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Statement of Environmental Effects

Client: [REDACTED]

Project: Child Care Centre

Site Address: 2 Premiers Street, Nemingha

18 March 2025

Our Reference : 43564-PR01_B

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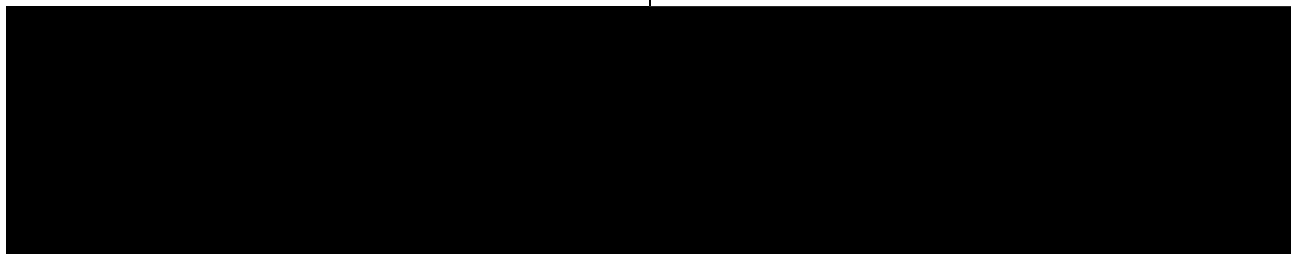
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Project Name:	Construction of a Child Care Centre and Associated Infrastructure at 2 Premiers Street, Nemingha
Client:	[REDACTED]
Project Number:	43564
Report Reference:	43564-PR01_B
Date:	18 March 2025

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1. INTRODUCTION

1.1. Background

Barnson Pty Ltd has been engaged by Robjie Superannuation Pty Ltd to prepare information in support of a Development Application (DA) for the construction of a single storey building and associated infrastructure for the use as a Child Care Centre at 2 Premiers Street, Nemingha.

The subject site is located on the corner of Premiers Street and Nundle Road and has an area of 1 hectare. The site is vacant land.

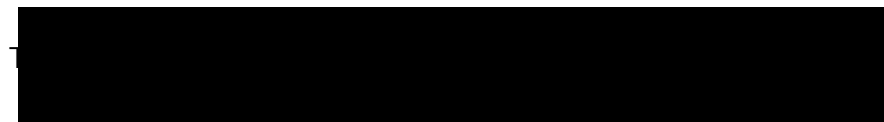
The project will consist of the construction of a new building to be used as a childcare centre, associated carparking, landscaping and infrastructure. The proposed centre shall accommodate up to 168 children and 29 staff members.

The site is zoned R5 Large Lot Residential pursuant to the provisions under the *Tamworth Regional Local Environmental Plan 2010*. The proposed development is defined as a 'centre-based childcare facility', which is permissible with consent in the R5 zone.

This application consists of:

- A completed development application form; and
- PDF copy of this written statement, including plans and supporting documents.

1.2. Proponent



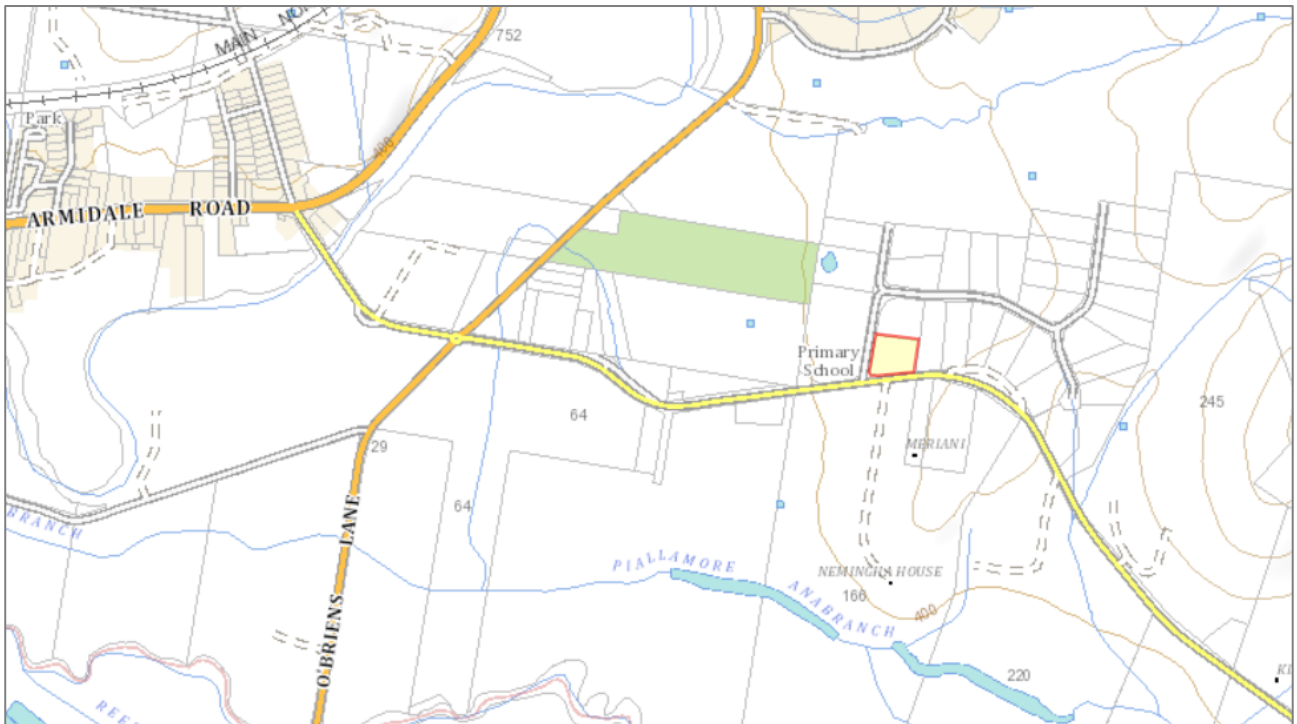
1.3. Consultant

Barnson Pty Ltd
Jack Massey
Suite 8 / 11 White Street
Tamworth NSW 2340

2. EXISTING ENVIRONMENT

2.1. Location and Title

The subject site of this application is Lot 111 DP 1272283, known as 2 Premiers Street, Nemingha. The site is located on the corner of Premiers Street and Nundle Road within proximity to the suburb of Nemingha, as shown in Figure 1 below.



Source: (NSW Government Spatial Services, 2024)

Figure 1 – Site Location

The site has an overall area of 1 hectare (refer to Deposited Plan in Appendix A and Detail Survey in Appendix B of this report). The site has direct access to Premiers Road and is vacant land.

Refer to Plates 1-3 and Figure 2 below for images of the site.



Source: (NSW Government Spatial Services, 2024)

Figure 2 – Site Aerial



Plate 1 – View of the subject site from the corner of Premiers Street and Nundle Road



Plate 2 – View of the subject site from Nundle Road



Plate 3 – View of Nundle Road

2.2. Land Use

The subject site forms part of a recently established large lot residential subdivision in an area characterised by residential development, schools and rural lands. The Nemingha Public School is positioned opposite the site to the west. The site is currently vacant and has not been used for any purposes since the creation of the title.

2.3. Topography

The site has a slope from east to west towards Premiers Street and existing soils appear to be stable.

2.4. Flora and Fauna

The subject site contains managed grasses and self-sown weeds that have been established since subdivision works were carried out on the site.

2.5. Noise Environment

Noise measurements of background levels have not been undertaken on the site. The site is located within a semi-rural area, characterised by existing and emerging residential dwellings, schools and small scale farming operations. The major contributor to noise in the area would be traffic from nearby road networks.

2.6. Natural Hazards

The subject site is not mapped within a Flood Planning Area under the *Tamworth Regional Local Environmental Plan 2010*. The site is, however, mapped as bushfire prone land, as shown the NSW Planning Portal Spatial Viewer provided in Figure 3 below. The site contains Vegetation Category 3 bushfire vegetation.

