



**INVERELL**  
**SHIRE COUNCIL**

# **PLANNING PROPOSAL**

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Additional Permitted Use – Centre-Based  
Child Care Facility - Lot 2 DP 818029 – 1  
Burgess Street, Inverell



Document History and Version Control				
Version	Prepared by	Company	Date	Brief Description
1.0	Matthew Hutchings	Keiley Hunter Town Planning	31 August 2022	Preliminary Planning Proposal
2.0	Chris Faley	Inverell Shire Council	6 March 2023	Updated as per Conditions of Gateway Determination



# Contents

<b>1. Introduction .....</b>	<b>5</b>
1.1 Planning Proposals .....	5
1.2 Executive Summary .....	5
1.3 The Land .....	6
1.4 Concept Proposal .....	8
1.5 Supply and Demand .....	10
1.6 Grant Funding .....	10
1.7 Pre-lodgement Consultation .....	10
<b>2. Planning Proposal .....</b>	<b>11</b>
2.1 Need for the Planning Proposal .....	11
2.2 Introduction .....	13
2.3 Part 1 - Objectives and Intended Outcomes .....	14
2.4 Part 2 - Explanation of Provisions .....	14
2.5 Planning Proposal Category .....	15
<b>3. Justification .....</b>	<b>16</b>
3.1 Part 3 - Justification of strategic and site-specific merit .....	16
3.2 Strategic Merit .....	16
3.3 Mapping .....	49
3.4 Community Consultation .....	49
<b>4. Conclusion .....</b>	<b>50</b>
4.1 Project Timeline .....	50
4.2 Recommendation .....	50

# Illustrations

<b>Illustration 1.1 – Locality Map .....</b>	<b>6</b>
<b>Illustration 1.2 – Site context .....</b>	<b>7</b>
<b>Illustration 1.3 – Proposed Site Plan .....</b>	<b>8</b>
<b>Illustration 1.4 – Concept Plan Building Elevations .....</b>	<b>9</b>
<b>Illustration 2.1 – Land Zoning Map Excerpt .....</b>	<b>13</b>
<b>Illustration 2.2 – Planning Proposal Category .....</b>	<b>15</b>
<b>Illustration 3.1 – Council Services Plan .....</b>	<b>21</b>
<b>Illustration 3.2 – Electrical Network .....</b>	<b>21</b>
<b>Illustration 3.3 – NBN Network .....</b>	<b>22</b>
<b>Illustration 3.4 – Lot Size Map Excerpt .....</b>	<b>26</b>
<b>Illustration 3.5 – AHIMS Search Result .....</b>	<b>30</b>
<b>Illustration 3.6 – New Residential Areas with Existing Community Services and Facilities .....</b>	<b>37</b>



<b>Illustration 3.7 – Enterprise Corridor.....</b>	<b>39</b>
<b>Illustration 3.8 – Aerial Imagery, 24 June 1962.....</b>	<b>40</b>
<b>Illustration 3.9 – Aerial Imagery, 26 July 1975.....</b>	<b>41</b>
<b>Illustration 3.10 – Aerial Imagery, 21 July 1994.....</b>	<b>41</b>
<b>Illustration 3.11 – Telecommunications Facility.....</b>	<b>42</b>
<b>Illustration 3.12 – Bus Route 471.....</b>	<b>48</b>

## Tables

<b>Table 3.1</b>	<b>Matters for consideration .....</b>	<b>16</b>
<b>Table 3.2</b>	<b>Traffic Generation Rates .....</b>	<b>28</b>
<b>Table 3.3</b>	<b>Predicted EME Levels .....</b>	<b>42</b>
<b>Table 4.2</b>	<b>Timeline for Completed Stages .....</b>	<b>50</b>
<b>Table 4.3</b>	<b>Indicative Project Timeline for Remaining Stages.....</b>	<b>50</b>

## Appendices

<b>A. CONCEPT PLANS.....</b>	
<b>B. MAJOR CAPITAL FUND APPLICATION.....</b>	
<b>C. SUPPLY AND DEMAND ANALYSIS .....</b>	
<b>D. BUSINESS PLAN .....</b>	
<b>E. CHILD CARE PLANNING GUIDELINE .....</b>	
<b>F. SITE IMAGES .....</b>	
<b>G. COUNCIL CORRESPONDENCE .....</b>	
<b>H. DEVELOPMENT APPLICATION DA-2/2013 .....</b>	
<b>I. ESTIMATED RF EME.....</b>	
<b>J. PRELIMINARY ENVIRONMENTAL SITE ASSESSMENT .....</b>	
<b>K. CONSISTENCY WITH SEPPs.....</b>	
<b>L. CONSISTENCY WITH S9.1 DIRECTIONS .....</b>	
<b>M. DEPOSITED PLAN .....</b>	
<b>N. GATEWAY DETERMINATION .....</b>	
<b>O. INDICATIVE AMENDMENT TO ADDITIONAL PERMITTED USES MAP .....</b>	





# 1. Introduction

## 1.1 Planning Proposals

A planning proposal is a report explaining the intended effect of a request to either create a new Local Environmental Plan or to amend an existing one. It sets out the justification for making a proposed change by identifying and assessing the potential impacts and describing the strategic and site-specific planning outcomes arising. Essentially, the preparation of a planning proposal is the first step in making an amendment to the *Inverell Local Environmental Plan 2012* (ILEP). It is a document inclusive of supporting information that assists Council as the planning proposal authority to decide whether a change should proceed to be prepared and submitted to the Department of Planning and Environment for Gateway Determination.

## 1.2 Executive Summary

Proposal	Amend Schedule 1 of the <i>Inverell Local Environmental Plan 2012</i>
Property Details	Lot 2 DP 818029, 1 Burgess Street, Inverell
Current Land Use Zone(s)	Zone RU1 Primary Production
Proponent	Inverell District Family Services
Landowner(s)	BEST Employment Limited
Location	See <i>Illustration 1.1 – Locality Map</i>

Keiley Hunter Town Planning was engaged by Inverell District Family Services (the proponent) to prepare a planning proposal relating to Lot 2 DP 818029, 1 Burgess Street, Inverell (the land). The Planning Proposal was supported at the Ordinary Meeting of Council on 28 September 2022 (Resolution 2022/123). A Gateway Determination (see **Appendix N**) was issued by the NSW Department of Planning and Environment on 28 October 2022. This planning proposal has been updated by Inverell Shire Council in accordance with Condition 1 of the Gateway Determination. Subject to the planning proposal process, should Council resolve to proceed with the Planning Proposal, **the final drafting of the amendment will be determined by Legal Services Branch and Parliamentary Counsel at the legal drafting stage** (see **Condition 1 of the Gateway Determination – Appendix N**).

The land is located on the western periphery of the settlement of Inverell at the intersections of Burgess Street and the Gwydir Highway. It is at the interface of Zone RU1 Primary Production, Zone R1 General Residential and Zone B5 Business Development and is within Zone RU1 Primary Production. The proponent is seeking to develop the site with a new thirty (30) place preschool to cater for current and future demand for local early childhood education. Intending to utilise the concept of a 'Bush Preschool' that features children physically interacting with the natural environment for developmental wellbeing, the land is necessarily sited near bushland to facilitate these outdoor recreational needs and additionally benefits from its proximity to both a future housing release area and employment lands.

Pre-lodgement advice from Inverell Shire Council (Council) dated 18 July 2022 characterised the proposed land use as a 'centre-based child care facility' and identified that this land use is prohibited in Zone RU1 Primary Production.



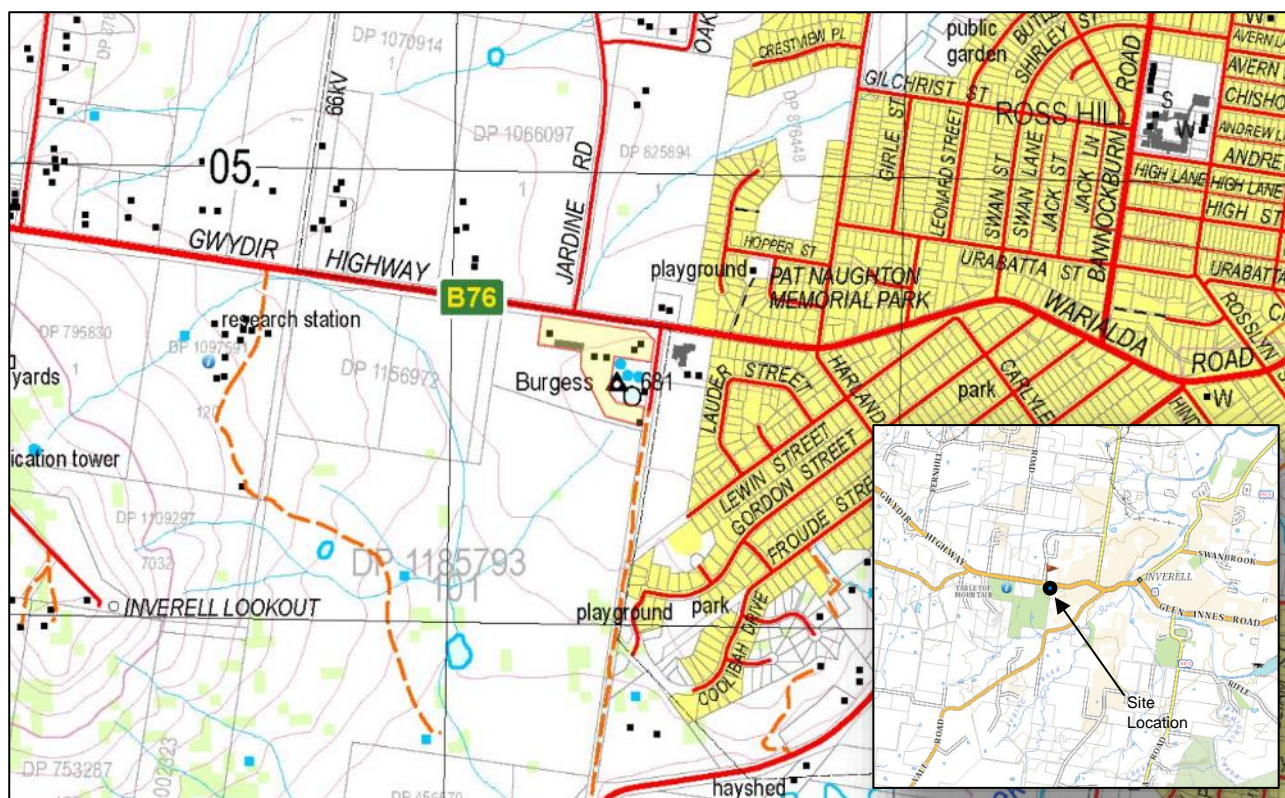
This planning proposal seeks to change the planning controls relating to the land to include a 'centre-based child care facility' as an additional permitted use in Schedule 1 of the ILEP. The Planning Proposal is consequently site-specific and does not involve a re-zoning. It has been prepared in accordance with the statutory requirements of the *Environmental Planning and Assessment Act 1979* (the Act) and the NSW Department of Planning and Environment's *Local Environmental Plan Making Guideline*, December 2021.

The Planning Proposal seeks to furnish both Council and the Department of Planning and Environment with the information necessary for the assessment of the planning proposal and for the Minister to make a Gateway Determination under Section 3.34 of the Act. It explains the intended effects of the proposed amendment to the ILEP to enable a centre-based child care facility to be permitted with consent on the land and sets out the strategic merit for making the proposed amendment by giving a proportionate assessment against the applicable planning framework.

### 1.3 The Land

The subject land is described as Lot 2 DP 818029 with an area of 2.563 ha located on the western side of Burgess Street, approximately two (2) kilometres from the Inverell Central Business District at the western gateway to the Inverell township, in the local government area of Inverell Shire Council (see **Illustration 1.1**). The land is irregularly shaped with a 173.06 m frontage to the Gwydir Highway (State classified road) and dual frontage to Burgess Street (local road) measuring 47.79 m in the north and 42 m in the south. The Gwydir Highway is kerb and guttered at the intersection to Burgess Street along with the near side of Burgess Street through to the end of its bitumen formation in the south.

**Illustration 1.1 – Locality Map**



Source: Six Maps, August 2022





The land is developed with the BEST Nursery in the north including a single-storey brick-and-tile building offering training and office-based services and various greenhouses, sheds and water storage structures for commercial production. Onsite car parking is developed off Burgess Street and wire mesh cyclone fencing, signage and landscaping feature along the perimeter. A telecommunications base station is developed in the centre of the allotment and two (2) sheds in the south of the land constitute the Forestry Corporation of NSW Inverell Depot.

Vehicular access to the land is available from three (3) locations along Burgess Street, being two (2) concrete vehicle crossovers to the bitumen sealed BEST Nursery car park in the north and a gravel crossover to the Forestry depot in the south. There is no vehicular access to the land developed within the Gwydir Highway.

### Illustration 1.2 – Site context



Source: Six Maps, August 2022

The land gently grades to the north and the southwest from an elevation of around 650m AHD.

Services to the land include Council's dendritic sewer and water mains, fixed line NBN and Essential Energy's overhead electrical conductors. Council stormwater pit and pipe infrastructure is situated in Burgess Street and the Gwydir Highway, and a concrete public footpath is sited to the east of the land opposite the Top of the Town Motel.



