

Dated: July 2025

STATEMENT OF ENVIRONMENTAL EFFECTS



Proposed Child Care Facility and 1 into 2 lot subdivision

127 New England Highway, Lochinvar

Lot 1, DP 779536

Applicant: xxx C/- Brown Commercial Building

1 INTRODUCTION

This Statement of Environmental Effects (SEE) is submitted to Maitland City Council (Council) in support of a Development Application (DA) at 127 New England Highway, Lochinvar (the site) for the following:

- Construction and use of a of a 108-place centre-based child care facility (GFA 882m²);
- Provision of 27 on-site car parking spaces including one (1) accessible space plus a designated loading bay;
- Construction of an entry/exit driveway via New England Highway,
- Associated earthworks, new landscaping, retaining walls, fencing and signage;
- One into two lot Torrens Title Subdivision; and
- Other minor works as illustrated on the proposed Plans included at **Appendix A**.

This SEE has been prepared to demonstrate environmental, social and economic matters associated with the proposal as outlined in **Section 3** of this report. This statement examines how the proposal fits the location and the planning merits of the development in accordance with statewide planning instruments including *Chapter 3 Educational Establishments and Child Care Facilities of State Environmental Planning Policy (Transport and Infrastructure)*, *Maitland Local Environmental Plan (LEP) 2011* and *Maitland Development Control Plan (DCP)*.

The objectives of this SEE are the following:

- To provide a description of the subject site and the surrounding locality;
- To provide details of the proposal;
- To provide discussion of the relevant environmental planning instruments and controls; and
- To provide an assessment of the potential environmental, social and economic impacts of the proposed development.

2 SITE ANALYSIS

2.1 Site Details

The site is located within Maitland Local Government Area (LGA) at 127 New England Highway, Lochinvar

The lot is roughly rectangular in shape with an area of 6,298m² of which 3,445m² will be developed for the purpose of the childcare with 2,853m² of residual land remaining at the rear. The lot has a frontage to New England Highway of approximately 40m. The site levels range between 29m Australian Height Datum (AHD) to 40m AHD.

The site is currently being utilized as residential land. Demolition is required to facilitate the proposal.

There are 6 large trees located on the development site which are proposed to be removed under this DA. Refer to Figures 1 and 2 for site aerial and cadastre.

Figure 1 - Site Aerial

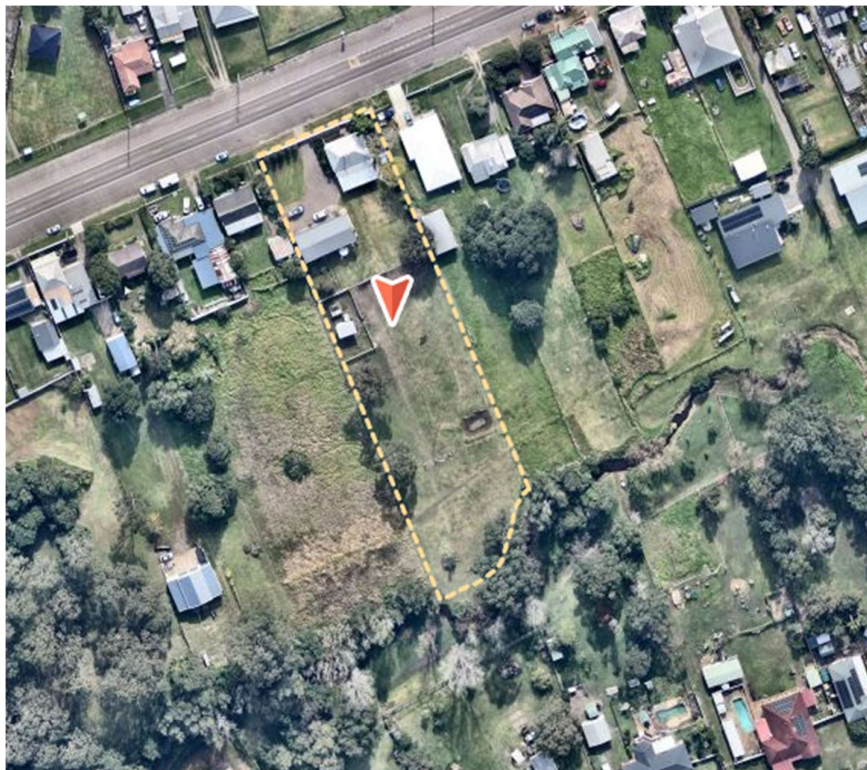


Figure 2 - Site Cadastre



2.2 Hazards and Constraints

The site is unaffected by the following hazards and natural constraints:

- The site is not located within a coastal zone;
- The site is not within a mine subsidence district;
- The site is not affected by road widening or road realignment proposals;
- The site is not affected by a policy restriction for landslip;
- The site is not mapped as bushfire prone land;
- The site is not located within a heritage conservation area and does not contain any listed heritage items (local or state);
- The site is not reserved for acquisition under any environmental planning instrument; and
- The site is not located in close proximity to any sex service premises or restricted premises.