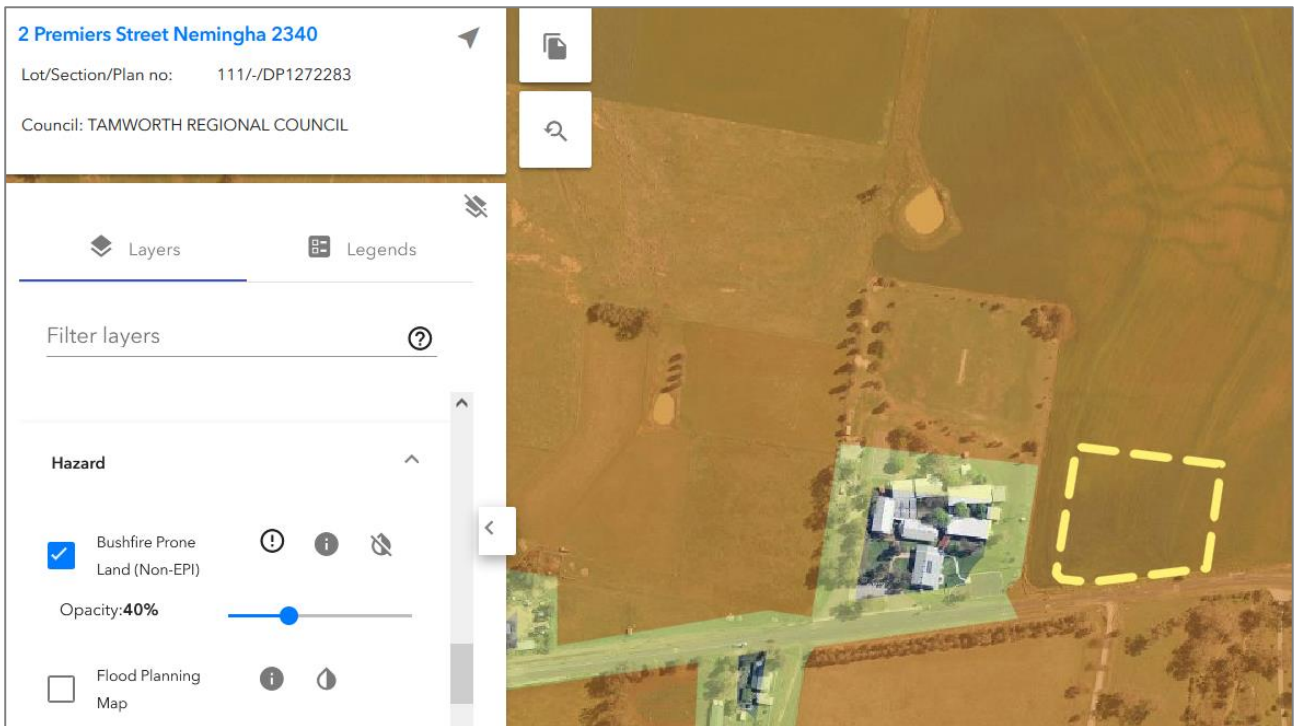


Figure 3 – Bush Fire Prone Land Mapping

2.7. Services

There are services located on the site and within proximity, including reticulated water (low flow trickle feed supply), stormwater, telecommunications and electricity (above and below ground). Generally all dwellings and other commercial operations in this area are serviced by onsite effluent management systems. The Deposited Plan and Detail Survey in Appendix A of this report shows the location of all existing services.

2.8. Access and Traffic

Vehicular access to the site is gained off the eastern side of Premiers Street, via an existing access crossover and layback that was established as part of the recent subdivision. Pedestrian access is easily obtained from the street network.

2.9. Heritage

A search of the State Heritage Register, *Tamworth Regional Local Environmental Plan 2010* (the LEP) and the Aboriginal Heritage Information Management System (AHIMS) was undertaken for the site and its immediate surrounds. The site is not identified as containing a heritage item pursuant to the State Heritage Register or the LEP. The AHIMS Search reveal that there are no Aboriginal sites recorded within 200m of the subject site. Refer to AHIMS report in Appendix B of this report.

3. PROPOSED DEVELOPMENT

3.1. Proposed Development

The proposed development includes the construction of a single storey purpose built building for use as a child care centre, including a carparking area for 42 spaces. The proposed centre will accommodate 168 children comprising of 48 x 0-2 year olds, 50 x 2-3 year olds, and 70 x 3-5 year olds. The Development Plans are provided in Appendix C and Preliminary Civil Engineering Designs in Appendix D of this report.

The proposed development will include the following main attributes:

- Stripping and removal of existing grasses and weeds on the site. To accommodate the slope of the site, the proposed development required tiered cut and fill earthworks;
- Construction of a 1,100m² child care centre building. The building shall consist of seven care rooms, amenities, store rooms, office and meeting room, reception, printing room staff room and staff amenities;
- The proposed structure utilises a building form that is sympathetic to the large lot residential area surrounding the site and Nemingha Public School located opposite the site to the west. This includes the use of a mixture of facing materials, including face brickwork, colorbond custom orb wall cladding, timber batten and aluminium slat screens, aluminium window frames, and a colorbond roof. As such, the proposed development will generally appear residential in character whilst also being consistent with the appearance of the nearby public school;
- Varying materials and roof forms will also visually break up the building into smaller portions to reduce its overall appearance of bulk and scale, and provide a low density form when viewed from the street and surrounds;
- Construction of a new carpark consisting of 42 spaces, which includes two disabled spaces. The proposed access arrangement shall consist of a separate entry and exit point. The entry point is positioned further away from the corner of Premiers Street and Nundle Road;
- An outdoor play areas for 0-2 year olds and a rear outdoor play area for other kids;
- New 1.8m high fencing shall be established around the outdoor play areas and around the site and building, as required. Fencing shall be made of steel material and powder coated black, matching the Nundle Public schools arrangement;
- Landscaping is proposed throughout the site as shown on the Landscaping Design in Appendix E of this report. The plan incorporates landscaping and play equipment within the outdoor play areas;
- Given the low flow trickle feed water supply, a new dedicated bushfire tank is proposed to accommodate for firefighting purposes. The tank shall be made from steel and carry at least 45,000L of water, and fitted with the required bushfire fittings;

- A new storage shed (9m x 6m) is proposed at the rear of the property adjoining the rear outdoor play area. The shed shall be used for storage purposes (i.e. machinery, land management tools, mower etc) for the ongoing management of the facility;
- A number of retaining walls have been incorporated into the design to accommodate the change in levels across the site. Structural Engineering designs shall be provided at the Constructed Certificate stage for all retaining walls proposed;
- The proposed stormwater design has considered earthwork changes, harvesting needs and Council requirements. It is proposed to establish an on ground On Site Detention system (OSD) that will collect all stormwater generated on the site prior to being distributed to the nearby stormwater management network. Refer to Preliminary Civil Design in Appendix D of this report.
- Two 288KL fire hydrant storage tanks are proposed with hydrants and pumps to provide fire protection services in accordance with the relevant regulations. Refer to Preliminary Civil Design in Appendix D of this report. Detailed designs of the proposed system shall be undertaken during the Construction Certificate phase; and
- A new Table Drain is proposed around the entire perimeter of the proposed development to ensure any other overland flow is directed away from the building and outdoor play areas. The Table Drains are directed into the nearby stormwater management system within the Premiers Street road reserve. Refer to Preliminary Civil Design in Appendix D of this report.

3.2. Operational Details

The proposed child care centre will accommodate a maximum of 168 children and will operate from 7:00am – 7:00pm Monday to Friday. Twenty nine (29) staff members will be employed, consisting of carers, management staff, cleaners and cooks.

An end user has yet to be secured for the operation of the facility, however, it is anticipated that the above details shall remain consistent regardless.

3.3. Landscaping

The existing site is vacant and contains no trees or vegetation.

A Landscape Design has been prepared and is provided in Appendix E of this report. The plan incorporated landscaping and play equipment within the development. There are a number of canopy trees proposed and other landscaping elements to create shade and provide a visual buffer from the road network and nearby large lot residential land uses.

The proposed landscaping demonstrates a significant enhancement to the levels of vegetation on the site and immediate surrounds.

4. LAND USE ZONING

The subject site is zoned R5 Large Lot Residential pursuant to the provisions under the *Tamworth Regional Local Environmental Plan 2010* (LEP). The proposed development is for a “centre-based child care facility”, which is permissible with consent in the R5 zone.

The permissibility of the proposed development is assessed in terms of the heads of consideration in Section 4.15 of the *Environmental Planning & Assessment Act 1979*, which incorporates consideration of the LEP and the objectives and permissible uses outlined in the R5 zone, as outlined in Section 5 of this report.

5. PLANNING CONSIDERATIONS

5.1. Biodiversity Conservation Act 2016

5.1.1. Is the development likely to significantly affect threatened species?

Clause 7.2 of the *Biodiversity Conservation Act 2016* (BC Act) identifies the following circumstances where a development is likely to significantly affect threatened species:

- (a) *it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or*
- (b) *the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or*
- (c) *it is carried out in a declared area of outstanding biodiversity value.*

Each of these is addressed below.