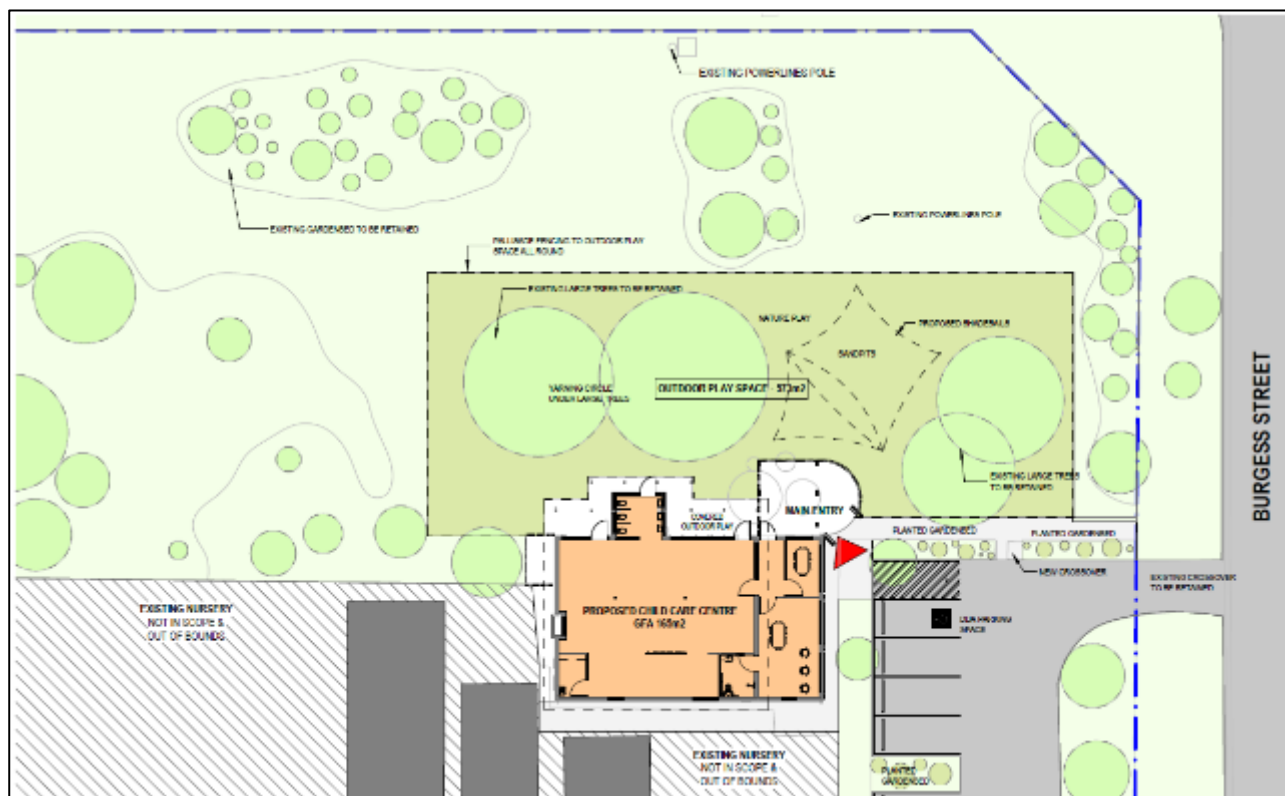
The land is currently Zone RU1 Primary Production under the ILEP with a minimum lot size for subdivision of 450m<sup>2</sup>. It adjoins land that is Zone B5 Business Development to the north and Zone R1 General Residential to the east, being at the urban and rural interface. An extract of the ILEP Land Zoning Map is located at Illustration 2.1. Photographs of the site are found at Appendix F. A Site Context plan is provided at Illustration 1.2.

Adjoining development is characterised by water utility infrastructure, a service station (Ampol Inverell Roadhouse) beyond the Gwydir Highway with the Top of the Town Motel to its east, commercial and light industrial style activities beyond Burgess Street, vacant land and Crown land under lease.

## 1.4 Concept Proposal

It is proposed that the north-eastern portion of the land be developed for the purposes of a centre-based child care facility (see Appendix A and Illustration 1.3). Centred on the existing nursery building of brick and tile roof construction, the development includes building alterations and additions to provide for a new entrance, northern verandah and amenities. Hard and soft landscaping including fencing, shade sails, sandpits, garden beds and access paths are proposed.

**Illustration 1.3 – Proposed Site Plan**

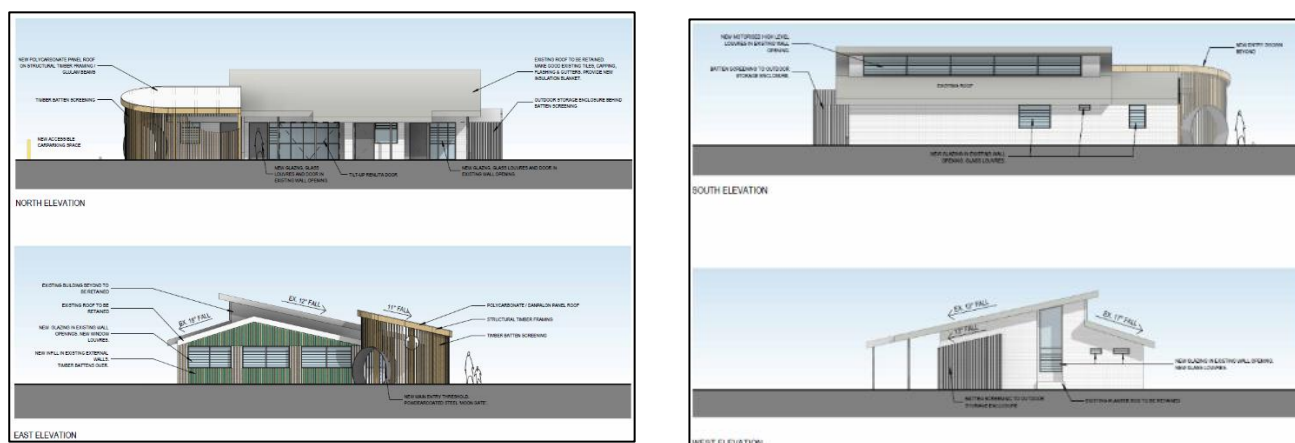


**Source: Thomson Adsett**

This planning proposal does not incorporate the making of a development application under Section 3.39 of the Act. Accordingly, development consent is not sought herein for a centre-based child care facility. Rather, the preliminary design details as prepared by Thomson Adsett are provided to assist in enunciating the suitability the site for the proposed land use. While final design details are subject to a future development application, the concept plans show an intent to develop:

- a licenced thirty (30) place child care centre with indoor and outdoor play spaces in the northeast of the land to meet the requirements of the Department of Planning and Environment's *Child Care Planning Guideline* (see **Appendix E**);
- a gross floor area of 165m<sup>2</sup>;
- a 573m<sup>2</sup> outdoor play space bound by secure palisade fencing and incorporating functional shading elements;
- an amended car park utilising the existing Burgess Street vehicle crossovers and incorporating fourteen (14) car parking bays inclusive of an accessible space in proximity to the building entrance;
- a new southeast facing pedestrian entry for safe pedestrian connectivity between the facility and its on-site car park and featuring playful and inviting curvilinear design elements including a steel moongate (see Illustration 1.4); and
- a design that retains existing landscaped features adjoining the Gwydir Highway to mitigate the perception of a fenced area in favour of a landscaped setting that aligns with the Bush Preschool concept.

### Illustration 1.4 – Concept Plan Building Elevations



**Source: Thomson Adsett**

It is anticipated that the centre-based child care facility will provide for thirty (30) child care places, eight (8) new jobs, and operate during school terms between 8:30am to 4:00pm Monday to Friday (with some staff operations for a limited time outside of these hours).

The Proponent has identified demand for an additional preschool in Inverell and seeks to focus on learning in connection with a natural bush environment through the establishment of an authentic 'Bush Preschool' (see **Appendix D**). The land is ideally located in proximity to the existing BEST Gardens space to the west and open farmland to the south (currently leased by BEST Employment Limited) which can facilitate regular and consistent out-the-gate nature experiences for children without the need for alternative transport. This brings a beneficial natural world element into their programs with reduced risk and increased financial sustainability for the operator. Bush Preschools facilitate outdoor play, promote creativity and exploration, foster respect and connection to the environment, and cultivate positive physical and mental health outcomes for children. The distance



from the service to the bushland and natural environment is a key component in site selection for a Bush Preschool and the land is preferred for its location at the urban and rural interface.

## 1.5 Supply and Demand

The proponent has documented a recurring growing waitlist for early childhood education in the district (see **Appendix C**). Despite having undertaken renovations in 2018 and 2020 to expand the student enrolment capacity at its Inverell preschools 'Kindamindi' and 'Jack and Jill', demand continues to exceed supply. Both services are currently at capacity and experiencing extensive waiting lists for both new children and additional days for current enrolments. Across the two (2) preschools, there are fifteen (15) new children awaiting an opportunity to utilise the service and thirty-two (32) awaiting opportunity for additional days.

The suburb of Inverell has experienced a 3.4% increase in its population from 2016 to 2021. This exceeds the broader 2.5% population growth projected by the Department of Planning and Environment for the Shire between 2016 and 2041 and has placed immediate demand on preschool service provision.

Across the Local Government Area, 5.7% of the population has a median age of 0-4 years. This broadly correlates with the number of persons eligible for preschool programs for children aged 3 - 5 years, which may equate to 687 children in the suburb of Inverell in 2021. Current supply in Inverell is at capacity and experiencing unmet demand that correlates with - and will be exacerbated by - population growth.

## 1.6 Grant Funding

In a letter dated 1 July 2022, the NSW Department of Education advised the proponent that its Major Capital Fund application to undertake renovations work to deliver 30 new preschool places had been assessed against the Major Capital Fund Guidelines criteria and endorsed to receive grant funding (see **Appendix B**).

## 1.7 Pre-lodgement Consultation

On 8 July 2022, the Proponent sought pre-lodgement advice from Council with respect to the development of a child care centre on the land. Council's response to the submitted email and concept plans was issued on 18 July 2022 (see **Appendix G**). Importantly, Council characterised the development as a 'centre based child care facility', being a land use that is prohibited within the Zone RU1 Primary Production, and properly advised that the development cannot proceed absent a planning proposal.

While certain commentary on the planning proposal process in Council's letter transpires under the heading of 'Re-zoning Process', subsequent discussions have indicated that a Schedule 1 amendment to the ILEP is preferential.





## 2. Planning Proposal

### 2.1 Need for the Planning Proposal

The land is Zone RU1 Primary Production under the ILEP (see **Illustration 2.1**). In this Zone, the Land Use Table specifies what development may be undertaken without development consent, what development may only proceed with development consent and what land uses are prohibited:

#### **2 Permitted without consent**

*Environmental protection works; Extensive agriculture; Flood mitigation works; Forestry; Home-based child care; Home occupations; Moorings; Roads*

#### **3 Permitted with consent**

*Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Backpackers' accommodation; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Function centres; Helipads; Home businesses; Home industries; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Kiosks; Landscaping material supplies; Mooring pens; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Signage; Vehicle repair stations; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities*

#### **4 Prohibited**

*Any development not specified in item 2 or 3*

The intended future development of the site is characterised as a centre-based child care facility:

**centre-based child care facility means—**

(a) a building or place used for the education and care of children that provides any one or more of the following—

- (i) long day care,
- (ii) occasional child care,
- (iii) out-of-school-hours care (including vacation care),
- (iv) preschool care, or

(b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),

**Note—**

*An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided.*

*but does not include—*



- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

**Note—**

*Centre-based child care facilities are a type of **early education and care facility**—see the definition of that term in this Dictionary.*

Development for the purposes of a centre-based child care facility is prohibited in the Zone RU1 Primary Production.

The land does not contain a heritage item and does not benefit from the conservation incentive provisions under Clause 5.10 (10) of the ILEP. Similarly, while the development is at the interface of Zone B5 Business Development and Zone R1 General Residential which each permit centre-based child care facilities with consent, Clause 5.3 of the ILEP limits land use flexibility between these zone boundaries to a distance of twenty (20) metres. This would approximately cover the landscaped area in the north and car park in the east of the site and is insufficient to contain the entirety of the intended future development. Other environmental planning instruments including *State Environmental Planning Policy (Transport and Infrastructure) 2021* do not alter the prohibition established by the ILEP. Consequently, and to quote Council:

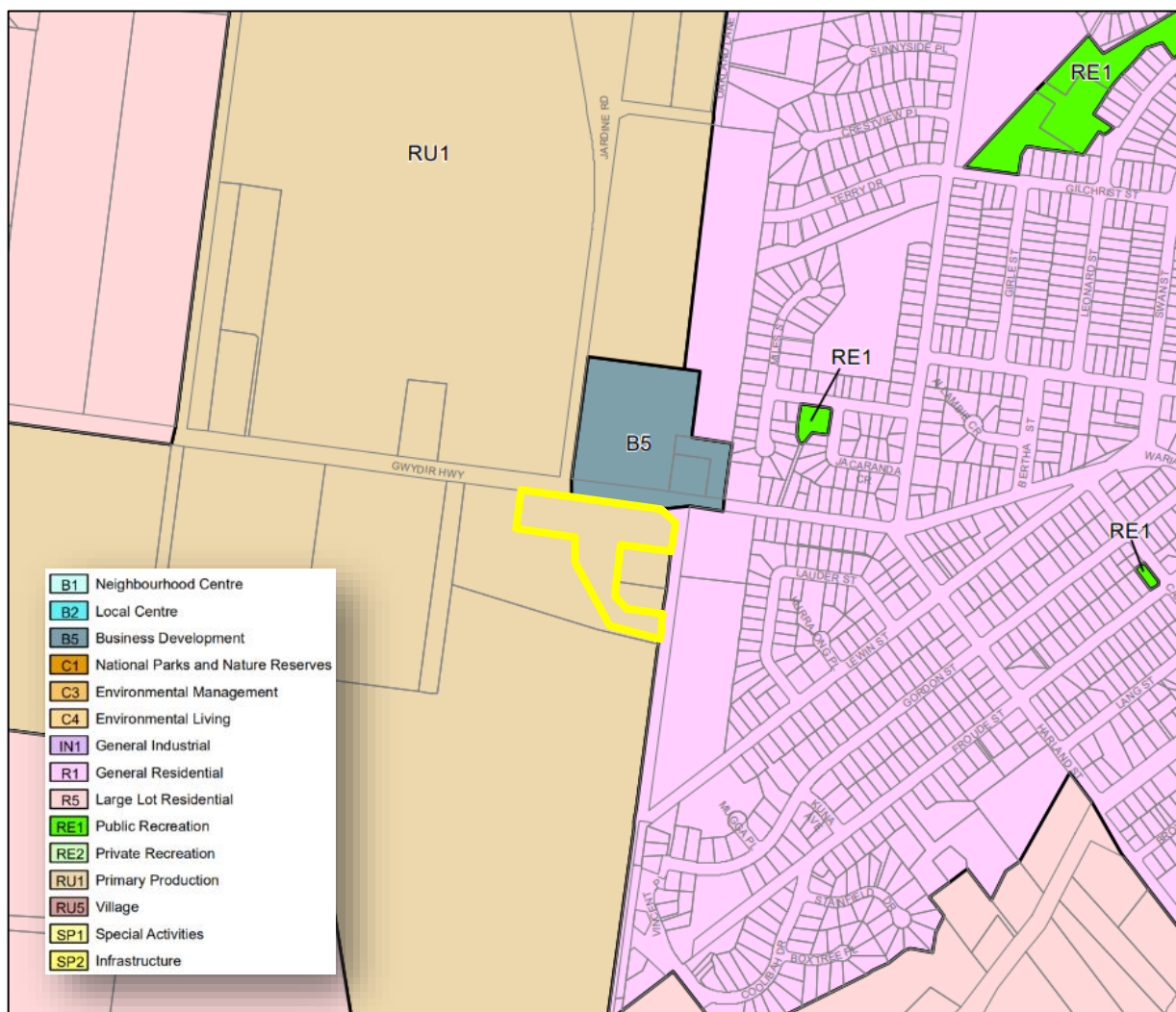
*To enable a “centre-based child care facility” to be undertaken on Lot 2 DP 818029, it would be necessary to amend the ILEP 2012.*

This planning proposal has been prepared to advance the requisite amendment.





