

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED CHILDCARE CENTRE

RYAN ROAD, GILLIESTON HEIGHTS NSW 2321 (PART LOT 182 DP1282386)



CLIENT: EXP CAPITAL

DATE: 13 FEBRUARY 2025

PREPARED BY:



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REFERENCES

Reference 1:	Architectural Plans prepared by Shaddock Architects
Reference 2:	Civil Engineering Plans prepared by Sparks + Partners Consulting Engineers
Reference 3:	Landscape Plans prepared by Conzept Landscape Architects
Reference 4:	BCA & Access Report prepared by Credwell
Reference 5:	Acoustic prepared by Koikas Acoustics
Reference 6:	Traffic Impact Assessment prepared by Transport and Traffic Planning Associates
Reference 7:	Contamination Site Investigation Report prepared by Geotesta
Reference 8:	National Quality Framework Checklist
Reference 9:	CPTED Report prepared by de Witt Consulting
Reference 10:	Plan of Management prepared by de Witt Consulting
Reference 11:	Waste Management Plan prepared by de Witt Consulting
Reference 12:	Aboriginal Heritage Information Management System Search Result
Reference 13:	Cost Estimate Report prepared by Muller Partnership

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1. INTRODUCTION

1.1. SITE SUMMARY

Address	77-76, 79-81 Ryans Road, Gillieston Heights NSW 2321
Lot and DP	Part Lot 182 DP1282386
Zone	R1 General Residential
Land Area	2,493.4m ²
Existing Structures	N/A – recently subdivided urban land

1.2. PURPOSE

This Statement of Environmental Effects (SEE) has been prepared on behalf of Montessori Academy via EXP Capital (the applicant) to accompany a development application (DA) for a 96-place childcare centre on land known as 77-76, 79-81 Ryans Road, Gillieston Heights NSW 2321 (part Lot 182 DP1282386) (the site).

The site forms part of a separate subdivision as part of the broader urban release area (URA), being proposed Lots 77-76, 79-81 subject to DA/2020/1347 (the parent subdivision). This subdivision is not registered with NSW Lands Registry Services (LRS) at the time of writing.

The SEE summarises findings of specialist reports and demonstrates that the proposed development has been formulated having full and proper regard to existing development controls and environmental qualities of the site and its surroundings.

1.3. CONSENT AUTHORITY

The proposed development requires consent under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The proposed development is local development, and Maitland City Council (Council) is the relevant consent authority.

1.4. INTEGRATED DEVELOPMENT PROVISIONS

The proposed development is integrated development pursuant to the provisions of section 4.46 of the EP&A Act, being:

- Within a **mine subsidence district** (Guideline 2) requiring referral to Subsidence Advisory (SA) NSW under Section 22 of the Coal Mine Subsidence Compensation Act 2017. We understand this referral has/will been undertaken outside the integrated development process, and that integrated referral by Council is not required.
- Within **bushfire prone land** and identified a special fire protection purpose (SFPP) requiring referral to the NSW Rural Fire Service (RFS) under Section 100B of the Rural Fires Act 1997. We expect that integrated referral to the NSW RFS by Council will occur as part of the DA assessment phase.

1.5. SCOPE OF STATEMENT OF ENVIRONMENTAL EFFECTS

This SEE accompanies a DA for the proposed development. It has been prepared on behalf of the applicant and includes the matters referred to in section 4.15 of the EP&A Act and the matters required to be considered by Council.

The purpose of this SEE is to:

- Describe the proposed development.
- Describe the land to which the DA relates and the character of the surrounding area.
- Define the statutory planning framework within which the DA is to be assessed and determined, and provide an assessment of compliance.
- Assess any environmental impacts and provide mitigation measures where relevant. Recommendations are highlighted and summarised in Section 6.

1.6. PERMISSIBILITY

Pursuant to the Maitland Local Environmental Plan (LEP) 2011, *centre-based childcare facilities* are permitted with consent within the R1 General Residential zone. The proposal has been formulated having regard to the provisions of Maitland LEP 2011 and Development Control Plan (DCP) 2011.

Importantly, the development has also been prepared in accordance with the Department of Planning and Environment's (DPE's) Childcare Planning Guideline and includes an assessment of the National Quality Framework for Early Childhood Education and Care Facilities (NQF).

2. SITE AND SURROUNDING AREA

2.1. SITE DESCRIPTION

The site is part of Lot 182 DP1282386; 41 Ryans Road, Gillieston Heights. Following registration, the site will comprise Lots 77-76, 79-81 Ryans Road, Gillieston Heights and have a total area of 2,493.4m². It is located on the corner of Ryans Road (east) and Kiah Road (south) and is currently shown with a partially formed but unnamed road to the north. It has frontages of 60.577m, 50.642m, and 50.642m respectively with a north-south orientation. The site has a moderate slope from north-east to south-west. An aerial view is provided below in *Figure 1*.



Figure 1: Aerial overview. Site outlined in red (de Witt Consulting, aerial © Aerometrex 2025)

2.2. SURROUNDING AREA DESCRIPTION

The site forms part of the Gillieston Heights URA, specifically, at the northern end within the west precinct. Construction of new residential land has recently commenced in the locality, including the subject site and land to the north, with land clearing and infrastructure works currently being undertaken prior to land registration. Urban land is primarily zoned R1 General Residential, while remnant lands are zoned RU2 Rural Landscaping.

More established but still relatively recently released residential land exists further southwest. This has been developed in the last few years and houses have been constructed in the last few years. Farmland still exists to the immediate west. More established areas of the URA exist primarily to the east, including on the eastern side of Cessnock Road. Residential dwellings are the predominant land use nearby, but there is the Gillieston Heights Public School 380m north of the site on the corner of Gillieston Road and Ryans Road; a park and oval 480m southwest of the site off Cartwright Street; a large 8.7ha site 100m northeast which includes partially decommissioned navigation equipment associated with the Air Services Beacon and a separate fenced compound operated by Hunter Land Management; and the Ridge Estate retirement village 160m southeast off Kiah Road.

Within Gillieston Heights generally there are a range of services, including a medical centre, multiple take away food and drink premises such as McDonalds, a pizza store and a Chinese

takeaway, a supermarket offering (IGA) and speciality stores, community and recreational facilities, as well as a range of home businesses like IT and hairdressing. There are also other childcare centres, both located within the eastern precinct, being a Tilly's on Cessnock Road (760m south) and a St Nicholas on Redwood Drive (950m southeast).

A location plan, URA plan and zoning plan are provided in *Figures 2 to 4* below.



Figure 2: Location plan. Site outlined in red (de Witt Consulting, aerial © Aerometrex 2025)



Figure 3: Urban release area. Site outlined in red (de Witt Consulting, aerial © Aerometrex 2025)

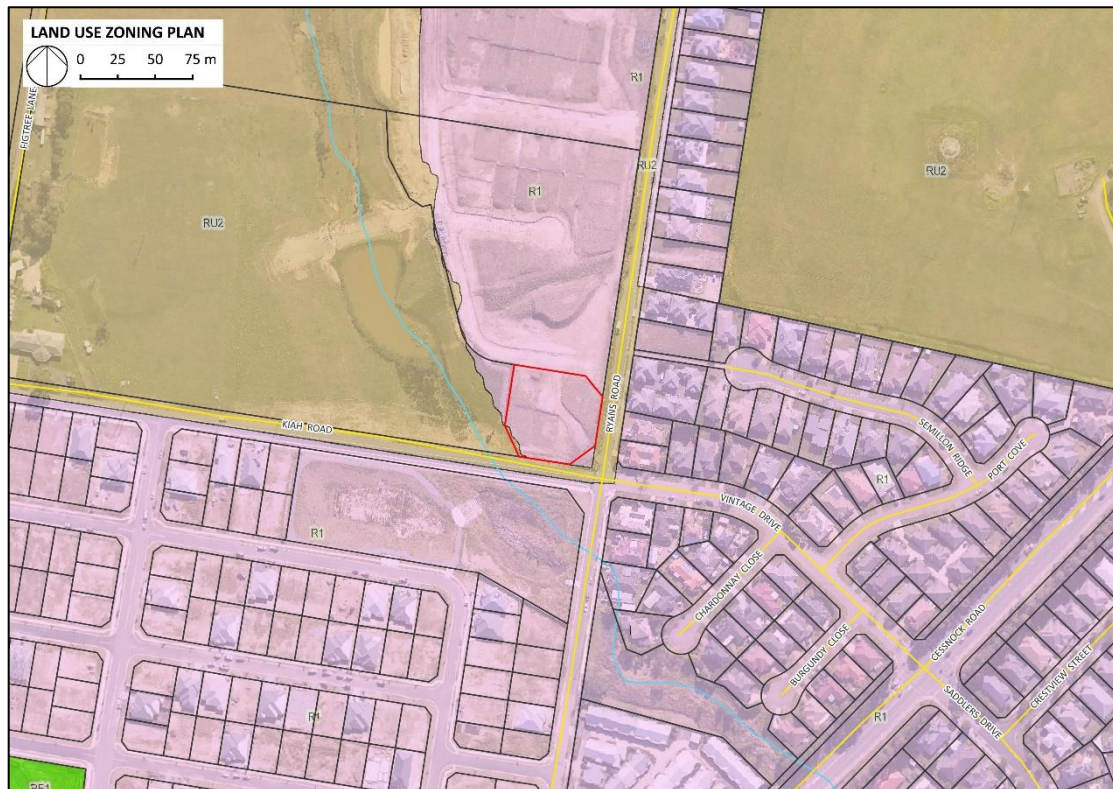


Figure 4: Land use zoning plan. Site outlined in red (de Witt Consulting, aerial © Aerometrex 2025)

2.3. KEY FEATURES

2.3.1. Vegetation

No vegetation is present on site, being entirely cleared from the parent subdivision. The site is not identified as containing Biodiversity Value (BV) on the BV map. BV mapped land is not identified in proximity to the site – the closest values are located over 850m to the west, associated with Swamp Creek and the associated floodplains.

2.3.2. Heritage

Aboriginal Heritage: The site is located within the Mindaribba Local Aboriginal Land Council (LALC) area. A search of the Aboriginal Heritage Information Management System on 25/11/2024 identified 1 item of Aboriginal heritage value within a 200m buffer (**Reference 12**). It is noted that this item is at the very edge of the 200m search radius to the south-east (refer to the extract overleaf in *Figure 5*).

Importantly, there were no items located within a 50m buffer of the site. The site exists in a heavily disturbed condition as a result of the parent subdivision.

Non-Aboriginal Heritage: The site does not contain, nor is it proximate to any items of non-Aboriginal heritage value / European heritage / environmental heritage under the LEP or the State Heritage register (non-EPI). Further, the site is not located within a heritage conservation area (HCA).