Section 7.3 Test

To determine whether a development is likely to significantly affect threatened species or ecological communities, or their habitats, the following is to be taken into account in accordance with Section 7.3 of the BC Act:

- (a) *in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*
- (b) *in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:*
 - (i) *is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*
 - (ii) *is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,*
- (c) *in relation to the habitat of a threatened species or ecological community:*
 - (i) *the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and*
 - (ii) *whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and*
 - (iii) *the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,*
- (d) *whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),*
- (e) *whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.*

Comment: The subject site has recently formed part of a large lot residential subdivision, which included significant site works for the establishment of infrastructure and site levels. As such, the site contains grasses and weeds which have self-sown since the subdivision works occurred. Therefore, the proposed development is not likely to significantly affect threatened species or ecological communities, or their habitats.

Section 7.4 Test

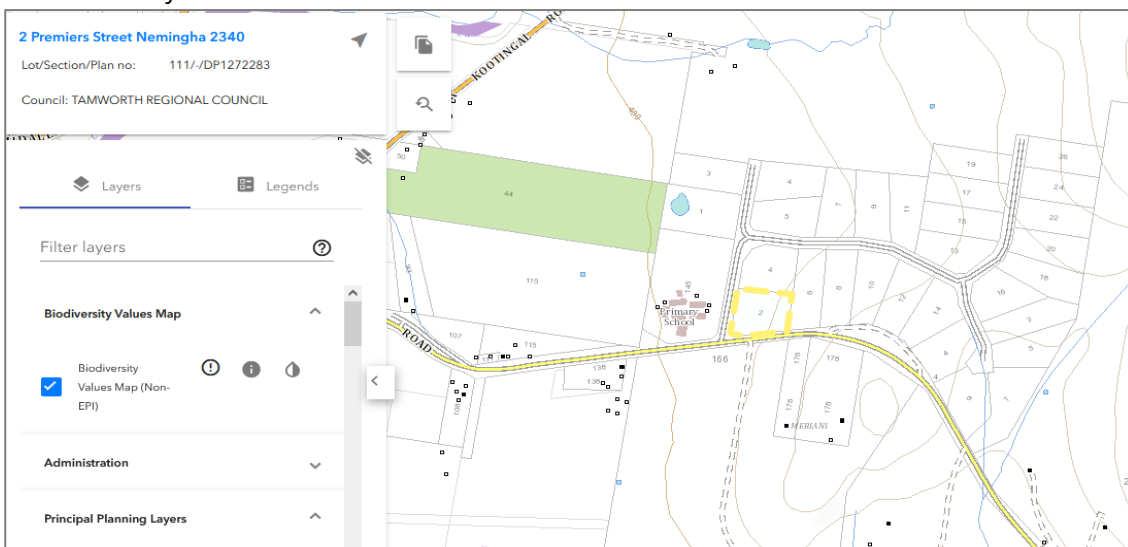
Section 7.4 of the BC Act states:

- (1) *Proposed development exceeds the biodiversity offsets scheme threshold for the purposes of this Part if it is development of an extent or kind that the regulations declare to be development that exceeds the threshold.*
- (2) *In determining whether proposed development exceeds the biodiversity offsets threshold for the purposes of this Part, any part of the proposed development that involves the clearing of native vegetation on category 1-exempt land (within the meaning of Part 5A of the Local Land Services Act 2013) is to be disregarded.*

Comment: The site contains grasses and self-sown weeds that have established since recent subdivision works. Therefore, native vegetation is unlikely to be present on the site. The minimum lot size associated with the site is 1 hectare, therefore the threshold for clearing is 5,000 square meters. The proposed development would not exceed the biodiversity offsets threshold for the purposes of this part.

Declared Area of Outstanding Biodiversity Value

The site is not mapped on the Biodiversity Value Map as being land with a high biodiversity value as defined by the BC Act.



Source: (NSW Government, 2024)

Figure 4 – Biodiversity Value Map

5.1.2. Biodiversity Development Assessment Report

As outlined in Section 5.1.1, the proposed development is not likely to significantly affect threatened species as defined by Section 7.2 of the BC Act. Therefore, a Biodiversity Development Assessment Report is not required to accompany the application for development consent.

5.2. Fisheries Management Act 1994

5.2.1. Applicability

The Fisheries Management Act 1994 (FM Act) applies to:

- (a) *in relation to all waters that are within the limits of the State, and*
- (b) *except for purposes relating to a fishery, or a part of a fishery, that is to be managed in accordance with the law of the Commonwealth pursuant to an arrangement under Division 3 of Part 5 and except for purposes prescribed by paragraph (d)—in relation to any waters of the sea not within the limits of the State that are on the landward side of waters adjacent to the State that are within the Australian fishing zone, and*
- (c) *for purposes relating to a fishery, or a part of a fishery, that is managed in accordance with the law of the State pursuant to an arrangement under Division 3 of Part 5—in relation to any waters to which the legislative powers of the State extend with respect to that fishery, whether pursuant to section 5 of the Coastal Waters (State Powers) Act 1980 of the Commonwealth or otherwise, and*
- (d) *for purposes relating to recreational fishing activities engaged in otherwise than by use of a foreign boat (other than recreational activities prohibited or regulated under a plan of management determined under section 17 of the Commonwealth Act)—in relation to any waters to which the legislative powers of the State extend with respect to such activities.*

Comment: The *Fisheries Management Act 1994* does not apply to the subject proposal.

5.2.2. Is the development likely to significantly affect threatened species, population or ecological community?

Section 221ZV of the FM Act requires the following matters to be taken into consideration to determine whether a proposed development or activity is likely to significantly affect threatened species, populations or ecological communities (unless it is carried out in critical habitat):

- (a) *in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*
- (b) *in the case of an endangered population, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction,*
- (c) *in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:*

- (i) *is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*
- (ii) *is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,*
- (d) *in relation to the habitat of a threatened species, population or ecological community:*
 - (i) *the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and*
 - (ii) *whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and*
 - (iii) *the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the threatened species, population or ecological community in the locality,*
- (e) *whether the proposed development or activity is likely to have an adverse effect on any critical habitat (either directly or indirectly),*
- (f) *whether the proposed development or activity is consistent with a Priorities Action Statement,*
- (g) *whether the proposed development constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.*

The assessment guidelines under section 220ZZA apply to the determination of whether any such proposed development or activity is likely to significantly affect threatened species.

Comment: The *Fisheries Management Act 1994* does not apply to the subject proposal.

5.3. Environmental Planning & Assessment Act 1979

5.3.1. Application of Biodiversity Conservation Act 2016 & Fisheries Management Act 1994

Section 1.7 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) identifies that Part 7 of the BC Act and Part 7A of the FM Act relate to the operation of the EP&A Act in relation to the terrestrial and aquatic environment. These Acts are addressed in Sections 5.1 and 5.2 of this report respectively.

5.3.2. Development on Bush Fire Prone Land

Section 4.14 of the EP&A Act requires that Development Consent cannot be granted for the carrying out of development (other than subdivision and SFPP development) on bush fire prone land unless the consent authority:

- (a) *is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled *Planning for Bush Fire Protection* prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements), or*

- (b) *has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.*

The subject site is identified as being bush fire prone land, as shown in Figure 3 of this report. A Bush Fire Assessment Report has been prepared for the development and is provided in Appendix F. The report demonstrates the development is provided with appropriate protection from a bushfire in accordance with the RFS' *Planning for Bush Fire Protection Guidelines* (NSW Rural Fire Service, 2019).

5.3.3. Evaluation

Section 4.15 of the EP&A Act (as amended) requires the Council to consider various matters in regard to the determination of the Development Application.

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *The provisions of:*
- (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iv) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (v) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - (vi) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*
- (b) *The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;*
- (c) *The suitability of the site for the development,*
- (d) *Any submissions made in accordance with this act or the regulations,*
- (e) *The public interest.*

The proposed development has been designed with consideration to the following matters, as outlined below.

5.3.4. Integrated Development

Development that requires both development consent and another approval listed under Section 4.46 of the EP&A Act is 'Integrated Development'. The proposed development is Integrated Development by virtue of requiring:

- Authorisation under section 100B of the *Rural Fires Act 1993* in respect of bush fire safety for the development of a child care centre, which is considered a Special Fire Protection Purpose (SFPP).

5.4. Environmental Planning Instruments

5.4.1. State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 4.6 of *State Environmental Planning Policy (Resilience and Hazards) 2021* requires Council to consider the following before granting consent to a DA:

- it has considered whether the land is contaminated, and*
- 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*
- 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.*

Comment: The site is not likely to be contaminated given it does not consist of any known contaminating activities and was recently subject to a subdivision approval. It is reasonable to assume that any contamination investigations, if required, would have been undertaken during that subdivision application and that the site is free of any contamination. The site has been vacant since the Lot was registered. Therefore, a Preliminary Site Investigation is not considered required.