## Illustration 2.1 – Land Zoning Map Excerpt



Source: Inverell Local Environmental Plan 2012

## 2.2 Introduction

Section 3.33 of the Act applies to planning proposals and establishes that an explanation of and justification for the proposed Local Environmental Plan or amendments thereto is to be firstly prepared:

- (1) Before an environmental planning instrument is made under this Division, the planning proposal authority is required to prepare a document that explains the intended effect of the proposed instrument and sets out the justification for making the proposed instrument (the **planning proposal**).
- (2) The planning proposal is to include the following—
  - (a) a statement of the objectives or intended outcomes of the proposed instrument,
  - (b) an explanation of the provisions that are to be included in the proposed instrument,
  - (c) the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will give effect to the local strategic



*planning statement of the council of the area and will comply with relevant directions under section 9.1),*

- (d) if maps are to be adopted by the proposed instrument, such as maps for proposed land use zones; heritage areas; flood prone land—a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument,*
  - (e) details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.*
- (3) The Planning Secretary may issue requirements with respect to the preparation of a planning proposal.*

Subsequent components of this planning proposal address the abovementioned criteria in the format established by the NSW Department of Planning and Environment in its *Local Environmental Plan Making Guideline*, December 2021.

## 2.3 Part 1 - Objectives and Intended Outcomes

The objective of this planning proposal is to enable the land, Lot 2 DP 818029, 1 Burgess Street, Inverell, to be developed for the purposes of a 'centre based child care facility'.

The intended outcomes of the planning proposal are to:

- address existing capacity issues experienced within the local preschool network;
- provide for additional preschool places in line with future population growth;
- improve access to community preschool by creating additional places through a change of use to 'centre based child care facility' and associated building alterations and additions;
- support sustainable re-use and adaptation of an existing building and setting;
- facilitate the development of a 'centre based child care facility' on a strategic site that is fully serviced, readily accessed, and in proximity to future residential growth areas and employment lands;
- foster the concept of a 'Bush Preschool' by developing land that benefits from connectivity to adjoining bushland to support sustainable physical interactions with the natural environment and associated positive externalities for a child's developmental wellbeing; and
- deliver capital works awarded grant funding under the NSW Government's Major Capital Fund.

## 2.4 Part 2 - Explanation of Provisions

The objectives and intended outcome of this planning proposal will be achieved by amending Schedule 1 of the ILEP to permit the land use 'centre-based child care facility' with development consent at Lot 2 DP 818029, 1 Burgess Street, Inverell.

To assist legal drafting, the following text is proffered for inclusion in **Schedule 1 Additional permitted uses** of the ILEP:

**2 Use of certain land at Burgess Street, Inverell**

- (1) *This clause applies to Lot 2, DP 818029, 1 Burgess Street, Inverell.*
- (2) *Development for the purposes of a centre-based child care facility is permitted with development consent.*

## 2.5 Planning Proposal Category

In accordance with the NSW Government's *Local Environmental Plan Making Guideline*, December 2021 (the Guideline), the planning proposal is to be categorised by Council into one (1) of four (4) categories when submitted to the Department for Gateway determination. Based on the strategic consistency and complexity of the planning proposal, it is relevantly categorised as a 'standard' planning proposal for this administrative purpose (see **Illustration 2.2**).

### Illustration 2.2 – Planning Proposal Category

**Standard**

A standard planning proposal refers to any one or more of the following proposed LEP amendment types, including an amendment:

- To change the land use zone where the proposal is consistent with the objectives identified in the LEP for that proposed zone
- That relates to altering the principal development standards of the LEP
- That relates to the addition of a permissible land use or uses and/or any conditional arrangements under Schedule 1 Additional Permitted Uses of the LEP
- That is consistent with an endorsed District/Regional Strategic Plan and/or LSPS
- Relating to classification or reclassification of public land through the LEP

Source: *Local Environmental Plan Making Guideline*, December 2021

Table 2 of the Guideline establishes maximum planning proposal benchmark time frames per category. With respect to this, the ultimate proposal to develop a preschool on the land is the subject of a successful grant application under the NSW Government's 2021 Start Strong Capital Works Grants Program. This Program aims to improve access to preschool by creating additional places in areas of need and demand through new builds, extensions and renovations of centre-based community preschools. The grant funding is fundamental to the delivery of the project and introduces new timeframes that are to be adhered to. It has been requested that Council and the Department actively progress the planning proposal to avoid delays that could impair the delivery of this State supported capital works project.



## 3. Justification

### 3.1 Part 3 - Justification of strategic and site-specific merit

This section provides a detailed assessment of the proposal's strategic and site-specific merit to determine whether the planning proposal should be supported. This section of the planning proposal integrates findings from supporting studies and investigations and provide justification for the proposed amendment to the ILEP.

This section also considers the interaction between these findings and whether the proposal will align with the strategic planning framework and have any environmental, social, or economic impacts.

### 3.2 Strategic Merit

The proposal is aligned with the NSW strategic planning framework as demonstrated below:

**Table 3.1 Matters for consideration**

Question	Considerations
<b>SECTION A – Need for the planning proposal</b>	
<b>1 Is the planning proposal a result of an endorsed LSPS, strategic study or report?</b>	<p>The planning proposal is an indirect need of the endorsed <i>Inverell Shire Council Local Strategic Planning Statement 2036</i> (LSPS), as discussed in detail in response to Table 3.1, Question 4 below.</p> <p>The planning proposal is a proponent funded application to amend the ILEP and is consistent with the themes and planning priorities contained within the LSPS, specifically the demographic forecast for strong population growth adopted therein.</p> <p>The planning proposal is a consequence of the endorsement by the NSW Department of Education for grant funding under the Major Capital Fund Program. It is an extension of the State's position to ensure quality preschool education to all children in New South Wales irrespective of location or circumstances and is fundamentally required by a growing community.</p>
<b>2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</b>	<p>The planning proposal is the best means of achieving the intended outcomes. It is limited to the introduction of an additional permitted use on one (1) allotment that is strategically located to optimise the delivery of the intended educational service and intrinsically supported by relevant planning studies and adopted planning policies.</p> <p>A better way is only achieved where the existing environmental planning instruments enable the proposed land use. This is not the case, with no opportunity to proceed with the development currently available under</p>



	<p>planning instruments including <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> and the ILEP's Land Use Table, development near zone boundary provisions and Schedules. The land use is not a development standard subject to Clause 4.6 <i>Exceptions to development standards</i> of the ILEP and requires a planning proposal to be progressed.</p> <p>Alternative options for achieving the intended outcome of this planning proposal are to:</p> <ol style="list-style-type: none"> <li>1. permit development for the purposes of a centre-based child care facility with or without development consent in Zone RU1 Primary Production; or</li> <li>2. re-zone the land to a Zone that permits a centre-based child care facility with or without development consent.</li> </ol> <p>These two options are neither discrete nor site-specific, relating to all land that is Zone RU1 Primary Production or permitting alternative land uses under a new zone which may be contrary to the strategic intent for the land.</p>
<b>SECTION B – Relationship to the strategic planning framework</b>	
<p><b>3 Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?</b></p>	<p>The applicable regional plan is the <a href="#"><i>New England North West Regional Plan 2041</i></a> (Regional Plan). The Regional Plan provides an overarching framework to guide planning priorities, future land use plans, development proposals and infrastructure funding decisions at the local level until 2041. It encompasses a vision, goals, directions and actions that aim to deliver a future of increased prosperity for residents and visitors of the region.</p> <p>The Regional Plan priorities for Inverell are prescribed as follows:</p> <ul style="list-style-type: none"> <li>• <i>Encourage diversification in agriculture, horticulture and agribusiness to grow these sectors and harness domestic and international opportunities.</i></li> <li>• <i>Support the development of employment lands</i></li> <li>• <i>Expand nature-based, adventure and cultural tourism places and enhance visitor experiences by leveraging the area's environmental and iconic assets including Copeton Dam.</i></li> <li>• <i>Support initiatives aimed at raising the profile of the area to attract younger people and business development.</i></li> <li>• <i>Deliver a diversity of housing in Inverell and promote development that contributes to the unique character of Ashford, Gilgai, Yetman, Tingha and Delungra.</i></li> <li>• <i>Continue to develop access and logistics infrastructure on appropriate sites to encourage new industry opportunities, including food production.</i></li> </ul>





- *Leverage the REZ and new renewable energy projects.*

While the planning proposal does not ‘give effect’ to a variety of housing options in Inverell, the identification of funding and land for new and expanded preschools is a necessary component in supporting expansions to housing stock and populations.

The development of new housing options puts pressure on preschool places and it is strategically insufficient to simply plan for houses; communities need to be built. Preschools are a central component of any community as evidenced by the State’s commitment to ensure ‘that all children in New South Wales can participate in 600 hours of quality preschool education in the year before school, no matter where they live or what their circumstances are’. With existing preschool places in Inverell under pressure, the introduction of new housing developments as prioritised by the Regional Plan is likely to exacerbate this situation.

Fortunately, the proponent has established the need for local preschool places, identified a strategic location, negotiated land access, and secured grant funding for additions and alterations to the site for its use as a centre-based child care facility.

It is crucial that new preschools be built at the right time, so that places are available for the children who need them, when they need them. Future population growth and new housing developments which inform the priorities of the Regional Plan mean that a new local preschool should be properly considered as an integral part of the strategic planning process.

The proposed concept development for a centre-based child care facility reflects the Regional Plan priority to ‘support the development of employment lands’. A new centre-based child care facility for thirty (30) children will support eight (8) new jobs including educators, administration and gardening roles, and additionally facilitate parents to re-enter or remain in the workforce, with associated knock-on benefits for the economy derived from this system.

In addition to the priorities for Inverell, discussion of specific objectives of the Regional Plan relevant to this planning proposal has been provided below.

#### Objective 2: Protect the viability and integrity of rural land

This Planning Proposal concerns an allotment that is Zone RU1 Primary Production. The distribution of this Zone on which the land is situated is limited to an isolated pocket of rural estate to both the north and south of the Gwydir Highway that is almost entirely surrounded by residential land within



the R5 Large Lot Residential zone and the R1 General Residential zone. The proximity of residential lands fetters the resource base both on and adjoining the land and limits operations that would generate noise, dust, odours, smoke and particulates or involve pesticides or poisoning. Combined with the land being bound Zone B5 Business Development to the north and the character of existing development on and adjoining the land including town water reservoirs, and the planning proposal is unlikely to adversely impact primary industries or rural amenity.

Objective 5: Enhance the diversity and strength of Central Business Districts and town centres and Objective 6: Coordinate the supply of well-located employment land

Together, Objective 5 and Objective 6 of the Regional Plan seek to grow cities and centres as places of commerce, retail and social activity, foster a strong sense of place, and enable services to be efficiently delivered for residents and adjoining communities. The planning proposal is an integral component of this strategic direction to develop Inverell as a centre. It has the potential to:

- assist in reinforcing Inverell as a primary location for regional services;
- enhance place-making through positive social and economic benefits for the wider community;
- respond to local demand for preschool services;
- maximise the use of existing infrastructure including water, sewer and road networks; and
- integrate with a cluster of complementary uses to be realised on adjoining land that is Zone R1 General Residential and Zone B5 Business Development (note that each of these zones permit development for the purposes of a centre-based child care facility with development consent).

In this regard, the planning proposal is considered to be consistent with Objective 5 and Objective 6 of the Regional Plan.

Objective 8: Adapt to climate change and natural hazards and increase climate resilience

this context, the planning proposal mitigates the risk from natural hazards by targeting an allotment that is not mapped as bush fire prone land and is not a flood control lot.



Objective 12: Protect regional biodiversity and areas of High Environmental value

The land the subject of the planning proposal has been historically cleared and developed and does not contain or adjoin land with high biodiversity value as shown on the Biodiversity Values Map or a watercourse.

Objective 20: Improve state and regional freight connectivity

Freight networks are important for the continued growth of regional economies, with the Gwydir Highway being an important regional network. Strategy 20.1, is to optimise the efficiency and effectiveness of the freight network by:

- *protecting, maintaining and improving the existing and emerging freight transport network.*
- *Balancing land use conflict with the need to support efficient freight capacity.*

The planning proposal is consistent with this strategy as:

- the land does not have sole frontage to the Gwydir Highway, with access being afforded from the local road Burgess Street;
- annual average daily traffic volumes along the Gwydir Highway are significantly below the 20,000 vehicle threshold identified at clause 2.120 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* for a centre-based child care facility to address road noise or vibration impacts;
- regulated 50 km/hr traffic speed zones in the locality mitigate acoustic impacts in support of the planning proposal; and
- the *Inverell Strategic Land Use Plan 2012* seeks to 'identify a heavy vehicle bypass of Inverell'.

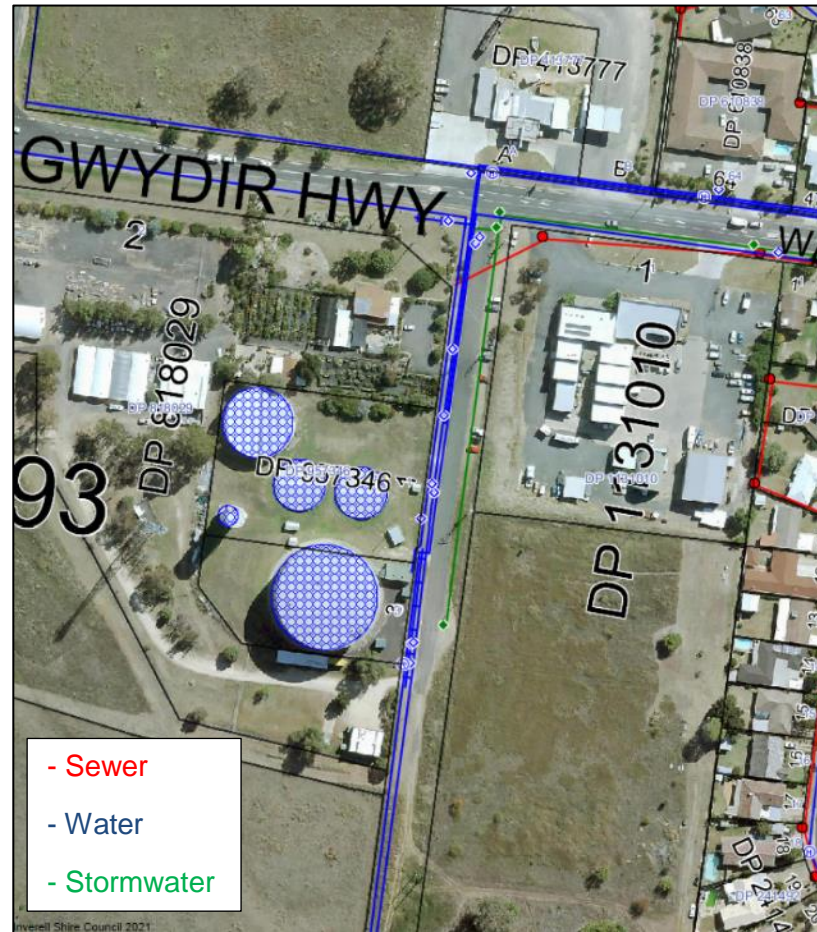
Strategy 1.2: Maximise the cost-effective and efficient use of infrastructure by focusing development around existing infrastructure and promote colocation of new infrastructure.

The planning proposal aligns with this objective as the land adjoins bitumen sealed roads with near-side kerb and gutter and stormwater pit and pipe and is serviced with Council's dendritic sewer and water mains, fixed line NBN and Essential Energy's overhead electrical conductors (see Illustrations 3.1, 3.2 and 3.3). There is additionally a concrete footpath network within c.125m of the land that affords pedestrian connectivity through to the central business district. That is, the planning proposal is well located to maximise infrastructure use.



