still predominately populated by small rural holdings and some large residential lots as well as some standard residential lots located to the west nearer the Lochinvar local centre.

In 2006, per the *Lower Hunter Regional Strategy*, Lochinvar was identified as an emerging town centre within Maitland Local Government Area and a priority area to accommodate regional population growth. This priority area was included in the regional strategy as a major urban release area, being the Lochinvar Urban Release Area (LURA). The subject site is located within the LURA, which comprises 650 hectares of land between the New England Highway and main northern rail line.

In 2007, the Lochinvar Structure Plan was developed to provide a framework to ensure that growth of the LURA takes place in a coordinated and sustainable manner, and in response to the character of Lochinvar. The aim of the Structure Plan was to achieve an urban structure based on a walkable, mixed use town, with capacity for up to 5,000 residential dwellings. As a direct consequence of the planned population growth, the Structure Plan also identified the need for additional community services / facilities and infrastructure coordinated with the growth and release of new residential areas. Specifically, per the Structure Plan, the increase in population envisaged for the next 25 years generates the need for the provision of approximately four (4) preschools, and an additional infants/primary school in Lochinvar.

After the adoption of the Lochinvar Structure Plan, further detailed planning was undertaken, and in 2011 the area was rezoned from remnant rural lands for denser urban uses. Following the rezoning, land within the LURA has been subject to a number of approved development applications. The 272 lot subdivision of the subject site under DA17/1781 and DA17/2585 was one of the first subdivision development approvals of the LURA since the 2011 rezoning. Three additional residential subdivisions have been approved in the surrounding area and are described below / depicted in Figure 4.

- **Lochinvar Ridge (DA17/1401):** 146 lot residential subdivision approved on the adjacent property to the east. The approval has since been subject to three s4.55 Modifications. The latest Modification determined was DA/2017/1401:3, allowing for the development of 113 lots and associated infrastructure over 8 stages. Subdivision of approximately 86 hectares of land to the south (70 Christopher Street, Lochinvar) is also planned in conjunction with the practical completion of the subdivision works for DA17/1401. To this end, a development application (DA/2021/493) has been lodged to Council for a boundary realignment to facilitate the sale of land to the developer prior to commencing the subdivision works as per contractual arrangements.
- **Arrowfield (DA12/3005):** 99 lot residential subdivision approved in 2016 under on the adjoining property to the west.
- **Lochinvar Downs (DA18/456):** 330 lot residential subdivision on the adjacent property to the south. In addition to the subdivision approval, 2.5ha of land was also approved to be rezoned from R1 General Residential to B2 Local Centre Part to facilitate the new Lochinvar Town Centre (PP-2021-507).

The site's strategic location within a rapidly growing urban release area, with convenient access to New England Highway makes the site an important business location and an ideal location for the proposed Centre-based Childcare Facility.