2.3 Surrounding Land Uses

The surrounding land is predominantly zoned General Residential (R1) with Large Lot Residential (R5) to the rear. The New England Highway, a State Classified Road, is located directly to the front of the site.

The site is surrounded by mainly residential type developments, however Lochinvar Medical centre and Public school are located to the east of the site.

Lochinvar creek is located to the rear of the site but will be located more than 40m from the development proposed.

3 PROPOSED DEVELOPMENT

This application seeks approval for use and construction of a centre-based childcare facility with associated signage, landscaping and car parking. Additionally, subdivision forms part of this application. Further details are provided below.

3.1 Child Care Facility

The proposed childcare building is a single storey rectangular shaped design and extends to 882m² Gross Floor Area (GFA). The facility has capacity for 108 children across six rooms comprising the following breakdown:

- Pre-school room 1 (3-5 years) - 20 children
- Pre-school room 2 (3-5 years) - 20 children
- Toddlers room 3 (2-3 years) - 20 children
- Toddlers room 4 (2-3 years) - 20 children
- Babies room 5 (0-2 years) -12 children
- Babies room 6 (0-2 years) -16 children

In addition, a commercial kitchen is provided as well as administration areas, foyer, universal WC and laundry. Internal storage is provided within each room. A mixture of natural and mechanical ventilation is proposed with natural ventilation utilized where possible, and mechanical used to supplement as required.

A large outdoor play area is provided at the rear of the building with an area of 772m² of unencumbered space. Each room will have direct access to the external play space through double-glazed doors. An awning is provided off the rear of the building providing shade to the play area. In addition, an awning is provided shading approximately 29% of the outdoor area.

A drying area easily accessible from the external under covered areas is provided on the south western side of the building.

The building is contemporary in form, materials and colour palette. Being purpose-built, the building incorporates adequate facilities and amenities to suit the needs of occupants and ensures compatibility with the operational requirements under the *Education and Care Services National Regulation* and the *Child Care Planning Guideline 2021*.

The siting of the building establishes good spatial relationships between internal and external play spaces, and the safe supervision of children in each space through a visual connection provided through large, glazed windows and doors.

The proposal has been designed to incorporate equitable accessibility for all users, in accordance with legislative requirements and AS1428.

Services including water supply, sewer, stormwater drainage, and electricity are all available within reasonable proximity to the subject site. The childcare facility will connect to these services as necessary and in accordance with authority/service provider requirements.

3.2 Operational Hours and Staff

The centre will operate for 52 weeks per year, excluding public holidays. The proposed hours of operation are 6:30am - 7pm Monday to Friday (closed weekends).

As the centre has been designed to cater for 0–5 year olds, the number of educators in rooms shall be dictated by the required ratios for NSW under the National Regulations (ie 1 per 4 for babies; 1 per 5 for toddlers; and 1 per 10 for pre-school aged children). In addition, there will be an onsite cook, manager and administration staff. External contractors shall routinely be required to enter the premises for cleaning and maintenance purposes, sometimes after hours.

3.3 Outdoor Play Areas and Equipment

Sufficient space and high quality, age-appropriate and safe equipment have been considered in the design of the outdoor play areas. An awning and shade sails are provided so children can enjoy outdoor play out of direct sunlight during the hotter months.

Play areas have been designed for the babies, toddlers and pre-school cohorts to ensure age-appropriate equipment and design is achieved. Pools style fencing will allow the carers to move freely between the areas. Features of the outdoor areas include raised veggies gardens, sandpits, mud kitchens, cubby houses, sensory pathways, bike path and a forest run with densely planted grasses and stepping stone pathway. Refer to the Landscape Plans at **Appendix H** for full details.

3.4 Storage

Internal storage has been included within each of the rooms meeting or exceeding the minimum requirements under the NQF (0.2m³ per child). It has not been included in the unencumbered internal area calculation.

Internal storage provision is outlined below:

- Babies rooms – 2.6 and 3.9m³
- Toddler rooms – 5.2m³ in each room

- Pre-school room – 5.2m³ in each room

Total internal storage – 27.3m³ (minimum required 21.6m³).

Practical and accessible external storage will also provide within the outdoor area meeting the National Quality Framework of 0.3m³ per child. Similar to internal calculations, the unencumbered outdoor space provisions are exclusive of the storage areas. A large storage shed is provided as well as sandpit storage boxes in each of the play areas.

3.5 Safety and Security

A safe and efficient car parking arrangement is provided with sufficient car parking spaces to cater for the size of the centre. A safe and secure entry system will be used with visitors gaining entry to the building only by invitation by staff or fob key type arrangement.

