

Statement of Environmental Effects

Centre Based Childcare Facility

464 Cessnock Road, Gillieston Heights

Prepared on behalf of Stevens Land Pty Ltd

DOCUMENT CONTROL SHEET					
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Acknowledgement of Country

We, ADW Johnson, acknowledge the Traditional Custodians of the land where we live and work, the country of Awabakal, Darkinjung & the Eora Nation.

We recognise their continuous connection to the land and waters of our beautiful regions. We pay our respects to Aboriginal and Torres Strait Islanders Elders past, present and emerging.

Limitations Statement

This report has been prepared in accordance with and for the purposes outlined in the scope of services agreed between ADW Johnson Pty Ltd and the Client. It has been prepared based on the information supplied by the Client, as well as investigation undertaken by ADW Johnson and the sub-consultants engaged by the Client for the project.

Unless otherwise specified in this report, information and advice received from external parties during the course of this project was not independently verified. However, any such information was, in our opinion, deemed to be current and relevant prior to its use. Whilst all reasonable skill, diligence and care have been taken to provide accurate information and appropriate recommendations, it is not warranted or guaranteed and no responsibility or liability for any information, opinion or commentary contained herein or for any consequences of its use will be accepted by ADW Johnson or by any person involved in the preparation of this assessment and report.

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GLOSSARY + ABBREVIATIONS

LGA	Local Government Area
SEE	Statement of Environmental Effects
DA	Development Application
LEP	Local Environmental Plan
RFS	Rural Fire Service
EP&A	Environmental Planning & Assessment
URA	Urban Release Area
DCP	Development Control Plan
ASS	Acid Sulfate Soils
BAR	Bushfire Assessment Report

Executive Summary

PURPOSE

This Statement of Environmental Effects has been prepared by ADW Johnson on behalf of Stevens Land Pty Ltd to accompany a development application with Maitland City Council for a childcare centre (*centre-based childcare facility*), situated over part of Lot 55/DP975994 (464 Cessnock Road, Gillieston Heights), and part of Auto Consol 5365-116. The development site is located within Precinct 1B of the Loxford Estate, which was approved under DA/2022/912 but is yet to be constructed. The site comprises approved Lots 301 – 304 and 719 under DA/2022/912.

APPLICATION DETAILS

Applicant:	Stevens Land Pty Ltd c/ ADW Johnson
Development:	Centre-Based Childcare Facility (110 places)
Site Description:	Approved Lots 301 – 304 and 719 of DA/2022/912, forming part of Lot 55/DP975994 (464 Cessnock Road, Gillieston Heights), being part of Auto Consol 5365-116.
Owner:	McCloy Loxford Land Pty Ltd and Dowmery Pty Ltd
Development Cost:	\$3,214,776

DEVELOPMENT STANDARDS/CONTROLS

Zone:	R1: General Residential
Definition:	Centre-Based Childcare Facility
Permissibility:	Permissible with Development Consent under the <i>Maitland Local Environmental Plan 2011</i>
Height of Buildings:	N/A
Urban Release Area:	Western Precinct
Indoor Space (Unencumbered):	Requirement of 357.50m ² Provision of 368.20m ²
Outdoor Space (Unencumbered):	Requirement of 770m ² Provision of 970m ²
Car Parking:	Requirement of 28 spaces Provision of 29 spaces

EXTERNAL REFERRALS

Bushfire:	Special Fire Protection Purpose (childcare centre) (Rural Fire Service – Integrated)
Mine Subsidence:	Approval Required to Erect Improvements (Subsidence Advisory NSW – Integrated)
Watercourse:	Works within 40m of watercourse (NRAR – Integrated)

SUMMARY

The proposed childcare centre is consistent with the provisions of the relevant legislation and planning guidelines associated with such a development. The proposal does not give rise to any significant or adverse impacts that cannot otherwise be mitigated, and is an appropriate use for its setting. The proposed childcare centre is anticipated to have positive economic and social outcomes, and is in the public interest. Therefore, it is considered that the proposed development can be supported by Maitland City Council as consent authority.

SECTION 1

INTRODUCTION

1. Introduction

ADW Johnson has been engaged by Stevens Land Pty Ltd (“the proponent”) to prepare a Statement of Environmental Effects (**SEE**) to accompany a Development Application (**DA**) to Maitland City Council (**MCC**), for a centre based childcare facility, situated over part of Lot 55/DP975994 (464 Cessnock Road, Gillieston Heights), and part of Auto Consol 5365-116.

Lot 55/DP975994 forms part of an approved residential subdivision (DA/2022/912), known as Precinct 1B of the Loxford Estate. The **development site** itself comprises proposed Lots 301-304 and 719 approved under DA/2022/912. Precinct 1B is yet to be constructed, and therefore the lots are not registered. It is understood that Lots 301 – 304 and 719 will be consolidated to facilitate the proposed childcare facility, by way of a separate application; however, this does not preclude the DA from being assessed and determined, and can occur independent to this application.

The DA seeks consent for a centre-based childcare facility. The childcare facility is to care for a maximum of 110 children at any one time. This application also seeks consent for associated landscaping works, identification signage, and civil works, including the on-site parking area, site earthworks, service connections, and stormwater management provisions.

The development site is located in the Western Precinct Urban Release Area (**URA**), the majority of which has been approved as the Loxford Estate subdivision, under DA/2022/912 and DA/2022/193:2. It is understood that site earthworks have commenced in association with DA/2022/193:2, which also includes site preparation works associated with lots approved under DA/2022/912.

Although the parent lot is zoned both R1: General Residential and RU2: Rural Landscape, the development site is wholly zoned R1: General Residential. Under the provisions of the *Maitland Local Environmental Plan 2011 (MLEP2011)*, *centre-based childcare facilities* are permissible with development consent.

The development has been designed in consideration of the provisions of the *Education and Care Services National Regulations (2011 SI 653)*, *State Environmental Planning Policy (Transport and Infrastructure) 2021*, and the *Childcare Planning Guideline*, as well as the applicable controls contained within Maitland Development Control Plan 2011 (**MDCP2011**).

This SEE has been prepared pursuant to the *Environmental Planning and Assessment Act 1979 (EPA Act)* and accompanying regulations and addresses the necessary issues that require assessment to assist Council in making a determination on the subject application.

Overall, the proposed development complies with all relevant provisions of the LEP as well as the relevant aims and objectives of the DCP. Where variations are proposed to DCP principles, they have been supported with evidence to ensure the objectives of the control continue to be achieved. It is considered that the information provided is sufficient in allowing the consent authority to grant consent to the subject application.

SECTION 2

THE SITE

2. The Site

2.1 LOCATION

The development site is identified as approved Lots 301-304 and 719, under DA/2022/912. The development site is currently situated over part of Lot 55/DP975994 (464 Cessnock Road, Gillieston Heights), and part of Auto Consol 5365-116. The site is situated to the south of the township of Gillieston Heights, and is located within the approved Loxford Estate. It is broadly positioned to the west of Cessnock Road, to the east of the Main Northern Railway, and directly south of residential development associated with the Gillieston Heights Stage 2 land release. The township of Cliftleigh is located to the south.

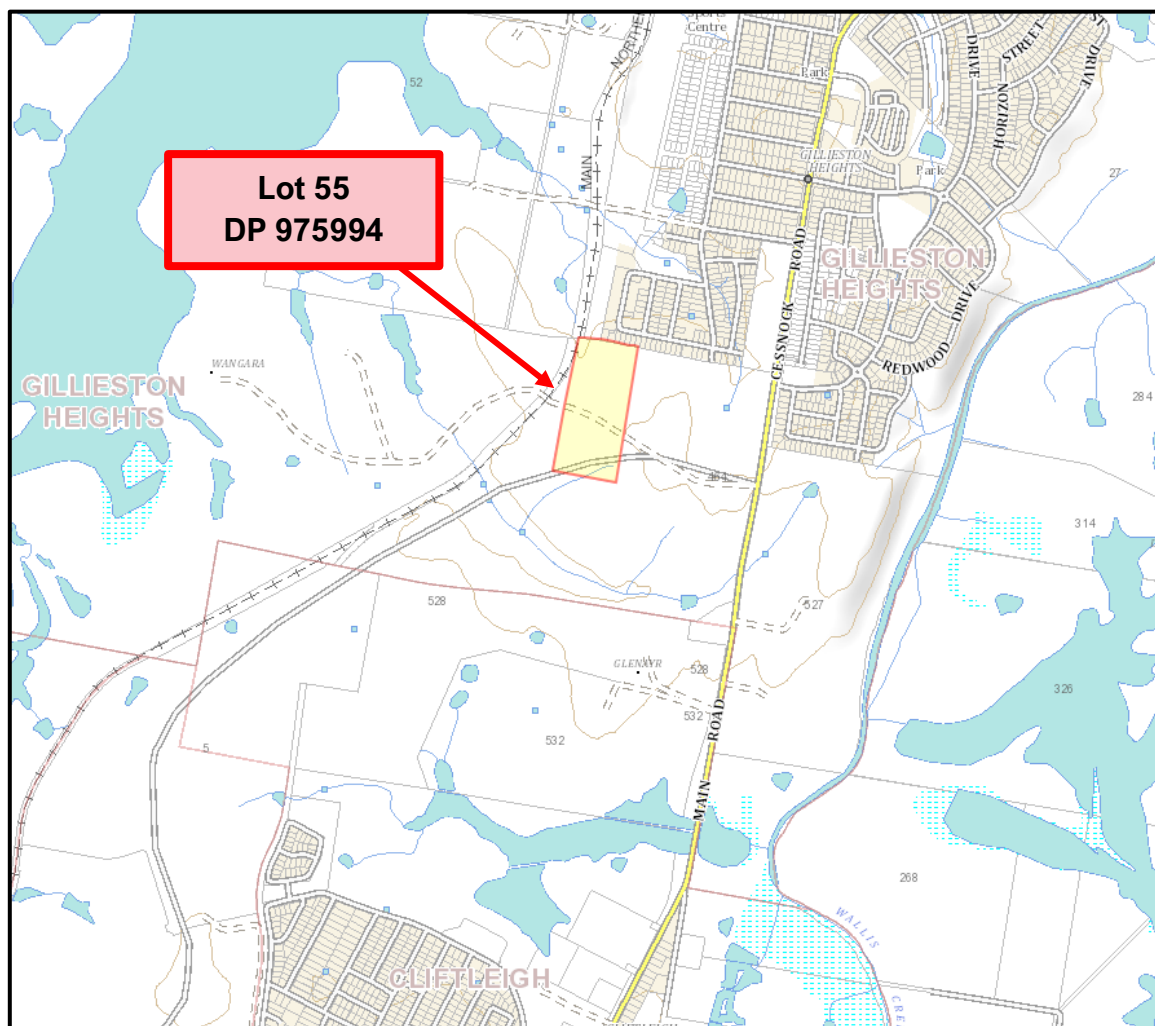


Figure 1: Locality Map
Source: SIXmaps (08/01/2025)

2.2 LAND TITLE & OWNERSHIP

The site is legally identified as Lot 55 in Deposited Plan 975994, which is in the ownership of McCloy Loxford Land Pty Ltd and Dowmere Pty Ltd.