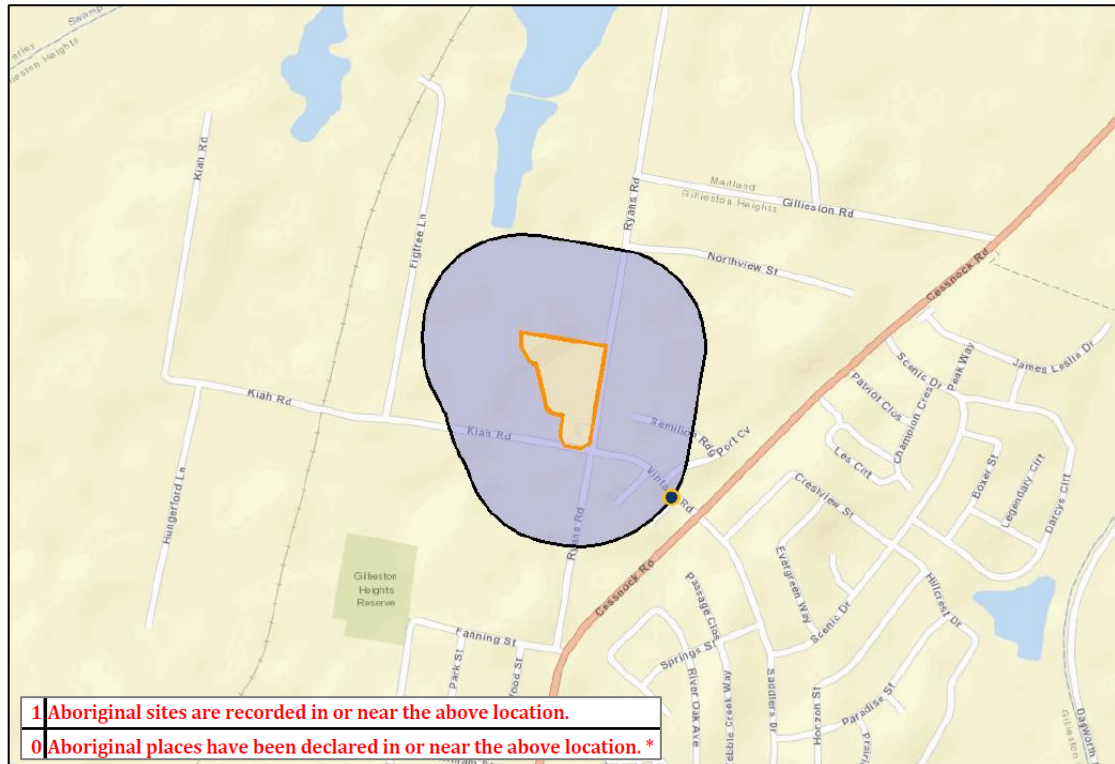


Figure 5: Extract of AHIMS search (source: Aboriginal Heritage Information Management System)

2.3.3. Flooding

The site is very partially identified as flood prone land (southwest corner), associated with a Swamp Creek tributary which exists beyond the site boundaries. The flood extent and watercourse are both shown in *Figure 6* below.



Figure 6: Flood mapping with watercourse. Site outlined in red (source: de Witt Consulting)

2.3.4. Bushfire

The site is identified as bushfire prone land (Vegetation Category 3). Reviewing historic aerial imagery dating to 10/01/2007 (@ Aerometrex), the site and surrounding areas don't appear to have been significantly vegetated with dense forest vegetation or the like, with the land existing as somewhat managed farmland and associated grasslands, with only scattered remnant vegetation.

Notwithstanding, the rural RU2 areas adjoining the current urban development and areas zoned R1 are generally mapped as Category 3 land, with a Vegetation Buffer. However, R1 areas including the site, to the north and to the south/west are all still mapped as Category 3. The mapping therefore appears somewhat outdated, with areas that have either been recently developed or are currently being developed, still showing as affected by a higher bushfire hazard.

Considering the ongoing construction and development of the surrounding URAs to the north (associated with the site's parent subdivision), and the more developed areas to the southwest and west, the landscape has significantly changed, comprising predominantly urban managed land. This includes the bushfire landscape and associated bushfire threat. We do note the land immediately to the west is still farmland, so may carry some residual risk.

Notwithstanding, we'd expect that the true bushfire hazard is not reflected in the current EPI mapping. The bushfire prone land map is provided in *Figure 7*.



Figure 7: Bushfire mapping. Site outlined in red (source: de Witt Consulting)

2.3.5. Soils and Geotechnical

The site is identified as class 5 land for acid sulfate soils, with a map shown in *Figure 8* overleaf. However, previous assessment completed as part of the parent subdivision (Geotesta, 2020) considered that the site is not expected to be underlain by ASS. The geological mapping indicates that the site is within the Permain formation of the Maitland Group consisting of sandstone, siltstone, conglomerate, and erratics.

The site is located within the Maitland West mine subsidence district (Guideline 2), with map shown in *Figure 9* below.

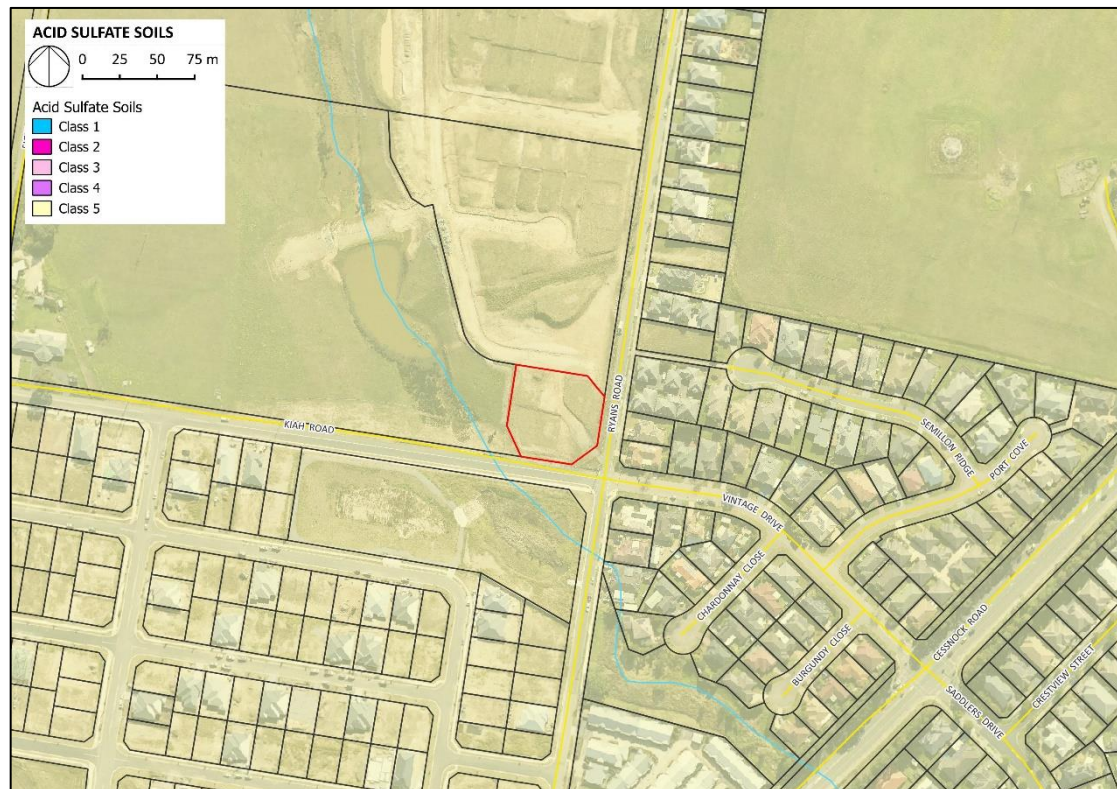


Figure 8: Acid sulfate soils mapping. Site outlined in red (source: de Witt Consulting)



Figure 9: Mine subsidence mapping. Site outlined in red (source: de Witt Consulting)

A search of the NSW EPA Contaminated Lands Register did not suggest that the site (or nearby sites) is potentially contaminated. Further, a Contamination Site Investigation Report (including combined preliminary and detailed site investigations) was prepared as part of the

parent subdivision (**Reference 7**). For the purpose of that investigation, HIL-A (being the lowest Health Investigation Level [HIL]) was adopted, being the most sensitive land use (i.e. low-density residential land use), which is the same HIL used for childcare centres. Therefore, the results from that report can be relied upon for assessing site suitability and health-based levels for contaminants.

This report concluded that the site has a low potential for contamination, with lab results showing analytes concentrations below the assessment criteria. No ground water was encountered. The site was considered suitable for HIL-A (residential land with accessible gardens), which extends to the proposed land use as a childcare facility.

2.3.6. Traffic and Access

No existing formal access is available to the site at present. Much of the adjacent pedestrian and road networks are under construction (or proposed for upgrade) at the time of writing.

The site is a corner lot, having frontages to Ryans Road (east) and Kiah Street (south), as well as an unnamed under construction road to the north. Future access will be via the north, via this future local road (assumed to be the future Golden Bell Circuit).

There are pedestrian footpaths along the south of Kiah Road and the east of Ryans Road, with the road verge adjoining the subject site being informalized at present. These verges will be formalised with kerb and gutter at the time of subdivision registration. Further, based on the approved Subdivision Works Plans (*ADW Johnson, Rev 4, 30/09/2024*), there are pedestrian footpaths provided on the verge adjoining the eastern and southern site boundaries, as well as a 1.5m wide path on the northern side of the adjoining road to the north. The path to the east is noted as a 2.5m shared path. These footpaths are all detailed with pram ramps. The footpaths on at least one side of any adjoining street provide pedestrian accessibility.

2.3.7. Essential Services

In addition to afore-mentioned upgrades to the **road and pedestrian** infrastructure network, the existing **electrical and lighting** infrastructure is also being updated as per the approved Electrical Engineering Plans (*Enlight, Rev 3, 05/09/2023*). Specifically, there are currently overhead (OH) powerlines in the vicinity of the site, adjoining the Ryans Road and Kiah Street boundaries. As part of the parent subdivision approval, the existing OH poles and cables are being removed and replaced with underground (UG) cables. There are also new street light poles proposed; 1 x mid-way at the eastern boundary (west side of Kiah Street), and 2 x on Golden Bell Circuit (as per the approved electrical plan) (north side of the road).

2.3.8. Site Photos

The following site photos were obtained by de Witt Consulting on 10/01/2025 at 10am-11am.

Lower levels of activity were noted in the immediate area during the site inspection. Activity generally included vehicles along Vintage Road and Kiah Road, and residents within their properties (i.e., gardening or washing cars). No pedestrians were noted during the visit. As noted, the immediate area is undergoing transition from farmland to a low-density urban settlement, as part of the Gillieston Heights URA. The conditions observed during the fieldwork will continually evolve as the remaining residential land is released and developed. Therefore, we can reasonably expect that the site will benefit from increased vehicle and pedestrian activity in the future.

The area, particularly where the public domain has been already established, was in generally good condition and residences and private landscaping appeared to be well maintained. There was some litter nearby and within the construction areas. No graffiti was evident in or around the site.



Photo 1: View along Kiah Road facing west.



Photo 2: View of the site facing north-east.



Photo 3: View of adjoining land to the west of the site facing north from Kiah Road.



Photo 4: View of the intersection of Kiah Road, Ryans Road, and Vintage Drive facing east.



Photo 5: View along Ryans Road facing north.



Photo 6: View along Ryans Road facing south.



Photo 7: View from Ryans Road and Kiah Street corner (site's southeastern corner) looking south.



Photo 8: View of existing site looking southwest, including construction machinery.