3.6 Waste Management and Deliveries

A loading zone is provided for service vehicles, adjacent to the waste storage area. Waste from the operation will be stored in the covered waste area where ample room is provided for bins to separate general waste, recycling bins and nappies. Waste will be collected by a private contractor from within the site outside of peak hours. Further details on Waste Management are provided in the WMP at **Appendix E**. Swept paths are provided in the Traffic and Parking Assessment Report (TPAR) at **Appendix C**.

Deliveries to the proposed childcare centre will be undertaken by a variety of light commercial vehicles such as vans, utilities and the like, which are capable of fitting into a conventional parking space. Deliveries will therefore be scheduled to occur outside of peak periods when the on-site drop-off/ pick-up spaces will be largely vacant. Notwithstanding, a dedicated loading bay is provided at the southern end of the car park. Deliveries are estimated to be 3 per week with no more than one per day.

3.7 Signage

The proposed signage scheme is simple and concise with the primary aim of lawfully identifying the land use and operator of the premises.

A total of four (4) sign are proposed on the building being a round entrance sign located under the awning at the front of the building and along the western elevation.

The signs will be made of high quality materials and will not dominate the streetscape. The plans at **Appendix A** indicate the size, location, and dimensions of proposed signs.

As specific details of the signage are not yet confirmed, a signage zone is indicated on the plans and will contain the name and/or logo of the childcare operator.

3.8 Stormwater Management

The development will capture all roof water from the building connecting to the OSD tank located beneath the driveway at the southern end of the car park. It will have a storage volume of 118.2m³. All driveway/carpark stormwater runoff will be collected in a series of pits and pipes and conveyed to the underground OSD tank. Overflow from the OSD tank will discharge to the rear of the block.

All gutters and downpipes are designed to accept a 1:20 year ARI storm event. Box gutters and downpipes are designed to accept a 1:100 year ARI storm event. All pits and pipes are designed to accept a 1:20 year ARI storm event. Ocean protection ocean guard and ocean protect storm filters are used. The stormwater arrangements for the site have been prepared by Eclipse Consulting Engineers and are included at **Appendix G**.

3.9 Vehicular Access and Parking

Vehicular access to the childcare facility is proposed via a new entry/exit driveway located on the western side along proposed Lot 1's New England Highway site frontage..

The proposed driveway will provide for cars and service vehicles in accordance with the Australian Standard for Parking Facilities (Part 1: Off-street car parking and Part 2: Off-street commercial vehicle facilities), AS 2890.1:2004 and AS 2890.2 –2018.

The development includes 27 parking spaces including one accessible space adjacent to the entry. Parking spaces will be typically 2.6 metres wide by 5.5 metres long. The disabled parking space will be 2.4 metres wide, with a 2.4-metre-wide adjacent area for wheelchairs.

The two-way circulation aisles will be a minimum of 6.7m wide. These dimensions satisfy the requirements of the Australian Standard for Parking Facilities AS 2890.1:2004 and AS 2890.6:2009.

The internal layout of the proposal will provide for cars and service vehicles to enter the site, circulate, and exit in a forward direction. Dense landscaping between the street and car parking area will provide an aesthetically pleasing view of the development from the street.

Further details on traffic, access and parking compliance are included in the TPAR prepared by SECA Solutions (refer to **Appendix C**).

3.10 Landscaping and Tree Removal

The six existing trees located on site are all removed under this DA. An Arborist report accompanies this application. One of the large trees has been incorporated into the 5m landscaped setback to New England Highway, in front of the childcare development.

Proposed new landscaping includes trees, shrubs, grasses and groundcovers. Landscaping has been designed to complement the built form, soften the car parking area, and enhance the outdoor play area while ensuring the functionality of the site.

The planting palette is based on suitability for the proposal and the durability of the species selected. Refer to the Landscaping Plan and documentation at **Appendix H** for full planting and play equipment specifications.

3.11 Subdivision

It is proposed to subdivide the existing lot into 2 Torrens Title allotments as per the following:

- Proposed Lot 1 – 3,445m²; and
- Proposed Lot 2 – 2,853m²

Refer to the Proposed Subdivision Plan at **Appendix A**.

It is noted that an easement is proposed to allow right of carriageway benefitting the subject site.

3.12 Land use at the rear.

The land use at the rear is only indicative for now and is subject to further approvals, hence should not impact this approval.

3.13 Construction Management

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

4 ENVIRONMENTAL PLANNING INSTRUMENTS AND CONTROLS

4.1 Education and Care Services National Regulations

A service approval under this regulation shall be required for the operation of the child care facility. The proposal has been assessed against the design requirements of this regulation to ensure consistency between the development and the requirements for a service approval.

Part 3: Facilities and Equipment stipulates various requirements for centre-based child care facilities. Where relevant, such requirements are demonstrated on the proposed Plans at **Appendix A**. The proposal satisfies all Part 3 requirements in the design. Additional requirements under other parts of the regulation, including record keeping, staffing and operational matters are required to be met by the service provider once operational.

A summary of compliance in regard to unencumbered indoor and outdoor space and internal and external storage provision is provided below at **Table 2**. Where relevant, such requirements are also demonstrated on the proposed Plans at **Appendix A**.