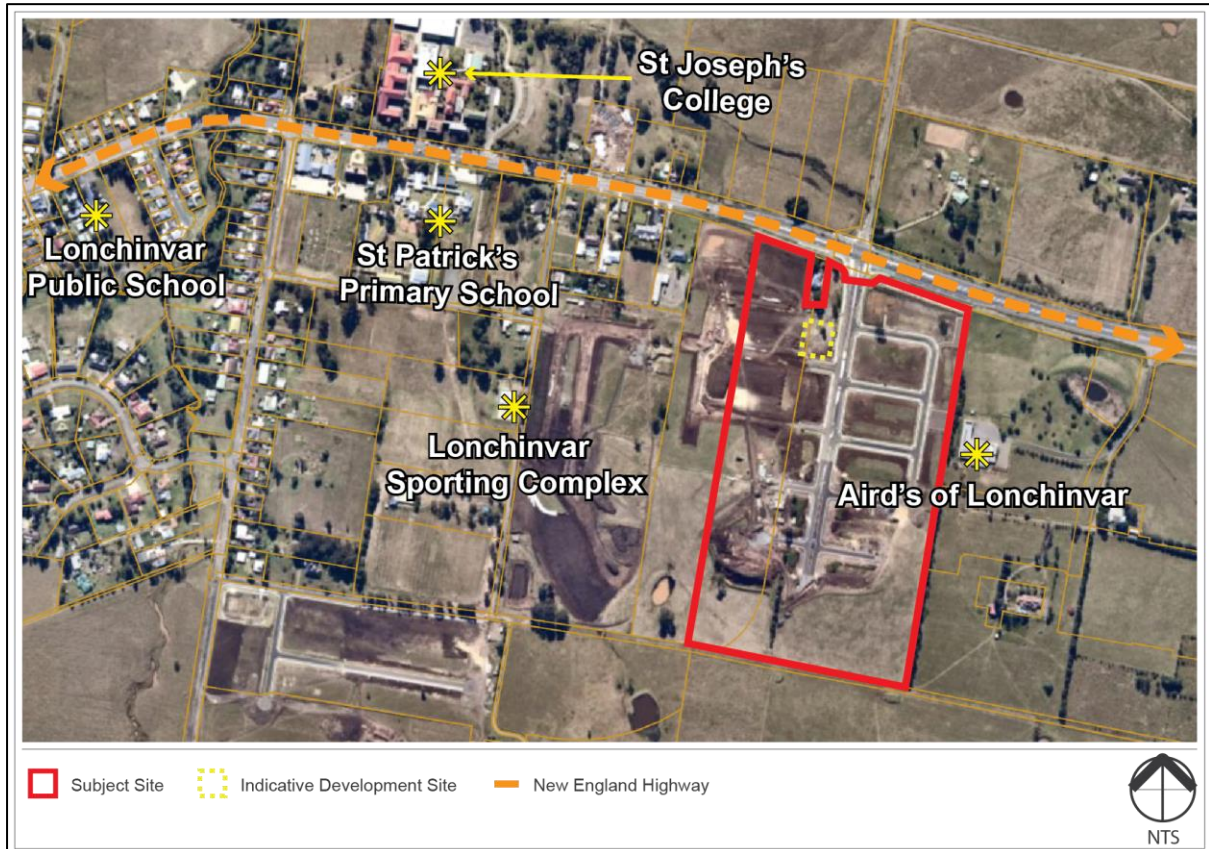


Figure 3: Subject Site Strategic Context

Source: Nearmap

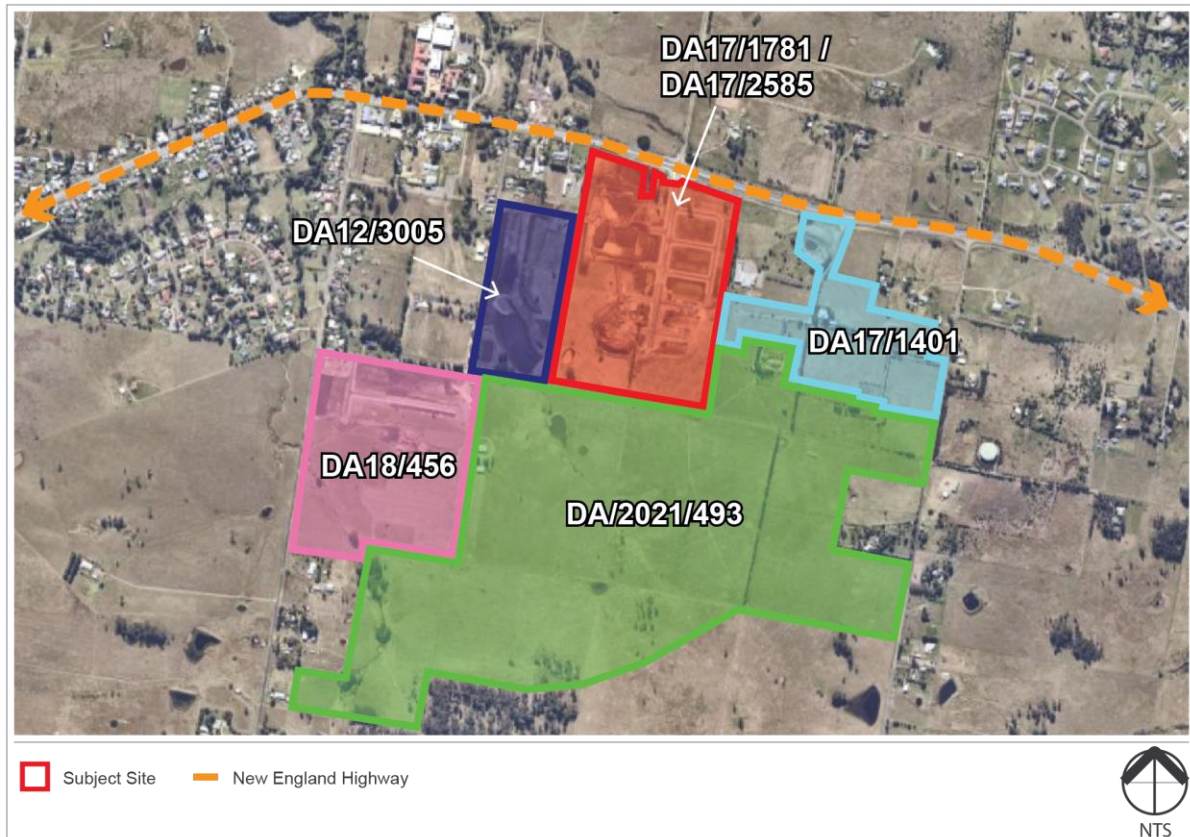


Figure 4: Surrounding Development Approvals

Source: Nearmap

2.4 Easements and Covenants

As per the Draft Deposited Plan of Appendix J, the subject site is encumbered by several easements. None of these easements affect the development site (Lot 1101) and therefore further investigation is not warranted.