3. THE PROPOSAL

3.1. CHILDCARE CENTRE

The proposal seeks development consent for an early educational establishment (childcare centre), to be operated by Montessori Academy. The centre will provide for 96 children and 22 staff across 689.5m² of gross floor area (GFA). The following ratio is proposed:

- Nursery stage (0-2 years): 36 kids and 9 educators
- Toddler stage (2-3 years): 40 kids and 8 educators
- Preschool stage (3-6years): 20 kids and 2 educators
- Administrative and support staff: 1 administrator and 1 kitchen staff

Particulars are discussed below, with details contained in the Architectural Plans (Shaddock Architects, 03/02/2025) and Landscape Plan (Concept Landscape Architects, 16/01/2025). Other supporting documents include the Plan of Management and Civil Documentation.

3.2. LOT CONSOLIDATION

The proposed Lots 77-76, 79-81 (not yet registered at the time of writing) will be consolidated post-DA consent such that the proposal will be across only one allotment.

3.3. ACCESS AND PARKING

Vehicle access will be via two (2) separate ingress and egress points from the future road north of the site. 21 car spaces are proposed, 12 being staff and 9 being visitor (including 1 accessible space with shared zone and bollard).

A separate dedicated pedestrian walkway is provided from the northern boundary. This will provide connectivity from the 1.5m wide pedestrian footpath on the north side of the adjoining local road here. Pedestrians within the car park are expected to navigate the car park appropriately, with visitor spaces located closest to the main building entrance.

3.4. LANDSCAPING

Various landscaped areas will be provided around the site boundaries (703m² total) with a focus on the outdoor play area to the south, including natural, artificial and sensory materials. This area provides a mix of zones catering for a variety of different play experiences for different age groups, including natural grass lawn, deco-granite, rubber soft fall, soft fall mulch, timber decking, and sand pit zones. There are two distinct zones, separated for ages 0-2 years and 2-6 years. Play experiences for the children will include tee-pee crafting circle, racetrack, amphitheatre pergola, mud kitchen, sandpits, timber cubby, storey telling space, and role-play kiosk. Shade cloths will cover these spaces. Additionally, vegetable and herb gardens will be provided on the eastern side of the building.

With regards to general, shade and amenity landscaping, planting will include 16 trees, 10 in the front/carpark area being 1 *Brachychiton populneus*, 4 *Waterhousia floribunda*, and 5 *Pyrus calleryana*, providing for a mix of visual amenity and shading. The 6 trees adjacent the southern boundary to the play area include 2 *Brachychiton populneus* and 4 *Pyrus calleryana* and are provided external to the fence. A variety of shrubs, screen planting, ferns, and groundcover will also be provided throughout. Screening vegetation has been used along the eastern, southern and western boundaries in particular. **Note.** *These species are appropriate, referring to further discussion on proximity to electricity assets in Section 4.2.1 of this SEE.*

Fencing includes 1.8m acoustic lapped and capped timber fence to the east and south of the outdoor play area and the entire western boundary, 1.8m vertical blade picket fence to the east and north of the car park, and 1.2m vertical blade picket fence separating the aforementioned play zones of the outdoor play area. Various height blockwork retaining is also provided to most boundaries, with heights detailed in the civil plans.

The approach to landscaping and fencing is to balance the safety and security of the children and privacy (acoustic and visual) of the children.

3.5. STORMWATER MANAGEMENT

Reference is made to the Civil Engineering Plans (**Reference 3**). The proposed stormwater management system includes a network of pits and pipes, a rainwater tank for re-use, filter baskets on inlet pits, and a storm filter chamber to enhance water quality and mitigate impacts on the downstream environment.

Rainwater collected from the building roof area will be conveyed via downpipes and underground piping to a 20kL effective volume inground rainwater tank for storage and reuse throughout the development (located below the outdoor play area). Re-use purposes will primarily include toilet flushing and irrigation uses. Through the reuse of collected rainwater for non-potable reuse the proposed demand for potable water resources is reduced.

Overland flow from the car park area, rear outdoor play area and other hardstand areas is directed towards the storm filter chamber, ultimately discharging into the receiving water at the southwestern corner of the lot. Rainwater outlets located predominantly at the southern boundary also distribute rainwater from the piped network to the landscape garden areas.

The existing inter-allotment drainage within the site will be decommissioned, and a new drainage alignment, as shown in the Engineering Plans (**Reference 3**), will be implemented. This new drainage system will connect to the existing drainage pit located at the southwestern corner outside the proposed development site. The connection from Lot 78 will be confirmed during the future redevelopment of that lot, but is shown as being capable of connecting via pit and pipe to the discharging pit at the site's southwestern corner.

A 'maintenance and monitoring schedule' has been prepared to ensure the continued efficient and correct operation of the proposed stormwater management system (**Reference 3**). The schedule is to be implemented upon commissioning of the stormwater management infrastructure and remain in place for the life of the development.

3.6. OPERATIONAL DETAILS

Full details are included in the Plan of Management (**Reference 10**).

Montessori Academy is Australia's leading and largest provider of Montessori early childhood education in Australia. They currently operate 30 childcare services across NSW, catering to children aged six weeks to six years old.

Staff numbers will be a maximum of 22. The proposal will operate 52 weeks a year, Monday to Friday, 6.30am to 6.30pm (except public holidays). Indoor and outdoor activities are programmed depending on children's needs and developmental stages. All indoor as well as outdoor activities are supervised by the regulated number of trained staff.

It is expected that the peak parent/caregiver arrival/drop off and pick up times will be:

- Drop off peak: 6.30am to 8am
- Pick up peak: 4.30pm to 6pm

The centre may conduct the following events after 6.30pm and until 8pm:

- (a) Parent/Teacher's Information Evening (maximum 4)
- (b) Teacher Training (maximum 4).

Items (a), (b) are held inside of the centre with doors and windows closed.

3.7. ARCHITECTURAL DESIGN AND PLANS

3D rendering and plans of the proposed development (figures below) provide an overview of the proposed development. Further details are provided in **Reference 1**.



Figure 10: Visual 1 (source: Shaddock Architects)



Figure 11: Visual 2 (source: Shaddock Architects)



Figure 12: Visual 3 (source: Shaddock Architects)



Figure 13: Visual 4 (source: Shaddock Architects)

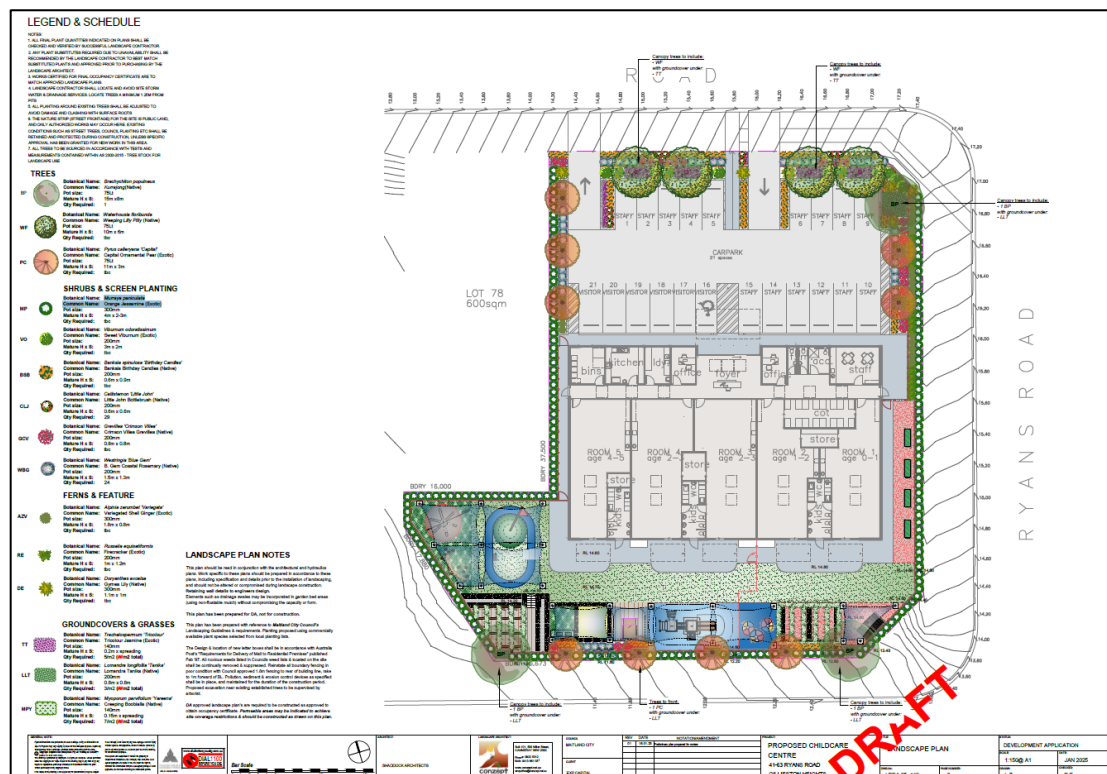


Figure 14: Visual 5 (source: Shaddock Architects)



Figure 15: Visual 6 (source: Shaddock Architects)

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4. ASSESSMENT OF ENVIRONMENTAL EFFECTS

4.1. STATUTORY PLANNING CONTROLS

4.1.1. Environmental Planning and Assessment Act 1979 and Regulations 2021

The proposed development requires consent under the provisions of Part 4 of the EP&A Act. The proposal is integrated development pursuant to section 4.46 of the EP&A Act as it is located within a mine subsidence district and bushfire prone land as discussed below.

The proposed development is:

- **NOT** Designated development pursuant to Schedule 3 of the Environmental Planning and Assessment Regulations 2021 (the Regulations) or any other environmental planning instrument.
- **NOT** State significant development (SSD) or State significant infrastructure (SSI) pursuant to section 4.36 of the EP&A Act.
- **NOT** Regionally significant development pursuant to the State Environmental Planning Policy (SEPP) (Planning Systems) 2021. The development has an estimated development cost (EDC) of less than \$5 million and therefore will not trigger regionally significant development per Schedule 6 of the SEPP (5 Private infrastructure and community facilities over \$5 million).

The proposed development is 'local development' and Council is the consent authority.

4.1.2. Coal Mine Subsidence Compensation Act 2017

The site is identified as being within a proclaimed mine subsidence district under section 20 of the *Coal Mine Subsidence Compensation Act 2017* and therefore requires concurrence from SA NSW. An approval is required under section 22 of the same Act for development and/or subdivision of land in a proclaimed mine subsidence district. Additionally, development and/or subdivision of land in this area is subject to SA NSW Surface Development Guideline 2.

Under Section 4.47(2) of the EP&A Act 1979, councils are required to refer all integrated development to SA NSW for approval prior to the granting of development consent. Therefore, the application will need to be assessed by SA NSW and stamped plans provided to the consent authority as part of this application. We understand this referral has/will been undertaken by the Applicant outside the integrated development process, and that integrated referral by Council will therefore not be required. If, however, referral to SA NSW is not made prior to lodgement, Council will lodge the DA with SA NSW as an integrated development.

4.1.3. Rural Fires Act 1997

As previously stated, there appears to be mapping anomalies relating to bushfire hazard. The site is identified as bushfire prone land (Vegetation Category 3). The rural RU2 areas adjoining the current urban development and areas zoned R1 are generally mapped as Category 3 land, with a Vegetation Buffer. However, R1 areas including the site, to the north and to the south/west are all still mapped as Category 3. The mapping therefore appears somewhat outdated, with areas that have either been recently developed or are currently being developed, still showing as affected by a higher bushfire hazard.