A copy of the Certificate of Title and Deposited Plan (DP) has been included as **Appendix A**. Signed owner's consent is included in **Appendix B**.

2.3 PHYSICAL DESCRIPTION

2.3.1 Site

The parent lot (Lot 55) is regular in shape and comprises generally cleared land with scattered vegetation. It is bordered by both the Main Northern Railway and residential allotments to the north, and vacant land to the east, south and west, associated with Precincts 1A and 1B of the Loxford Estate subdivision. Works associated with The Loxford Estate have commenced on lots to the east, south-east and south of the site (**Figure 2**).

The development site itself has an area of approximately 3,099m², is irregular in shape and currently comprises vacant land (refer to **Figure 3**). Under DA/2022/912, it will be bordered by roads to the south and the west and residential allotments to the north and the east. Its position within the context of the approved subdivision is shown in **Figure 4** below.

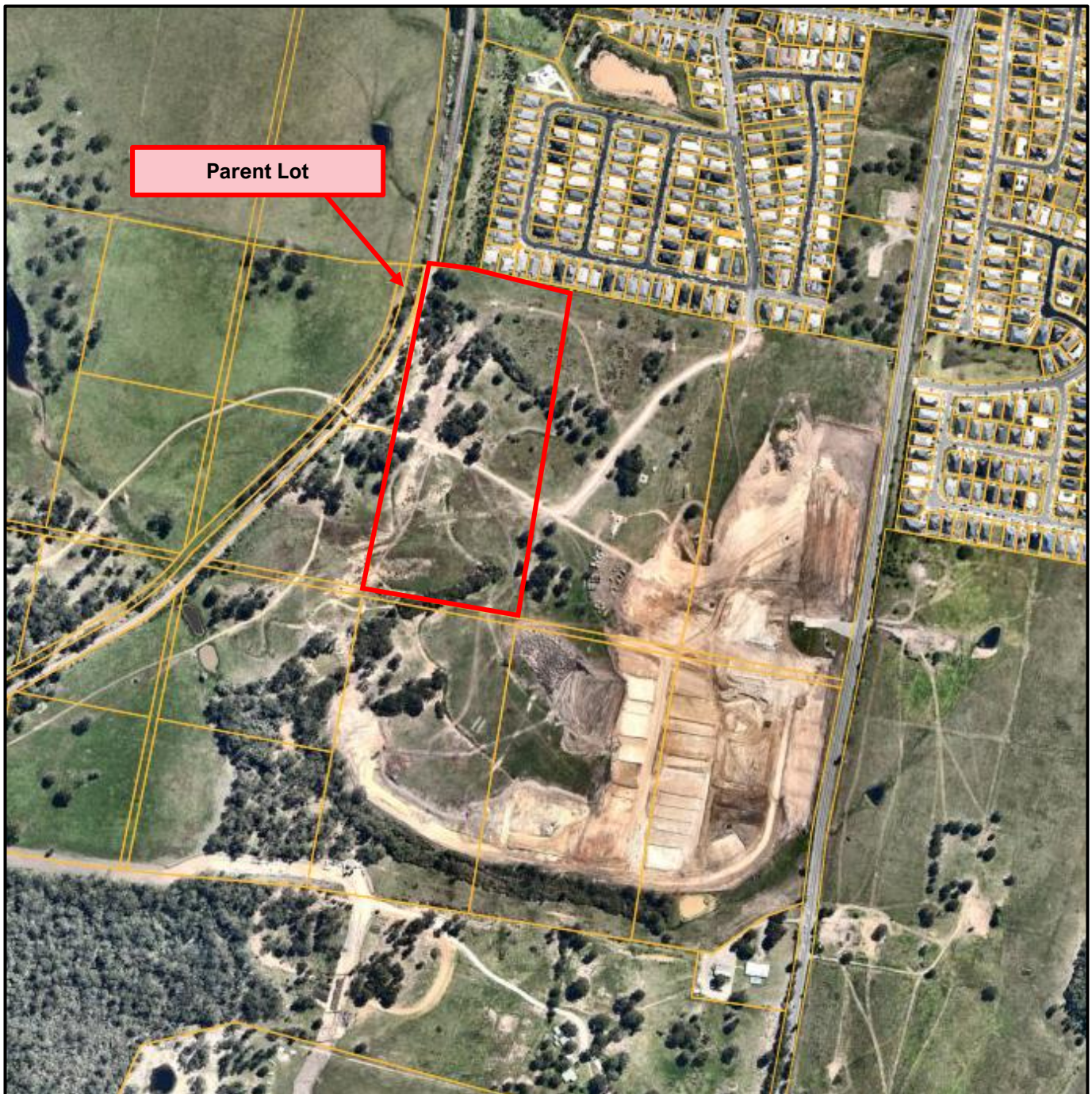


Figure 2: Aerial Image (Broader Area)
Source: Nearmaps (January 2025)

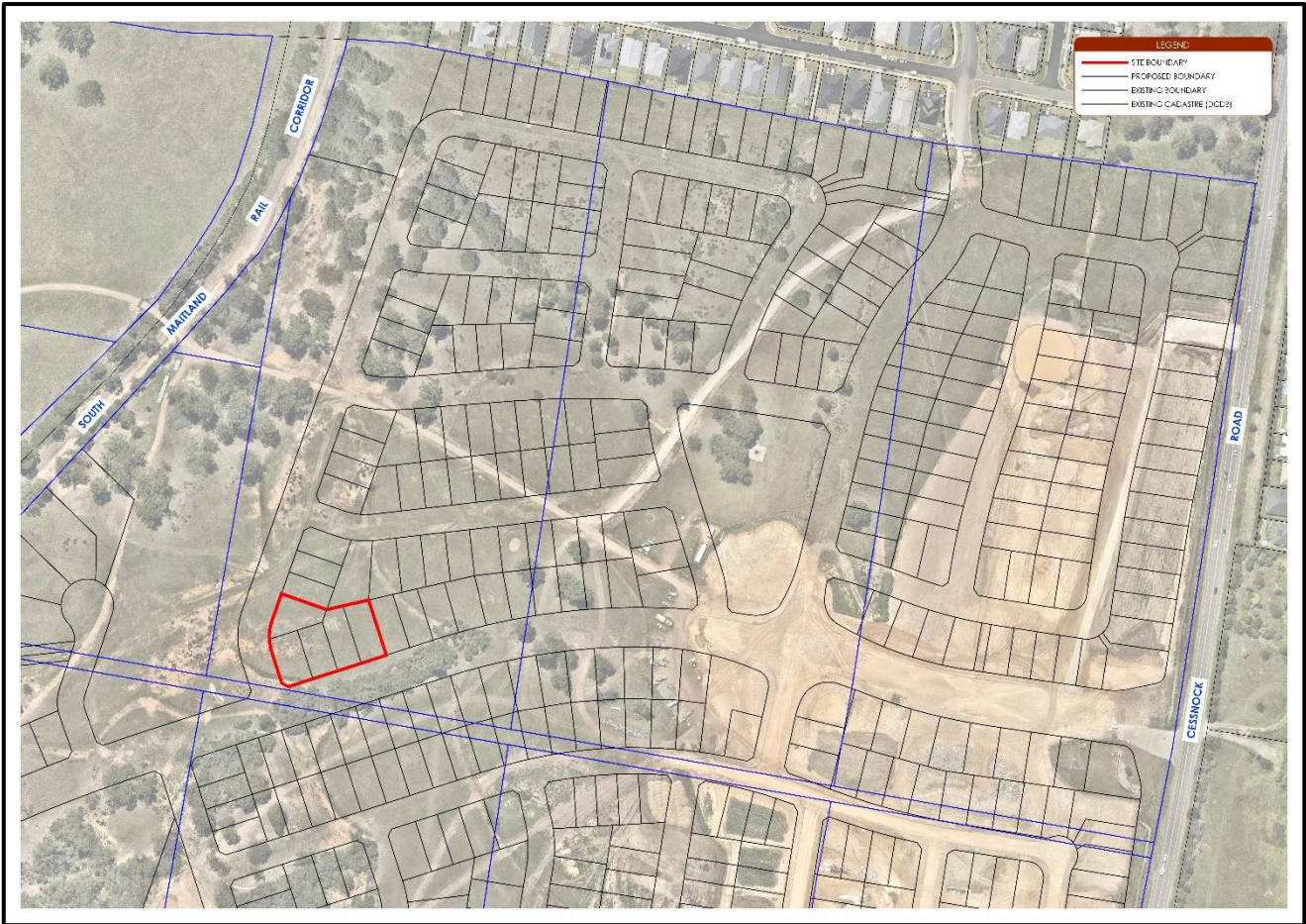


Figure 3: Aerial Image (Development Site)
Source: Nearmaps (January 2025)