2.5 Urban 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 Hereford Hill Subdivision. Detailed design of the connection of water and sewer services to the proposal will be completed during the construction certificate stage of development.

2.6 On-Site Vegetation

As demonstrated by the aerial photograph within Figure 1 and Figure 3, the site is entirely cleared and currently being prepared for development pursuant to previous subdivision approvals. Prior ecological investigations undertaken by Firebird ecoSultants for the original subdivision (*Ecological Assessment for a proposed residential subdivision at 853-859 New England Highway, Lochinvar* (June 2017)) have classified this as “grasslands” and determined that no threatened species or ecological endangered communities (EEC) would be significantly impacted by the redevelopment of the site.

2.7 Site History

The Hereford Hill Subdivision was established subject to two separate subdivision approvals, being DA17/1781 and DA17/2585. 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	Approved
DA17/1781	Torrens Title Subdivision - One Hundred and Forty-Two (142) Residential Lots (Staged Construction) and Two (2) Residue Lots	24/08/2017	26/03/2020
DA/2017/1781:1	Section 4.55 Modification - Amendment to staging boundaries and various conditions	11/06/2020	27/07/2020
DA/2017/1781:2	Section 4.55 (1A) Modification to 136 Lot Torrens Title Subdivision	06/11/2020	10/02/2021
DA17/2585	Torrens Title Subdivision - Two (2) into 140 Lots (137 Residential Lots, 1 Public Reserve Lot and 2 Drainage Reserve Lots) in Nine Stages	23/11/2017	25/09/2020
DA17/2585:1	Section 4.55 Modification to Two into 140 Lot Torrens Title Subdivision – Amend Staging and Reduce Lot Yield	23/12/2020	27/04/2021

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 modification was DA17/2585:1, determined on 27 April 2021. This modification specifically involved the removal of lots 1001 and 9001 and amendment of lot boundaries within Stages 1 and 9 to facilitate the creation of a development lot (Lot 1101) resulting in the overall lot yield being reduced by one lot. The reason for this modification was to create a lot suitably sized for the development lot for a Centre-based Child Care Facility, which is the purpose of this development application. Refer to Figure 5 for an extract of the approved subdivision plan for DA17/2585:1.



3 Proposed Development

3.1 Application Details

This application seeks Development Consent for a Centre-based Child Care Facility on land at 853 and 2 Gregory Road, Lochinvar NSW 2321, and described as Lot 1101 in DP1275266 (“the subject site”).

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3.2 Proposal Overview

The proposal is for the construction of a new purpose-built child care centre at the subject site. The centre will cater for a maximum of 82 children aged between 0-6 years, including indoor playrooms, outdoor play areas, administrative and staff facilities, reception, ancillary office, kitchen, laundry, car parking and landscaping. The 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 Lochinvar locality and surrounding areas.

3.3 Need for the Facility

This application is supported by an independent Childcare Needs Assessment which has addressed the relevant considerations of Part C.2, Section 1.6 and Appendix 3 of the MDCP. This report concludes the proposed child care facility is justified and needed in the area and would deliver a substantial net community benefit, including:

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

The report finds that Lochinvar can support an additional 90-110 child care places to 2031. The proposal is for an 82-place centre.

For full details, please refer to the Childcare Needs Assessment prepared by Business Geographics, attached as Appendix H.

3.4 Hours of Operation

The proposed hours of operation for the centre are:

- Indoor areas: Monday – Friday, 6.15am to 6.15pm, 52 weeks a year. Use of the outdoor play areas will be restricted to 7.00am to 6.00pm
- Outdoor areas: Monday – Friday, 7.00am to 6.00pm, 52 weeks a year.

3.5 Indoor and Outdoor Space Requirements

The proposed child care centre will have a total gross floor area of 741m² and a total licensed capacity of 82 spaces. Indoor and outdoor play space requirements are stipulated by clause 107 and 108 of the *Education and Care Services National Regulations* as follows:

- Unencumbered indoor play area must be provided at the rate of 3.25m² per child; and
- Unencumbered outdoor play area must be provided at the rate of 7m² per child.

The proposed 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 ²)		Outdoor space (m ²)	
		Required	Provided	Required	Provided
1	12	39	56.08	84	110.43
2	15	48.75	67.01	210	493.41
3	15	48.75	65.51		
4	20	65	77.79	280	499.57
5	20	65	80.57		
TOTAL	82	266.5	346.96	574	1,103.41

Table 4: Indoor and Outdoor Space requirements and provision summary

3.6 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 Hereford Hill. Building articulation and facade treatment is defined by a combination of high-quality durable materials, recessed and protruding built form, glazed features and varied roof form. The use of glazed features and expansive verandahs softens the overall profile of the building and provides high levels of external amenity.

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.

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



Figure 5: Perspective view of Child care centre front entrance

3.6.1 Building Height

The development will have a building height of one storey and 6.41m, consistent with the surrounding residential area which is expected to contain a mix of 1 and 2 storey dwellings.