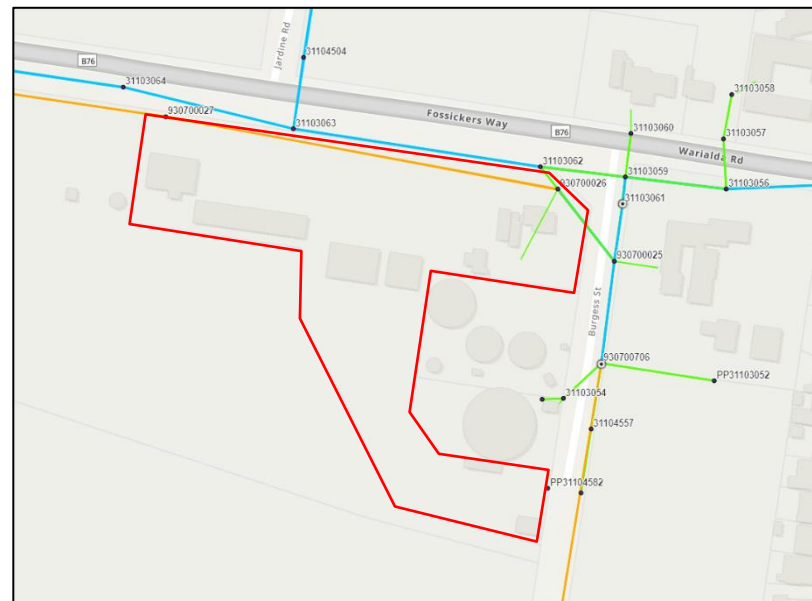


**Illustration 3.1 – Council Services Plan**



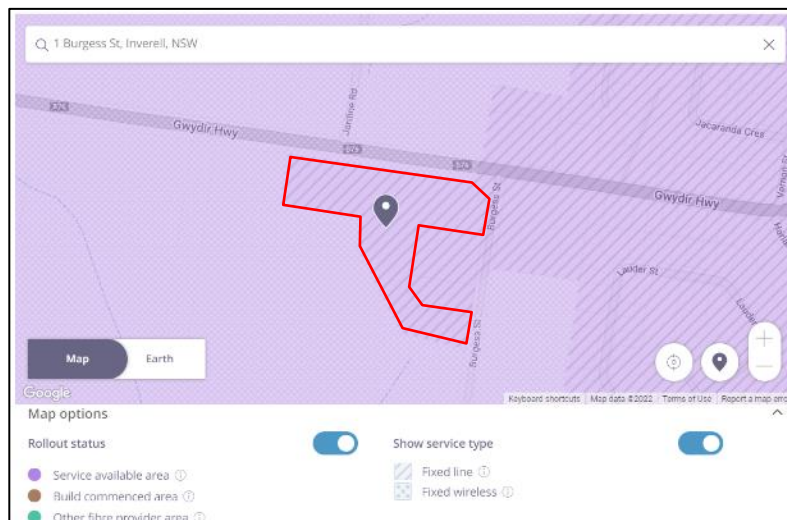
Source: Inverell Shire Council

**Illustration 3.2 – Electrical Network**



Source: Essential Energy Network Information Portal

### Illustration 3.3 – NBN Network



**Source: NBN Maps (accessed August 2022)**

### Conclusion

The vision on the Regional Plan is for “healthy and thriving communities, supported by a vibrant and dynamic economy that builds on the region’s strengths”.

The permissibility of a centre-based child care facility on the land can give effect to this vision by:

- Providing opportunities for employment both during and post construction;
- Enabling business expansion;
- Enhancing liveability within the community;
- Targeting children with services that develop educational and lifestyle skills including social, physical and language aptitudes;
- Providing a foundational service that supports the quality of life of residents and enhances the community as an appealing place to live;
- Siting the development adjacent to employment and residential zoned lands that can support future housing and business opportunities; and
- Supporting people across a broad demographic range to live, work and play locally.

Having regard to the above, the planning proposal is consistent with the Regional Plan and can give effect to a range of key objectives and actions contained therein.



<p><b>4 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?</b></p>	<p>On 1 July 2020 Council adopted the LSPS. The LSPS seeks to shape land uses over time to meet the community's future social, economic and environmental needs. It identifies key local advantages and opportunities and sets out strategic themes and planning priorities to guide future development in the Shire.</p> <p>The development of a 'Bush Preschool' on the site is consistent with the following local advantages and opportunities identified in the LSPS.</p> <p><b>(1) Tourism</b></p> <p>Bush Preschool encourages active, outdoor, creative play by providing a connection to the natural world. Through exposure to and interaction with bushland settings, children can learn and practice environmentally sustainable behaviours. Such education has the potential to increase both knowledge of the environment and the frequency of visiting nature with families. In developing a child's connection to the natural environment, an understanding of the value of the natural assets that form a key component of the visitor economy can be gained. These relationships to land can support sustainable visitation to the Shire and the preservation of natural assets into the future.</p> <p>Site selection in proximity to rural settings is integral to the delivery of a 'Bush Preschool' as envisioned by the proponent.</p> <p><b>(2) Business and Lifestyle</b></p> <p>The LSPS identifies that the Shire enjoys an abundance of natural, cultural and service assets. To further Inverell as 'the place to work, live and play', the opportunity to develop educational services to accommodate current and forecast local preschool demand in line with population growth should be received as one that aligns with the LSPS.</p> <p>The development concept for a 'Bush Preschool' on the land seeks to remedy a lack of capacity for the Inverell community to access early education by providing a new thirty (30) space preschool service. The investment in this new service asset is intrinsically linked to the establishment of the Shire as a regional centre that boasts modern services and lifestyle benefits.</p> <p>Focussed on learning in connection with a natural bush environment, the principles of active living identified in the LSPS are encouraged and reinforced by the concept proposal for the land. Similarly, the environmental connections between residents and place identified in the LSPS are promoted:</p>
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*Inverell Shire residents have a strong connection to place which incorporates the natural, built and cultural environment. This connection provides the basis for the rural lifestyle that our residents and visitors value.*

### **(3) Environment**

The land is selected for the opportunities that it affords to connect with the bushland environment in the nominated Zone RU1 Primary Production. Its proximity to natural features can assist in the delivery of outdoor education and creativity in line with the identified LSPS opportunity to promote 'active lifestyles and appreciation of a diverse environment'.

### **(4) Our Vision**

The 2036 LSPS vision for the Shire is one of maintained economic strength, population growth and desirability as a place to live. For the residents, the vision is for 'access to health services, education' and 'opportunities for employment' in a Shire that 'is a "community for everyone" where we are well serviced and supported'.

2021 census data for the suburb of Inverell provides for a population of 12,057 people. Compared to the 2016 census population of 11,660 people, there is an additional 397 people residing in the suburb which equates to a 3.4% population growth rate over the five-year intercensal period. This exceeds the broader 2.5% population growth projected by the Department of Planning and Environment for the Shire between 2016 and 2041 and places increased demand for local services including educational institutions.

For the LSPS vision to come to fruition, the realisation of well serviced and well supported population growth is to include the requirement for the provision of early education. It is an integral component of the 'school readiness' program that children be afforded access to 600 hours of preschool before entering the primary school system. According to the [State](#):

*The NSW Government is committed to ensuring that all children in New South Wales can participate in 600 hours of quality preschool education in the year before school, no matter where they live or what their circumstances are.*

The justification provided is that:

*Research shows that children who participate in a quality early childhood education program for at least 600 hours in the year before school are more likely to arrive at school equipped with the social, cognitive and emotional skills they need to engage in learning.*



*The benefits endure well beyond primary school. Higher levels of educational attainment, economic participation and family wellbeing have all been linked to moderate levels of participation in early childhood education.*

The value of starting strong is inherent in the 2036 LSPS vision and this planning proposal seeks to deliver a new preschool service that can provide an additional thirty (30) preschool spaces in line with the demands of 'one of the fastest growing regional centres in the state'.

The LSPS identified four (4) key strategic themes for development in the Shire that align with the economy, places, infrastructure and environment. The alignment of the planning proposal with these themes is discussed below.

### **Theme 1 – Strong Local Economy**

Planning Priority 1 under this theme includes the need to ensure 'that productive agricultural land is appropriately protected from inappropriate land uses'. The planning proposal is consistent with this crucial objective on the following grounds:

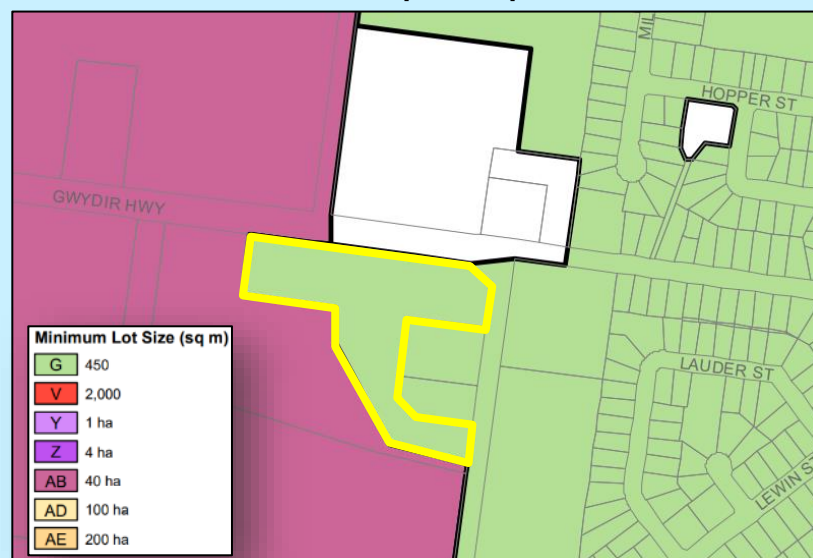
- the land is limited to an area of 2.563 ha;
- the land supports mixed use development including a Telstra wireless telecommunications base station and a commercial nursery;
- the development concept for the land seeks to actively re-use an existing retail building while retaining nursery activities in the west;
- the land is subject to a 450m<sup>2</sup> minimum subdivision lot size as differentiated from adjoining estate that is Zone RU1 Primary Production;
- the land adjoins Zone R1 General Residential to the east that is subject to a minimum subdivision lot size of 450m<sup>2</sup>;
- the land adjoins Zone B5 Business Development to the north, being land that is anticipated to support a new Bunnings Warehouse;
- the land adjoins existing reservoirs to the south which form part of the Inverell town water supply; and
- the land adjoins Crown land under special lease arrangements.

The proximity of the site to sensitive land uses including town water reservoirs and future residential development, serves to minimise the likelihood of potential adverse edge effects resulting from the proposed land use on agricultural activities. The setting renders the site unique, and Council has acknowledged this in its application of the land use standards for minimum subdivision lot sizes to the land (see **Illustration 3.4**). According to the LSPS, minimum subdivision lot sizes are to 'reflect trends and enable a productive agricultural sector to grow'. More intensive



development of the land with negligible resulting impacts on agricultural activities is therefore anticipated.

### Illustration 3.4 – Lot Size Map Excerpt



Source: ILEP, Lot Size Map, Sheet LSZ\_008A

The intent of Action 1.1 of the LSPS to ‘restrict the encroachment of inappropriate land uses on rural land’ is served by the planning proposal. Notably, the restriction of land uses does not constitute a prohibition on a land use where the circumstances of the site are conducive to its permissibility with development consent.

Action 1.3 of the LSPS additionally indicates the willingness of Council to consider additional land uses within the Zone RU1 Primary Production:

- *consider ‘opening up’ the RU1 zone to allow suitable, compatible land uses that encourage and facilitate agribusiness expansion, farm-based tourism, commercial and recreational land uses where land use conflict will be minimised and agricultural activities will not be compromised.*

While the proposal is site-specific and does not seek to alter the Land Use Table with respect to the range of land uses permitted, this LSPS planning priority is conducive to the sustainable integration of new land uses into rural areas. This is reiterated at Action 1.4 of the LSPS.

Action 1.6 of the LSPS seeks to:

*Prioritise and protect road infrastructure that caters for large transport vehicles and aligns with the New England*

*Joint Organisation’s Road Network Strategy, which is due to be completed in June 2020.*



The New England Joint Organisation [Road Network Strategy 2020](#) identifies that the New England Joint Organisation road network is made up of the following key highways and roads:

- Newell Highway;
- New England Highway;
- Gwydir Highway;
- Bruxner Highway;
- Waterfall Way;
- Kamilaroi Highway;
- Carnarvon Highway.

Other important connectors include the Fossickers Way and Thunderbolts Way.

The Gwydir Highway connects the Pacific Highway near Grafton in the east, with the Castlereagh and Kamilaroi Highways near Walgett via Glen Innes, Inverell, Warialda, Moree, Collarenebri. It forms the northern property boundary with the land.

The land currently supports the BEST Nursery, being a plant nursery where horticultural stock is propagated for the purpose of sale. According to the RTA [Guide to Traffic Generating Developments](#), October 2002, plant nurseries experience peak traffic generation on weekends at the following calculation rate:

*Peak hour vehicle trips two-way (PVT) = 57 vehicles plus 0.7 vehicles per 100m<sup>2</sup> of site area.*

The concept proposal seeks to reduce the area of the site utilised as a plant nursery, thereby reducing peak hour vehicle trips attributable to the plant nursery by the area the subject of the change of use. Additionally, the concept proposal does not operate on weekends and is complimentary in this regard.

Peak traffic generation for preschool child care centres typically occurs in the periods 8:00 – 9:00 am and 2:30 – 4:00 pm, with rates coinciding with the number of children attending the centre (see **Table 3.2**).

**Table 3.2 Traffic Generation Rates**

Centre Type	Peak Vehicle Trips / Child		
	7.00- 9.00am	2.30- 4.00pm	4.00- 6.00pm
Pre-school	1.4	0.8	-
Long-day care	0.8	0.3	0.7
Before/after care	0.5	0.2	0.7

**Source - Guide to Traffic Generating Developments, October 2002**

The concept preschool intends to accommodate thirty (30) children which would equate to a mean peak traffic generation rate of 42 vehicles in the morning.

Application of the RTA guide indicates that vehicular movements to and from the land would increase from the conceptual development. While the adequacy of the road network would be assessed under a development application as required, the following observations are made about the adequacy of the existing road network:

1. The Gwydir Highway is bitumen sealed with kerb and gutter at the intersection to Burgess Street. The near side of Burgess Street is kerb and guttered through to the end of its bitumen formation in the south.
2. A central median turning lane facilitates safe right-hand vehicle movements off the Gwydir Highway and onto Burgess Street.
3. Both Burgess Street and the Gwydir Highway are signposted 50km/hr roads in the locality.
4. Lengthy, unobstructed sightlines are afforded at the intersection of the Gwydir Highway and Burgess Street.
5. Traffic volumes on the Gwydir Highway are recorded on the Transport for NSW Traffic Volume Viewer at a location 940m west of Tamboura Close, with the 2022 average daily traffic count travelling both east and west being 1,347 vehicles.
6. The land has dual frontage to the Gwydir Highway and Burgess Street, with existing access to and egress from the site afforded via the local road. There is no existing, proposed or required access to the land provided by the classified road.