Table 1 – Child Care Area of Compliance

AREA COMPLIANCE SUMMARY

TOTAL NUMBER OF CHILDREN	108
4 - 5 PRE SCHOOL	40
2 - 3 YEARS TODDLERS	40
0 - 2 YEARS BABIES	28
PRE SCHOOL 4 - 5 YEARS UNENCUMBERED INDOOR AREA	
PLAYROOM 01	20 CHILDREN 66.5m ² (55m ² + FREQ)
PLAYROOM 02	20 CHILDREN 65.1m ² (55m ² + FREQ)
TODDLERS 3 - 4 YEARS UNENCUMBERED INDOOR AREA	
PLAYROOM 03	20 CHILDREN 65.5m ² (55m ² + FREQ)
PLAYROOM 04	20 CHILDREN 65.1m ² (55m ² + FREQ)
BABIES 0 - 2 YEARS UNENCUMBERED INDOOR AREA	
PLAYROOM 05	16 CHILDREN 54.1m ² (52m ² + FREQ)
PLAYROOM 06	12 CHILDREN 41.3m ² (20m ² + FREQ)

4.2 Environmental Planning and Assessment Act 1979

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

The proposed development does not trigger Integrated Development pursuant to Section 4.46 of the EP&A Act.

4.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

The proposal does not trigger 'traffic generating development' under Clause 2.122 and Schedule 3, therefore referral to Transport for NSW (TfNSW) is not required. However, given the development is on a state road, a referral will be undertaken.

Chapter 3 Educational Establishments and Child Care Facilities

The proposed child care centre is defined under this SEPP as "centre-based child care".

Part 3.3 Early Education and Care Facilities - Specific Development Controls

The following clauses are of relevance to the centre-based child care proposed at the site:

Clause 3.22 Centre-based child care—concurrence of Regulatory Authority required for certain development

- (1) This clause applies to development for the purpose of a centre-based child care facility if:*
- (a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or*
 - (b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.*

- (2) The consent authority must not grant development consent to development to which this clause applies except with the concurrence of the Regulatory Authority.*

The proposal satisfies the regulations 107 and 108 of the Education and Care Services National Regulations in terms of meeting the minimum unencumbered indoor space (3.25m² per child) and unencumbered outdoor space (7m² per child) as demonstrated in Table 2, therefore concurrence from the regulatory authority is not required.

The Education and Care Services National Regulations checklist for compliance is provided at **Appendix F**.

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

Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.

The applicable provisions of the Child Care Planning Guideline are addressed in **Section 4.7** of this SEE and a detailed table of compliance is provided at **Appendix F**.

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

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

(2) The following are non-discretionary development standards for the purposes of section 4.15 (2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility:

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

(b) indoor or outdoor space

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

(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 (now 2019) applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,

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

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

(3) To remove doubt, this clause does not prevent a consent authority from:

(a) refusing a development application in relation to a matter not specified in subclause (2), or

(b) granting development consent even though any standard specified in subclause (2) is not complied with.

The location, indoor and outdoor space provisions, site dimensions and colour scheme proposed under this DA satisfy the criteria within the National Regulations.

Clause 3.27 Centre-based child care—development control plans

(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:

(a) operational or management plans or arrangements (including hours of operation),

(b) demonstrated need or demand for child care services,

(c) proximity of facility to other early childhood education and care facilities,

(d) any matter relating to development for the purpose of a centre-based child care facility contained in:

(i) the design principles set out in Part 2 of the Child Care Planning Guideline, or

(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).

(2) This clause applies regardless of when the development control plan was made.

Noted, however there are no non-compliances with Maitland DCP in this regard. A compliance table is provided at **Appendix F**.

4.4 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

Clause 4.6(1) of the SEPP states:

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

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

A Detailed Site Investigation (DSI) has been undertaken by SANKO (included at **Appendix I**). Analytical results of soil samples indicated that all analytes were below the NEPM Health and Ecological Assessment Criteria for Residential (A) development. The recommendations were as follows:

1. Prior to any proposed demolition of existing onsite structures to facilitate the construction of the new development, a **Hazardous Building Materials Survey** should be undertaken on the sites structures to aid in the safe demolition and offsite disposal of any onsite structures that require offsite removal. All receipts for material removed offsite during the demolition process should be retained for waste disposal tracking and record keeping requirements;
2. Any driveway gravel material that requires offsite removal should be stockpiled separately and can be removed offsite after material classification as per the NSW EPA The Recovered Aggregate Exemption 2014;
3. Any excavation spoil generated during the proposed development of the site that require offsite removal should be removed offsite after Waste Classification Assessment as per the referenced NSW EPA Waste Classification Guidelines with all receipts and reports for material disposed offsite being retained (likely Virgin / Excavated Natural Material);
4. Any material imported onto the site during the proposed development should be either quarry sourced material with receipts, recycled aggregate accompanied by the relevant receipts and classification certificates OR Virgin / Excavated Natural Material also accompanied by material classification certificates.