3.6.2 Setbacks

The setbacks of the proposed building are as follows:

- Primary southern frontage – Gregory Road: 4.5m to entrance porch, 6m to wall.
- Secondary eastern frontage – Springfield Road: 4.525m at the SE corner of the building, 3.87m to the eastern verandah.
- Secondary northern frontage – Pasture Drive.
- Western side boundary – 3m.

The southern frontage setback of 4.5m to entrance porch is less than the 6m prescribed under clause 2.4(f) of the MDCP. The setback encroachment is limited to a lightweight porch structure only and will not disrupt the future setback or streetscape pattern as that the west-adjointing future residential property is over 32m clear of this part of the proposed building.

The eastern frontage wall setback of 4.5m will also have minimal streetscape impact, given that:

- The setback incursion is limited to a wall length of only 6.4m for the reception area only, which is just 15% of the building length and 10% of the overall frontage length to Springfield Drive. The remainder of the building presents a minimum 6m wall setback to the eastern frontage;
- This part of the building is located at a higher order road intersection (Springfield Drive and Gregory Road) and will not be in proximity to any dwellings; and
- A substantial amount of landscaping is proposed at this corner due to its prominent location, as seen in the Landscape Plan included at Appendix B.

The 10.4m long veranda to Activity Room 1 is also located within the 6m eastern frontage setback, being 3.87m from the boundary. This is a lightweight structure and will not have an adverse impact on neighbourhood character due to its separation from any future dwellings.

As discussed above the proposed setbacks comply to the western and northern boundaries are compliant with MDCP requirements. The eastern and southern road frontage setbacks are supportable as they are limited to a small extent of the building and consist predominantly of lightweight structures and will therefore not disrupt the setback pattern and built form outcomes sought for the surrounding residential area.

3.7 Landscaping

Landscaping to enhance the visual amenity of the development and streetscape is provided to all street frontages. The key focus of the proposed landscaping is to the primary southern frontage and south-east corner which contains vehicle and pedestrian entrances. A generous 3.1m landscape strip is provided across this frontage to ameliorate visual impacts from the carpark and to provide a visually appealing entry statement to the building.

1.2m deep recesses in the fence line around the northern and eastern boundary are also provided to mitigate the visual impact of fencing and in recognition of the prominence of this street corner near the entrance to Hereford Hill.

Overall, the proposed landscaping serves to enhance the visual amenity of the development with native vegetation and screening of potential carpark and fencing built form impacts.

Refer to the Landscape Plans at Appendix B for full details.

3.8 Traffic and Access

Access to the proposed development is to be provided via a separated entry and exit crossovers to the Gregory Road. As discussed in the Traffic Assessment (refer Appendix E), the design of the proposed crossovers and parking area is consistent with the MDCP and AS2890 and will facilitate safe and efficient vehicle access to the site. The Traffic Assessment also finds that the proposed child care centre will have a minimal and acceptable impact upon the road network.

3.9 Parking

The MDCP specifies a carparking requirement for a child care centre of one car space for every four children in attendance. The proposal is for an 82 place centre and therefore the 21 car parking spaces proposed complies with MDCP requirements, by providing one space for every 3.9 places. One PWD spaces is provided immediately adjacent to the building entrance.

3.10 Servicing

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

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As confirmed by the Traffic Assessment (refer Appendix E), the loading bay is accessible to refuse collection vehicles and other service vehicles, for example food delivery vans/trucks.

3.11 Air Quality

An Air Quality Impact Assessment (AQIA) has been undertaken with regard to the impacts of emissions from vehicle traffic on the New England Highway onto the proposed child care centre. The AQIA concludes that it does not consider there to be an air quality constraint associated with siting and running a child care centre at the site from road traffic exhaust emissions from New England Highway. For further details please refer to the AQIA prepared by Northstar Air Quality included at Appendix G.

3.12 Noise

A Noise Assessment (Appendix F) has been prepared to assess the impact of the proposed child care centre and 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 acoustic assessment concludes that subject to the implementation of mitigation measures, including the construction of acoustic barriers to the western boundary, there will be no adverse noise impacts imparted by the operation of the centre to the surrounding residential receivers. Furthermore, the assessment confirms that traffic noise levels to the centre will be lower than the maximum 55 dB(A) and no further consideration of traffic noise impacts is required.

The proposed acoustic barrier to the western extent of outdoor playspace 3 has been designed to enable unrestricted use of this outdoor play space whilst ensuring that noise levels do not exceed 46 dB(A) at the boundary of the residential receiver. 46 dB(A) represents the “background + 5 dB” criterion set by Section C.2, clause 2.3(d) of the MDCP. As per Figure 6 below and the Elevation drawings (refer Appendix B), the barrier will consist of a standard 2m high acoustic fence with a roof structure extending inward at a 45 degree angle to a maximum height of 3.8m.