Strategically, the land is situated to facilitate new development that is unlikely to compromise the effective and ongoing operation and function of the Gwydir Highway. This is consistent with Action 1.6 of the LSPS to prioritise and protect large transport vehicle road infrastructure.





Perimeter fencing would form part of any proposal to mitigate potential conflict between vehicles and pedestrians attending a centre-based child care facility.

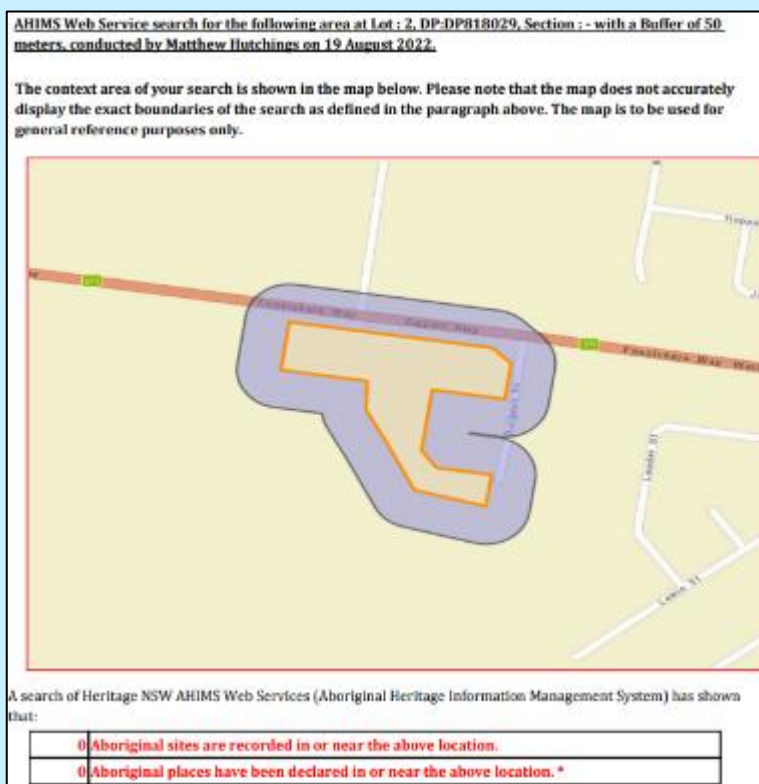
Planning Priority 3 under the LSPS seeks to expand nature-based adventure and cultural tourism. As abovementioned, the conceptual Bush Preschool for the land facilitates children spending time outdoors connecting with the natural environment. This tends to foster an appreciation of nature from a young age which can assist in creating a generation that feels connected with - and respectful towards - the environment ([Selmar Institute of Education](#)). The proposed land use can therefore be an enabler of the LSPS Action 3.1 which seeks to protect areas of high environmental and historic significance for future generations.

The Bush Preschool concept informs site selection for the proposed centre-based child care facility, with factors such as the distance from the service to the bush kinder site having been considered due to impacts on transportation methods. The land is preferred for its proximity to the Inverell hinterland and the range of natural elements which can be integrated into the educational program and practice from the site. It enables children to walk into a bushland environment that retains mobile phone coverage; is away from large bodies of water; and is interconnected with nearby facilities that offer shelter, learning and development in inclement weather.

Action 3.1 of the LSPS additionally seeks to focus development 'on areas of least biodiversity sensitivity and environmental value'. In this regard, the nominated site is previously cleared and developed land that does not contain or adjoin:

- land with high biodiversity value as shown on the Biodiversity Values Map;
  - a heritage item or area listed under schedule 5 of the ILEP;
  - known Aboriginal cultural heritage as per a basic search of the Aboriginal Heritage Information Management System undertaken on 19 August 2022 (see **Illustration 3.5**); or
- a watercourse, with the nearest being a mapped Strahler order 1 watercourse which originates in the south on Lot 101 DP 1185793 and drains to the southwest.

### Illustration 3.5 – AHIMS Search Result



Source: Aboriginal Heritage Information Management System

The proposed additional land use for the land is consistent with Action 3.1 of the LSPS and furthers the intent of Action 3.4 to 'ensure that planning provisions and development controls allow for diversification of compatible land uses'.

#### Theme 2 – Thriving, Liveable and Authentic Places

Planning Priority 4 of the LSPS seeks to deliver housing outcomes that conform to projections for population growth and changed household sizes. It states that 'Inverell's population is expected to grow from **16,483** (2016) to **19,300** by 2036'. This shire-wide population increase has a corresponding growth in demand for local preschool services which are currently at capacity within the suburb of Inverell and struggling to meet the demands of the 12,057 people residing in the suburb of Inverell in 2021.

Action 4.2 of the LSPS aims to 'review and implement the *Inverell Strategic Land Use Plan 2012*'. Key strategies in that Plan fundamentally align with the LSPS but it is meaningful to comment on several of these key strategies including those concerning natural hazards, traffic and the Inverell township:

- control development within bushfire prone areas;
- control development on flood prone land;

...



- *identify sites for key public infrastructure such as schools, health facilities, etc;*
- ...
- *identify a heavy vehicle bypass of Inverell.*

In response to these land use planning issues:

- the land is not mapped as bush fire prone land;
- the land is not mapped as being in a flood planning area as per Council's online public map database (accessed 19 August 2022);
- the planning proposal is a consequence of the proponent's analysis of key site constraints and opportunities which has identified the land as suitable for a key public educational service; and
- the land has frontage to the Gwydir Highway which would experience a reduction in heavy vehicle traffic should a bypass proceed in line with the *Inverell Strategic Land Use Plan 2012*.

Planning Priority 5 of the LSPS seeks to promote business and lifestyle opportunities, inclusive of reversing out-migration trends affecting young people and families. It significantly identifies that:

*Social infrastructure is the glue that holds the community together. It includes a broad range of facilities including schools and other education centres, child care centres, parks and recreation areas, community facilities, libraries, cultural centres and health facilities.*

The planning proposal offers additional social infrastructure by seeking the land use 'centre-based child care facility' to be permitted on an extra allotment. The land use is an integral service in supporting, retaining and attracting young families and can assist in arresting the negative out-migration trend.

The LSPS identifies that 'it will be important to ensure that social infrastructure is appropriately located, and that the right kinds of services are available to meet the population's needs'. The Proponent has documented demand for a new preschool in Inverell and seeks to develop the land as it is an appropriately located site in proximity to bushland and current and future jobs and housing.

Planning Priority 6 of the LSPS concerns cultural heritage and envisions residents having 'a strong connection to place, incorporating the natural, built and cultural environment'. The concept proposal for a bush preschool on the land can promote connections to country and heritage, with nature



	<p>offering stimuli for children to explore, admire and have educational experiences with. Instilling this appreciation of nature from a young age can help create a generation that respects and feels connected to the environment around them.</p> <p><b><i>Theme 3 – Strong and Connected Infrastructure</i></b></p> <p>Planning Priority 7 of the LSPS aims to support infrastructure that encourages new industries. In this regard, the planning proposal enhances opportunities for existing industry and business to grow by providing additional jobs and facilitating job prospects for parents and carers. The land is serviced and suitable for future development, with the subject land use being complimentary to planned future business and residential land uses in the locality.</p> <p>Planning Priority 8 of the LSPS concerns integrated land use and transport planning and identifies the significance of the Inverell township as a regional centre 'for employment and services such as retail, health, education and cultural activities'. The planning proposal furthers the development of a well-connected site in harmony with this goal to maintain the township as a central hub for social infrastructure. Consistent with the LSPS commitment to improve opportunities for active transport including walking and cycling, the Proponent has selected a rural/urban interface site that furthers active living inspired by Bush Preschool.</p> <p><b><i>Theme 4 – Sustainable and Protected Environment</i></b></p> <p>Planning Priority 9 of the LSPS seeks to promote, protect and enhance the Shire's natural environment. In this regard, the land does not contain a watercourse or land mapped with high biodiversity values and has been historically cleared and developed. The site-specific planning proposal is consistent with this planning priority and the future development of a local Bush Preschool on the land that prioritises nature-based education can further the likelihood of delivering sustainable natural ecosystems into the future.</p> <p>Planning Priority 10 of the LSPS concerns natural hazards and risks in a changing environment. With the land being outside the extent of both mapped bush fire prone land and flood prone land, and benefitting from dual road frontage and town water, it is appropriately positioned to be resilient in the face of exacerbated hazards by climate change.</p>
<b>5 Is the planning proposal consistent with any other applicable State and regional</b>	<p>There are a series of other applicable State and local studies and strategies that are relevant to the planning proposal. Each can assist government in its decision-making processes for housing, business and investment activity, and employment opportunities in Inverell Shire. The alignment of the planning proposal with these strategies is discussed under the respective study headings below.</p>

**studies or  
strategies?****Child Care Planning Guideline**

The Department of Planning and Environment has developed the *Child Care Planning Guideline*, August 2017 (the Guideline). Developed in response to population growth driving strong demand for child care, it provides the assessment framework for more affordable and flexible quality child care that is closer to home and jobs. While the Guideline is a framework for preparing and considering development applications for child care facilities, clause 3.1 concerns site selection and can relevantly inform the planning proposal, with an assessment against the relevant considerations following.

**Consideration C1**

*Objective: To ensure that appropriate zone considerations are assessed when selecting a site.*

*For proposed developments in or adjacent to a residential zone, consider:*

- the acoustic and privacy impacts of the proposed development on the residential properties*
- the setbacks and siting of buildings within the residential context*
- traffic and parking impacts of the proposal on residential amenity.*

The land is adjacent to Zone R1 General Residential as situated to the east. In proximity to the land, this Zone contains mixed use development combining commercial premises and industry at Lot 1 DP 1131010, and vacant land at Lot 2 DP 1131010.

In consideration of acoustic and privacy impacts, Burgess Street and the existing built environment provides separation between potential residential development in the Zone and the land. The land additionally accommodates a retail nursery and adjoins the Gwydir Highway, which likely serves to increase the background noise level and more readily accommodate noise levels emitted from outdoor play.

The preschool development concept for the land provides for outdoor play areas to the north which are away from future residential receivers along Burgess Street and shielded by the existing brick and tile building. Any upcoming development application may relevantly address the Australian Association of Acoustical Consultants' *Guideline for Child Care Centre Acoustic Assessment* (2010) with respect to appropriate noise goals for the use of the land as a centre-based child care facility.

The principal access to and egress from the land is on Burgess Street within 65m of its intersection with the Gwydir Highway such that traffic and parking impacts of the planning proposal on future residential amenity may be minimised.

**Consideration C2**

*Objective: To ensure that the site selected for a proposed child care facility is suitable for the use.*

The matters for consideration to satisfy this objective are:

*When selecting a site, ensure that:*

- *the location and surrounding uses are compatible with the proposed development or use*
- *the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazard*
- *there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed*
- *the characteristics of the site are suitable for the scale and type of development proposed having regard to:*
  - *size of street frontage, lot configuration, dimensions and overall size*
  - *number of shared boundaries with residential properties*
  - *the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas*
- *where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use*
- *there are suitable drop off and pick up areas, and off and on street parking*
- *the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use*
- *it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.*

The land:

- is collocated with existing and planned compatible land uses;
- is environmentally safe with respect to the hazards of flooding, land slip and bushfire;
- Has been subject to a preliminary environmental site investigation, which has concluded that there is no significant broadscale contamination and further investigations are not required;
- is suitably sized and proportioned to accommodate mixed use development including a centre-based child care facility;
- does not share a boundary with any residential properties;
- does not contain or adjoin identified environmental heritage or land of biodiversity value;





- contains existing infrastructure and structures which may be adapted for purpose;
- benefits from on-site car parking spaces and has the potential to accommodate additional spaces both on-site and off-site along Burgess Street (which experiences low traffic volumes);
- adjoins a classified road which is speed limited to 50km/hr and forms a highly accessible east-west road connection through Inverell and beyond; and
- is not located closely to incompatible social activities and uses of which the author is aware, such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.

**Consideration C3**

*Objective: To ensure that sites for child care facilities are appropriately located.*

The matters for consideration to satisfy this objective are that:

*A child care facility should be located:*

- *near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship*
- *near or within employment areas, town centres, business centres, shops*
- *with access to public transport including rail, buses, ferries*
- *in areas with pedestrian connectivity to the local community, businesses, shops, services and the like.*

**Illustration 3.6** shows the distribution of existing community services and facilities across Inverell and identifies that the road network through 'New Residential Area 3' is to include widths and curves to accommodate an extension of the bus network to Jardine Road. This will provide a bus route along the frontage of the land to the Gwydir Highway.

Additionally, the land:

- adjoins a series of Crown reserves to the west and southwest which can enhance the intended Bush Preschool experience via a rural public land network;
- is bound by land that is Zone B5 Business Development under the ILEP which constitutes an employment area and forms part of a larger strategic enterprise corridor for large format type stores under the *Inverell Shire Employment Lands Strategy 2011*;



- is proximate to existing commercial and light industrial style activities beyond Burgess Street at Lot 1 DP 1131010; and
- is collocated with the Best Nursery space.

**Consideration C4**

*Objective: To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards.*

The matters for consideration to satisfy this objective are that:

*A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:*

- *proximity to:*
  - *heavy or hazardous industry, waste transfer depots or landfill sites*
  - *LPG tanks or service stations*
  - *water cooling and water warming systems*
  - *odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses*
  - *extractive industries, intensive agriculture, agricultural spraying activities*
- *any other identified environmental hazard or risk relevant to the site and/or existing buildings within the site.*

The Ampol Inverell Roadhouse service station is developed on the far side of the Gwydir Highway at Lot A DP 413777. This allotment is offset approximately 31m from the land and is physically separated from it by the Gwydir Highway. Drainage from the service station is to the north, away from the land and the frequency of winds blowing from the north-northeast to east-northeast towards the land is 13.45% of the annual average frequency of breezes (see the annual 5-year average [wind rose](#) online). Adverse environmental conditions arising from the service station should be prevented from entering the public realm, and the intervening road can serve as a practical buffer in minimising adverse impacts attributable to the service station land use.