Considering the ongoing construction and development of the surrounding URAs to the north (associated with the site's parent subdivision), and the more developed areas to the southwest and west, the landscape has significantly changed, comprising predominantly urban managed land. This includes the bushfire landscape and associated bushfire threat. We do note the land immediately to the west is still farmland, so may carry some residual risk.

Therefore, we'd expect that the true bushfire hazard is not reflected in the current EPI mapping. Notwithstanding, Section 100B of the *Rural Fires Act 1997* stipulates a bush fire

safety authority (BFSA) must be obtained for development of bush fire prone land for a Special Fire Protection Purpose (SFPP) (which includes child care centres). Accordingly, an application should be made to NSW RFS in the manner prescribed under clause 45 of the Rural Fires Regulation 2022, and be accompanied by a Bushfire Risk Assessment Report for the proposed development.

We have not viewed a Bushfire Risk Assessment Report at this time and recommend one is prepared based on the information above.

4.2. ENVIRONMENTAL PLANNING INSTRUMENTS

4.2.1. Relevant State Environmental Planning Policies

Table 1 address the relevant SEPPs in accordance with section 4.15(1) of the EP&A Act.

Table 1: Relevant SEPPs

SEPP	COMPLIANCE
State Environmental Planning Policy (Resilience and Hazards) 2021 <i>Chapter 4 Remediation of land</i> <i>Section 4.6 Contamination and remediation to be considered in determining development application</i>	<p>Section 4.6 of this SEPP sets out that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and 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.</p> <p>The site and its surrounds are not listed on the NSW EPA Contaminated Land Register. A Contamination Site Investigation Report (including combined preliminary and detailed site investigations) was prepared as part of the parent subdivision (Reference 7). For the purpose of that investigation, HIL-A (being the lowest Health Investigation Level [HIL]) was adopted, being the most sensitive land use (i.e. low-density residential land use), which is the same HIL used for childcare centres. Therefore, the results from that report can be relied upon for assessing site suitability and health-based levels for contaminants.</p> <p>This report concluded that the site has a low potential for contamination, with lab results showing analytes concentrations below the assessment criteria. No ground water was encountered. The site was considered suitable for HIL-A (residential land with accessible gardens), which extends to the proposed land use as a childcare facility.</p> <p>Therefore, the land is suitable for the development from a land contamination perspective and no further consideration should be required at this DA phase.</p>
State Environmental Planning Policy (Transport and Infrastructure) 2021 <i>Chapter 2 Infrastructure</i> <i>Division 5 Electricity transmission or distribution</i> <i>Subdivision 2 Development likely to affect an electricity transmission or distribution network</i> <i>Section 2.48 Determination of development applications – other development</i>	<p>Referral to Ausgrid will occur as part of the DA, as per Section 2.48(2) of the SEPP.</p> <p>There are currently overhead powerlines along sites boundary to east and south. As per Section 2.48(1), Ausgrid requires that vegetation planting does not impact their network mains, including not planting trees directly under powerlines. Trees must be at least 5m away from the powerlines (or a distance equal to its mature height). The proposed canopy trees (Kurrajong and Capital Ornamental Pear) opposite Ryans Road and Kiah Street have mature heights of 11m and 15m, respectively, which would not be suitable species in proximity to OH powerlines.</p> <p>However, as already identified in Section 2.3.7 of this SEE, this OH infrastructure is being replaced with UG cables, to be complete prior to any construction associated with this DA. Therefore, the</p>

	proposed landscaping as proposed will not impact on the Ausgrid network mains.
State Environmental Planning Policy (Transport and Infrastructure) 2021 <i>Chapter 2 Infrastructure</i> <i>Division 17 Roads and Traffic</i> <i>Subdivision 2 Development in or adjacent to road corridors and road reservations</i> <i>Sections 2.120 and 2.122</i>	<p>For reference, the site has access to and frontages to the local connector roads of Ryans Road, Kiah Street and Golden Bell Circuit (assumed future road to the north). Cessnock Road is a State Classified road, being approximately 266m from the site, measured along the alignment of the connecting road (Vintage Drive). It is a sub-arterial route connecting between the Hunter Expressway at Kurri Kurri and Maitland.</p> <p><u>Section 2.120 Impact of road noise or vibration on non-road development</u></p> <p>This section applies to sensitive land uses, including centre-based childcare facilities, on land in or adjacent to certain road corridors, including roads carrying an Annual Average Traffic Volume (AADT) of more than 20,000 vehicles. Cessnock Road is identified as a road corridor where mandatory requirements under the SEPP apply (<i>TfNSW Traffic Volume Map 1C</i>), triggering the need to consider noise mitigation measures under Section 2.120 of the SEPP.</p> <p>An Acoustic Assessment has been undertaken by Koikas Acoustics (Reference 5), which considers impact of road noise and vibration on the proposed childcare centre. We have not viewed this report at the time of finalisation, but assume the proposal demonstrates or is capable of demonstrating compliance with the relevant noise emission criteria and guidelines.</p> <p><u>Section 2.122 Traffic-generating development</u></p> <p>Schedule 3 identifies development which may be ‘traffic-generating development’ to be referred to Transport for NSW (TfNSW), including the erection of a new premises.</p> <p>The proposed childcare does not result in a size or capacity (<i>with access to a road (generally)</i>) as specified by Column 2 of Schedule 3, indicating it is not traffic-generating development and does not require referral to TfNSW under Section 2.122 of the SEPP.</p>
State Environmental Planning Policy (Planning Systems) 2021 <i>Schedule 6 Regionally significant development</i>	<p>Schedule 6 identifies development that is regionally significant. Section 5 includes “<i>private infrastructure and community facilities over \$5 million</i>”, which includes childcare centres. The proposed cost of works is below \$5 million and as such it is not regionally significant development (Reference 13).</p>
State Environmental Planning Policy (Transport and Infrastructure) 2021 <i>Chapter 3 Educational establishments and child care facilities</i>	<p>Chapter 3 of this SEPP aims to facilitate the effective delivery of educational establishments and early education and care facilities across NSW. Section 3.27 of SEPP Transport and Infrastructure 2021 provides that the SEPP itself and the <i>Child Care Planning Guideline</i> take precedence over a development control plan (i.e., including DCP 2011), including design controls.</p> <p>Any future development relating to early education facilities will need to consider Chapter 3 of this SEPP, along with an assessment of the proposed development against the Child Care Planning Guideline. Additionally, a proposal of this nature will need to provide an assessment against the NFQ Assessment Checklist.</p> <p>These assessments have been completed, referring to Section 4.2.3 of this SEE, <i>Tables 3 and 4</i>, respectively, and the NFQ Checklist has been completed and is provided in Reference 8.</p>

State Environmental Planning Policy (Industry and Employment) 2021 <i>Chapter 3 Advertising and signage</i>	<p>Chapter 3 of this SEPP aims to regulate signage sought under Part 4 of the EP&A Act to ensure it is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.</p> <p>Section 3.6 of the SEPP states that a consent authority must not grant consent for signage unless it is satisfied that it is consistent with the objectives of Chapter 3 and satisfies the assessment criteria specified in Schedule 5 of the SEPP.</p> <p><i>Table 5</i> considers the proposed signage against the assessment criteria in Schedule 5.</p>
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4.2.2. National Quality Framework

The National Quality Framework (NQF) sets a national standard for children's education and care across Australia. The Application Act in NSW is the *Children (Education and Care Services) National Law 2010* and its associated regulations, *Education and Care Services National Regulations (2011 SI 653)* together outline the national and State-specific provisions for childcare providers and premises.

Additionally, Chapter 3 of *SEPP (Transport and Infrastructure) 2021* includes matters that must be considered by a consent authority before determining a DA for a centre-based child care facility, including any applicable provisions of the *Child Care Planning Guideline* (section 3.2.3 of *SEPP Transport and Infrastructure 2021*). *SEPP Transport and Infrastructure 2021* is discussed further in subsection 4.2.3 of this report and below in *Table 2*.

Further, an assessment of the proposal's consistency with the *Child Care Planning Guideline* is provided below in *Table 3* and *Table 4*. Under the NQF, approved childcare services and facilities are subject to various operational requirements, including requirements for the physical environment and staffing arrangements. The NQF Checklist is **Reference 8**.

4.2.3. State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 3, Part 3.3 of *SEPP Transport and Infrastructure 2021* includes additional matters for consideration by consent authorities. The relevant sections that are to be demonstrated on the plans and within the SEE included are as follows:

Table 2: Early education and childcare facilities – specific development controls

CLAUSE	COMMENT
3.23 Centre-based child care facility—matters for consideration by consent authorities	The proposed early education facility has been designed in accordance with the Child Care Planning Guidelines. An assessment of these guidelines is provided below at Table 4.
3.24 Centre-based child care facility in certain zones—additional matters for consideration by consent authorities	N/A – The site is not located within a land use zone to which this section applies.
3.25 Centre-based child care facility—floor space ratio	Based on a total site area of 2,493.4m ² and a GFA of 689.5m ² , the proposed development has an FSR of 0.27:1, rendering it compliant with this provision (requiring a maximum 0.5:1 FSR).
3.26 Centre-based child care facility—non-discretionary development standards	The proposed early educational facility can comply with the non-discretionary development standards. The Children (Education and Care Services) Supplementary Provisions Regulation 2012 provides

CLAUSE	COMMENT
	additional provisions requirements for childcare centres and their service providers. The proposed service provider will need to ensure compliance with these regulations during the operation of the facility.
3.27 Centre-based child care facility—development control plans	No development control plans are provided by council for childcare centres (Part C.2 Child Care Centres of the Maitland DCP 2011 has been repealed). The remaining applicable DCP chapters are considered in Section 4.3 of this report.
3.28 Mobile child care—exempt development	Mobile childcare is not proposed.
3.29 Temporary emergency relocation of early education and child care facility – exempt development	The proposed early education facility is not for temporary emergency relocation of childcare facilities.
3.30 Home-based child care—development	The proposal does not include home-based care.
3.31 Home-based child care—complying development	The proposal does not include home-based care.
3.32 Out of school hours care at existing universities—complying development	The proposal is not located within the boundaries of an existing university site.
3.33 Out of school hours care at existing TAFE—complying development	The proposal is not located within the boundaries of an existing TAFE.

As referenced in Section 3.23 of this above SEPP, the *Child Care Planning Guideline* includes additional matters that must be considered by a consent authority in determining an application for centre-based childcare facilities. The DA must demonstrate compliance with the following matters within the documents and/or the SEE. The proposed early education facility has been designed with the relevant standards as demonstrated in the *Table 3* below.