To ameliorate potential impacts to the future adjoining dwelling, the roof panels will be matt-perspex material so as to not cause overshadowing or glare impacts. The low side of the roof will be set in 200mm and lower than the top of the fence to allow for a gutter to avoid water runoff to the adjoining property.

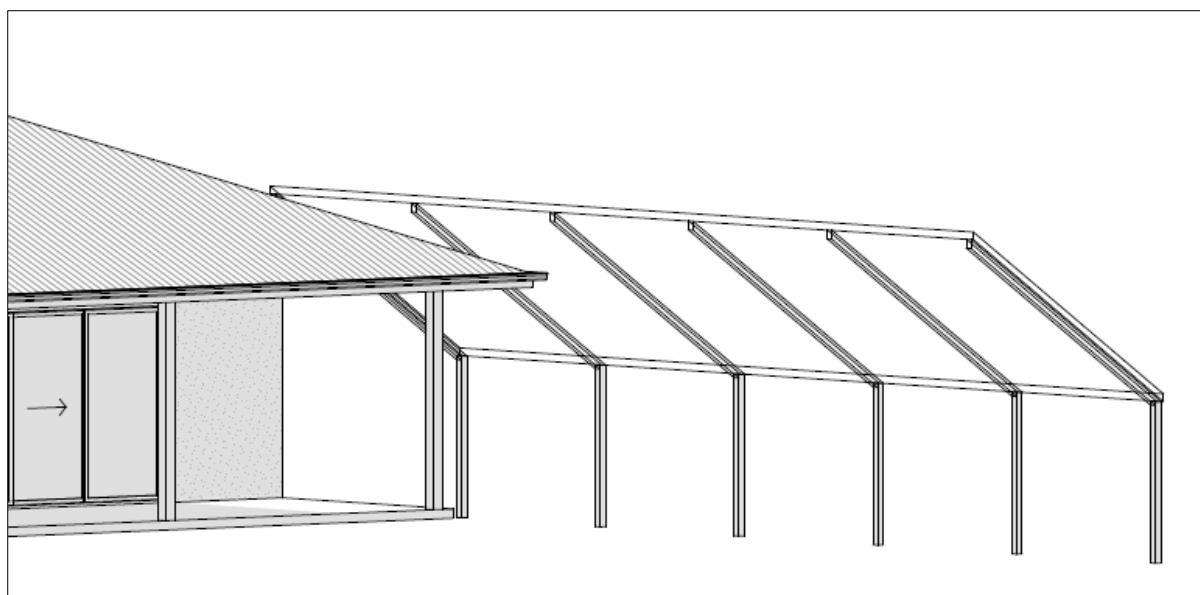


Figure 6: Proposed acoustic fence/roof at western boundary Source: Architectural Plans

The proposed development will be constructed in accordance with the recommendations of the Acoustic Report and this can be further regulated by appropriate conditions.

3.13 Civil Works

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

Civil Works Plan and Erosion and Sediment Control Plans are provided at Appendix D. These plans demonstrate the proposed finished surface levels of the development and the proposed stormwater infrastructure. Retaining walls are proposed to the western boundary to a maximum height of 0.6m (fill), to the northern boundary to a maximum height of 0.38m (fill) and to the eastern boundary to a maximum height of 900m (in cut).

The proposed earthworks have been designed to achieve an optimal balance which minimises impacts to the street and adjoining residential lots, whilst facilitating a single level building with flat play areas which is crucial for the nature of the use. The visual impact of the proposed walls is considered to be low and in keeping with typical residential environments. The retaining wall abutting the western adjoining residential lots has a maximum height of only 600mm and the retaining wall to the eastern boundary is in cut and hence imperceptible from the street. All civil works will be designed and certified by qualified civil engineers to ensure they are fit for purpose and will not cause any adverse drainage or landslip impacts.

As confirmed in the pre-lodgement meeting minutes (refer Appendix I), where the impervious area of the site exceeds 60% on-site detention is required. As per the Civil Works Plan (Appendix D) the proposed impervious area of the development is 1,823m² is exactly 60% and consequently the regional stormwater detention and treatment basin to be constructed in the north west corner of the subdivision will sufficiently attenuate flows from the propose development. Refer to Figure 4 above for the location of this regional basin.

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 *Environmental Planning and Assessment Act 1979* (the 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.*

Sections 4.1.1, 4.1.2 and 4.1.3 below address the relevant requirements of section 4.15(1)(a), whilst section 4.4 addresses subclauses 4.15(1)(b)(c)(d) and (e) of the Act.

4.1.1 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
Current SEPPs	
SEPP (Concurrences and Consents) 2018	Not applicable. Concurrence is not required under SEPP (Educational Establishments and Child Care Facilities) 2017, SEPP (Infrastructure) 2007, or SEPP (Sydney Drinking Water Catchment) 2011. Therefore, this SEPP does not apply.