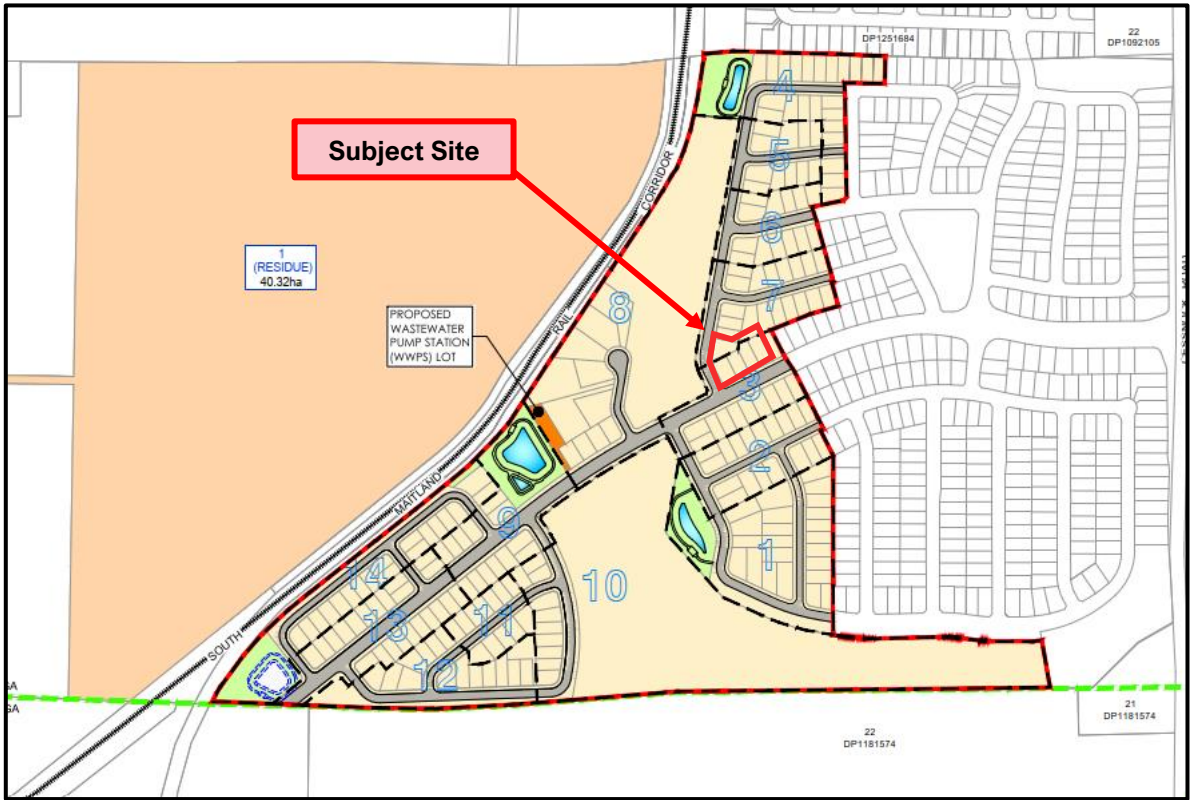


Figure 4: DA Approved Subdivision Layout
Source: ADW Johnson (240289(1B)-DA-006-D, 7 March 2023)

2.3.2 Access

Access to the parent lot is currently via an unformed gravel access track through Lot 54/DP975994 and Lot 1/DP45946. Once Precinct 1B is constructed and registered, access to the proposed childcare facility will have road frontage to the south and west, referred to as Roads MC01 and MC11 in the approved subdivision DA.

2.3.3 Topography + Watercourses

The parent lot slopes generally from east to west and currently contains an unnamed watercourse that runs across the south-eastern corner of the lot, as shown in **Figure 5**.

Although the existing watercourse is not located within the development site itself, it is noted that it is within 40m of the development site. Notwithstanding this, it is relevant to note that the watercourse will be subsumed by the subdivision works associated with DA/2022/912 through the construction of roads and lots (which is evidenced in the approved subdivision plans for DA/2022/912). In this regard, the watercourse will not exist by the time construction of the proposed childcare facility commences.

The levels for the development site will be largely established as part of the works associated with DA/2022/912. It is noted that this currently shows retaining walls between the individual lots; however, it is understood this will be adjusted through a future modification application to DA/2022/912.

In relation to flooding, this was addressed in the stormwater management plan for Precinct 1B, where it was confirmed that there was no potential risk of flooding to the broader development based on the current and future RLs of the development. As such, the site is not flood affected.

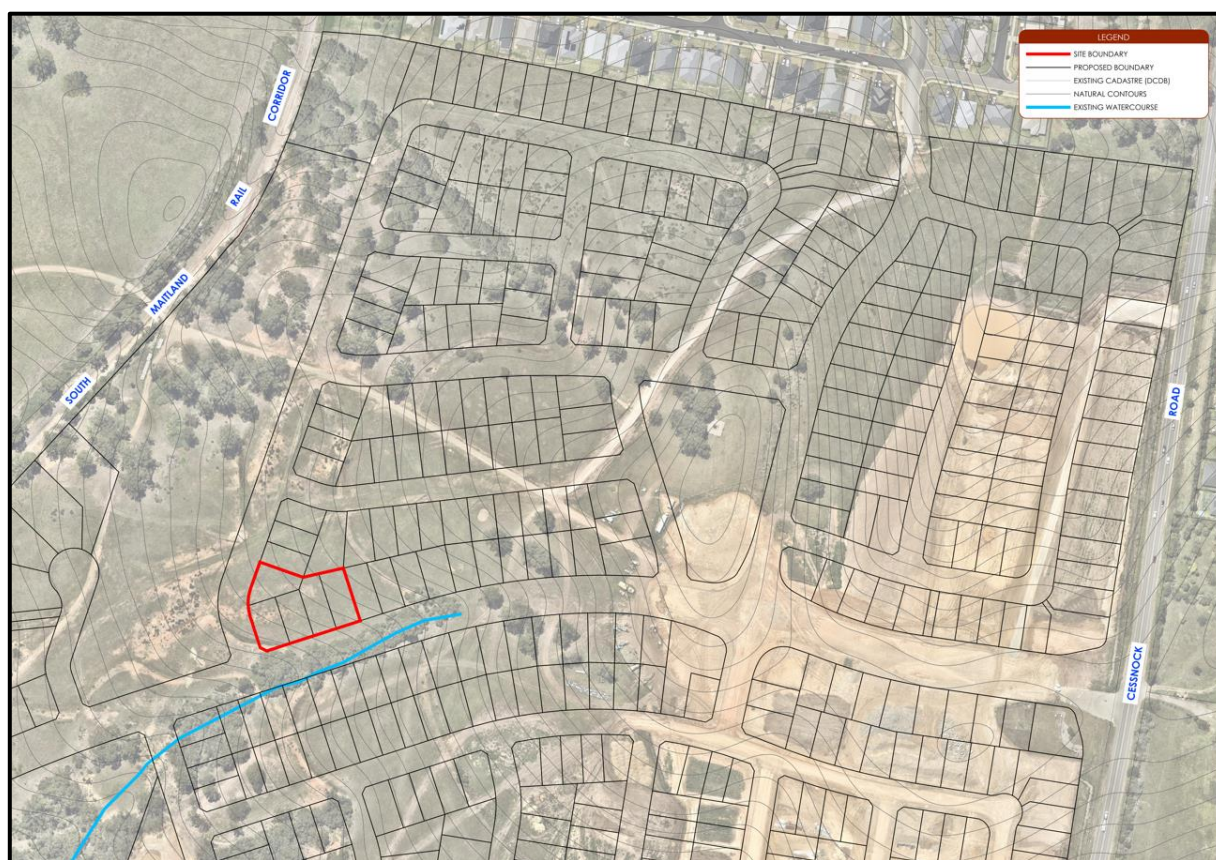


Figure 5: Mapped Watercourse

Source: ADW Johnson Figure (04 April 2025)

2.3.4 Vegetation

The development site will be cleared of vegetation as a component of works associated with DA/2022/912.

2.3.5 Heritage

Based on a review of the NSW Planning Portal mapping on 4 April 2025, the development site is not mapped as containing any items of European heritage significance, nor is it located within a heritage conservation area.

In relation to Aboriginal heritage, DA/2022/912 and DA/2022/193:2 provided consent for earthworks across the site, to facilitate the land for the residential subdivision. Any necessary considerations pertaining to Aboriginal heritage were undertaken as a component of previous approvals. Given the site will be highly disturbed following construction of the subdivision, the likelihood of the site containing Aboriginal objects is low.

2.3.6 Geotechnical

The site is mapped as being within a Mine Subsidence District, being the Maitland West District. Although it is understood that mine subsidence and the necessary remediation works were addressed under the Precinct 1B subdivision, this DA be referred to Subsidence Advisory NSW (**SA NSW**) as integrated development regardless.

The site is mapped as potentially containing Class 5 Acid Sulfate Soils (**Figure 6**). It is noted that if exposure of acid sulfate soils were to occur, it would arise during the bulk earthworks associated with the Precinct 1B works, and be managed at that stage. In this regard, it is unlikely acid sulfate soils will exist on the site by the time construction of the proposed development commences.