Table 3: Consistency with the Child Care Planning Guidelines

CLAUSE	COMMENT
3.1 Site selection and location	The proposed site is considered to be wholly suitable for the proposed development. The site is located close to public transport connections, with good pedestrian accessibility noted in the area and to the site (following completion of the parent subdivision). The site is well separated from busy roadways, including Cessnock Road, being over 260m away, and has a well-designed access from a local low traffic volume road. As such, road safety and traffic efficiency has been considered and managed in this DA. Further, the site adjoins existing residential development, nearby parks and other education premises (Gillieston Heights Public School and The Heights Learning Community further northeast), being an entirely compatible land use zone within an URA. As demonstrated in Section 2 of this report, the site is generally unconstrained with the exception of mines subsidence. Flooding is considered very minor and can be addressed

CLAUSE	COMMENT
	<p>appropriately. However, bushfire matters will require further consideration at this stage. There is no contamination matters which have not historically been resolved, and the site is suitable for this sensitive land use. The site can be made wholly suitable for the proposed land use from an environmental hazard perspective and would not cause any land use conflict, being compatible with the surrounding land uses.</p>
<p>3.2 Local character, streetscape and the public domain interface</p>	<p>The site is located within an urban release area, in an area of the URA which is in various stages of development – being established homes and infrastructure, as well as newer and under construction homes and infrastructure.</p> <p>The public domain interface is the transition area between the child care facility. As noted previously, the public domain in the vicinity of the site will undergo upgrades as part of the parent subdivision, including new pedestrian networks, road verges, road pavements and electrical (electricity and lighting) infrastructure. We expect that this new infrastructure will tie in well with the existing newer works, and also provide a good transition from the more established areas.</p> <p>We consider that the proposal is consistent with the desired character of the Gillieston Heights west precinct. The building is single storey in nature, in keeping with lower density built form in the area (both old and new). It is of a scale and form that fits within this landscape, including a material and colour palette which will blend in with existing residential buildings.</p> <p>The vehicle access is from the north, via a low traffic volume local road, which will offer a more safe and practical access point (as opposed to Ryans Road or Kiah Street). The proposal will maintain the existing streetscape character as far as practical, with parking and hardscape areas setback off the street (primarily downslope from the corner of Golden Bell and Ryans Road), located behind suitably scaled fencing and landscaping, as to avoid negative visual perceptions relating to excess hardstand space. Similarly, although the site is built up higher from the south and east, retaining walls and gardens have been stepped up and into the site to break up the mass and provide visual interest, reducing any overbearing visual form. The tiered landscape design is careful not to create climbing opportunities (natural ladders) which could lead to unauthorised access. The proposed development also adopts the prevailing setbacks of adjoining residential development (as far as practical, noting that there are no newer forms on the west side of Ryans Road or the north side of Kiah Street in proximity to the site, so this is guided by setbacks for residential development generally, as well as those opposite the site).</p> <p>The proposal is located on a corner, so is highly visible. In this instance, the design has sought to balance privacy of the children (visual and acoustic) whilst still providing a design that is engaging with the streetscape. Specifically, this includes the orientation of the building entrance / openings with appropriate levels of glazing and an inviting and clear entry, with dedicated pedestrian and vehicle accessways. Prominent signage is also provided to allow a strong street address and further improve the public domain interface to multiple frontages. Locating the car park where it is minimises visual impact and the setback of the building ensures it is not domineering on the public domain.</p> <p>Further, strong territorial reinforcement cues are present with the design, through varying fencing types and landscaping that is attractive and allows sightlines/connection between the private spaces of the development and the public domain, but also protects the privacy of the children and staff,</p>

CLAUSE	COMMENT
	<p>and will keep offenders out of the site. Notably, the fencing will provide security and protection from the various roadways. The building's relationship with the site levels and the aforementioned height/materials of fences (and in turn the height of floor levels, play spaces and windows) further balances privacy and safety whilst still allowing a level of surveillance and connection to the street.</p>
<p>3.3 Building orientation, envelope, building design and accessibility</p>	<p>The proposed building responds to the site orientation, providing access off the local road to the north and locating/building up external play areas where they can offer a high level of privacy and security for children, whilst landscaping softens the higher built form (particularly to the south and east). The roof design and building scale generally seeks to complement the prevailing scale and form of buildings in the immediate area. Similarly, the materials and colours used create good amenity and a positive visual impact.</p> <p>The site and proposed building design is accessible for both pedestrians and vehicles, with accessible ramp to ensure non-discriminatory access is provided and accessible parking close to the entrance.</p> <p>Building articulation is present on all street frontages to ensure visual interest and activation, including signage for wayfinding and identification. Floor space is compliant. Setbacks are considered appropriate on merit.</p>
<p>3.4 Landscaping</p>	<p>Landscaping is to be provided per the Landscape Plan (Reference 3).</p> <p>The landscaping seeks to provide high quality, safe and functional play spaces for the children, whilst creating amenity for carers, parents, staff and the broader community when viewed externally. Play space design seeks to incorporate a diverse range of materials including a range of different soft fall surfaces, natural turf, sand pits, decking, and planting areas. There is also variation in the play experiences offered including the separation of play areas by age. Play spaces for the children include nature play, role-play and active play, educational games, quieter spaces with opportunities for seating (such as the amphitheatre), mud kitchen, and race track. Landscaping has also been designed to protect the privacy of children, both acoustic and visual. Shade through vegetation and shade sails is also provided, ensuring a minimum 32% of shade is provided (compliant with the minimum 30% required).</p> <p>Plant species are hardy and safe for children, but also diverse and primarily native. Materials are natural where possible (such as sandstone logs and natural timber log seating). There are also opportunities provided for edible gardens (vegetable and herb) on the east side</p>
<p>3.5 Visual and acoustic privacy</p>	<p>The site is surrounded by three roads to the north, east, and south. As noted previously, the design has considered the visual and acoustic privacy of the children/staff as well as those on adjoining lands. The development itself does not create privacy issues to adjoining residents, noting both spatial separation and orientation of openings/play spaces.</p> <p>Overlooking into the site from the public domain and adjoining development is mitigated through the placement of outdoor play areas higher than the adjoining street levels, placement and selection of screening boundary vegetation and fencing choice (timber capped fencing which provides both privacy screening but also acts as an acoustic barrier). Further, overlooking from the site into adjoining site's is minimised as the main play areas are orientated over the public domain (east and south)</p>

CLAUSE	COMMENT
	<p>and a drainage reserve to the south, and minimising openings on the west side as to not overlook future development to the west. Overlooking is minimised to indoor areas through limiting openings on the eastern and western elevations, and having the southern elevation (which contains the indoor playrooms) placed higher than adjoining levels/buildings (being built up), well setback from the boundaries and appropriately screened by boundary fencing and vegetation.</p> <p>A Noise Assessment (Reference 5) considers the proposal in terms of acoustic privacy. We have not viewed this report at the time of finalisation, but assume the proposal demonstrates or is capable of demonstrating compliance with the relevant noise emission criteria and guidelines</p>
3.6 Noise and air pollution	<p>A Noise Assessment (Reference 5) which considers that the proposal. We have not viewed this report at the time of finalisation, but assume the proposal demonstrates or is capable of demonstrating compliance with the relevant noise emission criteria and guidelines. The proposal will not result in any air pollution with the exception of potential dust generation during construction. This will be temporary only and can be appropriately managed through standard practices. No air quality impacts will result from operation of the facility.</p>
3.7 Hours of operation	<p>Hours of operation will be Monday to Friday, 6.30am to 6.30pm. This is slightly outside the standard 7am to 7pm period (for the morning), but is considered acceptable on merit and in response to the increasing demand for services before 7am for different workers. In the morning, parents usually arrive between the hours of 7am to 10am. Pick-up by parents is generally between 3.30pm and 6pm, with all pick-up concluding at the centre closing time which is 6.30pm. The trends of arrival and departure times are based upon Montessori Academy's analysis of arrival and departure times across their existing centres. Therefore, we expect that the earlier opening time is suitable / can be managed suitably by an experienced operator, and that it will not impact on amenity of the adjoining residential uses.</p>
3.8 Traffic, parking and pedestrian circulation	<p>A Traffic and Parking assessment (Reference 6) is provided. 21 car parking spaces have been provided.</p> <p>The vehicular and pedestrian movements have been separated as far as practical to increase safety and efficient traffic movement within the site, through a defined pedestrian entrance to the site and two separate driveways for entry and exit. We would further recommend line marking for the pedestrian pathway as it crosses the car park, leading parents and children to the entrance. This would further assist with car park navigation and user safety. Vehicles will also be made more aware of and to expect pedestrian activity.</p> <p>With regards to parking rates, 21 car parking spaces have been provided (including 1 accessible space with shared zone). This represents a minor deficiency of 3 spaces. As the car parking deficiency is minor and can be accommodated within on-street car parking in the surrounding residential streets, it is considered sufficient on-site car parking is provided for the development. We would recommend implementing short-term 10 or 15-minute parking to some of the visitor spaces to assist with the shortfall, designated for the dropping off and picking up of children only. This will create further efficiencies.</p>

CLAUSE	COMMENT
	With regards to traffic generation, the impacts from trips in and out of the site can be distributed through the local network with insignificant impact. Specifically, the local road network has sufficient spare capacity to cater for the childcare centre.

The National Regulations provide detail on a range of design and operational requirements for education and care services. The *Child Care Planning Guideline* summarises the design-based Regulations to inform good design that maximises the safety, health and overall care of children at child care facilities. The proposal's consistency with the National Regulations is discussed in *Table 4* below.

Table 4: Consistency with the Child Care Planning Guidelines – Applying the National Regulations