<p>SEPP (Educational Establishments and Child Care Facilities) 2017</p>	<p>Part 3 – Early education and care facilities – specific development controls of this SEPP is applicable to the proposal, however does not result in any concurrence or compliance issues as demonstrated below:</p> <p><u>Clause 22:</u> As discussed in section 3.4.1 the development exceeds the minimum indoor and outdoor unencumbered space requirements and therefore does not require Regulatory Concurrence.</p> <p><u>Clause 23:</u> The proposal has been designed by an experienced child-care designer and is consistent with the requirements of the <i>Child Care Planning Guideline</i>.</p> <p><u>Clause 24-32:</u> These clauses are not applicable/relevant to the proposed Centre-based child care facility.</p>
<p>SEPP (Infrastructure) 2007</p>	<p>Not applicable.</p> <p>There are no provisions in the SEPP relating to Centre-based child care facilities and as the use/development is not identified in Schedule 3 of the SEPP, referral to Transport for NSW is not required.</p>
<p>SEPP (Koala Habitat Protection) 2021</p>	<p>Complies.</p> <p>HPC can find no record of an approved koala plan of management applying to the land. The land is cleared of vegetation and is demonstrably void of core koala habitat areas. Consent is therefore able to be granted in accordance with Clause 12 of the SEPP.</p>
<p>SEPP No 64 - Advertising and Signage</p>	<p>Not applicable.</p> <p>No signage is proposed in this application. Future signage requirements will be minimal and design in accordance with exempt development requirements.</p>
<p>SEPP (State and Regional Development) 2011</p>	<p>Not applicable.</p> <p>The aim of the SEPP is to identify development that is State Significant Development, State Significant Infrastructure and Critical State Significant Infrastructure, and Regionally Significant Development.</p> <p>Development that has a capital investment value of more than \$5 million for the purpose of a child care centre is deemed Regionally Significant Development.</p> <p>The proposal has a Capital Investment Value of \$2.2 million for and is therefore not State significant development or Regionally Significant Development as mandated by Schedule 1, Schedule 2, or Schedule 7 of the SEPP. Consequently, Maitland City Council is the Consent Authority and the Determining Authority for this Development Application.</p>

Table 5: Relevant SEPP Assessment

4.1.2 Maitland Local Environmental Plan 2011

4.1.2.1 Clause 1.2 Aims of Plan

The *Maitland Local Environmental Plan 2011* (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.

4.1.2.2 Zoning

The subject site is located within the Zone R1 General Residential pursuant to the MLEP. Figure 2 demonstrates the zoning of the site and surrounding land.

4.1.2.3 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 consistent with part (a) of the definition for a centre-based child care facility.

4.1.2.4 Clause 2.3 Permitted or Prohibited Development

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 development. This application seeks Development Consent for the construction and operation of a Centre-based child care facility, to be occupied by an experienced and accredited child care operator. The proposal is Permitted with Consent, consistent with the zone objectives and consequently appropriate for the subject site.

4.1.2.5 Maitland LEP 2011 Development Standards

This section provides an assessment of the proposed development against the relevant provisions of the MLEP. As per Table 6 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	<p>Not applicable. None of the development types referred to under Clause 4.1 to Clause 4.2 are applicable to this application.</p>
Clause 4.1AA – Minimum subdivision lot size for community title schemes	
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 environmental protection zones	
Clause 4.2B – No strata plan subdivision in certain rural, residential or environmental protection zones	
4.2C – Minimum subdivision lot sizes for certain split zones	

Clause 4.3 – Height of buildings	Not applicable. The site is not identified on the Height of Buildings Map. The proposed single storey building will be consistent with future surrounding residential development.
Clause 4.4 – Floor space ratio	Not applicable. The site is not identified on the Floor Space Ratio Map.
Clause 4.5 – Calculation of floor space ratio and site area	Not applicable. As above – Clause 4.4.
Clause 4.6 – Exceptions to development standards	Not applicable. The proposal does not contravene any development standards.
Part 5: Miscellaneous Provisions	Response
Clause 5.1 – Relevant acquisition authority	Not applicable. 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	Not applicable. The proposal does not involve classifying or reclassifying public land as the land is under private ownership.
Clause 5.3 – Development near zone boundaries	Not applicable. The development site is not near any zone boundary.
Clause 5.4 – Controls relating to miscellaneous permissible uses	Not applicable. The development does not include a miscellaneous permissible use.
Clause 5.5 – Controls relating to secondary dwellings on land in a rural zone	Clause not adopted.
Clause 5.6 – Architectural roof features	Not applicable.
Clause 5.7 – Development below mean high water mark	Not applicable.
Clause 5.8 – Conversion of fire alarms	Not applicable. The proposal does not involve converting a fire alarm system.
Clause 5.9 – Dwelling house or secondary dwelling affected by natural disaster	Not applicable.
5.9AA – (Repealed)	Clause repealed.
Clause 5.10 – Heritage conservation	Not applicable. The subject site is not identified as a heritage item or within a heritage conservation area under the Heritage Map or as described in Schedule 5 of the LEP. Further, the land is not expected to contain any items of Aboriginal cultural heritage as it has been subjected to substantial development works associated with an approved subdivision.
Clause 5.11 – Bush fire hazard reduction	Not applicable. The site is not mapped as bushfire prone land.
Clause 5.12 – Infrastructure development and use of existing buildings of the Crown	Not applicable. The proposal does not involve infrastructure development or the use of existing buildings of the crown.