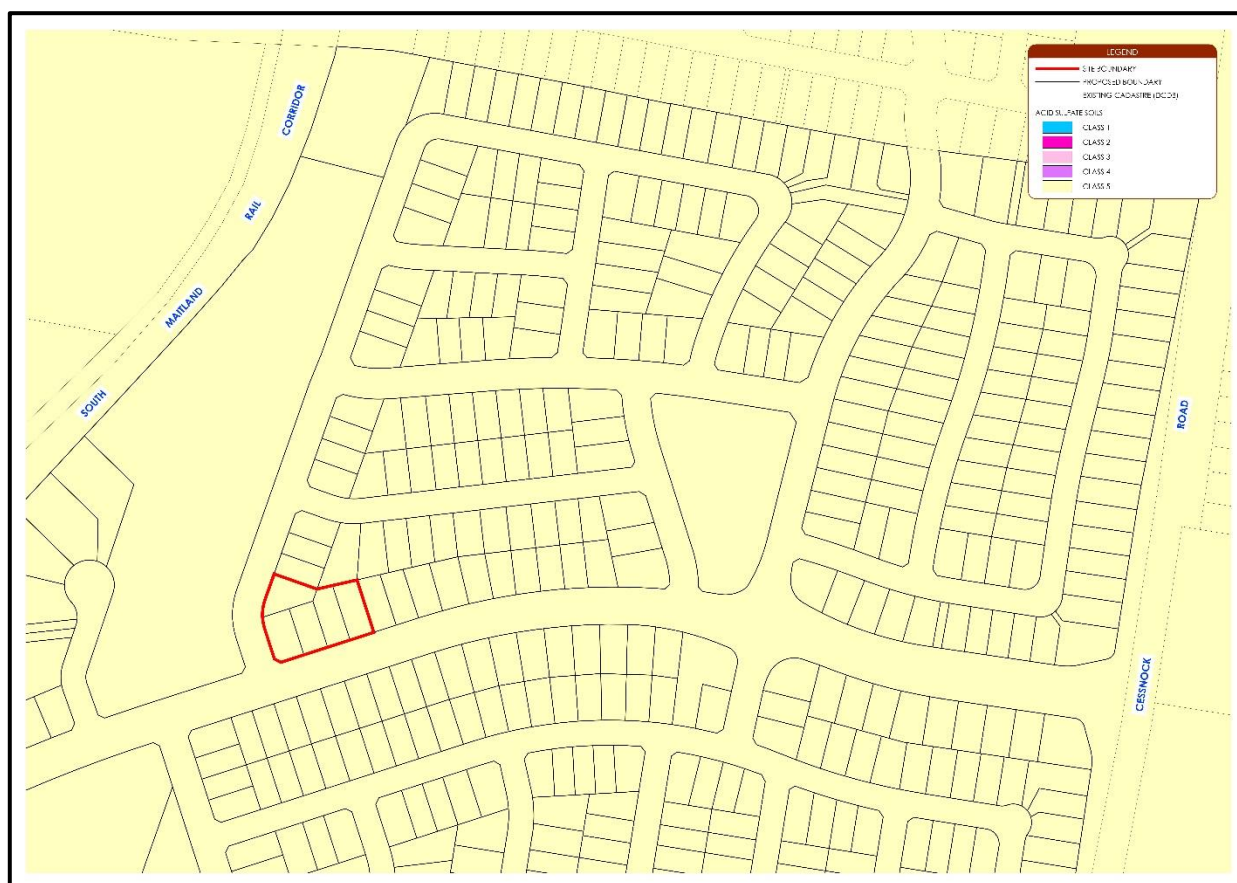


Figure 6: Acid Sulfate Soils Map
Source: ADW Johnson Figure (04 April 2025)

2.3.7 Bushfire

The development site is mapped as bushfire-prone land (**Figure 7**).

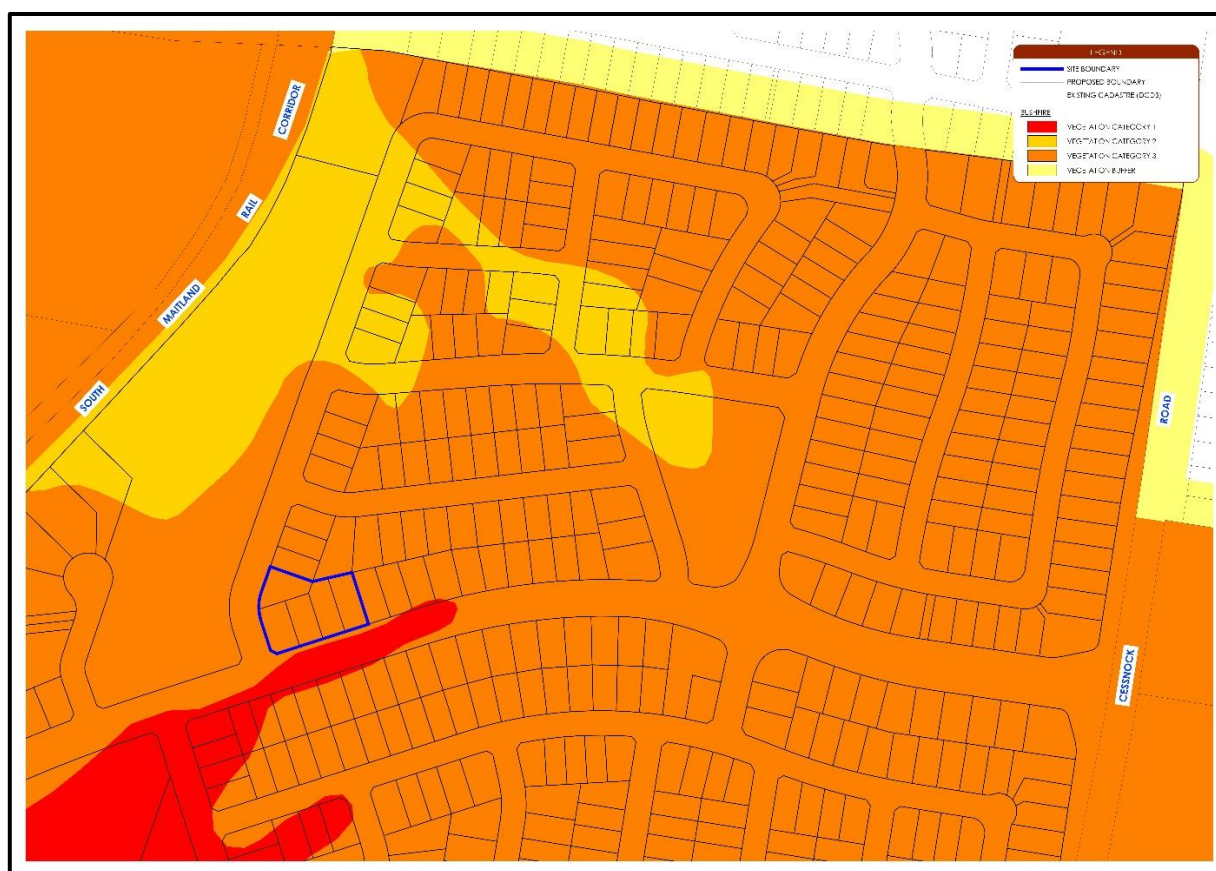


Figure 7: Bushfire Prone Land Mapping
Source: ADW Johnson Figure (04 April 2025)

SECTION 3

DESCRIPTION OF THE

PROPOSED

DEVELOPMENT

3. Description of the Proposed Development

3.1 PROPOSED DEVELOPMENT

The proposed development is for a centre-based childcare centre, intended to provide care for a maximum of 110 children at any one time. The proposal is inclusive of the following:

- Construction of a single-storey childcare centre, with a total gross floor area of 802m², and 970m² of outdoor play area space;
- Construction of the on-site car parking area, providing a total of 29 car parks, inclusive of 7 staff parking spaces, 1 accessible space, and 21 standard spaces;
- Associated landscaping works;
- Site preparation works and retaining on western boundary; and
- Identification signage.

An excerpt of the site plan is included below (Figure 8).



Figure 8: Excerpt from Site Plan
Source: Architectural Plan Set (9 April 2025)

A copy of the proposed Architectural Plans is provided as **Appendix C**.

3.2 OPERATIONAL DETAILS

3.2.1 Children

The childcare centre proposes to cater for a maximum of 110 children, at any one time. The children to be cared for at the centre are broken up into the following age categories:

- 24 children @ 0-2 years (birth- 24 months);
- 40 children @ 2-3 years (24 months to 36 months); and
- 46 children @ 3+ years (36 months+).

3.2.2 Staff

The childcare centre will be required to have a minimum of 19 staff members in line with the requirements of the *Education and Care Services National Regulations (2011 SI 653)*.

3.2.3 Operating Hours

The operational hours of the centre are to be 6:30am – 6:30pm, Monday to Friday.

3.3 SUPPORTING DOCUMENTATION

This DA is supported by the following documentation:

Appendix	Document	Author	Date / Revision Details
A	Deposited Plan and Certificate of Title	N/A	N/A
B	Owners Consent	N/A	N/A
C	Architectural Plan Set	Clarke Hopkins Clarke	Rev B, 9 April 2025
D	Compliance Table – Education and Care Services Regulation	ADW Johnson	Rev A, 10 April 2025
E	Compliance Table – SEPP Transport & Infrastructure	ADW Johnson	Rev A, 10 April 2025
F	Compliance Table – SEPP Industry & Employment	ADW Johnson	Rev A, 10 April 2025
G	Compliance Table – Maitland DCP	ADW Johnson	Rev A, 10 April 2025
H	Compliance Table – Childcare Planning Guidelines	ADW Johnson	Rev A, 10 April 2025
I	Bushfire Assessment Report	Bushfire Planning Australia	Rev 3, 31 January 2025
J	Traffic & Parking Impact Assessment Report	Barker Ryan Stewart	Rev 2, 19 March 2025
K	Cost of Works	Corbett Scott Quantity Surveying	14 March 2025
L	Concept Civil Engineering Package	Groundswell Engineers	Rev A, 25 March 2025
M	Noise Assessment	Muller Acoustic Consulting	V2, 5 March 2025
N	Landscape DA Documentation	Moir Landscape Architecture	Rev C, 19 March 2025
O	Operational Waste Management Plan	Elephants Foot Consulting	Rev B, 21 March 2025
P	CPTED Assessment	James Marshall & Co	March 2025
Q	Access Report	Purple Apple Access	Rev 1, 24 March 2025
R	Construction Waste Management Plan	Stevens Group	No date

SECTION 4

PLANNING

CONTROLS

4. Planning Controls

4.1 ENVIRONMENTAL PLANNING INSTRUMENT (S4.15C1(A)(I))

4.1.1 Maitland Local Environmental Plan 2011

Part 2- Permitted or Prohibited Development

Zoning

Under the provisions of *MLEP2011*, the parent lot is zoned R1: General Residential and RU2: Rural Landscape. (Figure 9). The entirety of the development site is located within the R1 portion of the parent lot (Figure 10).