4.5 State Environmental Planning Policy (Industry and Employment) 2021 Chapter 3 Advertising and Signage

Clause 3.6 states that a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) *that the signage is consistent with the objectives of this Policy as set out in clause 3.1 (1) (a), and*
- (b) *that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.*

It is considered that the proposal satisfies the relevant criteria outlined within Chapter 3 of the SEPP. Consistency of the development with Clause 3.1(1)(a) is discussed further in **Section 5.9** of this report. A detailed assessment of the proposal against the Schedule 5 Assessment Criteria is provided in **Appendix F**.

4.6 Water Management Act 2000

The development is located near a watercourse. However, given the distance to the construction works, it is noted that a referral to NRAR is not required.

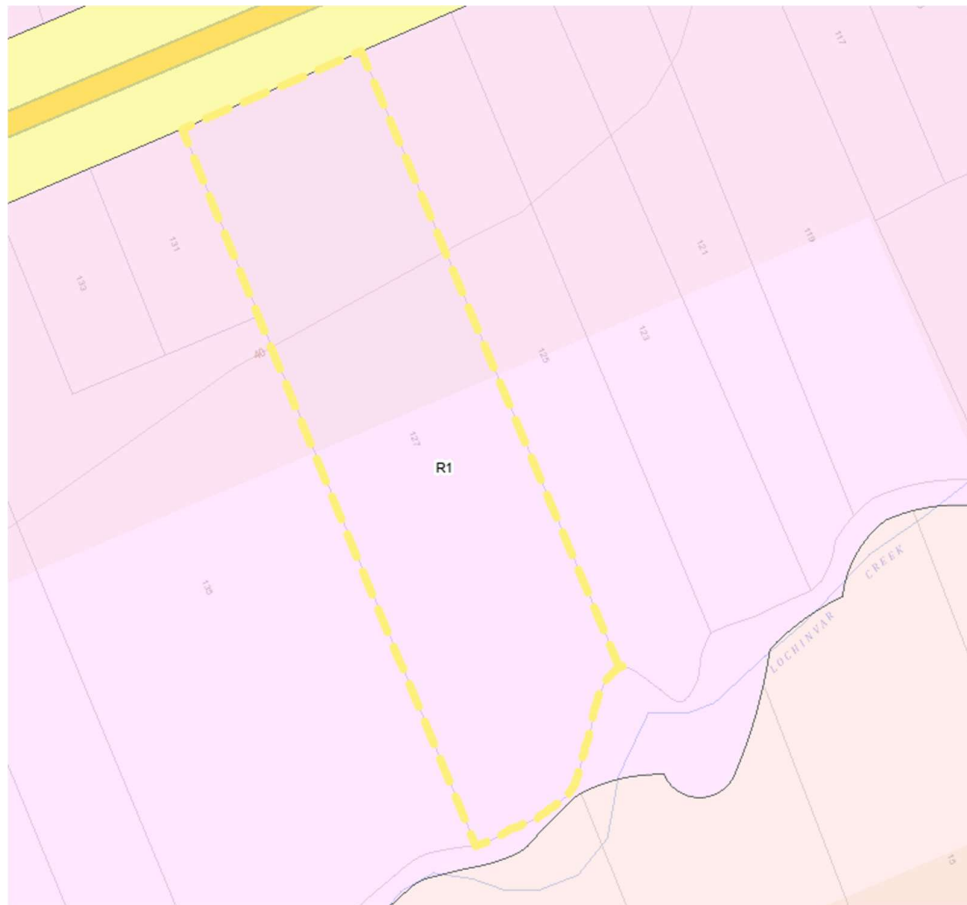
4.7 Maitland Local Environmental Plan (LEP) 2011

The site is within the land application area of Maitland Local Environmental Plan 2011 (LEP 2011).

Land Use Table

The site is Zoned R1 General Residential under the provisions of LEP 2011, refer to **Figure 4**. A centre-based child care facility is a permissible use within the R1 zone.

Figure 4 – Zoning Map Extract (Source: ePlanning Spatial Viewer)



Zone E3 Productivity Support

Objectives of zone

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

Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; **Centre-based child care facilities**; Community facilities; Dwelling houses; Group homes; Home-based child care; Home industries; Hostels; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

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

Clause 4.1 Minimum Subdivision Lot Size

The subject site has a specified minimum lot size for subdivision of 450m² under the LEP.

Clause 4.3 Height of Buildings

The subject site does not have specified building height limit under the LEP.

Clause 4.4 Floor Space Ratio

The subject site does not have a specified FSR under the LEP.

Clause 4.6 Exceptions to Development standards

There are no variations proposed to any development standards sought in conjunction with the proposal.

Clause 5.21 Flood Planning

The site is mapped as located within a flood planning area. However, the childcare does not form part of the land that is mapped.

Clause 5.10 Heritage Conservation

The subject site is not located within a heritage conservation area and does not contain any listed heritage items.