Clause 5.13 – Eco-tourist facilities	Not applicable.
Clause 5.14 – Siding Spring Observatory—maintaining dark sky	Clause not adopted.
Clause 5.15 – Defence communications facility	Clause not adopted.
Clause 5.16 – Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	Not applicable. 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	Clause not adopted.
Clause 5.18 – Intensive livestock agriculture	Not applicable.
Clause 5.19 – Pond-based, tank-based and oyster aquaculture	Not applicable.
Clause 5.20 – Standards that cannot be used to refuse consent—playing and performing music	Not applicable.
Part 6: Urban release areas	Response
Clause 6.1 – Arrangements for designated State public infrastructure	<p>Complies. The site is in the Lochinvar Urban Release Area and is consistent with Part 6 as:</p> <ul style="list-style-type: none"> - The development site is to be created by a recently approved master planned subdivision; and - This subdivision includes all appropriate service, transport and community infrastructure.
Clause 6.2 – Public utility infrastructure	
Clause 6.3 – Development control plan	
Clause 6.4 – Relationship between Part and remainder of Plan	
Part 7: Additional local provisions	Response
Clause 7.1 – Acid sulfate soils	<p>Complies.</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. Therefore, the proposal is considered to comply with the objective of the clause and no further assessment is required.</p>
Clause 7.2 – Earthworks	<p>Complies. This application includes earthworks to create the required level building platform and relatively flat outdoor play areas for children.</p> <p>As demonstrated by the Civil Works Plan (refer Appendix D), the extent of works is not significant and will required retaining walls not exceeding 900mm.</p> <p>The proposal is not considered to result in earthworks of a significant nature that would compromise or cause detrimental impact on drainage patterns, soil stability, the future</p>

	redevelopment of the land, environmental functions, cultural or heritage items, and the amenity of neighbouring uses in accordance with clause 7.1. Only clean fill material will be used for the proposed bulk earthworks.
Clause 7.3 – Flood planning	Not applicable. The site is not identified on the Flood Planning Map.
Clause 7.4 – Riparian land and watercourses	Complies. The site is not within 40m of any identified watercourses, with the nearest being over 350m north-west.
Clause 7.5 – Significant extractive resources	Not applicable. The site is not identified as on the Mineral Resource Area Map and is not subject to clause 13 of the SEPP (Mining, Petroleum Production and Extractive Industries) 2007.
Clause 7.6 – Location of sex services premises	Not applicable.
Clause 7.7 – Certain development at Racecourse Road, Rutherford	Not applicable. The site is not Lot 1504, DP 1141535.
Clause 7.8 – Subdivision of land in Zone R1 in Anambah Urban Release Area	Not applicable. The site is not in the Manamba Urban Release Area.

Table 6: Maitland LEP 2011 Assessment

4.1.3 Maitland Development Control Plan 2011

The *Maitland Development Control Plan 2011* (MDCP) provides detailed provisions for development in Maitland and supplements the legal frameworks contained in the MLEP. This section and Appendix A provides an assessment of the proposal against the relevant development controls of the MDCP.

Per Table 7 below, the following parts of the MDCP are applicable to the proposed development.

DCP Part	Comment
Part A – Administration	A.4 Notification. Notification will be required in accordance with clause 4.2.2(6), as the proposal is for a non-residential use in a residential zone.
Part B – Environmental Guidelines	B.6 – Waste Not – Site Waste Minimisation & Management A Site Waste Minimisation and Management Plan (SWMMP) can be conditioned to be undertaken for the detailed design stage of development. The remaining sections of Part B are not applicable to the development.
Part C – Design Guidelines	The following sections of Part C are assessed in Appendix A: C.2 – Child Care Centres C.12 – Crime Prevention through Environmental Design C.11 – Vehicular Access & Car Parking – as per the Traffic Assessment, the proposed parking and access provision are consistent with MDCP and AS2890 requirements and further assessment against part C.11 is not considered necessary.
Part D – Locality Plans	Not applicable. There are no locality plans identified in Part D which apply to the subject site.
Part E – Special Precincts	Not applicable. The site is not within a Centre, Employment Area or Heritage Conservation Area. This Part of the MDCP is not applicable to the development.
Part F – Urban Release Areas	The site is in the Lochinvar Urban Release Area. The parent subdivisions (DA/2017/1781.2 and DA/2017/2585.1) to create the Hereford Hill Estate, including the subject site, are considered to have adequately addressed all relevant requirements of Part F and further assessment is not required.