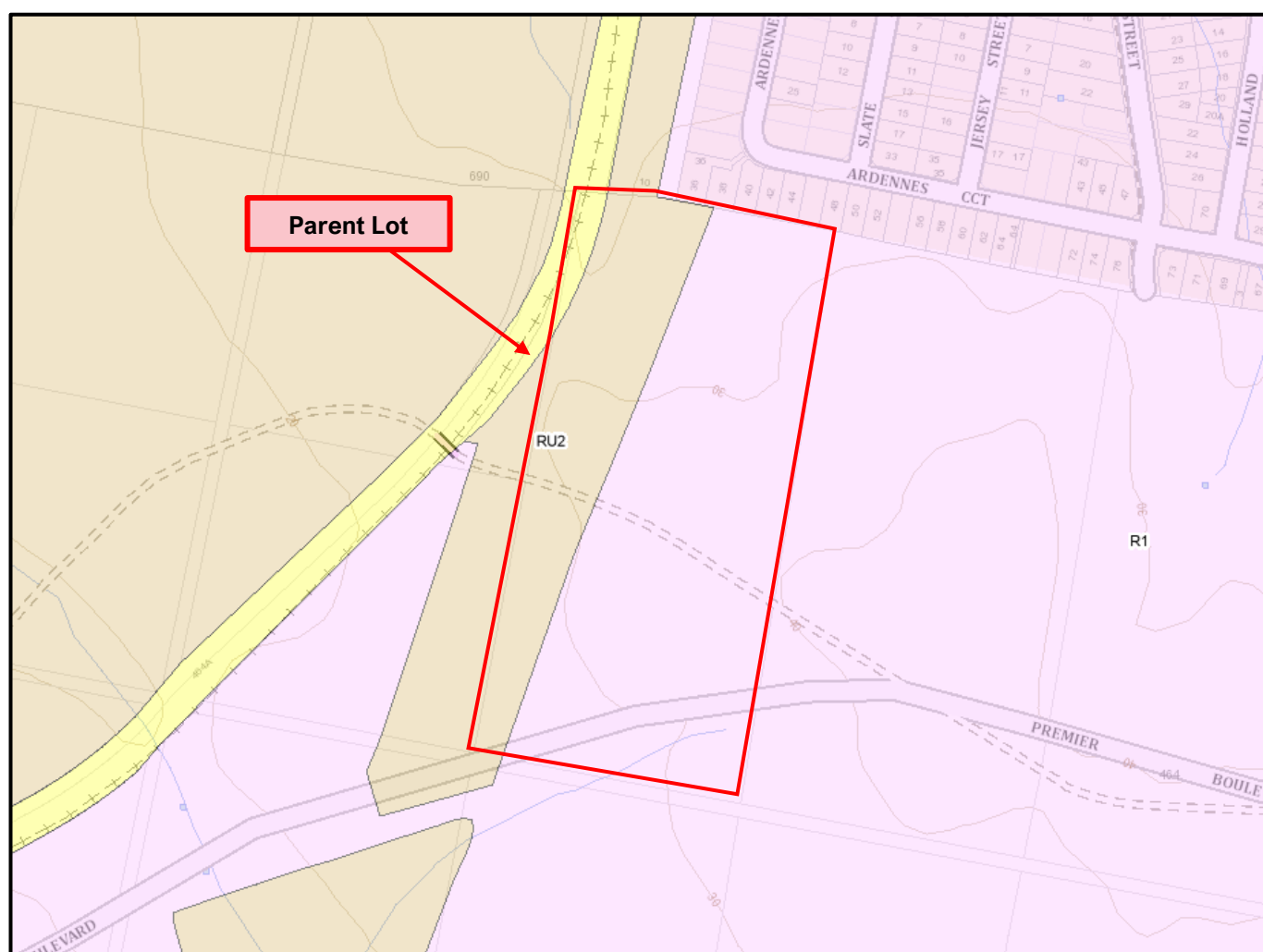


Figure 9: Land Zoning Map (Lot 55/DP975994)
Source: NSW Planning Portal Spatial Viewer (08/01/2024)

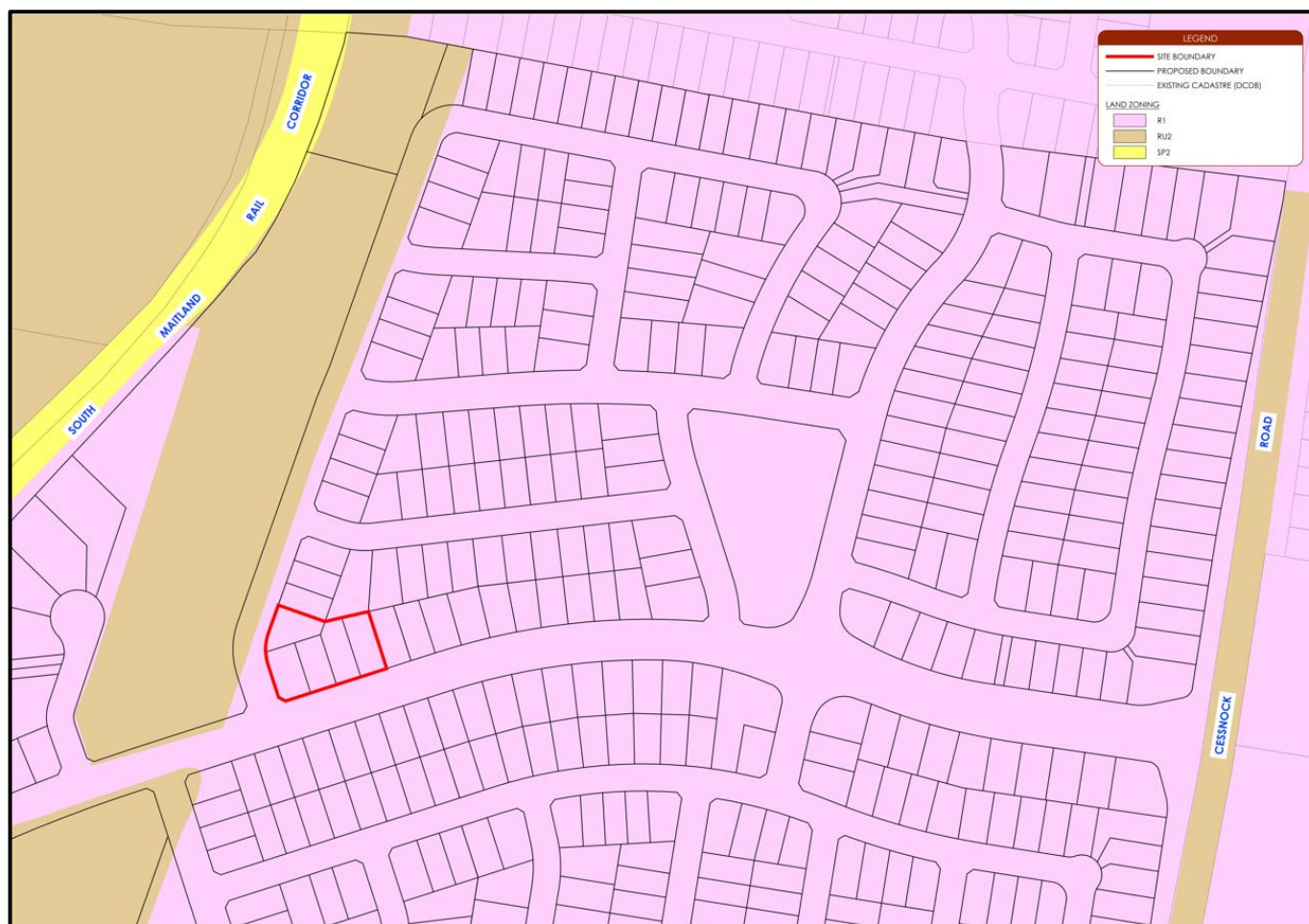


Figure 10: Land Zoning Map (Development Site in Red)
Source: ADW Johnson Figure (04 April 2025)

Land Use Table

The proposed development is defined as a *centre-based childcare facility*, defined within the *MLEP2011* as:

Centre-based childcare facility means—

- (a) a building or place used for the education and care of children that provides any one or more of the following—
 - (i) long day care,
 - (ii) occasional childcare,
 - (iii) out-of-school-hours care (including vacation care),
 - (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)).

Centre-based childcare facilities are permissible in the R1 zone with the consent of Council.

The objectives of the R1 zone are as follows-

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

The proposed childcare centre is considered an appropriate and complementary use of residentially zoned land, in accordance with the third objective above, as it is a supporting land use to the future surrounding residential development. The proposed development is therefore consistent with the relevant objectives of the R1 zone.

Part 4- Principal Development Standards

Clause 4.3 Height of Buildings

The development site does not have a maximum building height, as per the Height of Buildings Map. As such, this clause does not apply.

Clause 4.4 Floor Space Ratio

The development site does not have a maximum floor space ratio, as per the Floor Space Ratio Map. As such, this clause does not apply.

Part 5- Miscellaneous Provisions

Clause 5.10 – Heritage Conservation

A review of the NSW Planning Portal mapping on 4th April 2025 confirmed that the development site does not contain any items of local or State heritage significance, nor is it identified within a heritage conservation area. The nearest heritage item is approximately 780m from the site. In addition, matters pertaining to Aboriginal heritage were addressed as a component of DA/2022/912 and the proposal will occur on a highly impacted site following subdivision works, thus unlikely to contain Aboriginal objects by this point.

As such, the provisions of Clause 5.10 do not apply.

Clause 5.21 – Flood Planning

The parent lot is not mapped as being flood-prone land (**Figure 11**). As such, no further consideration of Clause 5.21 is necessary.