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

The relevant provisions of *State Environmental Planning Policy (Transport and Infrastructure) 2021* are provided in Table 1 below.

Table 1 – Chapter 3 SEPP Assessment	
3.3 Interpretation	The proposed development is defined as a “centre-base childcare facility” pursuant to Section 3.3.
3.22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development	Based on compliance with the Regulations for indoor and outdoor unencumbered floor space, notice to and concurrence of the Regulatory Authority for NSW under Children (Education and Care Services) National Law (NSW) is not required for the proposed development.
3.23 Centre-based child care facility—matters for consideration by consent authorities	Before determining a development application for development for the purpose of a centre-based childcare facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline. This is provided below.

Child Care Planning Guideline

Part 2 – Design Quality Principles

Principle 1 – Context

The development context comprises of an emerging developed neighbourhood with an existing school opposite which has existed for an extended period of time. Dwellings in the area are predominately detached and single storey with varying designs and materials. Landscaping is being established for new buildings constructed.

The existing school and emerging dwellings in the vicinity generally have increased setbacks to the street. The street is subject to residential traffic and traffic from the nearby Nemingha Public school. A centre-based childcare facility would be a complementary land use in the setting, subject to sympathetic design.

Principle 2 – Built Form

The proposed development will comprise a modern design with sympathetic elements for the locality and nearby public school. The design of the structure provides a mix of architectural forms and simplistic design to ensure the development fits within the locality. The building will be single storey, consistent with existing developments in the area.

The proposed development will comprise site coverage of approximately 17.65%, which is considered well below the average for these types of developments.

It is considered that the bulk and scale of the building is acceptable. Given the large size of the site, the building sits within the middle with increased setbacks to all boundaries.

Principle 3 – Adaptive Learning Spaces

The proposal will provide for purpose built indoor learning spaces that are fit for purpose and enjoyable to use. Outdoor play areas will be immediately adjacent and easily accessible to the indoor play rooms. Age specific internal play rooms and external play areas are provided to cater for various ages and abilities.

Principle 4 – Sustainability

The proposed building will incorporate energy efficient elements throughout.

Principle 5 – Landscape

The proposed development is supported by a landscape design. A variety of hard and soft landscaping elements have been proposed throughout.

Principle 6 – Amenity

The proposed child care centre will provide a high standard of amenity for users. Learning spaces will be efficient and functional with direct access to bathrooms, sleep rooms, store rooms and service areas.

	<p>Internal rooms will provide ideal learning and play environments, with generous natural light, ventilation and outlook. Outdoor play area will be immediately adjacent and accessible to the proposed building.</p> <p>The proposed development will not unreasonably impact on residential amenity for surrounding developments.</p> <p>Principle 7 – Safety</p> <p>The proposed design and site works will satisfy the principles of Crime Prevention Through Environmental Design (CPTED).</p>
3.24 Centre-based child care facility in certain zones—additional matters for consideration by consent authorities	Not applicable.
3.25 Centre-based child care facility—floor space ratio	Not applicable.
3.26 Centre-based child care facility—non-discretionary development standards	Noted.
3.27 Centre-based child care facility—non-discretionary development standards	The DCP does not contain any prescribed provisions for centre based childcare developments, other than parking controls. Therefore this section is not applicable.

The proposed development is consistent with the design quality principles and the matters contained within Table 2 below under the Child Care Planning Guideline have been considered. These provisions take precedence over the provisions of a DCP with the exception of building height, site and rear setbacks and carparking rates.

Table 2 – Child Care Planning Guideline - Part 3 Matters for Consideration

3.1 Site Selection and Location	<p>Objective: To ensure that appropriate zone considerations are assessed when selecting a site.</p> <p>The proposed development is located in a large lot residential zone and therefore the provisions under the guideline applicable to residential zones are considered, as follows.</p> <ul style="list-style-type: none"> The acoustic and privacy impacts of the proposed development on the residential properties
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	<p>Comment: The nearest residential properties are immediately adjacent the site to the north and east. The proposed development has a northern setback of 25.689m and eastern setback of approximately 50m. The existing dwelling north of the subject site measures approximately 55m from the southern boundary. Therefore, that dwelling is positioned approximately 80m from the proposed development. A future dwelling on the eastern allotment is anticipated to be setback further. As such, given this increased setback, noise is not anticipated to be of concern for neighbouring residential properties. Nevertheless, a range of landscaping elements have been proposed which shall buffer and reduce noise impacts generated.</p> <p>In terms of privacy, the finished floor levels and ground levels throughout have utilised natural ground levels where possible with a balance cut/fill approach. This will minimise overlooking from the development onto any adjoining dwellings. Fencing shall also be installed and landscaping throughout shall create a privacy buffer from the site to nearby dwellings.</p> <ul style="list-style-type: none"> • The setbacks and siting of buildings within the residential context Comment: Increased setbacks to residential dwellings to the north and east have been concluded during the design phase of the proposal. It was determined that an increased setback to these residential receptors was paramount, whilst retaining a setback to Nundle Road and Premiers Street. • Visual amenity impacts (i.e. additional building bulk and overshadowing, local character) Comment: The design of the proposed facility has considered the bulk and scale of the nearby Nemingha Public School, located on the corner of Nundle Road and Premiers Street, west of the site. Various materials and visual elements were utilised in order to ensure the building is sympathetic to the nearby school and context of the site. The proposed development is a single storey structure and as such overshadowing is not anticipated to create impacts. The proposal fits within the character of the locality, given the presence of the Nemingha Public school. • Traffic and parking impacts of the proposal on residential amenity and road safety Comment: The entry has been positioned furthest away from the intersection of Nundle Road and Premiers Street. The access driveways are therefore suitable located and the exist driveway will provide reasonable sight distance in both directions, predominately to the north. The increase in traffic is anticipated to be negligible and the current design of the roads are considered capable of supporting the increase in traffic without impacting the surrounding road network.
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	<p>Objective: To ensure that the site selected for a proposed childcare facility is suitable for the use</p> <p>The site is well-located to attract facility users in surrounding residential neighbourhoods, especially considering the presence of the Nemingha Public school adjacent to the site. The site is serviced by public transport. A Bush Fire Assessment Report has been prepared and there are no other known environmental constraints applicable to the site or development thereon. The site only has two (2) shared boundaries with residential properties. The other boundaries adjoin Nundle Road and Premiers Street, therefore the site is suitable for the proposed use.</p> <p>Objective: To ensure that sites for child care facilities are appropriately located</p> <p>The site is well-located to attract facility users in surrounding residential neighbourhoods, especially considering the presence of the Nemingha Public school adjacent to the site.</p> <p>Objective: To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards</p> <p>The subject site is not within proximity to land uses with arising adverse environmental impacts and the site does not contain any known environmental hazards or risk.</p>
<p>3.2 Local character, streetscape and the public domain interface</p>	<p>The development has been designed to be compatible with the local character and surrounding streetscape.</p> <p>Objective: To ensure that the child care facility is compatible with the local character and surrounding streetscape</p> <p>The proposed design of the development provides for a mix of simplistic architectural forms and materials, remaining consistent with existing developments in the locality. Furthermore, the building will be single storey, consistent with surrounding improvements. Fencing and landscaping will relate to and complement the setbacks and provide visual buffers to surrounding developments.</p> <p>Objective: To ensure clear delineation between the child care facility and public spaces</p> <p>New fencing and landscaping to the street network will establish a transition between public and private spaces.</p> <p>Objective: To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain</p> <p>Fencing has been included to match the existing fencing established for the Nemingha Public School. The proposed fencing will be not incompatible with the surrounding locality.</p>

<p>3.3 Building orientation, envelope and design</p>	<p>Objective: To respond to the streetscape and site, mitigate impacts on neighbours, while optimising solar access and opportunities for shade</p> <p>The development will provide acceptable visual privacy for nearby developments. Internal and external play areas will have access to sunlight and no solar or overshadowing impacts to adjoining dwellings would be triggered.</p> <p>Objective: To ensure that the scape of the childcare facility is compatible with adjoining development and the impact on adjoining buildings is minimised</p> <p>The proposed building will be single storey and of consistent height with surrounding developments.</p> <p>Objective: To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context</p> <p>The setbacks are consistent with other developments in this locality. The street setbacks to Nundle Road and Premiers Street are considered acceptable in this instance.</p> <p>Objective: To ensure that buildings are designed to create safe environments for all users</p> <p>The proposed development shall achieve ease of access and security entry to the site and building. Crime prevention measures are included in the site layout and building design.</p> <p>Objective: To ensure that child care facilities are designed to be accessible by all potential users</p> <p>Accessible design will be achieved via accessibility to and within the facility. Ramped pathways to key areas have been included and continuous paths of travel to and within the building. Disabled car spaces have also been included, in accordance with NCC requirements.</p>
<p>3.4 Landscaping</p>	<p>Objective: To provide landscape design that contributes to the streetscape and amenity</p> <p>The proposal provides a landscape design that contributes to the streetscape and amenity through a mix of landscaping throughout (refer to the landscape plan).</p>
<p>3.5 Visual and acoustic privacy</p>	<p>Objective: To protect the privacy and security of children attending the facility</p> <p>Outdoor play areas are located away from nearby residences and shall be fully fenced, as required. The fencing and associated landscaping shall provide privacy and security for the outdoor spaces.</p>