Clause 7.1 Acid Sulphate Soils

The objective of this clause is to ensure that development does not disturb, expose, or drain acid sulphate soils and cause environmental damage. The site has been identified as Class 5 on the Acid Sulfate Soils mapping.

The DSI considered the risk of ASS being present at the site and found that not ASSMP is required of for the site. The proposed development is not expected to present an environmental risk in terms of disturbance of ASS, as such, it is considered to be compliant with the objectives provisioned within Clause 7.1.

Clause 7.2 Earthworks

The proposed earthworks to be undertaken as part of this DA will not adversely impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. Appropriate environmental mitigation measures will be implemented during works as conditioned by Council.

4.7 Child Care Planning Guideline 2021

In accordance with Clause 3.23 of Chapter 3 of *SEPP (Transport and Infrastructure) 2021*, the following provides an assessment of the proposed development against the applicable provisions of the Child Care Planning Guideline 2021.

The objectives of the Guideline are as follows:

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

The proposed childcare facility has been designed to achieve high levels of amenity for the occupants of the building, and to provide a safe and functional child care centre layout. The design is consistent with the objectives of the design criteria contained within Part 2 of the Planning Guideline and Part 3 Matters for Consideration as detailed in the compliance table at **Appendix F**.

4.8 Maitland Development Control Plan (DCP)

Maitland DCP Chapters relevant to the site and proposed development are:

- 4.8.1 Part B- Environmental
 - 4.8.1.1B5 Tree and Vegetation Management
 - 4.8.1.2B.6 Site Waste Minimisation and Management
- 4.8.2 Part C
 - 4.8.2.1C1 accessible living
 - 4.8.2.2C6 Signage
 - 4.8.2.3C10 Subdivision
 - 4.8.2.4C11 Vehicular Access and Car Parking
 - 4.8.2.5C12 CPTED
- Part F
 - D9- Lochinvar Urban release area

The proposal is generally compliant with all relevant provisions of DCP 2011. A detailed assessment of the proposed development against the controls is provided in the compliance table at **Appendix F**.

5 ASSESSMENT OF PLANNING ISSUES

The following is an assessment of the environmental effects of the proposed development as described in the preceding sections of this SEE.

5.7 Traffic, Access and Parking

A Traffic and Parking Assessment Report (TPAR) has been undertaken by Seca Solutions for the proposed development, refer **Appendix C**. The report examines the traffic implications of the proposed development including the predicted traffic generation and its impact on the surrounding road network, parking and transport environment. The report also reviews parking requirements, access provisions and public transport, including assessment against Council, Australian Standards and the Child Care Planning Guideline as required.

Traffic

It is noted that the site lies within a large residential catchment area of i.e. the proposed childcare centre is expected to draw much of its enrolments from nearby residents and employees who will likely drop-off/pick-up their child(ren) on the same trip to/from work.

Based on the above TfNSW trip generation rates for long day childcare centres, the proposed development has a traffic generation potential of an additional 10 trips two way to the east or west of the site.

The anticipated road network peak trips provided above are not significant. As such, the traffic impact to the surrounding road network during the weekday morning and afternoon road network peak periods is expected to be minimal and fall within daily fluctuations. Accordingly, the proposal is supportable on traffic grounds.

Access and Internal Circulation

Vehicular access to the site is proposed from a 7m wide entry/exit driveway on New England Highway. New England Highway is a state road and carries two-way traffic movements. The car parking access and layout has been assessed to achieve the relevant clauses and objectives of *AS2890.1:2004, AS2890.2:2018 and AS2890.6:2022*.

The development provides loading and servicing facilities with swept paths provided in the

Architectural Plans. All movements entering and exiting the site will be in a forward direction.

Parking

The parking area containing 27 parking spaces including one accessible space has been assessed against the relevant sections of *AS2890.1:2004*, *AS2890.2:2018*, and *AS2890.6:2022* and is found to satisfy the objectives of each standard.

The proposal meets the car parking rates as outlined within Council's DCP and The Child Care Planning Guideline 2021 of 1 per 4 children ($108/4 = 27$).

5.8 Landscaping

Extensive new landscaping is proposed that will complement the built form of the development including new trees, shrubs, grasses and groundcovers. The proposed landscaping has been prepared in accordance with relevant Council requirements as well as having regard for the practicality of ongoing management. Specifically, a 5m landscaped setback is proposed to New England Highway for continuity with the neighbouring development to the north.

Tree and shrub species, sizing & locations have been chosen to ensure that passive surveillance is maintained at the building entrance and driveway with smaller groundcovers and shrubs adjacent to paths and buildings in accordance with Crime Prevention Through Environmental Design (CPTED) principles.

Plant species selection has been considered in terms of soil types, species hardiness and on-going watering maintenance requirements. Non-toxic plants are selected for the outdoor play areas and plants with sharp or spiky features are avoided.