REGULATION	CONSISTENCY																																										
A. Internal Physical Environment																																											
4.1 Indoor space requirements	Consistent.																																										
Regulation 107 Space requirements—indoor space: The premises has at least 3.25 square metres of unencumbered indoor space for every child.	<p>The unencumbered space is summarised as follows:</p> <ul style="list-style-type: none">Number of children: 96Required area: 312m²Provided area: 364m² <p>A further breakdown per room is provided in the plans, extracted below.</p> <table><tr><td>TOTAL NO. OF CHILDREN</td><td>96</td></tr></table> <table><tr><th>AREA SUMMARY</th><th>AGES</th><th>NO. OF CHILDREN</th><th>REQUIRED</th><th>ACHIEVED</th></tr><tr><td>ROOM 1</td><td>0 – 1</td><td>18</td><td>58.5 sqm (3.25sqm PER CHILD)</td><td>64 sqm</td></tr><tr><td>ROOM 2</td><td>1 – 2</td><td>18</td><td>58.5 sqm (3.25sqm PER CHILD)</td><td>63 sqm</td></tr><tr><td>ROOM 3</td><td>2 – 3</td><td>20</td><td>65 sqm (3.25sqm PER CHILD)</td><td>80 sqm</td></tr><tr><td>ROOM 4</td><td>2 – 3</td><td>20</td><td>65 sqm (3.25sqm PER CHILD)</td><td>80 sqm</td></tr><tr><td>ROOM 5</td><td>4 – 5</td><td>20</td><td>65 sqm (3.25sqm PER CHILD)</td><td>77 sqm</td></tr><tr><td>OUTDOOR PLAY AREA 1</td><td>0 – 2</td><td>36</td><td>252 sqm (7sqm PER CHILD)</td><td>252.0 sqm</td></tr><tr><td>OUTDOOR PLAY AREA 2</td><td>2 – 5</td><td>60</td><td>420 sqm (7sqm PER CHILD)</td><td>444.7 sqm</td></tr></table> <p>The space calculations do not include any verandah or storage space (coloured separately on the Architectural Plans).</p> <p>Additionally, with respect to storage, the Design Guidance recommends:</p> <ul style="list-style-type: none">a minimum of 0.3m³ per child of external storage space; anda minimum of 0.2m³ per child of internal storage space. <p>Which, for 96 children, this would equate to 28.8m³ of external storage space and 19.2m³ of internal storage space. The plans indicate storage within the building, provided for all rooms as well as external storage currently shown on the southern and western side on the verandah (noted as ES on plan). A total of 29.14m² of internal storage and 28.85m² of external storage is provided, compliant.</p> <p>Cot rooms – Dimensions of the cots and cot room should be provided to ensure there is enough circulation space for staff to fit between cots. The cot room raises some concerns with the cots being close together (with most side-by-side in pairs). While circulation for staff is required, the cots should be spaced from each other with enough space between to prevent children from reaching into one another’s cots.</p>	TOTAL NO. OF CHILDREN	96	AREA SUMMARY	AGES	NO. OF CHILDREN	REQUIRED	ACHIEVED	ROOM 1	0 – 1	18	58.5 sqm (3.25sqm PER CHILD)	64 sqm	ROOM 2	1 – 2	18	58.5 sqm (3.25sqm PER CHILD)	63 sqm	ROOM 3	2 – 3	20	65 sqm (3.25sqm PER CHILD)	80 sqm	ROOM 4	2 – 3	20	65 sqm (3.25sqm PER CHILD)	80 sqm	ROOM 5	4 – 5	20	65 sqm (3.25sqm PER CHILD)	77 sqm	OUTDOOR PLAY AREA 1	0 – 2	36	252 sqm (7sqm PER CHILD)	252.0 sqm	OUTDOOR PLAY AREA 2	2 – 5	60	420 sqm (7sqm PER CHILD)	444.7 sqm
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REGULATION	CONSISTENCY
<p>4.2 Laundry and hygiene facilities</p> <p>Regulation 106 Laundry and hygiene facilities: The premises must have 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 that are adequate and appropriate for the needs of the service and be located and maintained in a way that does not pose a risk to children.</p>	<p>Consistent.</p> <p>A laundry is provided on the northern side of the building and can be appropriately managed under the facility's PoM and staff inductions.</p> <p>The laundry is well located off the internal administrative circulation space. This provides a good opportunity for access to external areas for the provision of an outdoor clothesline. We recommend external locations be investigated for suitability, to support sustainable practices. Potential locations could include on the east side of the building via the eastern exit door or adjoining the play areas in the southern outdoor area. Any clothesline should not obstruct emergency egress points or create a hazard, create adverse visual impacts, or take away from unencumbered external space areas. If a suitable location cannot be identified, the laundry should include suitable provisions for clothes drying (i.e., dryer).</p>
<p>4.3 Toilet and hygiene facilities</p> <p>Regulation 109 Toilet and hygiene facilities: The premises must provide 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.</p>	<p>Consistent.</p> <p>The NSW regulations do not provide a specific rate of toilet pans or basins per child. A total of nine (9) toilets and hand basins for the children are provided, all with direct access from an internal group room and another door from the outdoor area to the south. These will be sized appropriately for juniors and includes opportunities for supervision which balance child privacy.</p> <p>Staff facilities (north side of the building) and nappy change facilities (adjoining bathrooms) are provided separately and in addition to the nine toilets noted above. Importantly, there are at least 2 nappy change benches where the rooms service two classrooms.</p>
<p>4.4 Ventilation and natural light</p> <p>Regulation 110 Ventilation and natural light: The indoor spaces of the premises must be well ventilated; have adequate natural light; and are maintained at a temperature that ensures the safety and wellbeing of children.</p>	<p>Consistent.</p> <p>Opportunities for natural light and ventilation has been provided throughout the development through the physical design of the building. Although the classrooms are on the south side, the design incorporates skylights to maximise natural light to these locations while windows to the east and west are minimised to provide privacy but also allow light.</p> <p>Air conditioning units will also be installed throughout the facility and would be confirmed at the construction stage.</p>
<p>4.5 Administrative space</p> <p>Regulation 111 Administrative space: Adequate area or areas are available at the premises for the purposes of conducting the administrative functions of the service; consulting with parents of children; and conducting private conversations.</p>	<p>Consistent.</p> <p>The administrative space is accessed through the main entry and foyer. The foyer has more than enough room to cater for multiple families at a time, as well as space for waiting lounges on either side of the doors to improve movement and in the event of any waiting. The administration space has a reception desk visible on first entrance. Two offices are provided for the director and staff to facilitate additional consultation and serve administrative functions. These offices both have windows which overlook the entrance and the car park for additional surveillance.</p>

REGULATION	CONSISTENCY
<p>4.6 Nappy change facilities</p> <p>Regulation 112 Nappy change facilities: Adequate and appropriate hygienic facilities are provided for nappy changing. If any of the children are under 3 years of age, at least 1 properly constructed nappy changing bench and hand cleansing facilities for adults in the immediate vicinity of the nappy change area. Nappy change facilities must be designed, located and maintained in a way that prevents unsupervised access by children.</p>	<p>Consistent.</p> <p>Two (2) nappy change rooms with two changing benches each are provided with direct access to the 0-3 year age group rooms (4 rooms in total) and easily accessed from the outdoor area via the doors south of the toilets.</p> <p>It is equipped with the necessary hygiene facilities for staff including separate hand basin.</p> <p>The functioning of the nappy change area is somewhat impacted by the doors swinging into this space, particularly when both are opened at the same time.</p>
<p>4.7 Premises designed to facilitate supervision</p> <p>Regulation 115 Premises designed to facilitate supervision: The premises (including toilets and nappy change facilities) must be designed and maintained in a way that facilitates supervision of children at all times, having regard to the need to maintain the rights and dignity of the children.</p>	<p>Consistent.</p> <p>Children's toilet areas and nappy change room are provided with glazing (shown as GU on plan) for appropriate supervision by staff and not visible to visitors to the facility, neighbouring properties and/or the public.</p> <p>The design of these spaces avoids areas of poor surveillance (hidden corners) whilst allowing dignity for children.</p>
<p>4.8 Emergency and evacuation procedures</p> <p>Regulation 97 Emergency and evacuation procedures:</p> <p>Facility design and features should provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency.</p> <p>Regulation 168 Education and care service must have policies and procedures: The approved provider of an education and care service must ensure that the service has in place policies and procedures in relation to the matters set out in sub regulation (2).</p>	<p>Can be consistent.</p> <p>An existing and experienced child care operator will conduct its business from the proposed development (Montessori Academy). The existing procedures will be updated to reflect the new emergency and evacuation procedures for the site. Additional measures are included in the Plan of Management (Reference 10).</p> <p>The building is designed to allow safe passage throughout the site in an emergency.</p>

B. External Physical Environment	
<p>4.9 Outdoor space requirements</p> <p>Regulation 108 Space requirements—outdoor space: The premises has at least 7 square metres of unencumbered outdoor space.</p>	<p>Consistent.</p> <p>The unencumbered space is summarised as follows:</p> <ul style="list-style-type: none"> • Number of children: 96 • Required area: 672m² • Provided area: 696.7m² <p>The outdoor space is designed for an interactive experience for the children and additional space is not required to be excluded to meet the unencumbered space requirements.</p> <p>Outdoor storage dedicated for outdoor additional play equipment has been identified on the verandah adjoining the southern building wall (but no area calculation provided at this stage), and this has not been included in the outdoor unencumbered area calculation.</p>
<p>4.10 Natural environment</p> <p>Regulation 113 Outdoor space—natural environment: The outdoor spaces provided at the education and care service premises allow children to explore and experience the natural environment.</p>	<p>Consistent.</p> <p>As previously described, the outdoor play area includes a variety of different opportunities for sensory and learning levels for the children to experience the natural environment. This includes but is not limited to sand play, water play, food gardens, appropriate landscaping, etc. Provision of safety has occurred such as in the species selection (i.e. species are hardy and non-poisonous, allergenic, thorny or the like). The facility is designed to provide generous opportunities for supervision.</p>
<p>4.11 Shade</p> <p>Regulation 114 Outdoor space—shade: Outdoor spaces must include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p>	<p>Consistent.</p> <p>Shade structures (shade sails) and natural shade from planted vegetation (shade trees) are provided throughout the outdoor play areas. A minimum of 32% of the play area is covered between 10am and 3pm by shade sails, as shown on the Landscape Plans (Reference 3).</p>
<p>4.12 Fencing</p> <p>Regulation 104 Fencing: Any outdoor space used by children at the education and care service premises is 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.</p>	<p>Consistent.</p> <p>1.8m high acoustic and blade fencing around the boundary as well as 1.2m picket fencing between the 0-2 and 2-5 play spaces is proposed which is considered appropriate. The Architectural Plans include a fence legend and schedule of materials as well (Reference 1).</p>
<p>4.13 Soil assessment</p> <p>Regulation 25 Additional information required for a centre-based service approval: A soil assessment for the site of the proposed education and care service premises.</p>	<p>Consistent.</p> <p>A Preliminary Site Investigation has previously been undertaken for the site and considered future sensitive development (HIL-A) which includes child care facilities. As previously discussed, the site investigations found the site is suitable for the proposed purpose as a childcare centre.</p> <p>The site does not pose unmanageable risk for the proposed development with respect to soils, geology and hydrology.</p>

As demonstrated, the proposal is consistent with the indoor and outdoor physical environment requirements stipulated under the National Regulations and the *Child Care Planning Guideline*.

Additionally, Regulation 123 of the National Regulations provides minimum educator to child ratios for centre-based services are to be calculated as follows:

- for children from birth to 24 months of age—1 educator to 4 children;
- for children over 24 months and less than 36 months of age—1 educator to 5 children;
- for children aged 36 months of age or over (not including children over preschool age)—1 educator to 11 children;

Notwithstanding Regulation 123, Regulation 271 provides a modification for the educator to child ratio for children aged 36 months or more but less than 6 years of age, being 1 educator to 10 children. The proposed educator to child ratios are summarised as follows:

Regulation child age group	Proposed group rooms (ages)	Proposed no. of children per room	Required no. of staff per room	No. staff provided
0-2	0-1	18	4.5	9 in total
	1-2	18	4.5	9 in total
2-3	2-3	20	4	4
	2-3	20	4	4
3-6	4-5	20	2	2

Note above that per the regulation, for children from birth to 24 months of age—1 educator to 4 children. There are 2 x separate rooms catering for 18 children each (36 total) and a total of 9 educators. Therefore, a total of 9 educators are required for a total of 36 children (0-2 age group) which is technically compliant but can't be equally shared in reality. Further, Regulation 122 notes:

(1) An educator cannot be included in calculating the educator to child ratio of a centre-based service unless the educator is working directly with children at the service.

The two rooms are separated by ages being a 0-1 year and 1-2 year age group and both rooms are physically separate, only connected via shared toilets/nappy change. Therefore, staff could not be reasonably classed as working directly with the children in the adjoining room. Therefore, as 9 staff cannot equally be shared in reality (i.e., 4.5 staff per room), at any one time one of the rooms would be deficient by 1 staff member (i.e., 4 in one room and 5 in the other).

Therefore, we would recommend that either one of the two rooms in the 0-2 age group adjust their child numbers to equally share the 9 educators across the 36 children – i.e., to be 16 and 20 children, requiring 4 and 5 educators per room, respectfully.

As demonstrated above, the proposed facility is compliant with respect to overall educator to child ratios, with a total of 19 educators required and 19 educators proposed (as well as 1 director and 2 admin) but a minor adjustment to child capacity in rooms 0-1 and 1-2 are required to demonstrate full compliance with staff ratios required per room.

4.2.4. State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 of this SEPP aims to regulate signage sought under Part 4 of the EP&A Act. The proposal is considered against these matters as follows.