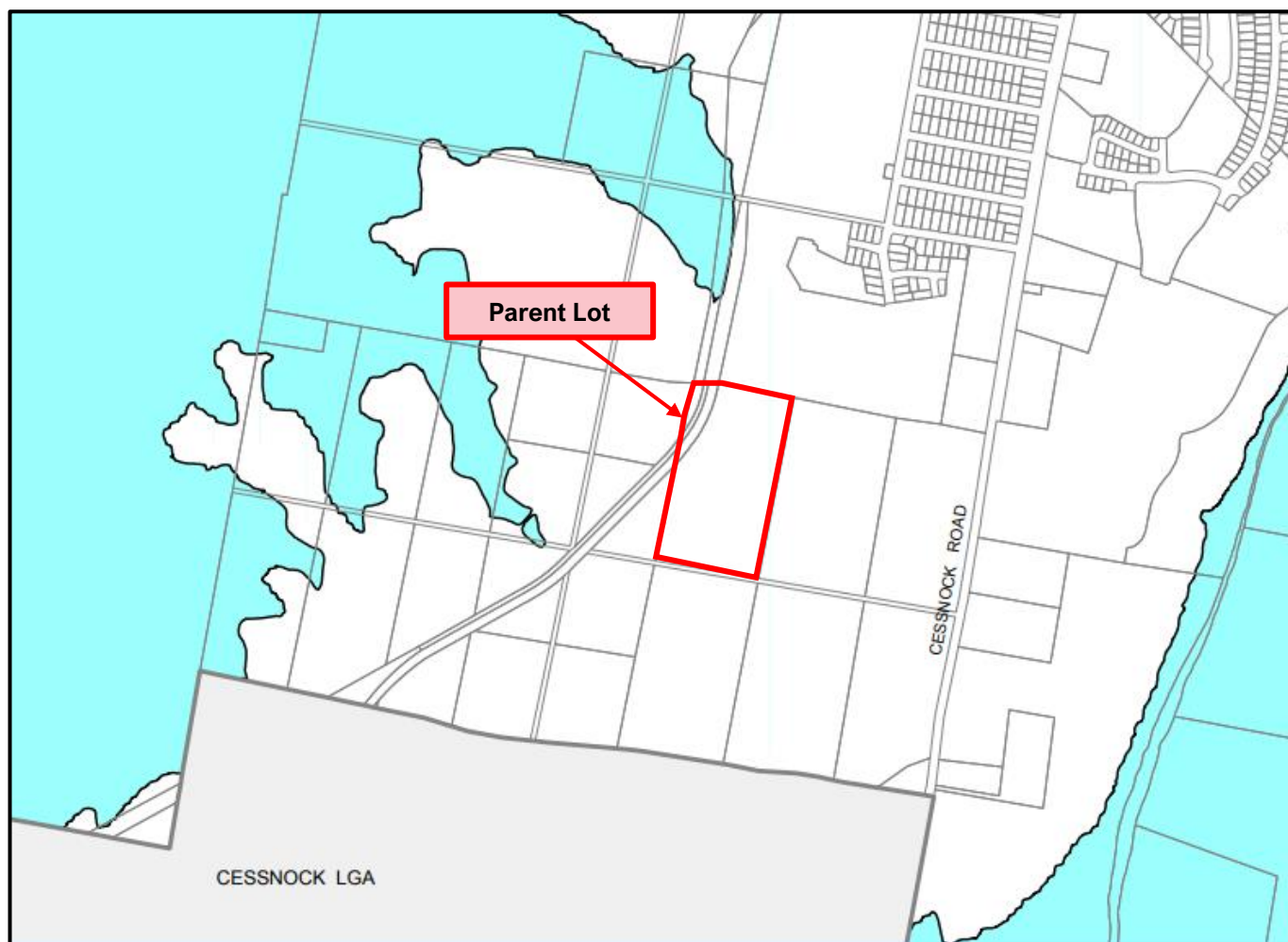


Figure 11: Flood Map
Source: MLEP2011 Mapping (08/01/2025)

Part 6- Urban Release Areas

Clause 6.2 – Public Utility Infrastructure

The entirety of the parent lot, and therefore the development site, is situated in an URA, that being the Western Precinct (**Figure 12**).

As such, the relevant provisions of Part 6 apply. Clause 6.2 stipulates the following:

- (1) *Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.*

The necessary public utility infrastructure will be provided to the development site in association with the subdivision works being carried out for DA/2022/912, in accordance with the requirements of the relevant utility provider/s. As registration of the lot/s will occur prior to commencement of the works associated with the proposed childcare centre, Council can be satisfied that adequate connection to such services will be available when it is required, being prior to operation.

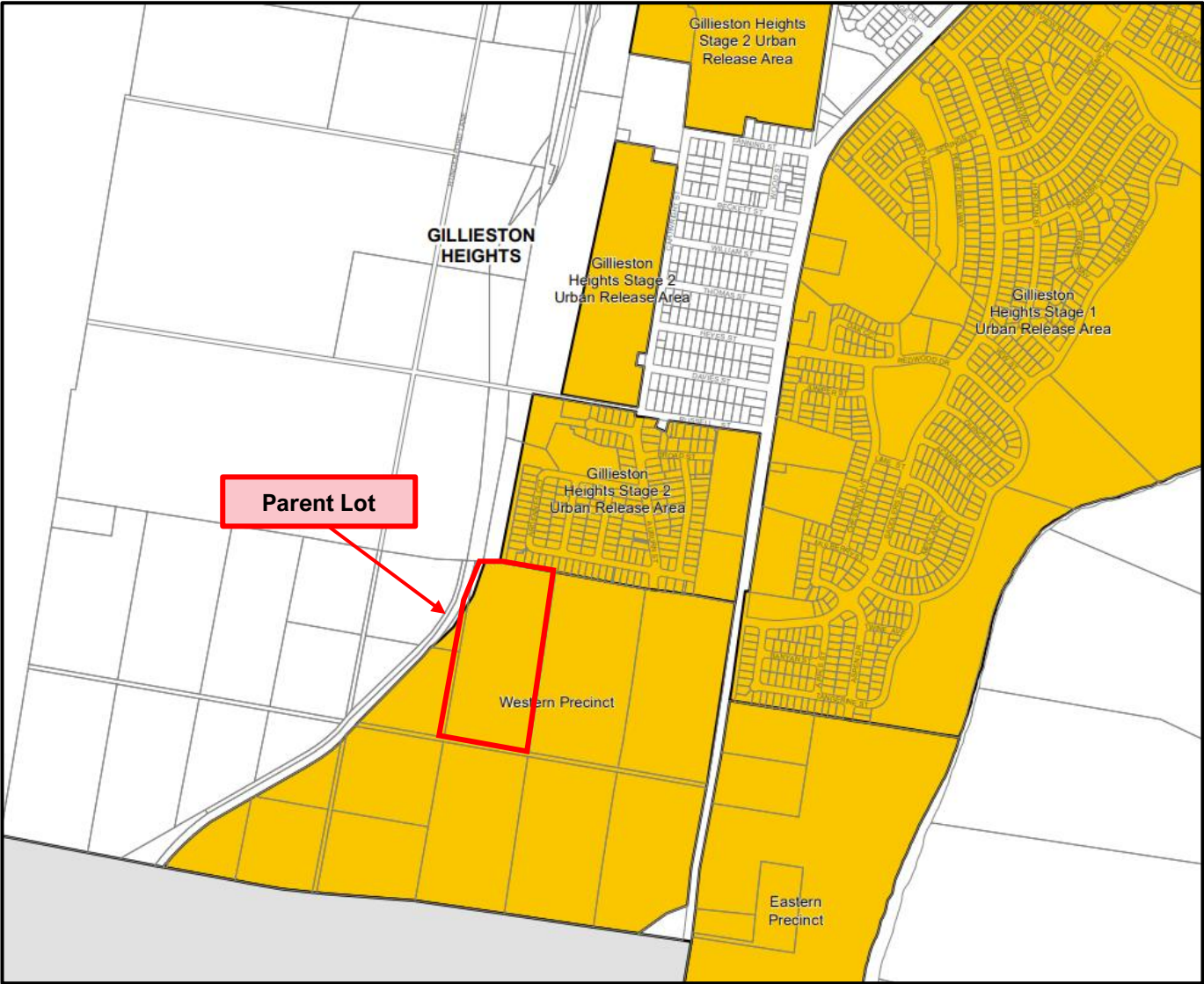


Figure 12: Urban Release Area Map
Source: MLEP2011 Maps (08/01/2025)

Clause 6.3 Development Control Plan

Clause 6.3 requires that a development control plan is prepared for land within an URA. Chapter F.5 *Gillieston Heights Urban Release Area* within Part F—*Urban Release Areas* of the *Maitland Development Control Plan 2011 (MDCP2011)* satisfies this requirement.

Part 7- Additional Local Provisions

Clause 7.1 Acid Sulfate Soils

The site is mapped as Class 5 Acid Sulfate Soils (refer **Figure 6**). Clause 7.1 is set out as follows:

- (2) *Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.*

Class of land	Works
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

The development site is not within 500 metres of any adjacent classed land. As such, no further consideration against the provisions of this clause is required.

Clause 7.2 Earthworks

Bulk earthworks will be carried out as part of the subdivision works, approved under DA/2022/912. In this regard, it is anticipated that minor earthworks will be required to prepare the site for the proposed development. Given the nature of the earthworks, the regrading will not unduly impact the environment, neighbouring land, or any cultural or heritage items, subject to the standard construction measures being imposed as consent conditions. Adequate consideration has been given to earthworks as a component of DA/2022/912 and DA/2022/193:2.

Mapping

A review of the remaining mapping layers associated with the *MLEP2011* was undertaken and the following is noted:

- The land is not identified as land reserved for acquisition;
- The land is not identified on the watercourse map;
- The land is not identified as being within a mineral resource area; and
- The land is not identified as having any additional permitted uses.

Taking the above into consideration, the proposed development is consistent with all relevant objectives and standards as identified in the *MLEP2011*.

4.1.2 Education and Care Services National Regulations (2011 SI 653)

The provisions of the *Education and Care Services National Regulations (2011 SI 653)* were considered as a component of this application. This assessment has been included in **Appendix D**.

The proposed childcare facility is wholly compliant with the provisions of this instrument.

4.1.3 State Environmental Planning Policy (Transport + Infrastructure) 2021

Chapter 2 – Infrastructure

Division 17 – Roads and Traffic

Section 2.122 contains provisions for traffic-generating development, and requires referral for certain types of development to TfNSW. Having regard to Schedule 3 of the SEPP, the proposed development does not constitute traffic-generating development and therefore referral of the DA to TfNSW is not required.

Chapter 3 – Educational Establishments and Childcare Facilities

Chapter 3 *Educational Establishments and Childcare Facilities* of the SEPP specifies requirements for centre-based childcare facilities.

An assessment against the provisions of this Chapter is included in **Appendix E**, which confirms that, the development wholly complies with the relevant provisions of Chapter 3.

4.1.4 State Environmental Planning Policy (Planning Systems) 2021

The proposed development does not constitute Stage Significant or Regionally Significant Development under the provisions of the SEPP. In this regard, Council is the consent authority for this DA.

4.1.5 State Environmental Planning Policy (Resilience + Hazards) 2021

Chapter 2 – Coastal Management

Chapter 2 of the SEPP aims to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with the objectives of the *Coastal Management Act 2016*. The SEPP stipulates provisions for land mapped as being within coastal wetlands and littoral rainforests (or within proximity to), and land within the coastal use area and coastal environment area. The site is not mapped as being within any of these areas.