	<p>Objective: To minimise impacts on privacy of adjoining properties</p> <p>As previously discussed, the proposed development will provide acceptable privacy for adjoining development with the inclusion of boundary fencing, landscaping building design and layout and finished surface levels.</p> <p>Objective: To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments</p> <p>Given the setbacks distances to nearby residential receptors, noise impacts are not anticipated to be triggered. Furthermore, given the presence of the Nemingha Public school, education generated noise is already present in the locality. The proposed childcare centre is not anticipated to contribute to existing noise levels in a way that would impact adjoining properties.</p>
<p>3.6 Noise and air pollution</p>	<p>Objective: To ensure that outside noise levels on the facility are minimised to acceptable levels</p> <p>Given the setbacks distances to nearby residential receptors, noise impacts are not anticipated to be triggered. Noise mitigation measures and monitoring mechanisms shall be employed during operation to ensure that noise levels are minimised to acceptable levels. The proposal is not considered to be adversely affected by potential air pollution.</p>
<p>3.7 Hours of operation</p>	<p>Objective: To minimise the impact of the child care facility on the amenity of neighbouring residential developments</p> <p>The proposed hours of operation for the child care centre are 7:00am – 7:00pm Monday to Friday. The hours of operation are considered suitable in this setting, and consistent with operating hours of other child care facilities in the area.</p>
<p>3.8 Traffic, parking and pedestrian circulation</p>	<p>The proposed development complies with Council’s parking requirements under the DCP, which are as follows:</p> <p style="text-align: center;"><i>Minimum 1 space per 4 children</i></p> <p>The proposed development shall support 168 children, and therefore requires 42 spaces. As shown on the development plans, 42 spaces have been provided, thereby complying with Council’s parking provisions.</p> <p>Objective: to provide parking that satisfies the needs of users and demand generated by the centre</p> <p>As discussed above, the parking provisions comply with Council’s standards and shall be consistent with AS2890-1 for off street parking.</p> <p>Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows</p> <p>The subject land has direct frontage and access to the street network. The access crossings comply and are suitable for the proposed use.</p>

	<p>Objective: To provide a safe and connected environment for pedestrians both on and around the site</p> <p>The proposed development will adopt the following design solutions in accordance with this part:</p> <ul style="list-style-type: none"> • Concrete footpaths around the street frontage and throughout the outdoor play areas; and • Car parking layout that will allow vehicles to enter and exit the site in a forward direction.
Part 4	The proposed development complies with the National Construction Code.

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

The aims and objectives of SEPP Industry and Employment are set out in Clause 3.1(1)(a) as follows:

(1) *This Policy aims:*

(a) *to ensure that signage (including advertising):*

- (i) *is compatible with the desired amenity and visual character of an area, and*
- (ii) *provides effective communication in suitable locations, and*
- (iii) *is of high quality design and finish,*

Part 3.2 – Signage Generally

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*

Comment - The proposed new signage meets the aims and objectives of SEPP Industry and Employment as set out in Clause 3.1(1)(a). The proposed signage is compatible with the desired character of the locality and is suitably located to provide effective communication to vehicles and pedestrians in the surrounding streetscape. The signage shall be of high design quality, having been designed to integrate with the existing locality and employing quality finishes.

The proposed sign has been assessed against the criteria set out in Schedule 5 of SEPP Industry and Employment, as follows:

1. Character of the area

The proposed signage is compatible with the character of the surrounding area. The signage is appropriate within the context of the locality, enabling the advertisement of the development. Furthermore, the proposed signage is consistent with other signage promoting commercial and retail activities in the area.

2. Special Areas

The subject site is not located within any special areas that are sensitive to alterations of visual quality. The site is not located within an environmentally sensitive context and the signage has been designed accordingly.

3. Views and Vistas

The proposed signage does not obstruct any significant views or vistas. The signage is appropriately integrated within the context of the site and it is not expected to dominate the skyline, being consistent with existing signage in the locality.

4. Streetscape, setting or landscape

The scale of the new signage is consistent with the existing streetscape and is appropriate for the locality. The proposed signage contributes to the visual interest of the area and will provide assistance in identifying the proposed development, enhancing the amenity of the area and the site. The signage is well integrated within the context of the site and does not protrude beyond the site's property boundaries.

5. Site and Building

The signage will be appropriately sited and is to be positioned for the primary approach of pedestrians and vehicles.

6. Associated devices and logos with advertisement and advertising structures

The signage has been appropriately designed to ensure that any safety measures are an integral part of the design.

7. Illumination

The proposed signage shall not be illuminated or flashing.

8. Safety

The proposed signage will not in any way reduce the safety of the public road and is appropriately located on-site to be visible to pedestrians and vehicles in the locality. As the signage is appropriately located and considered to be unobtrusive, the proposal will not obscure any significant sightlines from public areas.

The assessment above has shown that the proposed sign complies with all criteria set out by Schedule 1. There is no impediment under SEPP Industry and Employment to Council approving the signage. Refer to Development Plans in Appendix C of this report.

5.4.4. Tamworth Regional Local Environmental Plan 2010

Land Use Table

The subject site is zoned R5 Large Lot Residential pursuant to the provisions under the *Tamworth Regional Local Environmental Plan 2010* (LEP). The objectives of the R5 zone are:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To provide a mix of housing that supports and encourages neighbouring equine-related facilities and is compatible with surrounding land uses and activities.*

Comment: The proposed development is defined as 'centre-based child care facility', which is permissible with consent in the R5 zone. In terms of the R5 zone objectives, the proposed development is consistent with the following:

- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*

The subject site is connected to the local road network, trickle feed water supply, electricity supply and telecommunications. As discussed throughout this report, the proposed development would not unreasonably increase the demand for these services. Furthermore, onsite sewage management and fire protection purposes is proposed, increasing the sites ability to be self-sufficient and not rely entirely on services in the locality.

- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The design of the proposed development has considered the nearby residential area and Nemingha Public School to the west. Sympathetic materials, roof lines and siting has ensured that there is minimal land use conflict to surrounding and adjoining land uses. The proposed development is anticipated to fit well within the context of the site and locality.

Further to the above, there is significant case law which deals with where a development is 'consistent' with zone objectives. *Jeffrey v Canterbury Bankstown Council* (2021) and *Muscat Developments Pty Ltd trading as Muscat Developments v Wollondilly Shire Council* (2021) provide assistance with determining whether a development is consistent with zone objectives. In particular, both cases quote the following:

- *The presumption that development for a purpose that is classified as being permitted with consent in the zone will be compatible with the objectives of the zone.*
- *The design of the particular development for that purpose should result in acceptable environmental impacts.*

As discussed throughout this report, the proposed development results in minimal environmental impacts that should be deemed as acceptable by Council. The design of the development has considered the context of the site, being a large lot residential area and located adjacent to the Nemingha Public School.

Earthworks

Clause 7.1 'Earthworks' of the *Tamworth Local Environmental Plan 2010* applies to the development and states:

(3) Before granting development consent for earthworks, the consent authority must consider the following matters—

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

Comment: Clause 7.1 of the LEP applies to the development proposal as earthworks are required to allow the development to proceed. The site has a gradual slope from east to east and it is considered that a large amount of earthworks are required to support the proposed development. The earthworks shall be tired across the site, allowing multiple levels for each element of the proposed development. There shall be no significant detrimental effect on existing drainage patterns, soil stability or any cultural heritage items or features on the site or within proximity. Appropriate erosion and sediment controls will be undertaken on the site during development works to prevent and reduce any potential soil erosion that could occur on the site. Refer to Preliminary Civil Designs in Appendix D of this report.

5.5. Draft Environmental Planning Instruments

No draft Environmental Planning Instruments are applicable to the subject site or development.

5.6. Development Control Plans

The *Tamworth Regional Development Control Plan 2010* (DCP) applies to the proposed development. Relevant provisions under the DCP have been addressed in Table 3 below.