**Inverell 'Living Lands' Strategy and Structure Plans**

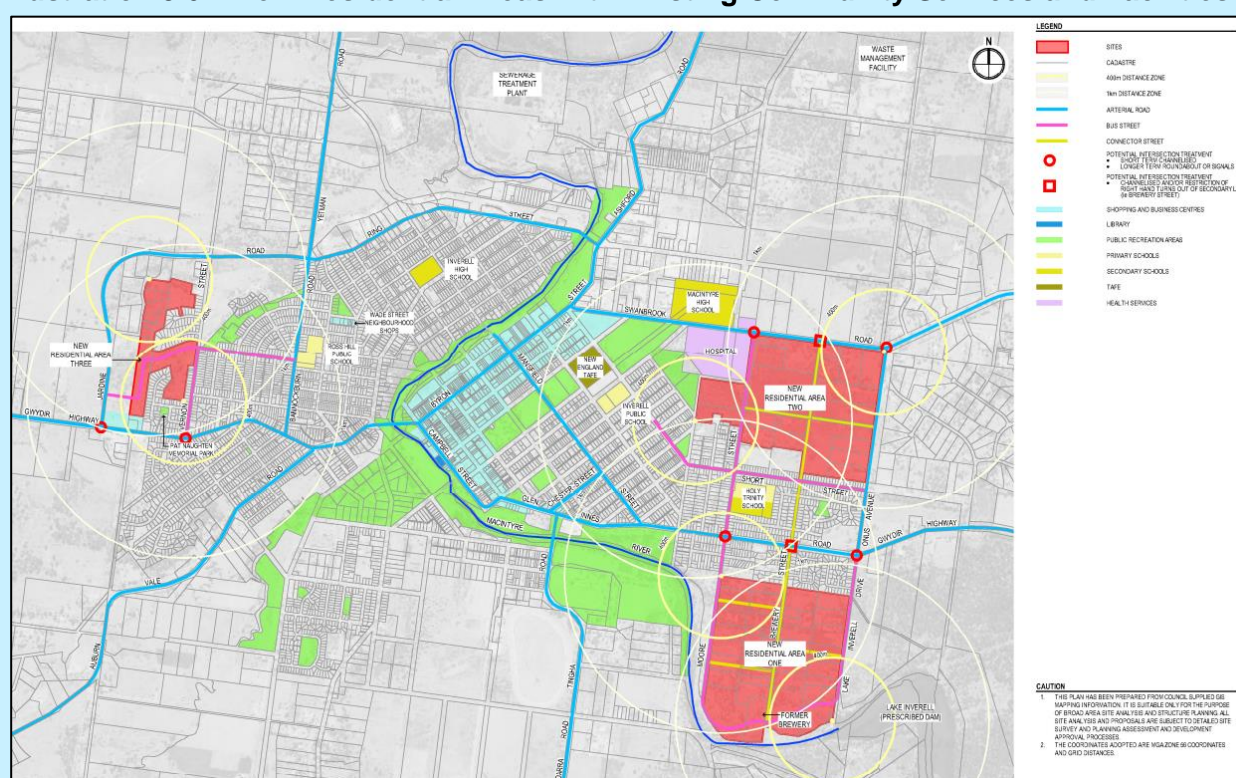
The [Inverell 'Living Lands' Strategy 2009](#) observes demographic trends over the ten (10) preceding years and identifies land suitable for a range of residential purposes across urban and rural residential settings within a reasonable distance of the services and support facilities of the Inverell township. It was intended to inform the preparation of the standard instrument local environmental plan: ILEP.



More recently, Council adopted the King and Campbell *Structure Plans for New Residential Areas* on 23 February 2022. These plans aim to coordinate development outcomes across three (3) new residential areas, being:

- Area 1: East Inverell – To the south of Glen Innes Road between Lake Inverell Drive and Moore Street;
- Area 2: East Inverell – From Short Street to Swanbrook Road and from Moore Street to Onus Avenue; and
- Area 3: West Inverell – Between Vernon Street and Jardine Road (see Illustration 3.6).

**Illustration 3.6 – New Residential Areas with Existing Community Services and Facilities**



**Source: Inverell Shire Employment Lands Strategy 2011**

Each area is Zone R1 General Residential and is subject to a minimum subdivision lot size of 450m<sup>2</sup> under the ILEP.

Indicative subdivision layouts for each new residential area account for the following potential lot yields:

- Area 1 - 454 lots;
- Area 2 - 449 lots; and
- Area 3 - 88 lots in residential zoned land with the potential for an additional 11 lots given an extension to the Zone.



According to King and Campbell:

*This potential lot yield will provide for Inverell's land supply needs for many years. In this regard approximately 12-15 new urban dwellings are constructed each year in Inverell. Even in the event that this rate increases to twenty (20) dwellings per year Inverell will have sufficient urban land supply for the next fifty (50) years.*

With respect to the planning proposal, the land is proximate to the emerging new residential area 3 which is planned to provide residential development to within 125m of the land along with the possibility of vehicular access to the Gwydir Highway via Jardine Road opposite the land, inclusive of roundabout treatment (which could provide an additional benefit as an entry statement to the settlement).

While not within the scope of the *Structure Plans for New Residential Areas*, vacant Zone R1 General Residential land to the east of Burgess Street could produce a further 61 potential residential lots opposite the land.

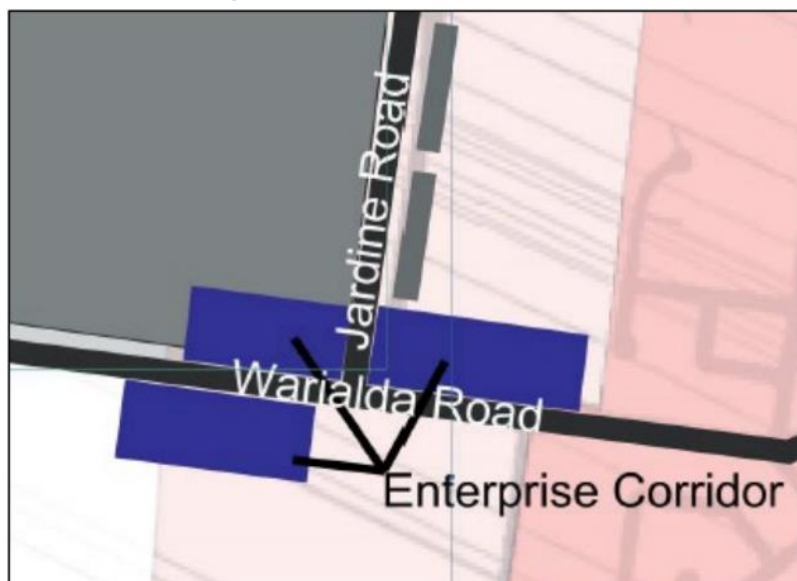
Emerging residential development in the west of the Inverell township requires current and future community facilities and employment opportunities, and the prospect to collocate a future centre-based child care facility on the land can form an integral component of this support in an accessible location aligning with healthy living principles.

### **Employment Lands Strategy**

The *Inverell Shire Employment Lands Strategy 2011* summarises the economic setting, barriers to growth and opportunities associated with employment land in the Inverell Shire. It identifies land use planning actions required to meet projected growth and provide for future local jobs and serves to reinforce the role of the Inverell Township as a service centre 'with a catchment which extends beyond the Municipality'.

Clause 3.2 of the *Inverell Shire Employment Lands Strategy 2011* identifies 'that provision should be made for large format bulky goods stores or stores in excess of 1000 square metres GLA ... on the north side of Gwydir Highway east and west of Jardine Road and on the south side of Gwydir Highway opposite Jardine Road' (see **Illustration 3.7**).

### Illustration 3.7 – Enterprise Corridor



Source: *Inverell Shire Employment Lands Strategy*

The land is predominately outside the geographic footprint of the nominated enterprise corridor, with the westernmost portion encroaching into this broad strategic area. The total area of the enterprise corridor is approximately ten (10) hectares and is identified as being potentially:

*suitable for the location of space extensive highway related uses that could include:*

- *large format bulky goods;*
- *automotive retail, caravan and boat sales;*
- *agricultural products sales;*
- *a service centre, including a petrol filling station, truck stop and associated uses.*


Currently, only the site to the east of Jardine Road and north of the land is Zone B5 Business Development under the ILEP. This land has recently been the subject of a planning proposal to rezone part of Lot 1 DP 825894 to B5 Business Development and remove the minimum lot size controls.

The land is proximate to, and partially within, the future enterprise corridor and is sited to support this employment land upon its development. A centre-based child care facility collocated with jobs derived from bulky goods retail can reduce the number of trips to utilise the service and facilitate incidental consumerism.

**6 Is the planning proposal consistent with applicable SEPPs?**

The Planning Proposal is consistent with the applicable State Environmental Planning Policies as detailed in **Appendix K**.



<b>7 Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 Directions)?</b>	The Planning Proposal is consistent with the applicable Section 9.1 Ministerial Directions as detailed in <b>Appendix L</b> .
<b>SECTION C – Environmental, social and economic impact</b>	
<b>8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?</b>	<p>The land has historically been cleared and terraced for agriculture, utilised by Forestry operations and developed with a nursery and telecommunications base station. Historic aerial photographs contained below (see Illustrations 3.8, 3.9 and 3.10) show comprehensive clearing and agricultural activities on the land in 1962 and 1975, with more intensive development by 1994.</p> <p>The land does not contain high biodiversity values as identified on the Biodiversity Values Map and there are no known critical habitats, threatened species, populations or ecological communities on or adjoining the land that will be affected by the planning proposal. Contemporary plantings on the land are integrated into the concept development proposal as an ornamental garden in an urban environment under a domestic type management regime.</p> <p><b>Illustration 3.8 – Aerial Imagery, 24 June 1962</b></p>  <p><b>Source: NSW Government <i>Historical Imagery</i></b></p>





**Illustration 3.9 – Aerial Imagery, 26 July 1975**



**Source:** NSW Government *Historical Imagery*

**Illustration 3.10 – Aerial Imagery, 21 July 1994**



**Source:** NSW Government *Historical Imagery*

9 Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

The land is developed with a Telstra wireless base station (see **Illustration 3.11**) as conditionally approved by Council on 18 June 2013 under development application number DA-2/2013 (see **Appendix H**).

**Illustration 3.11 – Telecommunications Facility**



**Source: Six Maps**

As part of the development application, Telstra prepared a summary of the estimated maximum cumulative radiofrequency electromagnetic energy (RF EME) levels at ground level across various radii around the telecommunications facility (see **Table 3.3** and **Appendix I**). The procedures for the calculations were developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and documented in its technical report 'Radio Frequency EME Exposure Levels – Prediction Methodologies'.

**Table 3.3 Predicted EME Levels**

Distance from the antennas at 2 Plan 818029 Warialda Rd in 360° circular bands	Maximum Cumulative EME Level – All carriers at this site (% of ARPANSA exposure limits) Public exposure limit = 100%
0m to 50m	0.0034%
50m to 100m	0.018%
100m to 200m	0.026%
200m to 300m	0.097%
300m to 400m	0.098%
400m to 500m	0.083%
<b>Maximum EME level</b> 306.086 m, from the antennas at 2 Plan 818029 Warialda Rd	0.098%

**Source: Telstra, 13 November 2012, NSA Site No (2360013)**





The maximum EME level calculated for the telecommunications system at this site was estimated by Telstra to be 0.098% of the ARPANSA public exposure limits (note that compliance is achieved where the percentage at any given radial distance is less than 100%). According to ARPANSA:

*When expressed as a percentage, a value of 100% corresponds to the general public exposure limit. For example, a typical highest value of 1% means that the total EME level from all wireless network transmitters on the site, all operating at their maximum power, will be no more than one hundredth (1/100) of the limit set by the ARPANSA Standard for members of the public.*

To protect people from the harmful effects of high exposure to RF EME, the ARPANSA published in 2002 the Radiation Protection Standard *Maximum Exposure Levels to Radiofrequency Fields - 3 kHz to 300 GHz*. This standard was relevant to the development application and informed Telstra's assessment.

Subsequently, the International Commission on Non-Ionizing Radiation Protection (ICNIRP) published updated guidelines for RF EME in March 2020, with ARPANSA following with a new standard for limiting human exposure in 2021: *Standard for Limiting Exposure to Radiofrequency Fields – 100 kHz to 300 GHz*. The exposure limits set in the new ARPANSA safety standard are like those in the 2002 standard as the underlying basis for the revised ICNIRP guidelines was the same as in 1998, but with refinements in the limits at frequencies above 6 GHz to reflect contemporary radio wave knowledge, and a few other improvements that help in the practical application of the limits. Notably, ICNIRP considers that the 1998 guidelines are still protective for current commercial applications of radiofrequency fields, such that the conclusions by Telstra in development application number DA-2/2013 remain valid.

While the telecommunications facility is a source of RF EME, the information supporting development application number DA-2/2013 provides that the transfer of energy by radio waves is substantially within the exposure limits and not in conflict with the planning proposal.

Inverell Shire Council has advised that no further development applications or complying development certificates have been lodged with respect to this facility.



		<p>Condition 14 of the development consent concerns noise emissions from the telecommunications facility and provides that:</p> <p><i>The noise level emanating from any air-conditioning systems must not exceed the background level by more than 5dB(a) when measured at the worst affected property not associated with the development.</i></p> <p>The telecommunications facility is situated to the south of the nursery between Council's water infrastructure on Lot 1 DP 957346 and Lot 3 DP 818029 in the east, and Lot 100 DP 1185793 in the west. It is approximately 16m from the nearest property boundary and is unlikely to exert an adverse acoustic impact to development for the purposes of a 'centre-based child care facility' on the land as anticipated by this planning proposal.</p>
<b>10</b>	<b>Has the planning proposal adequately addressed any social and economic effects?</b>	
	<i>Identify effects on items or places of non-Aboriginal or Aboriginal cultural heritage not already addressed elsewhere.</i>	<p>The site and its surrounds have not been identified as containing items or places of non-Aboriginal or Aboriginal cultural heritage significance. Existing protocols through the development phases with respect to the management of heritage such as cultural heritage induction and finds procedures may be implemented as required by the <i>Heritage Act 1977</i> with respect to relics and the <i>National Parks and Wildlife Act 1974</i> with respect to Aboriginal cultural heritage.</p>
	<i>Estimate the number of jobs or housing growth (e.g. construction/post-construction and housing diversity)</i>	<p>The planning proposal can facilitate a small increase in casual, part time and long-term employment opportunities from the planning and construction phases through to the operation of the site and associated maintenance, thereby having positive economic impacts. Additionally, the planning proposal can enable parents and carers to re-enter the workforce by providing the necessary services for them to make this choice.</p> <p>The planning proposal can assist in addressing employment demands generated by an expanding local resident population by providing jobs close to home, minimising travel distances and consequentially also having positive environmental and economic impacts.</p>
	<i>Identify the impact on existing social infrastructure, such as schools and hospitals</i>	<p>There is insufficient social infrastructure in Inverell to accommodate existing demand for preschool places. This is documented by Inverell District Family Services in <b>Appendix C</b> and has been used to inform a successful grant application to the State for the provision of 'work to deliver 30 new preschool places' (see <b>Appendix B</b>). The land has been identified as the</p>



		relevant site to undertake this work and alleviate pressure on existing social infrastructure.
	<i>Identify the need for public open space or impacts on green infrastructure</i>	The planning proposal is unlikely to exert any negative externalities on public open space or green infrastructure. It seeks to address existing and future demand for local preschool services and is not a relevant trigger for increased demands on public open space or green infrastructure.
	<i>Identify the impact on existing retail centres</i>	The planning proposal has the capacity to create local jobs in the preschool sector which can foster increased consumerism within the Inverell retail centre. It can also facilitate people leaving home during the day which can increase the likelihood of attending the central business district and generating incidental expenditure.
	<i>Identify measures to mitigate any adverse social or economic impacts, where necessary, and whether additional studies are required</i>	No adverse social or economic impacts are anticipated to arise as a consequence of the planning proposal.
	<i>Identify any proposed public benefits</i>	<p>There are numerous public benefits attributable to early childhood education, from individual advances in academic and non-academic skills to economic spin-offs. The United Kingdom's influential <i>Effective Pre-School, Primary and Secondary Education</i> project identified a series of key educational and economic benefits that derive from preschool and can persist into adulthood, including:</p> <ul style="list-style-type: none"> <li>• children who had experienced high-quality pre-school education were better at self-regulation, social behaviour and less inclined to hyperactivity;</li> <li>• children who had experienced high-quality pre-school settings were more likely to follow an academic path; and</li> <li>• attending a pre-school setting increased educational attainment with the resulting increase in lifetime earnings that benefited the individual, household and State.</li> </ul> <p>Additionally, low-income children often benefit most from early educational services, with preschool serving to close the gap between them and their more advantaged peers come school entry.</p> <p>The economic and social consequences from the permissibility of the proposed land use are positive for young children and families and can save the community money in the longer term. Development of a centre-based child care facility is a public good; aside from financial investment in the land and job</p>