3.1 Aims, objectives etc

(1) This Chapter aims—

(a) to ensure that signage (including advertising)—

(i) is compatible with the desired amenity and visual character of an area, and

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

The proposed signage associated with the proposed development is consistent with these aims and objectives for the following reasons:

- It is fit-for-purpose and of a scale compatible with the proposed development,
- Is simplistic in design and not obtrusive to the surrounding residential development, and
- Is specific to communicating information about the business operating from the building, with only one sign provided per building elevation.

Table 5 considers the proposed signage against the assessment criteria in Schedule 5.

Table 5: Consistency with Schedule 5 Assessment Criteria

Assessment Criteria	Proposal's Consistency
1. Character of the Area	
<ul style="list-style-type: none"> • Is the proposal compatible with the existing or desired future character of the area of locality in which it is proposed to be located? • Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	<p>The proposal is compatible with the emerging Urban Release Area and residential dwellings.</p> <p>The proposed signage involves three (3) signs fixed across the boundary fence and building wall signage at the front entrance. This is considered compatible with the desired character of the locality. No other signage is existing in the immediate visual catchment.</p>
2. Special Areas	
<ul style="list-style-type: none"> • Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	<p>The proposed signage is considered to be entirely appropriate in the context of the surrounding area and does not detract from the amenity or visual quality of the area or surrounding development.</p>
3. Views and Vistas	
<ul style="list-style-type: none"> • Does the proposal obscure or compromise important views? • Does the proposal dominate the skyline and reduce the quality of vistas? • Does the proposal respect the viewing rights of other advertisers? 	<p>The proposed signage is flush to the fencing and front wall and does not protrude. The signage is not of a scale or type that will impede on the skyline, alter the quality of vistas or affect the viewing rights of other advertisers (note that there are no current 'other advertisers' in the immediate area).</p>
4. Streetscape, Setting or Landscape	
<ul style="list-style-type: none"> • Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? • Does the proposal contribute to the visual interest of the streetscape, setting or landscape? • Does the proposal reduce clutter by rationalising and simplifying existing advertising? 	<p>The proposed signage is appropriate for the streetscape and setting within which it is located. It does not create clutter as it is of a modest size relative to the size of surrounding development and proposal and only one-two signs are visible from any elevation of the site. The signage is simple in design and form and will not result in an adverse visual impact to the site or surrounding development. The site currently has no signage and the size and type of signage</p>

Assessment Criteria	Proposal's Consistency
<ul style="list-style-type: none"> Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management? 	<p>proposed will not create any clutter of signage. The signage does not protrude above buildings, trees, or structures in the locality. The signage on the fencing will require minor ongoing vegetation management.</p>
5. Site and Building	
<ul style="list-style-type: none"> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	<p>The proposed signage is simplistic in design and harmonious with the building upon which it will be located. The proposed signage is purposefully designed to be simplistic in form and will not be a dominant feature of the proposed development.</p>
6. Associated Devices and Logos with Advertisements	
<ul style="list-style-type: none"> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	<p>The proposed signage is not of a scale to require these features.</p>
7. Illumination	
<ul style="list-style-type: none"> Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew? 	<p>The proposed signage will not be illuminated.</p>
8. Safety	
<ul style="list-style-type: none"> Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children by obscuring sightlines from public areas? 	<p>The proposed signage is not of a scale or nature that would impact safety as stated referenced in this criterion. Again, the signage is modest and purposefully designed for a new child care facility.</p>

4.2.5. Maitland Local Environmental Plan 2011

Maitland Local LEP 2011 provides a planning framework to facilitate development in an appropriate manner with due consideration to ecologically sustainable development. Relevant clauses of LEP 2011 are discussed in *Table 6*.

Table 6: Consistency with relevant clauses of LEP 2011

CLAUSE	CONSISTENCY
2.1 Land use zones	<p>The site is zoned R1 General Residential and a very tiny portion RU2 Rural Landscape (southwest corner) although the development is predominantly located outside of this extent so is not considered further.</p> <p>The following uses are permitted with consent in the R1 zone:</p>

CLAUSE	CONSISTENCY
	<p><i>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</i></p> <p>As shown above, <i>centre based child care facilities</i> are permitted with consent in this zone.</p>
2.3 Zone objectives and Land Use Table	<p>The extent of RU2 on site is considered insignificant being limited to tiny portion at the south-west corner. This is well within the 20m buffer prescribed by 5.3(2) and is of a size such that the hold over land cannot reasonably function as RU2 land. Conservatively it represents less than 50m² or approximately a tenth of approved Lot 79 and does not relate to the remaining five approved lots that make up the subject site. Additionally the zoning boundary can be described as curved in nature opposed to straight lines which does not reflect actual lot layouts which are typically rectangular in nature.</p> <p>Irrespective, the proposal is considered consistent with objectives 3 and 4 of the RU2 zone in providing a capable, non-agricultural use that will not conflict with adjoining land use.</p> <p>As such on merit it is considered that the intent of the approved and under construction urban release area is general residential in nature such that the RU2 zone mapping is not deemed appropriate for this site. Applying R1 zone to the whole site represents a more logical outcome for the intended land use.</p> <p>In this instance, the most relevant objectives of the R1 zone are:</p> <ul style="list-style-type: none"> • <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> <p>The proposed development is consistent with the objective as it providing a land use that services resident's needs, particularly families who require the services of a child care centre. The proposed development will provide a positive contribution to the emerging urban landscape and changing needs of residents.</p>
4.1 Minimum subdivision lot size	<p>A minimum lot size of 450m² applies to the site. The site will need to be consolidated as part of this application resulting in a lot size which is compliant. This can be further discussed with Council and/or conditioned in the consent.</p>
4.3 Height of buildings	<p>No maximum building height applies to the site. A maximum building height of 7.489m is proposed which is considered appropriate and commensurate with the scale of residential buildings.</p>
4.4 Floor space ratio	<p>The LEP does not prescribe an FSR for the site. SEPP (Transport and Infrastructure) 2021 prescribes an FSR of 0.5:1. Based on a total site area of 2,493.4m² and a GFA of 689.5m², the proposed development has an FSR of 0.27:1 compliant with this provision.</p>
5.3 Development near zone boundaries	<p>As noted the site is very partially zoned RU2 at the south-west corner. In addressing Subclause (4), consistency with the zone objectives was addressed above in Clause 2.3 and as noted the urban release area will transition the area to a residential character.</p>

CLAUSE	CONSISTENCY
5.21 Flood planning	The site is very partially flood prone land (southwest corner). The very minimal flood extent (residual flooding) and elevation of the site, including flood free access back to the surrounding road network to the north and north/west is such that no further consideration is required.
7.1 Acid sulfate soils	The site is identified as Class 5 land for acid sulfate soils. However, previous assessment completed as part of the parent subdivision (<i>Geotesta, 2020</i>) considered that the site is not expected to be underlain by ASS.
7.2 Earthworks	<p>Fill to level the rear of the site and cut for the front of the site is required. The proposals nature as a childcare centre is such that leveling the site is important in facilitating access.</p> <p>The proposed earthworks are ancillary to the proposed development, which includes newly designed drainage and erosion and sediment control measures to avoid adverse impacts to adjoining land and the surrounding environment during construction activities and throughout the operation of the proposed facility.</p>

4.3. MAITLAND DEVELOPMENT CONTROL PLAN 2011

Maitland DCP 2011 provides guidance to development of land under LEP 2011 and is intended to act as an integrated planning document. The purpose of the DCP 2011 is to supplement LEP 2011 and provide additional information to take into account when preparing a development application.

The proposed development is not a listed specific land use covered by Part C (with C.2 Child Care Centres repealed). As such the DA demonstrates consistency with the general development controls provided under Part C. It should be noted that the National Regulations and *Child Care Planning Guideline* prevail in the event of an inconsistency. In this respect, the proposal is entirely consistent with these guidelines, as detailed above in this SEE.

All controls of the DCP have been reviewed as part of making this application; however, only those that are applicable to the proposed development are considered in *Table 7* below. Any excluded controls should be taken to be “not applicable” rather than having not been considered.

Table 7: Consistency with Maitland DCP 2011

CLAUSE / CONTROL	CONSISTENCY
Part B – Environmental Guidelines	
B.2 – Domestic Stormwater	
<p>Stormwater management plans are provided (Reference 3), and a summary is included in Section 3.5 of this SEE. The proposed stormwater management system includes a network of pits and pipes, a 20kL rainwater tank for re-use, filter baskets on inlet pits, and a storm filter chamber to enhance water quality and mitigate impacts on the downstream environment. Through the reuse of collected rainwater the demand for potable water resources is reduced. Rainwater outlets located predominantly at the southern boundary also distribute rainwater from the piped network to the landscape garden areas. Final discharge will be at the southwestern corner of the site.</p> <p>Based on the preparation of the concept stormwater drainage plans and MUSIC modelling results it is demonstrated that the principles of WSUD have been incorporated into the design and operation of the proposed development in accordance with the DCP requirements. Further, the employed water conservation measures will continue to operate effectively and efficiently through the implementation and use of a monitoring and maintenance schedule ensuring the integrity of the system is maintained.</p>	
B.3 – Hunter River Floodplain	
<p>The site is very partially flood prone land (southwest corner). The very minimal flood extent (residual flooding) and elevation of the site, including flood free access back to the surrounding road network to the north and north/west is such that no further consideration is required.</p>	
B.4 – On-site Sewerage Management Systems	
<p>N/A – No on-site sewerage management system is proposed.</p>	
B.5 – Tree and Vegetation Management	
<p>N/A – The site has previously been entirely cleared as part of the urban release area subdivision. No vegetation is therefore present.</p>	
B.6 – Waste Not – Site Waste Minimisation & Management	
<p>A Waste Management Plan is included (Reference 11). The Plan of Management (Reference 10) also includes operational waste management and cleaning measures.</p>	
B.7 – Environmentally Sensitive Land	
<p>The site does not contain a riparian waterway and is not identified as containing Biodiversity Value. Appropriate stormwater management and construction management (including soil management measures) should be included during construction and in the operational phase to ensure no unmanaged overflow including excess nutrients from the site enters nearby watercourses (i.e., the one that runs just southwest of the site).</p> <p>Appropriate erosion and sediment controls will be required, included on a plan. Measures can include silt fencing around the most of the site and particularly downslope, a stabilised site access, mesh and gravel inlet filter around the driveway drain, and a temporary stockpile location with further sediment fencing at the road frontage.</p>	

Part C – Design Guidelines

C.1 – Accessible Living

A BCA & Access report is included in **Reference 4**. The report concluded that the proposal is compliant or capable of compliance. In particular an accessible path of travel, circulation areas, and accessible parking space is provided.

C.2 – Child Care Centres

N/A – This Chapter has been repealed.

Refer to Section 4.2 for consideration of the Education and Care Services National Regulations and Child Care Planning Guidelines.

C.4 – Heritage Conservation

The site does not contain nor is proximate to any items of non-Aboriginal heritage value. Further the site is not located within a heritage conservation area. The site is disturbed, urban release land such that the likelihood of heritage items being uncovered during construction which would not already have been uncovered during the parent subdivision works is considered unlikely. The proposal can proceed with caution.

C.6 – Signage

Signage is addressed in Section 4.2.4 of this report. Additional recommendations for signage are included in the CPTED Report (**Reference 9**).