Table 3 – DCP Requirements	
Requirement	Comment
Section 2: Commercial and Retail Development Controls	
Building Setbacks	There are no minimum building setback provisions under this part, other than side and rear setbacks are to comply with BCA requirements. The design and location of the proposed buildings are considered BCA compliant. Refer to Development Plans in Appendix C of this report.
Height	There are no height restrictions applicable to the site or proposed development.
Outdoor Lighting	Minimal outdoor lighting is proposed as part of the development. There shall be some minor lighting incorporated to assist with passive surveillance during night hours. All lighting shall be downward facing and compliant with the relevant Australian Standards.
Outdoor Signage	<p>The following signage is proposed as part of the development:</p> <ul style="list-style-type: none"> • At the corner of the site facing Premiers Street and Nundle Road (approximately 3.6m x 3m or 10.8m² in size); • Attached to the proposed garbage bin enclosure at the entrance to the site (approximately 2.4 x 0.8m or 1.92m² in size); • On the western façade of the building (3.3m x 1.2m or 3.96m² in size). <p>The proposed signage complies with the provisions under this part as the signage will not be illuminated and compliance is achieved with the Industry and Employment SEPP, as discussed in Section 5.4 of this report.</p>
Design	<p>One of the key considerations during prelodgement discussions was to ensure the development would fit within the context of the locality. Council's prelodgement comments are as follows:</p> <ul style="list-style-type: none"> • <i>Consider a colour and materials schedule which are sympathetic to the school next door and the hills colours.</i> <p>It is noted that the design of the development has simplified since the concept design was presented to Council during prelodgement discussions. This was in order to simplify the design and offer a building that could easily be delivered within budget for the end user. The roof line has also been simplified to allow for ease of construction and improved water management mechanisms.</p>

	Colour schemes and materials have been used to ensure they are sympathetic to the Nemingha Public School adjacent and emerging large lot residential area to the north/north-east.
Post Supported Verandahs and Balconies and Under Awning Support Posts	Not applicable.
Utilities and Services	<p>The proposed servicing arrangement is details on the Preliminary Civil Engineering Designs in Appendix D of this report. The proposal complies with the provisions under this part in that:</p> <ul style="list-style-type: none"> • The preliminary Civil Engineering Designs provide detailed designed for water, fire protection and stormwater services. An Onsite Effluent Management Assessment is provided in Appendix H of this report; • A bin enclosure is proposed at the front of the site, as shown on the plans in Appendix C of this report. Garbage trucks will enter the site, collect the waste and exit the site in a forward direct via the entry/exit arrangement; • No Liquid Trade Waste is to be generated on the site; • There is no existing utility infrastructure located on the site that would be impacted by the proposed development; • Reticulated sewer is not available in this area; • Consultation with Essential Energy and other required providers shall be undertaken prior and during construction to ensure those services are connected and upgraded if necessary to support the proposed development. <p>The Hydraulic designs provided in Appendix D of this report were developed in accordance with Tamworth Regional Council's trickle water policy, as follows:</p> <ol style="list-style-type: none"> 1. A maximum flow of 0.06 l/s and a portable storage capacity of 20 KL, sized to meet two days' worth of demand. 2. RWT top-up utilizes 0.03 l/s, as per the policy. 3. Firefighting is not connected to the council supply. The proposed system includes the required storage for the site.
Parking, Traffic and Access	<p>Pursuant to the Parking Requirement Schedule under Council's DCP, child care facilities require the following car parking requirements.</p> <p style="text-align: center;"><i>Minimum 1 space per 4 children</i></p> <p style="text-align: center;"><i>Minimum Road Width = 11m</i></p> <p>The proposed childcare facility caters for 168 children, and therefore required 42 spaces. As shown on the development plans, 42 spaces has been provided, thereby complying with the parking rates under the DCP. A 6m driveway width and 8m wide trafficable parking area has been provided, which is considered sufficient for this type of development.</p> <p>These provisions also provided the following comments:</p>

	<ul style="list-style-type: none"> • This calculation includes staff parking. Staff parking spaces shall be designed in accordance with the requirements of user class 1 at a minimum, as per AS/NZS 2890.1 (as amended). • The carpark design must include dedicated drop-off/pick-up bays. Short-stay, high turnover visitor parking spaces shall be designed in accordance with the requirements of user class 3A as per AS/NZS 2890.1 (as amended). <p>A dedicated staff parking area has been provided, which complies with AS/NZS 2890.1. Given the nature of the proposal and the fact that parents would be dropping off young children ranging from the ages of 0 – 5, a dedicated drop off/pick up bay area is not considered necessary. This is because all parents would park and access the site on foot in order to drop off or pick up their children. These provisions are typically more relevant to primary school and high school arrangements, which kids and young adults are able to exit a school safely on their own without parental guidance. A dedicated drop off/pick up area would not be used for this type of development and as such has not been included in the design.</p> <p>A Traffic Impact Assessment has been prepared and is provided in Appendix G of this report. The TIA provided an analysis of the existing traffic network, proposed development and any associated impacts. A SIDRA analysis was also included in the assessment. The TIA provided the following conclusions:</p> <ul style="list-style-type: none"> • <i>The proposal generates a parking requirement of 42 car parking spaces under the DCP and as such, the parking provision meets the requirements of the DCP.</i> • <i>The proposal is expected to generate a total of 210 and 185 vehicle trips during the morning and evening peak hours, respectively. The increase in traffic generated by the proposal is expected to have a minimal impact to the operation of the surrounding road network including the intersection of Nundle Road / O’Briens Lane / Back Kootingal Road which is expected to continue operating with a good level of service.</i> • <i>The car park layout and access arrangements have been suitably designed in general accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2022.</i> • <i>No bicycle parking spaces are proposed which is considered acceptable as the development is not expected to generate any notable demand for cycling trips.</i> • <i>Waste is proposed to be collected by private waste collection services outside of peak times to limit the impact to the operation of the car park. The waste collection vehicle is able to suitably access and egress the site in a forward direction with no reverse manoeuvres required.</i>
Health Consulting Rooms and Medical Centres on land zone R1 in Tamworth	Not applicable.
Brothels and Restricted Premises	Not applicable.

Site Levels and Retaining Walls	A Detailed Survey is provided in Appendix A of this report. The plans in Appendix C of this report have utilised the levels on the Detailed Survey at AHD. Retaining walls are proposed across the site and the elevations/sections show the proposed locations of retaining walls.
Geology	The geology of the area consists of heavy clays, and as such is considered a highly reactive soil class. The design of the proposed development has considered the soils on the site and engineering designs as part of the Construction Certificate shall consider the specified site class. Erosion is not anticipated to be an issue for the proposed development.
Landscaping	A Detailed Landscape Design has been prepared and is provided in Appendix E of this report. The design has considered and complied with the provisions under this part. All landscaping shall consist of low maintenance, drought and frost tolerant species.
Fire Safety	Not applicable.
Flood Affected Land	Not applicable.
Environmental Controls	The environmental controls under this part have been addressed throughout this report, where applicable.
Soil and Erosion Control	<p>As shown on the civil engineering designs, stormwater runoff is controlled throughout the site, which shall prevent any land degradation. The Blue Book has been considered when designing the preliminary civil engineering designs and shall continue to be relied upon as the Construction Certificate/detailed design phase of the development.</p> <p>Cut and fill and associated stabilisation measures shall be detailed during the Construction Certificate stage and the proposed landscaping throughout the site shall assist with minimising any potential erosion.</p>
Construction and Operational Waste Management	<p>The site is vacant land, and as such, no demolition works are required. The proposed cut and fill works shall balance 50/50 and any additional required fill shall be sourced from a suitable supplier with Virgin Excavated Material properties.</p> <p><u>Construction Waste</u></p> <p>All materials used in the construction of the proposed development that are not required to be incorporated into it, shall be recycled, reused or disposed of in accordance with the requirements under the <i>Protection of the Environment Operations Act 1997</i>. It will be the developers overall responsibility to ensure compliance is maintained.</p> <p><u>Operational Waste</u></p> <p>Mobile bins of appropriate size will be located on the site for the collection of food scraps, beverage containers, and other waste generated by on site workers.</p>