		<p>creation, individuals and the larger society benefit from the contributions that emerge from development of knowledge, skills, and dispositions.</p> <p>Early childhood education is important to families, communities and the Shire's future. It helps parents and carers to gain employment, which benefits their quality of life and the economy and encourages healthy child development.</p>
11	<b>Is there adequate public infrastructure for the planning proposal?</b>	<p>The land is currently serviced by existing public utility infrastructure and road connections as discussed below.</p> <p><b>Water and Sewer</b></p> <p>The land is connected to Council's water network and sewer main network by gravity feed (see <b>Illustration 3.1</b>).</p> <p>Suggested water and sewer Equivalent Tenement (ET) values are provided for child care centres and preschools in the Water Directorate's <i>Section 64 Determinations of Equivalent Tenements Guidelines</i>, April 2017, on a per person basis calculated at 0.06 ET for water and 0.10 ET for sewer. Hence, a 30-child preschool staffed by eight (8) persons would equate to 3.8 ET sewer and 2.28 ET water.</p> <p>Credits attributable to the current plant nursery land use under the <i>Section 64 Determinations of Equivalent Tenements Guidelines</i> are to be calculated on the specifics of the individual site as the Water Directorate has insufficient data to provide suggested water and sewer ET values. A comparison between the existing and proposed land uses is accordingly not presently available. Irrespective, the proposed land use has a negligible impact on the existing Council water and sewer network.</p> <p><b>Electricity</b></p> <p>The land adjoins and contains a series of Essential Energy overhead electrical conductors. These include a 66kV high voltage line situated inside – and traversing parallel to - the northern property boundary, and 22kV high voltage and low voltage lines (see <b>Illustration 3.2</b>). An array of roof-mounted solar panels is on the existing brick-and-tile nursery building.</p> <p><b>Telecommunications</b></p> <p>The land is serviced by the National Broadband Network via fixed line (see <b>Illustration 3.3</b>).</p>

**Roads**

The land is located at the intersections of Burgess Street and the Gwydir Highway which provide a 50 km/hr speed limited sealed road network to the site and beyond.

The planning proposal to introduce the permissibility of a 'centre-based child care facility' to the land is intended to facilitate a development application for a partial change of use to a preschool. Referencing the Roads and Traffic Authority's *Guide to Traffic Generating Developments*, the peak hour traffic generation rate for AM and PM peak periods for a thirty (30) child preschool produces the peak hour generation of:

- 7:00am – 9:00am: 42 vehicle trips (21 vehicle trips one-way)
- 2:30pm – 4:00pm: 24 vehicle trips (12 vehicle trips one-way)

The planning proposal could accordingly lead to the generation of an additional 42 vehicle trips in the AM Peak and 24 vehicle trips in the PM Peak. A future development application would review whether any considerable traffic impacts to the local road network would be generated by the proposal.

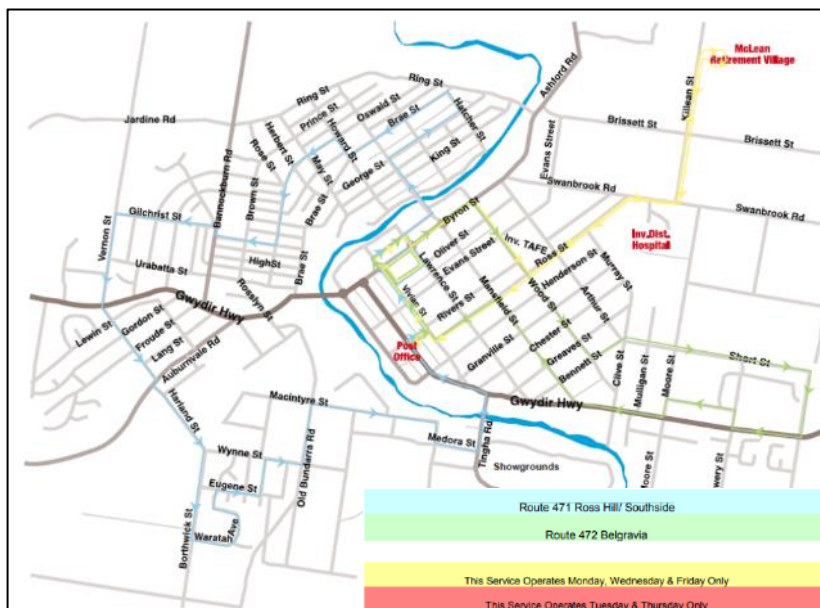
**Bus Services**

Inverell Bus Service runs shuttle bus 'Route 471 Ross Hill/Southside' which connects Inverell's central business district through to the intersections of Vernon Street, Harland Street and the Gwydir Highway some 360m east of the land (see Illustration 3.12). The nearest bus stop on this Route is at the corner of Urabatta Street and Vernon Street at the hours of 9:22am, 11:55am and 4:28pm.

This route may be reviewed given future residential and commercial development in the west of Inverell as planned to occur in proximity to the land.



**Illustration 3.12 – Bus Route 471**



**Source:** Inverell Bus Service

### Pedestrian Connectivity

Council's concrete footpath network within the road reserve extends through to the Top of the Town Motel on the north side of the Gwydir Highway, approximately 125m east of the land. This footpath affords pedestrian connectivity through to the central business district and its surrounds.

### Stormwater Drainage

The Gwydir Highway is kerb and guttered at its intersection with Burgess Street and Burgess Street is kerb and guttered along the western side until the end of its bitumen formation in the south.

A piped stormwater system is developed in Burgess Street and the Gwydir Highway east of the Burgess Street/Gwydir Highway intersection.

The adjoining road network offers a legal point of discharge for any point-source stormwater drainage from the land, subject to obtaining relevant approvals under the Act, *Roads Act 1993* and *Local Government Act 1993*.

Stormwater quantity and quality treatment requirements are relevantly addressed under a development application.

## SECTION E – State and Commonwealth Interests

<b>12</b>	<b>What are the views of state and federal</b>	Given reporting deadlines for the September ordinary meeting of Council, the obligation of grant funding timeframes, and the
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	<b>public authorities and government agencies consulted in order to inform the Gateway determination?</b>	<p>minor nature of this planning proposal, no public authorities have been consulted in the preparation of this planning proposal.</p> <p>Capacity for future consultation with public authorities resides with Council and the Department of Planning and Environment under Section 3.34 (2) of the Act and it is submitted that Action 4.1 of the Regional Plan identifies the following consultation requirement:</p> <p><i>Consult with the NSW Division of Resources and Geoscience when assessing applications for land use changes (strategic land use planning, rezoning and planning proposals) and new developments or expansions.</i></p>
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### 3.3 Mapping

An amendment to the Additional Permitted Use Map (4200\_COM\_APU\_008A\_020\_20220302) is required to show the land subject to this planning proposal. An indicative amendment to this map is included as **Appendix P**.

### 3.4 Community Consultation

In February 2022, the Proponent was able secure an agreement with local not-for-profit organisation Best Employment for the redevelopment of the existing training/office building on the grounds of its Best Nursery and Community Gardens space. This space is currently underutilised and the agreement benefits from an existing constructive relationship between the Proponent and Best Employment.

Pre-lodgement consultation for the redevelopment of the site was undertaken between the Proponent and Council, with Council issuing a letter on the matter dated 18 July 2022 (see **Appendix G**).

Public exhibition of the planning proposal will be undertaken in accordance with the Gateway Determination (see **Appendix N**).



## 4. Conclusion

### 4.1 Project Timeline

Completed stages are provided in **Table 4.2** and benchmark timeframes for remaining stages are provided in **Table 4.3**.

**Table 4.2 Timeline for Completed Stages**

Stage	Completed Timeframe
Preparation and submission of Planning Proposal to Council	2 September 2022
Consideration by and Resolution to Proceed from Council	28 September 2022
Gateway determination	28 October 2022
Pre-exhibition (update Planning Proposal as per Gateway Determination)	6 March 2023
Commencement and Completion of Public exhibition	January 2023

**Table 4.3 Indicative Project Timeline for Remaining Stages**

Stage	Estimated Timeframe
Commencement and Completion of Public exhibition	March 2023
Referral to Agencies	March – April 2023
Consideration of submissions	April – May 2023
Submission to the Department for finalisation	May 2023
Gazettal of LEP amendment	June 2023

### 4.2 Recommendation

This planning proposal has been prepared for the land at 1 Burgess Street, Inverell, and seeks to include ‘centre-based child care facility’ as an additional permitted use on the land. The planning proposal will enable the redevelopment of the land for the purposes of a preschool and provide an approval pathway for additional child care places as necessary to meet the current and future needs of Inverell Shire’s growing population.

The planning proposal has been prepared in accordance with the statutory requirements of the Act and the Department of Planning and Environment’s *Local Environmental Plan Making Guideline* and it is concluded that the proposal to permit a ‘centre-based child care facility’ on the land:

- is consistent with relevant regional and local planning strategies;
- is not inconsistent with relevant environmental planning instruments and Section 9.1 Ministerial Directions; and
- can exert positive social benefits on individuals and the local community.

It is recommended that a planning proposal to amend Schedule 1 ‘Additional Permitted Uses’ of the ILEP to permit a ‘centre-based child care facility’ at 1 Burgess Street, Inverell, be supported.



# A. CONCEPT PLANS

INVERELL CHILD CARE CENTRE - INVERELL DISTRICT FAMILY SERVICES

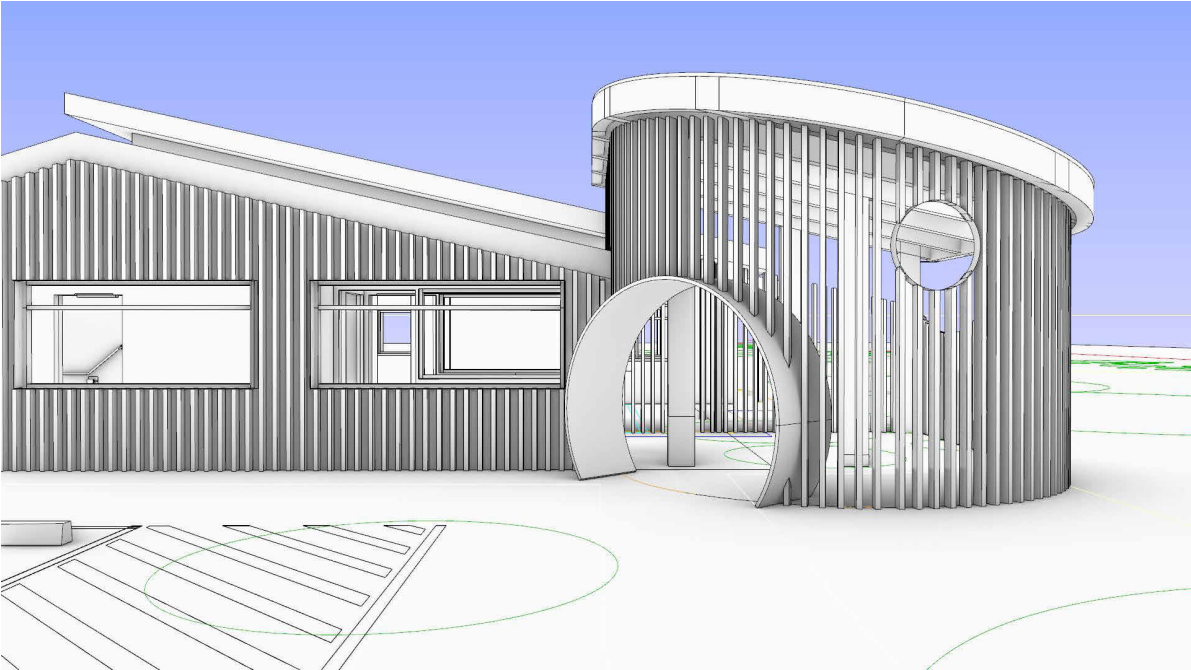
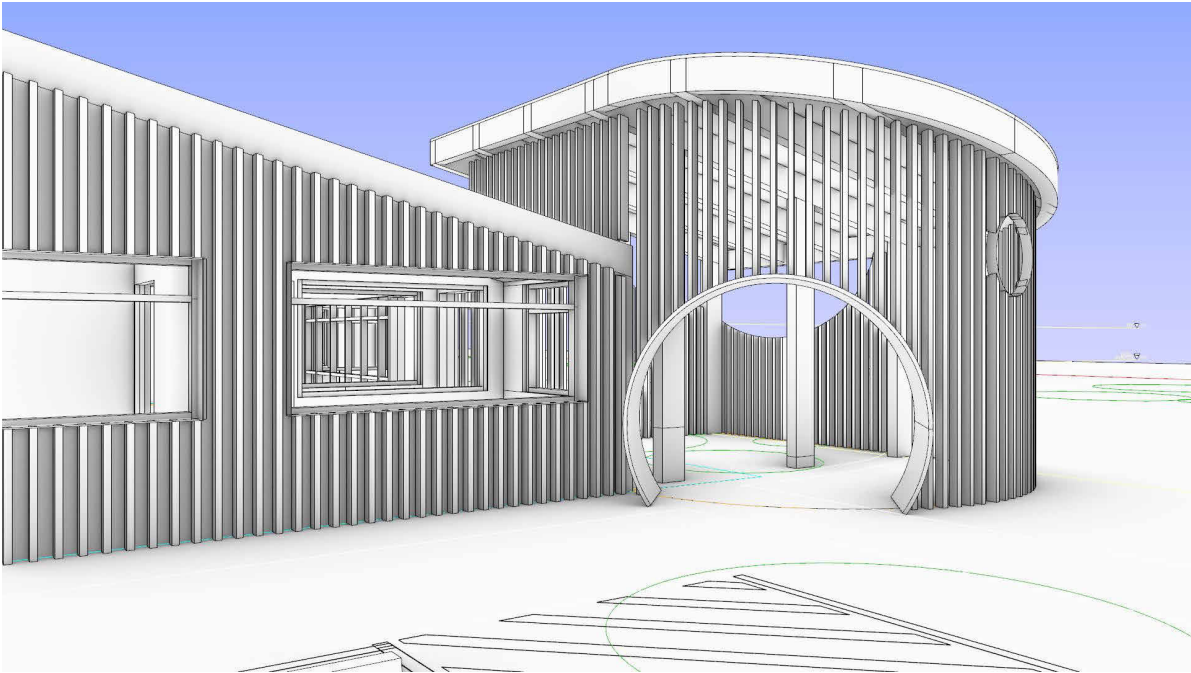
1 BUGRESS STREET, INVERELL  
NSW 2360