Chapter 4 – Remediation of Land

Chapter 4 of the SEPP aims to provide a State-wide planning approach to the remediation of contaminated land. Clause 4.6 Contamination and remediation to be considered in determining development application stipulates matters that the consent authority must consider before granting consent:

- (1) *A consent authority must not consent to the carrying out of any development on land unless—*
 - (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Contamination was considered under DA/2022/912. As the development site was deemed suitable for residential purposes under DA/2022/912, the site is considered suitable for the proposed childcare facility.

4.1.6 State Environmental Planning Policy (Industry and Employment) 2021

The proposal includes several signs, primarily to identify the business. The proposed signs are replicated below in the Artist Impressions (**Figures 13, 14 and 15**).



Figure 13: Proposed Signage
Source: Architectural Plans (April 2025)



Figure 14: Proposed Signage
Source: Architectural Plans (April 2025)



Figure 15: Proposed Signage
Source: Architectural Plans (April 2025)

An assessment of the relevant sections of *State Environmental Planning Policy (Industry and Employment) 2021* is provided in **Appendix F**, which confirms the proposal complies with the relevant provisions.

4.2 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS (S4.15C1(A)(II))

There are no draft environmental planning instruments that would impact the proposed development.

4.3 MAITLAND DEVELOPMENT CONTROL PLAN 2011 (S4.15(1)(A)(III))

The proposal has been assessed against the *MDCP2011* and is generally consistent with the relevant provisions. A copy of this assessment is included in **Appendix G**.

4.4 INTEGRATED DEVELOPMENT

4.4.1 NSW Rural Fire Services (RFS)

Integrated referral to the RFS is required as the site is mapped as bushfire prone land and childcare centres are considered a *special fire protection purpose (SFPP)* under the *Rural Fires Act 1997*. A Bushfire Report is provided in **Appendix I**.

4.4.2 Mine Subsidence Advisory NSW

Integrated referral to SANSW is required as the site is mapped as being within a Mine Subsidence District, that being the Maitland West District, under the *Coal Mine Subsidence Compensation Act 2017* and the DA seeks to erect improvements on land within a mine subsidence district.

4.4.3 NSW DPIE – Water

Integrated referral to NSW DPIE – Water is required on the basis that, strictly speaking, the DA proposes works within 40m of an existing watercourse. It is important to note that no detailed assessment has been undertaken as part of this DA in relation to the impacts on the watercourse, on the basis it will be disturbed by subdivision works associated with DA/2022/912. Reference is made to the General Terms of Approval (**GTA**) issued by NSW DPIE – Water for DA/2022/912 on 9 May 2024 (Ref: IDAS-2024-10721), which should be considered by NRAR in its assessment.

SECTION 5

ENVIRONMENTAL

CONTROLS

5. Environmental Controls

5.1 THE LIKELY IMPACTS OF DEVELOPMENT (S4.15C(1)(B))

5.1.1 Context and Setting

The development site is located in the Western URA, an emerging residential area within the Maitland LGA, and is bordered by several other URAs. The development site was approved under DA/2022/912, as a component of Precinct 1B of the Loxford Estate residential subdivision, with land to the east comprising Precinct 1A, approved under DA/2022/193:2. As the Loxford Estate develops, the site will be surrounded by low density residential development, or other permissible uses.

The incoming community will require services and infrastructure, such as childcare facilities, close to homes. As such, the proposed development directly contributes to the provision of key services within the area, in a manner that is consistent and compatible with a residential environment.

As such, the proposed development is considered to be appropriate for its context and setting.

5.1.2 Access, Transport + Traffic

A Traffic and Parking Impact Assessment Report (**TPIA**) has been prepared to address traffic, access, car parking and pedestrian impacts of the proposal. The TIA is included in **Appendix J**.

Vehicular access to the childcare centre will be via the approved road bordering the development site to the south (MC01). The TPIA confirms that the proposed driveway complies with the width requirements and minimum sight distances for pedestrian safety set out by AS/NZS 2890.1-2004.

The TPIA considered the expected traffic generated to and from the proposed development and the impact of the proposed development on the surrounding approved road network, having regard to the findings of the traffic study carried out by Coulston Budd Rogers & Kafes to support the overarching Precinct 1B subdivision DA.

The trip rates associated with the proposed childcare are as follows:

- AM Peak- 96 trips per hour; and
- PM Peak- 82 trips per hour.

The TPIA modelling confirms that the proposed development will have minimal impact on the safety and efficiency of Road MC01 and the surrounding road network, and the future traffic signals at Cessnock Road / MC01 intersection will have sufficient spare capacity to cater for the additional traffic volumes associated with the proposed development.

With regards to on-site parking, the MDCP2011 stipulates a requirement of 28 car parking spaces, including one accessible space. The development proposes 29 parking spaces, and is therefore compliant with this requirement.

In relation to public and active transport options, MC01 is nominated as a future bus route and will provide an on-road cycleway. Pedestrian access will be readily available through the network of shared pathways throughout Precinct 1B, including along MC01 and MC11. In this regard, the site is well connected to approved public transport and pedestrian infrastructure, providing staff and families multiple transport options for accessing the centre.

Based on the above, it is considered that the proposed development is unlikely to have an adverse impact on traffic, parking and access.

5.1.3 Public Domain

The proposed childcare facility is anticipated to positively contribute to the public domain, through its architectural design, natural colour palette and effective interface with the two road frontages, as well as high quality landscaping throughout the site and along the public road interface. The development will also be bordered by street trees established under Precinct 1B works, further softening the development from the street.

The proposal will directly contribute to the provision of services to the local community, through a well-designed development, and will therefore positively contribute to the public and broader public domain.

5.1.4 Utilities

Servicing of the development site is required under DA/2022/912, including the provision of sewer, water, electricity and telecommunications infrastructure. This will occur prior to registration of the subdivision.

As the development site will be registered prior to the commencement of construction for the proposed childcare centre, it will be suitably serviced prior to commencement of the development.

It is considered that adequate utility connections will be available to the development, at the time in which they are required.

5.1.5 Stormwater, Drainage + Water Quality

On-site stormwater management arrangements are detailed within the civil plans provided as **Appendix L**. Runoff from the car park area will be captured by a pit-and-pipe network, discharging to the approved stormwater pipe within Road MC01. A grated trench drain is proposed along the vehicular access way to prevent overland flows onto Road MC01.

Stormwater runoff from the proposed main building will be captured by gutters and directed to the nearest stormwater pit, whilst the outdoor areas are graded away from the main building towards pits along the perimeter of the landscape area. All runoff captured by the sites stormwater system will be conveyed to the stormwater pit in the south-west corner of the site for discharge to the water quality stormwater infrastructure being constructed as part of the broader Loxford Estate.

In relation to stormwater calculations for quality and quantity, the proposed development is accommodated for as part of the stormwater management strategy developed for DA/2022/912. The approved stormwater management plan adopted a single impervious percentage of 60% for the whole of the A1 catchment, which the site (Lots 301 – 304 and 719) is located in. The proposed childcare centre has an overall site coverage of 59.1% , as detailed on Sheet DA100b of the Architectural Plans (**Appendix C**), and therefore is consistent with the approved stormwater management plan and its assumptions.

Based on the above, it is considered that stormwater impacts associated with the proposed development are minimal.

5.1.6 Earthworks / Erosion + Sediment Control

Bulk earthworks to establish the site will be carried out under DA/2022/912, including the installation of retaining walls along the northern and eastern boundaries where the site interfaces with future residential lots.

Minor earthworks will be required as part of the proposed development to connect stormwater servicing to existing piping, for works associated with the car park and regrade for the building and outdoor spaces. To manage level differences with Road MC01 and MC11, landscaped batters (max 1V:3H) and a block retaining (max. 1.8m in height) will be constructed.

A copy of the civil plans is provided as **Appendix L**, which includes an erosion and sediment control plan as well as details relating to finished levels. Further details on the proposed retaining wall are contained in the architectural plan set (**Appendix C**).

5.1.7 Flora + Fauna

The clearing of vegetation on the development site is approved under DA/2022/912. As the site will be cleared of all vegetation as part of the Precinct 1B subdivision works, no clearing is proposed under this application. In this regard, the proposed development will not adversely impact flora and fauna.

5.1.8 Heritage

As discussed in **Section 4.1.1** of this SEE, the site does not contain any heritage items nor is it within proximity to a heritage item. The site is not located within a heritage conservation area. In this regard, the proposed development will not impact on matters relating to historic heritage.

Aboriginal heritage impacts in relation to the development site were considered and assessed under DA/2022/912. The proposed development is not anticipated to result in any additional impacts to Aboriginal heritage that were not already addressed under DA/2022/912.

In this regard, the proposed development will not result in any heritage impacts.

5.1.9 Geotechnical / Contamination

Contamination and geotechnical constraints associated with the development site were considered under DA/2022/912, which determined that the site would be suitable for residential use upon completion of the subdivision. Noting that construction of the childcare centre will not commence until after the land is registered, further consideration of geotechnical and contamination is not required as part of this DA, as the site is considered suitable for the proposed development in a geotechnical sense.

It is noted that the site is located within a mine subsidence district. The DA will be referred to SANSW for concurrence, and any specific requirements of SANSW to mitigate mine subsidence risk will be incorporated where required.

5.1.10 Bushfire

As the site is mapped as bushfire prone land, a Bushfire Assessment Report (**BAR**) has been prepared to inform the application and is included in **Appendix I**.

The BAR has been prepared in accordance with the requirements of *Planning for Bushfire Protection 2019 (PFBP2019)*, and recommends several bushfire protection measures be implemented to ensure bushfire risk is appropriately managed, noting the proposed development is a SFPP. The recommendations are as follows:

- 1. Asset Protection Zones**

The entire site is to be managed as an Inner Protection Area (IPA) as outlined within Appendix 4 of PBP 2019 and the RFS document Standards for asset protection zones;

- 2. Construction and Design**

The new building is to be constructed in accordance with Section 3 and 6 of Australian Standard AS3959-2018 Construction of buildings in bushfire prone areas (AS3959-2018); being BAL-19;

- 3. Water Supply**

The proposed development shall be connected to a reliable water supply network and that suitable fire hydrants are located throughout the development site that are clearly marked and provided for the purposes of bushfire protection. Fire hydrant spacing, sizing and pressure shall comply with AS2419.1 2005 and section 6.8.3 of PBP 2019;

4. Landscaping

Consideration should be given to landscaping and fuel loads on site to decrease potential fire hazards on site; and

5. Emergency Management

A Bushfire Emergency Management and Evacuation Plan (BEMEP) shall be prepared that is consistent with the RFS Guidelines 'Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'.