	<p>In terms of operational waste, the proprietors of the proposed child care centre will be responsible for depositing their waste and recycling material into the appropriate bins. Commercial waste and recycling services will be provided to the proposed child care centre via an appropriate contractor.</p> <p><u>Sanitary Waste</u></p> <p>Sanitary waste includes the disposal of nappy and incontinence waste product and shall be disposed of in accordance with the relevant requirements. According to EPA Standards, sanitary waste is not classified as clinical waste, as such it does not need to be treated and can be disposed of directly to landfill. All sanitary waste will be stored in an appropriate number of receptacles and be disposed of separately to the general waste bins by a licenced contractor.</p> <p><u>Green Waste</u></p> <p>No formal green waste service will be provided to the development. It will be the responsibility of the proprietors of the centre to ensure that all green waste generated by the ongoing use of the site is disposed of and/or reused accordingly.</p> <p>In accordance with the above, a detailed Waste Management Plan shall be prepared prior to the commencement of works and provided to Council for endorsement.</p> <p><u>Effluent</u></p> <p>The subject site is positioned in an area that does not benefit direct reticulated sewer infrastructure. As such, an onsite effluent management system is required. An Effluent Assessment has been prepared and provided in Appendix H of this report. Given the size of the Lot and category 6 soil type (medium to heavy clays), the assessment recommended the following system; Commercial Secondary Treated Septic Tank with a minimum 9,000L tank size and absorption mound to be utilised to disperse effluent. The system shall be subject to a separate Section 68 application.</p>
Ongoing Waste Management	<p>The Development Plans show a dedicated waste storage area near the entrance to the site. This shall allow for garbage trucks to easily access the area, collect the generated waste, and exit the site in a forward direction via the dedicated exit. The waste storage area is provided with a concrete foot path and associated signage to ensure users can easily access the area and dispose of any generated waste.</p>
Noise	<p>The maximum noise generated at a childcare centre is anticipated to reach approximately 85dB, which would be generated for more intense activities like children shouting, running around, or engaging in active play. This is considered the upper end of the noise spectrum for a childcare centre, and as such levels are usually short-lived or intermittent.</p> <p>Under the Noise Policy for Industry 2017 (NPfi) the daytime noise level target (7am – 10pm) is 50dB. As previously discussed in this report, the nearest residential dwelling to the proposed childcare centre is approximately 80m. By applying the Inverse Square Law, at a distance of 80m, the noise level from the</p>

childcare centre will have reduced from 85dB at the source to approximately 47dB at the dwelling, thereby complying with the NPfl requirements of 50dB. The inverse square law calculation is provided below.

Estimating Sound Levels With the Inverse Square Law

In the real world, the [inverse square law](#) is always an idealization because it assumes exactly equal sound propagation in all directions. If there are reflective surfaces in the sound field, then reflected sounds will add to the directed sound and you will get more sound at a field location than the inverse square law predicts. If there are barriers between the source and the point of measurement, you may get less than the inverse square law predicts. Nevertheless, the inverse square law is the logical first estimate of the sound you would get at a distant point in a reasonably open area.

If you measure a sound level $I_1 = 85$ dB

at distance

$d_1 = 1$ m = 3.280839 ft

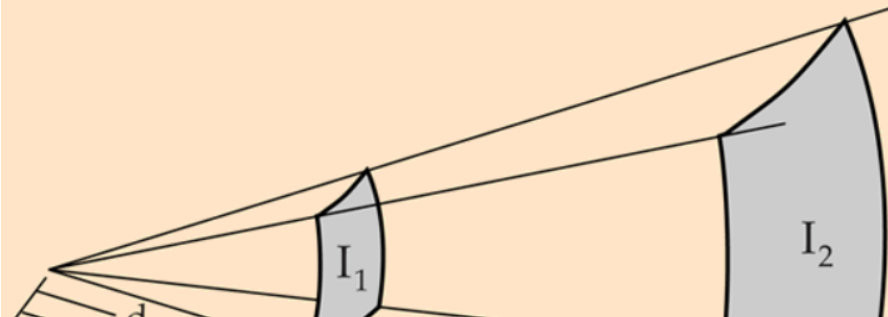
$$\frac{I_2}{I_1} = \left[\frac{d_1}{d_2} \right]^2$$

then at distance

$d_2 = 80$ m = 262.4671 ft

the inverse square law predicts a sound level

$I_2 = 46.93820$ dB



Urban Heat Island Effect

Not applicable.

5.7. Any Planning Agreement entered into

No Planning Agreements entered into are known to exist in relation to the development or site.

5.8. Any Matters Prescribed by the Regulations

For the purposes of Section 4.15(1)(a)(iv) of the EP&A Act, Clause 92 of the *Environmental Planning and Assessment Regulations 2000* (EP&A Regulations) specifies the additional matters a consent authority must take into consideration when determining a DA. None of these matters relate to the subject application.

5.9. Any Likely Impacts of the Development

5.9.1. Context & Setting

The subject site is located in an established environment predominately characterised by residential activities with some commercial land uses and rural land holdings. The proposed development is compatible with the desired character of the locality and the design has considered the context and setting of the locality. The location of the development compliments the adjoining Nemingha Public School. The location of the development provides the proposed development with high exposure as well as substantial parking spaces and landscaped areas for the proposed use of the site. In this regard, it is considered that the proposed development is consistent with the existing locality. The development would therefore not impact on the context or setting in the locality.

5.9.2. Access, Transport & Traffic

Access to the site shall be gained via an entry and exit point off the eastern side of Premiers Street. The proposed carparking and on-site manoeuvrability areas shall be constructed of a hardstand material with appropriate line marking and directional signage, as per Council's requirements. The number of carparking spaces and swept paths are considered suitable for the ongoing use of the subject site.

A Traffic Impact Assessment has been prepared and is provided in Appendix G of this report. The TIA provided an analysis of the existing traffic network, proposed development and any associated impacts. A SIDRA analysis was also included in the assessment. The TIA provided the following conclusions:

- *The proposal generates a parking requirement of 42 car parking spaces under the DCP and as such, the parking provision meets the requirements of the DCP.*
- *The proposal is expected to generate a total of 210 and 185 vehicle trips during the morning and evening peak hours, respectively. The increase in traffic generated by the proposal is expected to have a minimal impact to the operation of the surrounding road network including the intersection of Nundle Road / O'Briens Lane / Back Kootingal Road which is expected to continue operating with a good level of service.*
- *The car park layout and access arrangements have been suitably designed in general accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2022.*
- *No bicycle parking spaces are proposed which is considered acceptable as the development is not expected to generate any notable demand for cycling trips.*
- *Waste is proposed to be collected by private waste collection services outside of peak times to limit the impact to the operation of the car park. The waste collection vehicle is able to suitably access and egress the site in a forward direction with no reverse manoeuvres required.*

5.9.3. Public Domain

The proposed development will not have any adverse impact on the public domain of the area. The proposal would not create any negative impacts on the public domain as appropriate onsite landscaping shall be incorporated on the site that will soften the visual appearance of the development.

5.9.4. Utilities

The development will connect to existing reticulated water supply systems, electricity, telecommunications, on site effluent management, and existing stormwater systems in the locality. The proposed development is not anticipated to create any strain on existing utility infrastructure in the locality. The proposed Effluent Management System, as specified in Appendix H of this report, shall be subject to a separate Section 68 application.

5.9.5. Air & Microclimate

The proposed development is considered to not have any significant adverse impacts on the local air quality and microclimate. The incidence of air pollution can be reduced by using appropriate equipment; employment of good work practice and utilising a water spray, especially in conditions where dust is likely to be a nuisance.

5.9.6. Flora & Fauna

The proposed development will require the removal of weeds, greases and some trees on the subject site. The majority of established trees on the site shall be retained. New landscaping is to be provided on the site as part of the development. The Landscape Design in Appendix E of this report shall be implemented in the construction of the development. The development is not expected to adversely impact on any flora or fauna as a result of the disturbed nature of the subject site.

5.9.7. Waste

A nominated contractor will provide weekly garbage collection and fortnightly recycling collection services. Internally, there is a nominated garbage storage area that will cater for the proposed development. It is considered that this would service the proposed development with no adverse impact on the environment is likely to occur from the proposed development.

5.9.8. Energy

It is anticipated that a solar panel system shall be utilised on the roof of the proposed structures. The system shall be designed as part of the Construction Certificate documentation and the solar panels shall be positioned in a manner that does not create any unacceptable glare or visual impacts in the locality.

5.9.9. Noise & Vibration

The noise from the proposed construction works will be during normal business hours, as required by Council. The proposed noise is not expected to have a long term impact on the surrounding area and will be kept to a minimum.

Given the subject site and proximity to nearby residential receptors, noise impacts as a result of the development is likely to be triggered. Noise sources generated by the proposed development are expected to be from vehicle traffic and the kids playing in the outdoor areas.

As discussed in Table 4 of this report, the maximum noise generated at a childcare centre is anticipated to reach approximately 85dB, which would be generated for more intense activities like children shouting, running around, or engaging in active play. This is considered the upper end of the noise spectrum for a childcare centre, and as such levels are usually short-lived or intermittent.