Landscaping features such as raised veggie gardens, forest run and stepping stone pathways are incorporated within the outdoor play area for the child care facility providing natural shade and opportunities for safe 'nature play'. The landscape design in this area results in an attractive development with good amenity assisting in the learning outcomes of the children. A detailed Landscape Plan is included at **Appendix H**.

5.9 Acoustic Impact

A Noise Assessment (NA) has been conducted by Muller Acoustic Consulting, refer **Appendix D** The Assessment has noted the following, In general, the impact of outdoor activity noise from childcare facilities is considered to be sufficiently mitigated by the site zoning and the limited periods of outdoor recreational activities, that is during dedicated recess and lunch breaks, occurring from Monday to Friday. Additionally, one could expect significantly lower noise levels for passive play.

Operational Noise

The NA quantified potential operational noise emissions from the development on the closest commercial and residential receivers (see Figure 4 in the NA), including noise associated with cars, delivery/service vehicles, children playing outdoors, and the mechanical plant required for the building. The assessment also quantified potential noise intrusion from surrounding noise sources on the internal and external areas of the proposed child care centre.

The following noise attenuation controls will be incorporated into the development:

- Acoustically speaking, windows are usually the weakest parts of a facade. An open or acoustically ineffective window will adversely compromise the effect of an otherwise acoustically effective facade. Proper installation is critical to the effectiveness of noise attenuation of windows and other building elements. Therefore, given the measured exterior noise levels associated with the project, it is recommended that as a minimum, Category 3 of noise control treatment be utilised for building envelope particularly for glazing in the design of this development

The results of the NA demonstrate that emissions from the project would satisfy the relevant criteria at all receivers for all assessment periods based on the above noise controls being implemented.

5.10 Visual Impact

The proposed development has been designed to visually complement the surrounding residential developments.

The architectural character of the proposed building is compatible with the diverse character of the surrounding area. High quality materials and finishes have been selected with articulation used to highlight the entry point. A neutral colour palette will allow the building to integrate seamlessly into the surrounds.

Extensive on-site landscaping works and plantings within the car parking area will enhance the proposal making a positive visual contribution to the New England Highway streetscape as well as enhancing on site amenity.

5.11 Odour

It is not expected that the proposal will have a significant impact on surrounding premises from any potential odours associated with cooking/food preparation activities undertaken within the kitchen, nor will odour be observed from the waste storage area (which is enclosed and fully roofed).

Operation of the kitchen will be in accordance with the Food Standards Code in *The Food Act 2003 and Australian Standard 4674 – Design Construction and Fit-out of Food Premises*.

5.12 Overshadowing

Due to the single storey nature of the building and suitable setbacks proposed, it is not expected that the proposal will not have any unreasonable impact as a result of overshadowing neighbours.

5.13 Lighting

Appropriate external lighting will be installed within the site, including lighting at the entrance to the building and within the parking area. External lighting will contribute to the overall safety of the site and will be in accordance with *AS4282-1997 Control of the obtrusive effects of outdoor lighting* and *AS1158 Lighting for Roads and Public Spaces*.

5.14 Crime Risk

The development has been designed to and shall be managed by the operator to minimise and discourage criminal activity and promote the safety of parents/carers, children and staff. The proposal demonstrates natural surveillance opportunities through large glazed windows from the building overlooking the car park and unimpeded sightlines at the driveway entry.

The concept of space management will be established and maintained throughout the life of the development, ensuring the site remains in a clean and usable state for the community to utilise. Operational mitigation measures will be implemented to further promote on site safety such as the use of a fob system for access to the building.

The proposal is generally consistent with Crime Prevention Through Environmental Design (CPTED) principles and has regard for the 4 key strategies (surveillance, access control, territorial reinforcement and activity and space management) of crime prevention and public safety. Landscaping that will enhance the aesthetics of the development is used without providing dense landscaping where offenders could hide or entrap victims.

5.15 Signage

A conservative approach to signage has been adopted to ensure signage does not dominate the street. The development includes a round business identification sign above the building entrance (under awning) as well as a freestanding entrance sign facing the road.

Signs are non-offensive and non-dominant to the street. They are not illuminated and there will be no flashing elements or light spill.

The aims of Chapter 3 Advertising and Signage of *SEPP (Industry and Employment) 2021* are to ensure that signage:

- (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,*

It is considered that the proposed signage is compatible with the character of the area. The signs will be of an appropriate height and proportion to not detract from the amenity and visual character of the surrounds. Building signage does not protrude beyond the built form and will be of a high quality design and finish.

Overall, the design of signage is appropriate for the use and setting of the site and will identify the user of the child care in an appropriate manner. They create no public safety concerns and meet the objectives and provisions of Chapter 3 Advertising and Signage of *SEPP (Industry and Employment) 2021* and Council's DCP, as demonstrated in the compliance tables provided at **Appendix F**.

5.16 Waste Management

A Waste Management Plan (WMP) has been prepared for the proposed development, addressing each stage of the proposed development from demolition and construction through to the ongoing management of waste when the premise is operational, refer to **Appendix E**.