The BAR determines that in the event that the above recommendations are implemented, the proposed development will provide an appropriate level of protection to life and property for those persons and assets occupying the site, and that the development can achieve consistency with the performance criteria for SFPPs under the requirements of *PFBP2019*. As such, it is considered that bushfire risk can be suitably mitigated and does not preclude the proposed development from being carried out.

5.1.11 Noise

An Acoustic Report has been prepared to assess the potential acoustic impacts associated with the proposed development, and is included as **Appendix M**. The Acoustic Report assessed noise impacts both during construction of the childcare centre, and operation of the centre.

In relation to construction noise, the acoustic assessment determined that noise levels may be higher than the specified levels under the Interim Construction Noise Guideline (ICNG) Noise Management Levels during standard construction hours. Consequently, the report recommends that noise management and mitigation measures are adopted during noise intensive construction to limit impacts. The recommendations are as follows:

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

Construction noise impact is discussed further within **Section 8** of the Acoustic Report.

In relation to the operation of the proposed childcare centre, the results of the noise assessment demonstrate that noise emissions from the development would satisfy the relevant trigger levels at all assessed receivers once noise controls for the project are implemented. The following was recommended and has been adopted in the design:

- *The project is constructed as per the site design and plans, which includes the barrier attenuation provided by the project buildings orientation;*
- *The mechanical plant includes one 15.5kW AC unit per classroom and one for the admin space, totalling seven (7) AC units. The AC units are to be located on northern façade of the CCC building above the playground awning;*
- *Construction of an impervious barrier surrounding the northern end of playground. The barrier should be constructed to an RL of 1.8m above the relative ground level of the top of the retaining walls and consist of materials with a surface density of at least 10kg/m², and not contain any gaps (i.e. lapped and capped timber or equivalent); and*

- *Construction of an impervious barrier surrounding the northern and western boundaries of the car park area. The barrier should be constructed to an RL of 1.8m above the top of the retaining walls and consist of material consistent with those outlined above.*

It is considered that the development has adequately considered any potential acoustic impacts and will not adversely impact any nearby sensitive receivers.

5.1.12 Social & Economic Impact

The proposed childcare centre is anticipated to have the following social and economic impacts:

- The proposed childcare centre will offer childcare services for the local community, noting new residential estates typically attract younger families and there are few childcare centres within the locality, given the emerging nature of the area;
- The proposed childcare centre is centrally located and well connected in terms of future pedestrian and cyclist infrastructure, encouraging families living close by to walk or cycle to the facility;
- The proposed development promotes community cohesion and a sense belonging, providing opportunities for children and families to socialise and develop relationships with others in their community;
- The proposed development will provide employment opportunities during the construction phase, creating short to medium term employment for local trade professionals;
- Once operational, the development will providing new local employment in the broader area. In addition to this, cleaning, maintenance and other services will be required by the centre, contributing to the economy; and
- Increased accessibility to local childcare can also increase employment opportunities for parents, who may not otherwise be able to work.

Having regard to the above, the proposal is expected to result in positive social and economic impacts.

5.1.13 Landscaping

A Landscape Plan has been prepared in support of the development and is included as **Appendix N**.

The landscaping proposed is intended to facilitate outdoor learning experiences for children, and this is reflected in the design choices. The external play area includes the following features:

- A vegetable garden;
- Sandpit play area;
- Play equipment;
- Nature play areas; and
- Interactive game wall.

The proposed landscaping includes several different softscape and hardscape features, including rubber, synthetic turf, sandstone and mulch. The different features are intended to provide a range of textural and natural experiences for the children being cared for at the centre, and simulate an outdoor environment. Landscaping is also proposed along the southern and western road frontages, intended to soften the visual appearance of the building and carpark from the public domain. It is noted the proposed development will also benefit from the installation of street trees as part of the Precinct 1B subdivision works, further softening and screening the building, carpark and fencing when viewed from the street.

The proposed landscaping is of a high-quality design, and will successfully facilitate natural outdoor play for the children being cared for at the centre.

5.1.14 Waste

An Operational Waste Management Plan (**OWMP**) has been prepared in support of the development and is included in **Appendix O**.

The OWMP identifies that 6 bins are required to service the proposal, being 3 x general waste bins (1,100L MGBs each), and 3 x recycling bins (1,100 MGBs each). A total area of 18m² is required to store the bins. This has been accommodated in the design, with an 18m² external bin storage area proposed to the west of the car park. The waste storage area is accessible via the car park, and will allow for direct collection by the private waste collector, without needing to enter the childcare facility.

Servicing of the bins is to be undertaken by a private waste collector contractor, to be arranged by the service provider of the centre. Access to the waste area will be via the driveway to the car park from Road MC01. The dedicated trucking turning area in the northern section of the carpark allows waste vehicles to park and service the bins, and enables exit of the site in a forward direction. Waste servicing will be undertaken outside of peak hours.

Further information regarding operational procedures for waste management within the facility and construction requirements are detailed in the OWMP.

A Construction Waste Management Plan has also been prepared, and is included in **Appendix R**.

5.1.15 Safety, Security + Crime Prevention

A Crime Prevention Through Environmental Design (**CPTED**) Report has been prepared and is included in **Appendix P**. The CPTED Report assesses the development based on prevalent crime categories in the development area, and the implementation of the four key CPTED strategies to deal with the aforementioned crime risk, an overview of which is provided below.

The CPTED Report identifies that the area in which the development site is located is an emerging locality, and therefore it is acknowledged that the occurrence of crime is currently unlikely. Regardless, the CPTED Report notes that crime characteristics are likely to change as the area becomes developed, and recommends the following CPTED measures to assist in alleviating future crime risk.

Territorial Re-Enforcement

A fence shall be provided on all boundaries that adjoins a private property (or non-associated property), which will define and help secure the perimeter of the site. Signage at the entry point into the site should be erected and clearly identify direction of travel, entry to the facility, hours of operation and any restrictions of access.

Surveillance

Landscaping should not inhibit natural surveillance (blocking sight lines) or provide concealment and entrapment opportunities, nor should the building design inhibit natural surveillance (block sight lines) or provide concealment and entrapment opportunities. CCTV is recommended at all entry points and within the foyer of the building, as well as lighting in line with AS/NZ1158.1. A duress alarm should be located at the reception and throughout the building and be easily accessible.

Access Control

All persons entering the site should do so via reception, and the reception door should be lockable to prevent unauthorised access. Any persons regularly visiting the site (e.g. tradespeople) should have a lanyard issued by the centre to show that they have signed in. Trees should not be planted close to any buildings as they create a 'natural ladder' to the roof, and the rear play area should be secure to prevent unauthorised access.

Space/Activity Management

A minimum of two staff should be present for opening and closing of the centre, and the amount of cash kept on the premises and handled at the centre should be kept to a minimum. Appropriate signage should be included throughout the centre to promote way finding, as well as reminders to parents to lock their cars and keep valuables locked away. The broader centre should be well maintained, and evidence of anti-social behaviour should be rectified within 24 hours. A maintenance plan should be developed for the site, and the garbage bin area is to be kept secure.

The above recommendations have been, or can be, incorporated into the design and operations of the facility. On this basis, it is considered that the risk of crime or anti-social behaviour associated with the development can be effectively mitigated and managed.

5.1.16 Access

An Access Report has been prepared and is included in **Appendix Q**.

The Access Report indicates that the development is either currently in a compliant configuration, or is capable of compliance, with the relevant Building Code of Australia (**BCA**) requirements to be considered for access for persons with a disability. Further design considerations will be undertaken at the detailed design and Construction Certificate (**CC**) Stage to achieve compliance with the outstanding areas.

The Access Report concludes that the drawings presented demonstrate that compliance with the current statutory requirement affecting accessibility is achievable subject to detailed design at the CC stage.

5.2 THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (S4.15C(1)(C))

The site is considered highly suitable for a centre-based childcare facility. Notwithstanding the key element that centre-based childcare centres are permissible on the site with development consent, the individual characteristics of the site (topography, road frontages, absence of vegetation) contribute to its suitability for development. As the site is located within the R1 zone, the permissible land uses allowable on the vacant land adjacent to the proposed development are not anticipated to result in future conflicts. The site is therefore considered suitable for the development as proposed.

5.3 ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT (S4.15C(1)(D))

5.3.1 Public Submissions

It is anticipated that the DA will be notified in accordance with MCC guidelines. Any submissions received during the notification period will be considered, if requested by Council.

5.4 THE PUBLIC INTEREST (S4.15C(1)(E))

The proposed childcare centre is considered to be within the public interest. Primarily, the development wholly complies with the relevant legislated development standards and associate development controls, representing a desired outcome for development within the area and supporting the emerging residential area. The proposal will also directly contribute to the provision of key services within the area and is therefore within the public interest.

SECTION 6

CONCLUSION

6. Conclusion

This DA seeks development consent for a *centre-based childcare facility*, situated over approved Lots 301-304 and 719 of DA/2022/912, currently part of Lot 55/DP975994 (464 Cessnock Road, Gillieston Heights), and part of Auto Consol 5365-116. The proposed development is inclusive of the construction of the childcare centre (intended to care for 110 children), associated landscaping works, identification signage, and civil works, including the on-site parking area (and associated minor site earthworks), service connections, and stormwater management provisions.

As described throughout this report and its appendices, the proposed development is unlikely to result in any significant or adverse impacts that cannot otherwise be mitigated and will contribute positively to its surrounds.

The proposed development predominantly complies with the necessary provisions of the *MLEP2011*, in addition to the *State Environmental Planning Policy (Transport and Infrastructure) 2021*, *Education and Care Services National Regulations (2011 SI 653)*, *Childcare Planning Guidelines*, and the *MDCP2011*.

The proposed development is representative of the desired outcomes for the broader area and is suitable for the site.

Taking the above into consideration, the proposal suitably addresses all relevant matters under Section 4.15 of the *EP&A Act 1979* and on this basis, it is requested that Council grant development consent to the application.