C.11 – Vehicular Access & Car Parking

A Traffic and Parking Assessment is included in **Reference 6**. A parking rate of 1 space per 4 children applies. 24 spaces are therefore required. 21 spaces including 1 accessible are provided. On merit, it is considered that a rate of 1 per 6 children is more appropriate based on the RMS Guide to Transport Impact Assessment. Notably arrivals and departures will be staggered (including part-time and casual staff) and staff may utilise car share, walk/cycle, or catch the bus. Further justification is provided in the report at **Reference 6**, and also elsewhere within this SEE (Section 4.2).

The carpark complies with AS2890.1.

The proposed carpark and access is therefore considered appropriate for the development, although additional recommendations for line marking and short term parking have been included in the SEE.

C.12 – Crime Prevention through Environmental Design

A CPTED assessment is included in **Reference 9**. The report notes:

“Taking into consideration all crime statistics, the site context and analysis and the proposed development design and particulars, we are of the view that the level of risk applied to the entire project is best described as being low.”

We do not consider that these crimes (or others) present a significant risk to the land use, and vice versa, particularly those which cannot be managed through standard situational crime prevention strategies. Notwithstanding, the sensitive nature of the proposed land use requires due consideration to ensure children's safety."

The report goes on to include an assessment of the development against each of the CPTED principles, with situational crime prevention measures concentrating on preventing crime and victimisation from occurring in the first place. It concludes that *"overall, the development has been well designed considering the principles of CPTED"*. This report includes a list of recommendations for lighting, signage, CCTV, environmental and space management, access control and landscaping management.

Part F.5 – Gillieston Heights Urban Release Area

The site is located within the west precinct of the Urban Release Area – the immediate area is undergoing transition from farmland to a low-density urban settlement, as part of the Gillieston Heights URA. The proposal will help facilitate the desired future character of the area being a mix of residential housing, neighbourhood centre, schools, and open space. Roads, cycleways, and pedestrian footpaths have all been addressed previously.

There are no specific requirements for childcare centres in the precinct. Therefore, when considering the above context, development of the site to the proposed use would be positive. The early educational land use is entirely compatible with the primary residential use of the area, and generally would have minimal amenity impacts / or can manage amenity impacts to the neighbourhood, in terms of privacy, acoustics, traffic, visual amenity, etc. Further, the type of land use being a childcare centre, is one in which can and will be used by a diverse user group, ranging from nearby residents to others travelling to the site for their childcare needs.

The proposal is considered to be consistent with the provisions of this Part.

5. ASSESSMENT OF ENVIRONMENTAL EFFECTS

5.1. SECTION 4.15(1)(A) – STATUTORY PLANNING CONSIDERATIONS

In determining the subject DA, Council is required to consider those relevant matters listed in section 4.15(1) of the EP&A Act. Each of the relevant matters is addressed below.

Section 4.15(1)(a) requires the consent authority to take into consideration the provisions of any environmental planning instrument (EPI), draft EPI, DCP, planning agreement that has been entered into under section 7.4 of the EP&A Act or under the EP&A Regulations 2021.

These matters (and others) are addressed in Section 4 of this report, and below.

The proposal is permissible with the consent of Council, and is generally consistent with the provisions and objectives of Maitland LEP 2011 and DCP 2011.

5.2. SECTION 4.15(1)(B) – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

The following table provides an overview of the potential impacts of the development on the natural and built environments.

Table 7: Assessment of Environmental Effects

IMPACT	COMMENT
Accessibility	A BCA & Access Report (Reference 4) considers the proposal capable of compliance.
Acoustic	An Acoustic Report has been prepared for the development. We have not viewed this report at the time of finalisation, but assume the proposal demonstrates or is capable of demonstrating compliance with the relevant noise emission criteria and guidelines
Air Quality	The proposal will not result in any air pollution with the exception of potential dust generation during demolition and construction. This will be temporary only and can be appropriately managed. No air quality impacts will result from operation of the facility.
Biodiversity	The site is entirely cleared. No vegetation removal is proposed.
Bushfire	The bushfire mapping for the site is considered outdated, and we'd expect that the true bushfire hazard is not reflected in the current EPI mapping. Notwithstanding, Section 100B of the Rural Fires Act 1997 stipulates a BFSa must be obtained for development of bush fire prone land for a SFPP including child care centres. Accordingly, a Bushfire Risk Assessment Report is required and recommended for the proposed development.
Economic	The proposal is not of a scale requiring an Economic Impact Assessment. Regardless the proposal will generate jobs during construction, and operation representing orderly economic development of the site for the purpose of which it is zoned.
Effluent Disposal	The site has available reticulated sewer and water systems. Applications for connecting to these networks will be made and will be undertaken in accordance with Hunter Water's requirements.
Erosion and Sediment Control	An erosion and sediment control plan is provided in Reference 3 . Erosion and sediment controls should be designed in accordance with the "Blue Book", Managing Urban Stormwater – Soils and Construction (Landcom, 2004).
Flood	The site is very partially flood prone land (southwest corner). The very minimal flood extent is such that no further consideration is required.
Geotechnical and Soils	A Contamination Site Investigation Report was prepared as part of DA/2020/1347 (Reference 7). The report concluded that the site has a low potential for contamination with lab results showing analytes concentrations below the assessment criteria.

IMPACT	COMMENT
Heritage	The site does not contain nor is proximate to any items of Aboriginal or non-Aboriginal heritage value. Further the site is not located within a heritage conservation area. The site is already heavily disturbed land.
Safety and Security	A CPTED assessment is included in Reference 9 . The proposal is capable of achieving high levels of safety and security of the premises and the design limits opportunities for antisocial and crime behaviour. The design is capable of adopting recommendations from the CPTED report and has an overall low rating of crime risk.
Social	The proposal is not of a scale requiring a Social Impact Assessment. Regardless the proposal will provide for a positive social impact in providing a desirable service that meets the needs of the community consistent with the objectives of the zone. The proposal will provide a vital service to the growing Gillieston Heights community.
Stormwater	Stormwater management plans are provided in Reference 3 . The concept stormwater drainage plans and MUSIC modelling demonstrate that the principles of WSUD have been incorporated into the design and operation of the proposed development in accordance with Maitland Council requirements. It is demonstrated that the proposed development achieves reductions in potable water import by capturing rainwater on site and reusing this for non-potable uses including irrigation and toilet flushing and achieves pollution reduction targets set by Council. It is also demonstrated that the proposed developments employed water conservation measures will continue to operate effectively and efficiently through the implementation and use of a monitoring and maintenance schedule ensuring the integrity of the system is maintained.
Traffic	A Traffic and Parking Assessment is included in Reference 6 . The proposal will not significantly impact traffic flow in the area. The proposal includes off-street carparking that meet the objectives in providing suitable parking for the development despite a minor deficiency (3 spaces), particularly where the site is serviced by public transport and walking facilities as well as on-street parking availability. The carpark has been designed to maximise safety of pedestrians and promotes good traffic movement with the separate entrance and exit to the pedestrian entrance. The road network has spare capacity to cater for additional development in this area and the proposal will not adversely impact traffic flows.
Visual	The proposal has been designed to respond to the residential nature of the surrounding area, providing a modest built form and generous landscaping that harmoniously integrates into the surrounding streetscape. The site and immediately surrounding area is not a sensitive landscape to this type of development. The proposal results in a positive contribution to the visual amenity of the site and surrounding area. The proposed use as a child care facility is such that privacy has been greatly considered. Glazing facing adjoining properties is not present. Sufficient and well-designed landscaping and fencing at the site boundaries is proposed.
Water	The site does not contain any water bodies. The proposed stormwater management system includes filter baskets on inlet pits and a storm filter chamber to enhance water quality and mitigate impacts on the downstream environment.

Overall, the proposal is generally consistent with the objectives and development controls contained within the various environmental planning instruments and development controls that apply to the site (see Section 4). The proposed development will not result in an adverse impact to the environment and is compatible with emerging built form in the surrounding area. The proposed development comprises orderly economic development of the site for purposes for which it is zoned. The proposal will not pose any negative social or economic impacts.

5.3. SECTION 4.15(1)(C) – THE SUITABILITY OF THE SITE

Suitability of the site for the proposed development is dealt with in Section 2. Consideration of traffic and access, soils and geotechnical, essential services, biodiversity and flood has occurred within the report and associated documents. Previous assessment of the site found it to be suitable from a contamination perspective such that no further consideration is required. Additional matters including bushfire should be considered, but we expect that these can be suitably managed following an assessment of the site and proposal.

Therefore, the site is eminently suitable with respect to its locality and absence of other unmanageable hazards or constraints.

5.4. SECTION 4.15(1)(D) – SUBMISSIONS

Any relevant representations will need to be considered by Council in the determination of the development application.

5.5. SECTION 4.15(1)(E) – PUBLIC INTEREST

The public interest is best served by the orderly and economic use of land for purposes permissible under the relevant planning regime and substantially in accordance with the prevailing planning controls. The development is a permissible form of development and is therefore considered to be in the public interest.

Lot consolidation will occur post-DA consent such that the proposal will be across only one allotment, to ensure the orderly development of land.

6. CONCLUSION

This SEE has been prepared on behalf of Montessori Academy via EXP Capital (the applicant) to accompany a DA for childcare centre at Ryans Road, Gillieston Heights NSW 2321.

The proposal is considered to be eminently aligned with the Design Quality Principles and Matters for Consideration specified under the NSW Government *Child Care Planning Guideline*, and complies with the National Law and Regulations for child care in Australia. This DA demonstrates that the proposal will result in a high-quality facility that maximises the health, safety and well-being of the children and staff while providing a welcoming environment incorporating a great variety of opportunities the children's learning and development.

The proposal represents orderly economic development to provide a vital service on a site that is generally unconstrained with the exception of bushfire, most notably. The proposal does not include variations to the LEP or DCP controls. The proposed development as is (or via conditions) appropriately avoids and/or mitigates potential adverse environmental impacts.

The SEE includes various **recommendations** to improve outcomes or to demonstrate compliance with relevant requirements, which are listed below for ease:

- Approval by SA NSW is required prior to the granting of consent. We recommend that the applicant undertake this process outside of the integrated development process prior to lodgement. If, however, referral to SA NSW is not made prior to lodgement, Council will lodge the DA with SA NSW as integrated development.
- A Bushfire Assessment Report is required for the proposed development and will need to accompany an application to the NSW RFS for a BFSa, mandatory for all SFPP.
- Recommend line marking for the pedestrian pathway as it crosses the car park, leading parents and children to the entrance.
- Recommend implementing short-term 10 or 15-minute parking to some of the visitor spaces to assist with the shortfall, designated for the dropping off and picking up of children only.
- Dimensions of the cots and cot room should be provided to ensure there is enough circulation space for staff to fit between cots. The cot room raises some concerns with the cots being close together (with most side-by-side in pairs). While circulation for staff is required, the cots should be spaced from each other with enough space between to prevent children from reaching into one another's cots.
- Recommend that either one of the two rooms in the 0-2 age group adjust their child numbers to equally share the 9 educators across the 36 children – i.e., to be 16 and 20 children, requiring 4 and 5 educators per room, respectfully.
- Recommend a suitable external location for an outdoor clothesline is investigated, to support sustainable practices. The laundry is well located off the internal administrative circulation space, providing a good opportunity for access to external areas for an outdoor clothesline.
- Lot consolidation is required, which can be undertaken post-DA consent.

The proposal is reasonable and appropriate when considered under the relevant heads of consideration in section 4.15(1) of the EP&A Act and is considered to be worthy of favourable determination by Council.