Demolition and Construction Waste

Type and quantities of demolition and construction waste are detailed in the WMP. The Erosion and Sediment Control Plan provided within **Appendix B** includes details of the proposed stockpile location within the site and traffic movement to and within the site by vehicles during the excavation and construction phases. Waste during these phases shall be appropriately managed on site to minimise cross-contamination and optimise opportunities for reuse of materials. Stockpiles shall be suitably contained and regularly checked.

Operational Waste

The types of waste generated during operation will include food waste, paper and cardboard, plastics, containers, residual waste, nappies and miscellaneous waste. A secure waste storage area is located at the southern end of the building where staff will be responsible for sorting and storing operational waste. Waste and recycling will be collected on site via private contractor on an as needs basis, to be determined once operational.

5.17 Sediment and Erosion Control

Best practice erosion and sedimentation controls shall be put in place during construction and will be maintained at all times until the site has been stabilized. All erosion and sediment control devices will be constructed, placed and maintained in accordance with respective Council specifications and Landcom soil and construction manual and as shown on the proposed Sediment and Erosion Control Plan prepared by Eclipse at **Appendix B**. Erosion and sedimentation controls shall be checked daily and maintained in working order especially after heavy rain events.

Contractors' vehicular access to the site will be restricted to a single all weather access point located on New England Highway, so as to reduce the likelihood of sediment being trafficked off site. Sediment fencing will be installed around selected parts of the perimeter of the site as detailed on the plans.

All stockpiles of building material such as sand and soil will be protected to prevent scour and erosion. Full details are to be provided in a Construction Management Plan (CMP) to be prepared at the construction certificate stage.

5.18 Contamination

A DSI has been undertaken to ensure the site is suitable for the proposed childcare use (refer **Appendix I**). As detailed in Section 4.4 of this SEE, analytical results of soil samples indicated that all analytes were below the NEPM Health and Ecological Assessment Criteria for Residential (A) development.

5.19 Social and Economic Impacts

The proposal is expected to have positive impacts in relation to both social well-being and economic growth for the local and wider community.

The positive economic impacts will be realised through both construction and ongoing operational phases of the proposed childcare. Construction jobs and flow-on economic benefits to the community will occur over a 1-2 year period following DA/CC approval.

The development represents a much needed childcare facility in an area that has a growing number of young families with limited long day options. It is expected that the development will have an enduring positive impact on the neighbourhood and inevitable will prove to be a focus of local community identity and support.

5.20 Public Interest

The proposal is in the public interest as it will deliver several public, social and economic benefits with minimal adverse impacts (as detailed within this report).

A well-designed childcare facility is appropriate for the location and setting within Rutherford. It is easily accessible for people traveling past the site and will be highly desirable for those reliant on childcare. The purpose-built facility proposed under this DA will provide an essential service to the area meeting the needs of young families in a convenient and accessible location.

5.21 Building Access

Access to the building will be compliant with the relevant legislation and criteria including the Building Code of Australia (BCA) and the *Disability Discrimination Act 1992* and *AS1428 – Design for Access and Mobility* to ensure that adequate pedestrian and disabled access is provided for the development. As illustrated on the proposed plans, an accessible path of travel is available from the car park into the building and within the building and outdoor play areas.

6 CONCLUSION

The proposed childcare facility to be located at 127 New England Highway, Lochinvar will provide a high- quality facility for young families with minimal environmental or amenity impacts on the surrounding area.

The development being purpose designed and built incorporates facilities and amenities to suit the needs of the specific occupants and ensures compatibility with the physical requirements under the National Quality Framework. The proposal is compliant with relevant legislative requirements and controls, in particular *Chapter 3 Educational Establishments and Child Care Facilities of SEPP (Transport and Infrastructure) 2021, The Child Care Planning Guideline 2021 and Education and Care Services National Regulation.*

The proposal including subdivision is permissible within the R1 General residential zoning and has been found to be compliant with all controls and requirements contained within the LEP. A detailed assessment against the applicable sections of the DCP has been undertaken and the development was found to be compliant with all relevant objectives and controls.

The SEE has detailed all the relevant matters of consideration pertaining to the proposed development under Section 4.15 of the EP&A Act 1979. The proposed development will provide a safe, functional, and environmentally responsive development outcome for the site and locality. It is considered the proposal is therefore worthy of Council's support.

APPENDICES

Appendix A – DA Plans

Appendix B – Civil Engineering Plans

Appendix C – Traffic and Parking Assessment Report

Appendix D – Noise Impact Assessment

Appendix E – Waste Management Plan

Appendix F – Compliance Tables

Appendix G – Plan of Management

Appendix H – Landscaping Plans

Appendix I – Preliminary Site Investigation/ Detailed Site Investigation

Appendix J- Access report

Appendix K- Acid Sulfate soil report

Appendix L- Air Quality assessment

Appendix M- Arborist report