Under the Noise Policy for Industry 2017 (NPfI) the daytime noise level target (7am – 10pm) is 50dB. As previously discussed in this report, the nearest residential dwelling to the proposed childcare centre is approximately 80m. By applying the Inverse Square Law, at a distance of 80m, the noise level from the childcare centre will have reduced from 85dB at the source to approximately 47dB at the dwelling, thereby complying with the NPfI requirements of 50dB. Therefore, the anticipated noise generated on the site is acceptable considered nearby residential receivers.

5.9.10. Bushfire

As previously discussed, the site is mapped as bushfire prone land. A comprehensive review of the site, surrounding lands and *Planning for Bushfire Protection 2019* document was undertaken during the preparation of the DA documentation. As a result, the Bush Fire Assessment Report in Appendix F provides the following recommendations:

- Asset Projection Zone/Defendable Space:
 - It is recommended that an Asset Protection Zone of 25m to the north, 45m to the east, 15m to the south and 33m to the west be applied.
 - The site is to be managed in accordance with Appendix 4 of PBP;
 - Ongoing monitoring of vegetation within other areas of the site (i.e. outdoor play area, carpark area etc) is recommended and if any vegetation becomes a potential threat, it is managed in accordance with PBP.
- Landscaping:
 - Landscaping shall be established and maintained in accordance with Appendix 4 of PBP and the applicable *Asset Protection Zone Standards*;
 - There shall be no branches overhanging the roof of any proposed structures and new plantings shall be established to ensure that there are no continuous tree canopies;
 - Any proposed fencing shall be constructed in accordance with Section 7.6 of PBP.
- Construction Standards:

- The proposed development is to be constructed to a BAL-12.5 standard and in accordance with PBP/AS 3959:2009. The BAL does not apply to any class 10a storage structures unless positioned within 6m of the proposed childcare centre building.
 - Any class 10a structure positioned within 6m of the childcare centre building shall be constructed in accordance with BAL-12.5 standards.
- Access
 - Access to the dedicated bushfire tank shall be kept clear at all times. A dedicated hardstand bay shall be established within proximity to the tank for firefighting vehicles to access the supply without obstruction;
 - Any traffic management devices shall not prohibit access for emergency vehicles;
 - The access roads shall be constructed to be capable of carrying a fully loaded firefighting vehicle up to 23 tonnes;
 - All internal roads are to be at least 5.5m in width and no bridges or causeways are to be constructed, however if required, shall be constructed and maintained in accordance with PBP provisions.
 - A dedicated evacuation point is recommended to ensure this internal road is kept clear at all times;
 - No tree plantings or obstructions shall occur on either side of the access roads that would prohibit access to and from the site in the event of fire.
- Services
 - Water:
 - Reticulated water supply shall be provided to the site and a dedicated 45,000L firefighting tank that is easily accessible from the proposed carpark. The tank shall be provided with the appropriate connections for RFS vehicles. The water supply shall be easily accessible for fire fighting vehicles;
 - Hardened driveways are to be provided in front of the proposed dedicated firefighting tank;
 - All aboveground water service pipes including taps etc shall be constructed of metal material;
 - The tank shall be provided with a Storz fitting with ball valve;
 - All aboveground water service pipes including taps etc shall be constructed of metal material.
 - Electricity and Gas:
 - It is recommended that any new powerlines are to be constructed underground;

- Vegetation around existing/new transmission lines are to be maintained in accordance with the specifications in *ISSC3 Guideline for Managing Vegetation Near Powerlines*;
- Any proposed gas bottles shall be installed and maintained in accordance with AS/NZS 1596:2004 with metal piping used;
- All fixed cylinders are to be kept clear of flammable materials to a distance of 10m (or appropriately shielded);
- All connections are to be of metal construction.
- Bushfire Danger Period:
 - Before the commencement of the Bushfire Danger Period, a review of the vegetation on the site and applied BFPs is recommended to be undertaken. Fuel reduction measures are recommended throughout the site.
- Emergency Evacuation Plans:
 - Preparation of a Bush Fire Emergency Management and Evacuation Plan, in accordance with RFS requirements;
 - An Emergency Planning Committee is required to be established for the facility in accordance with PBP requirements;
 - A Fire Management Plan (FMP) should be prepared for the property that is reviewed and updated annually.

Refer to Bush Fire Assessment Report (BFAR) in Appendix F of this report.

5.9.11. Safety, Security & Crime Prevention

The proposed development has been designed to ensure that essential safety, security and crime prevention measures are in place during operation. The development shall be afforded with landscaping and fencing with lockable gates to help detract any break-ins or vandalism on the site.

Access control to the premises will be undertaken via a swipe card and/or pin code arrangement or keys. CCTV and regular surveillance shall be incorporated with ongoing maintenance of the system as necessary. It is considered that the proposed development would adequately provide safety and security for ongoing operations that would be carried out on site.

Crime prevention through environmental design (CPTED) seeks to influence the design of buildings and places by:

- Increasing the perception of risk to criminals by increasing the possibility of detection, challenge and capture.
- Increasing the effort required to commit crime by increasing the time, energy or resources which need to be expended.
- Reducing the potential rewards of crime by minimising, removing or concealing 'crime benefits'.
- Removing conditions that create confusion about required norms of behaviour.

There are four principles that need to be used in the assessment of application to minimise the opportunity of crime, as follows; surveillance, access control, territorial reinforcement and space management. The following comments are made in relation to these principles.

- Clear sightlines exist between public and private places;
- Effective lighting of public places has been included;
- Landscaping has been designed so that it does not provide offenders with a place to entrap victims;
- Restricted access shall be provided to internal areas or high risk areas;
- The proposed has been designed with clear transition lines and boundaries between public and private spaces; and
- Space management strategies include activity coordination, site cleanliness, repair of vandalism and graffiti, the replacement of burned lighting and the removal or refurbishment of decayed elements.

During construction works, appropriate site fencing will be erected along with any other measures conditioned by Council.

5.9.12. Social Impacts in the Locality

There are no negative social impacts expected within the locality as a result of the proposed child care centre. It is felt that the facility will interact with the surrounding community, a community that is expected to have young families that would actually utilise the facility and benefit from it.

5.9.13. Economic Impacts in the Locality

The development will provide for employment opportunities during both construction and operation and offer a multiplier effect for related suppliers in the region and therefore is expected to provide a positive economic impact in the locality. It will provide for an increase in economic activity by means of offering further diversity and competition in the child care sector in the locality and support an essential service that is deemed necessary in Tamworth and Nemingha.

The proposed development will not have any significant impacts on the way of life, community, culture, health and wellbeing or fears and aspirations of the local community and through the provision of medical services, promotes health and wellbeing for the local community.

5.9.14. Site Design & Internal Design

The proposed development has been architecturally designed with select materials to reduce the visual impact and to create a visually appealing building for the locality. Given the prominent corner location of the site, it is considered that the building will create a positive visual appearance for consumers entering the locality.

5.9.15. Cumulative Impacts

There are no other issues such as heritage, flora/fauna or flooding that would impact upon the development or surrounds.

5.10. Suitability of the Site for the Proposed Development

The suitability of the site for the proposed development has been addressed in the above sections of this report. There are no prohibitive constraints posed by adjacent developments. There does not appear to be any zoning, planning or environmental matters that should hinder the proposed development of the site. In this regard, it can be concluded that the proposal fits into the locality and the site attributes are conducive for the development.

5.11. The Public Interest

The proposal is unlikely to create any negative impacts on the amenity of the area and is therefore deemed to be positive in terms of the public interest.

6. CONCLUSION

It is recommended that the proposed centre based childcare facility on Lot 111 DP 1272283, known as 2 Premiers Street, Nemingha be supported on the following grounds:

- The proposal is considered acceptable in terms of the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*;
- The proposal is permissible with consent and consistent with the relevant development standards and provisions of the *Tamworth Regional Local Environmental Plan 2010*;
- The proposal complies with the relevant provisions of the *Tamworth Regional Development Control Plan 2010*;
- The proposed development is not anticipated to generate any adverse impacts in the locality; and
- The proposed development is considered suitable for the site and its surrounds.

7. REFERENCES

NSW Government. (2024, September 1). *Biodiversity Value Map*. Retrieved from <https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap>

NSW Government Spatial Services. (2024, October 23). *Six Maps*. Retrieved from <http://maps.six.nsw.gov.au/>

NSW Rural Fire Service. (2019). *Planning for Bush Fire Protection: A Guide for Council's, Planners, Fire Authorities and Developers*. Sydney: NSW RFS.