Table 7: Applicable DCP Parts

The relevant planning controls of the MDCP sections are addressed in Appendix A.

4.1.4 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.

(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*

Response

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. The proposal will not detrimentally affect the surrounding local residential amenity. The design is entirely appropriate for the residential locality and is consistent with the anticipated built form pattern of the locality. The proposed development will therefore not result in unacceptable impacts on the built environment in this location.

The proposed development involves construction and operation of a Centre-based child care facility providing direct community and economic benefit to the area and its locality. Furthermore, the proposal is considered compatible with the existing area and will not detrimentally affect the social or economic conditions existing in the locality.

(c) *the suitability of the site for the development*

Response

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 centre.

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

Response

All submissions are to be appropriately considered by Council as part of the assessment process.

(e) *the public interest.*

Response

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 need for essential child care facilities of the local community. 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 or social impacts. The proposal is therefore a positive outcome for the emerging local community and is in the public interest.

4.2 Designated Development

Schedule 3 of the *Environmental Planning and Assessment Regulations 2000* (Regulations) identifies development that is designated development. Assessment against Schedule 3 of the Regulations confirms the proposed development is **not** designated development.

4.3 Integrated Development

As demonstrated in Table 8 below, the proposed development is **not** Integrated Development pursuant to the provisions of Section 4.46 of the Act.

Integrated Development			
Act	Provision	Approval	HPC comment

Coal Mine Subsidence Compensation Act 2017	s22	Approval to alter or erect improvements, or to subdivide land, within a mine subsidence district.	Not applicable.
Fisheries Management Act 1994	s144	Aquaculture permit.	Not applicable.
	s201	Permit to carry out dredging or reclamation work.	Not applicable.
	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.	Not applicable.
	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.	Not applicable.
Heritage Act 1977	s58	Approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57 (1).	Not applicable. The site contains no State Heritage listings.
Mining Act 1992	ss 63, 64	Grant of mining lease	Not applicable.
National Parks and Wildlife Act 1974	s90	Grant of aboriginal heritage impact permit.	Not applicable.
Petroleum (Onshore) Act 1991	s16	Grant of production lease.	Not applicable.
Protection of the Environment Operations Act 1997	ss 43(a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises.	Not applicable. Scheduled development is not proposed
	ss 43(b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises	Not applicable. Scheduled activities are not proposed.

		(excluding any activity described as a “waste activity” but including any activity described as a “waste facility”).	
	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.	Not applicable.
Roads Act 1993	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	Not applicable. The proposal does not involve works in, on or over a public road.
Rural Fires Act 1997	s100B	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	Not applicable. The site is not identified as Bushfire Prone Land.

Water Management Act 2000	ss 89, 90, 91	water use approval, water management work approval or activity approval under Part 3 of Chapter 3	Not applicable. Interception of the water table will not occur and therefore no approvals under this Act are required.
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Table 8: Integrated Development Assessment

4.4 Environmental Assessment

Clause 50(1)(c) of the Regulations requires development applications be accompanied by the information and documents that are specified in Part 1 of Schedule 1 of the Regulation. Clause 2(4) of Part 1 of Schedule 1 provides that a Development Application must be accompanied by a Statement of Environmental Effects which must indicate the following matters:

- (b) *the environmental impacts of the development,*
- (c) *how the environmental impacts of the development have been identified,*
- (d) *the steps to be taken to protect the environment or to lessen the expected harm to the environment,*
- (e) *any matters required to be indicated by any guidelines issued by the Planning Secretary for the purposes of this clause.*

Response

Potential adverse impacts arising from the proposed development are outlined and summarised in section 3.4 of this report. The measures used to identify any potential environmental impacts include:

- A comprehensive review of the relevant state planning instruments, local planning instruments, and relevant Council Policies and Codes.
- Site specific design to align with the regulations limiting any impacts on adjacent properties.
- A Stormwater Management Plan and Strategy
- Consideration of development in the locality and the emerging character of the area.

Strategies to mitigate and manage potential adverse impacts arising from the proposed development are also identified in section 3.4 of this report and the various specialist reports in the appendices.

5 Conclusion

This Statement of Environmental Effects has been prepared on behalf of Lochinvar Child Care Pty Ltd, in support of a development application seeking Development Consent for a Centre-based Child Care Facility on land at 2 Gregory Road, Lochinvar NSW 2321, described as Lot 1101 in DP1275266 (“the subject site”).

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The application has been assessed against the relevant requirements of the *Maitland LEP 2011*, *Maitland DCP 2011*, 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 centre, being located near a main entrance to an emerging residential subdivision. The proposal will therefore take advantage of a highly accessible location and fulfill an identified need for long day care places to be generated by local population growth;
- On this basis the proposal 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 single level design with ample setbacks and significant landscaping;
- 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. Further, potential noise and air quality impacts from the New England Highway will be appropriately mitigated as demonstrated in the supporting application material; 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.

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