ISSUED FOR  
CONCEPT DESIGN

DRAWING LIST		AREA SCHEDULE	
A 0.00	COVER SHEET	ACTIVITY ROOM	97.8 m²
A 1.00	LOCATION PLAN	CIRC.	5.7 m²
A 1.01	SITE PLAN	COVERED OUTDOOR PLAY	30.7 m²
A 2.01	EXISTING & DEMOLITION PLAN	JOINERY UNIT	2.1 m²
A 2.11	PROPOSED FLOOR PLAN	JOINERY UNIT	0.4 m²
A 3.01	PROPOSED ELEVATIONS	KITCHEN JOINERY	1.6 m²
A 3.02	PROPOSED ELEVATIONS	L'DRY & CLEAN	4.5 m²
A 3.10	PROPOSED SECTIONS	MEETING	6.9 m²
		OUTDOOR ARRIVAL / PORCH	27.8 m²
		OUTDOOR PLAY SPACE	571.8 m²
		OUTDOOR STORE	5.6 m²
		STAFF ROOM & OFFICE	22.9 m²
		STORAGE BENCH	3.3 m²
		STUDENT WC's	7.5 m²
		UAWC	5.5 m²
		TOTAL AREA	794.2 m²
		PROPOSED GFA	165m2



LOCATION PLAN (NOT TO SCALE)



ARTIST'S SKETCH IMPRESSIONS



INVERELL CHILD CARE CENTRE

1 BURGESS STREET INVERELL  
INVERELL NSW 2360

INVERELL DISTRICT FAMILY SERVICE

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Nominated Architect: Robert Puflett  
Arch. Reg. No. NSW 5376 | ACT 2726

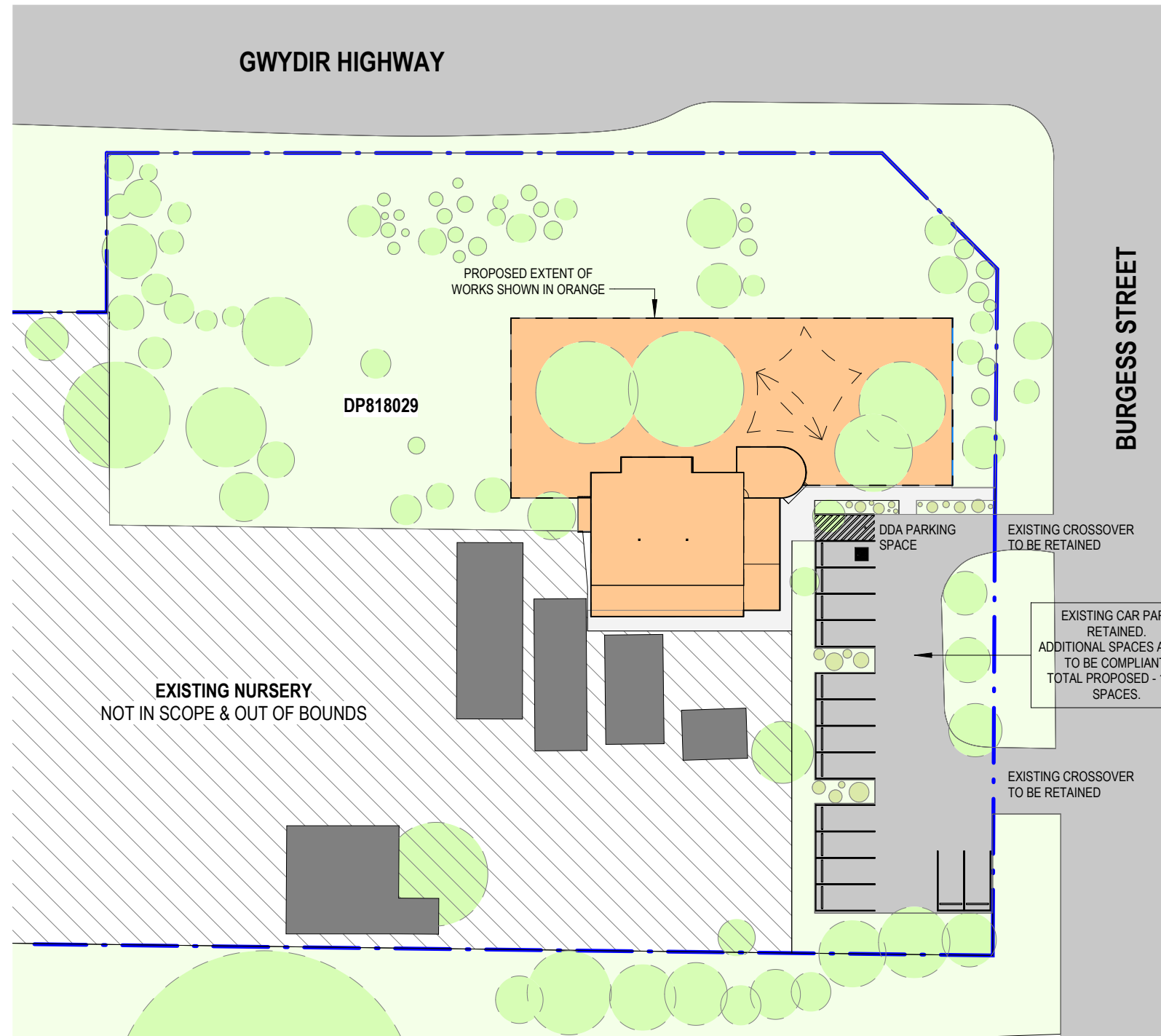
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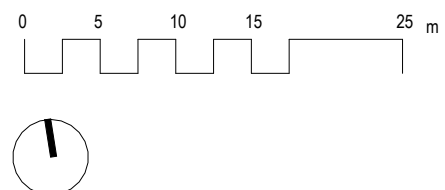
COVER SHEET

@ A3  
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06.05.2022  
rev. P1



PROPOSED LOCATION PLAN



P1 06.05.2022 CONCEPT DESIGN

# **INVERELL CHILD CARE CENTRE**

1 BURGESS STREET INVERELL  
INVERELL NSW 2360

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adsett**

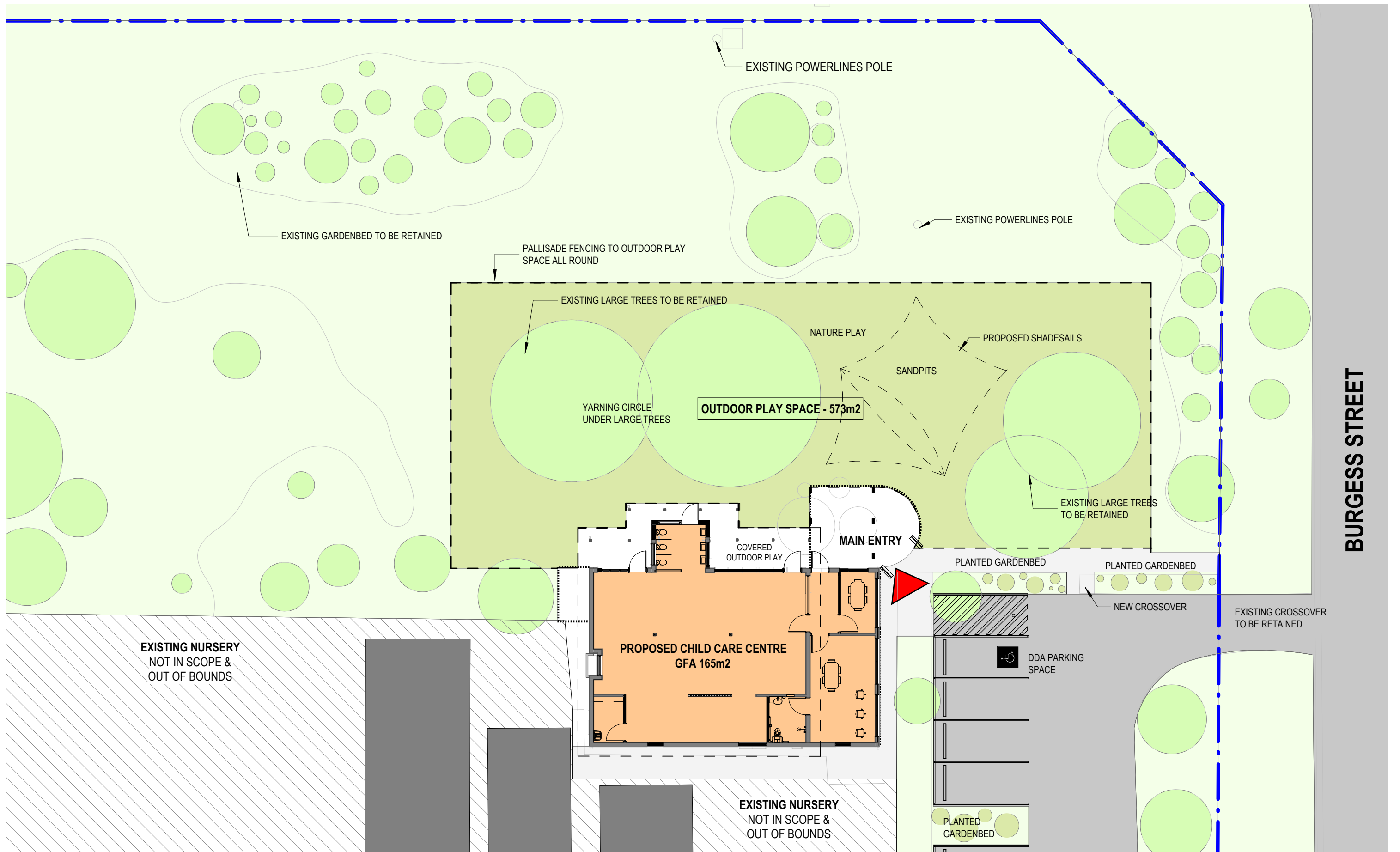
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## **SITE PLAN**

1 : 500 @ A3  
**A 1.00**

06.05.2022  
**rev. P1**





P1 06.05.2022 CONCEPT DESIGN

## INVERELL CHILD CARE CENTRE

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INVERELL NSW 2360

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**thomson  
adsett**

TA# 22.0072.12

## LANDSCAPE CONCEPT PLAN

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06.05.2022  
rev. P1

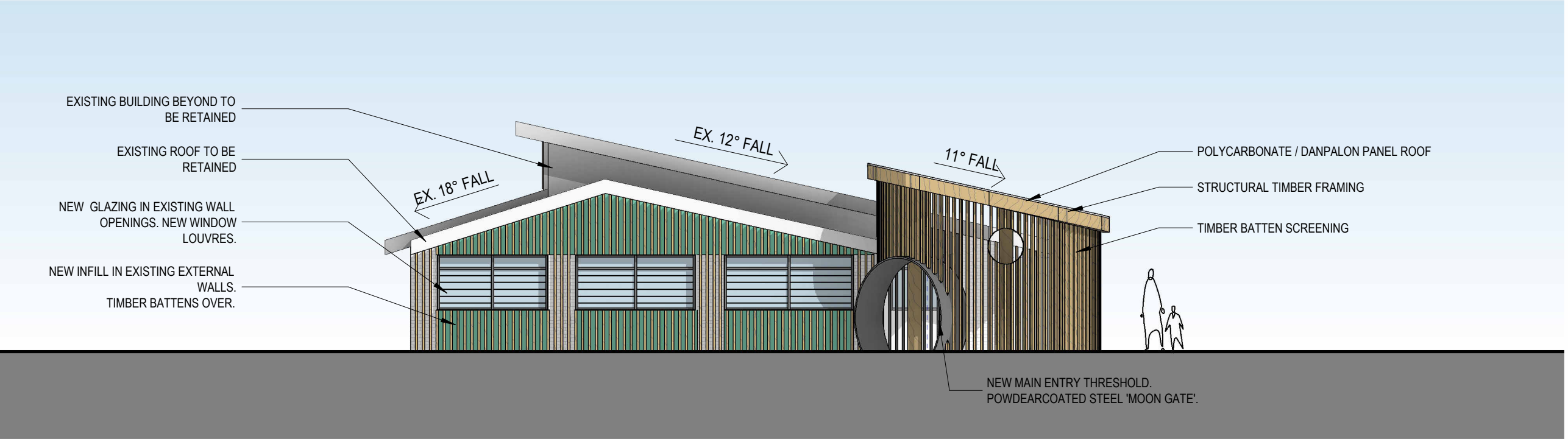




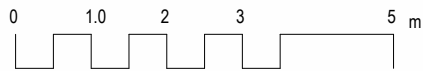


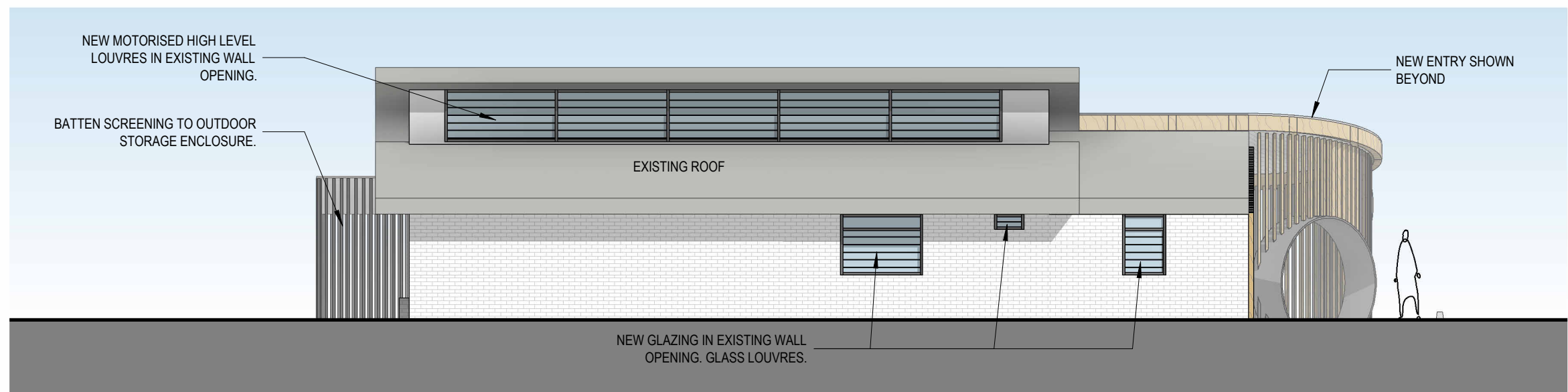


NORTH ELEVATION

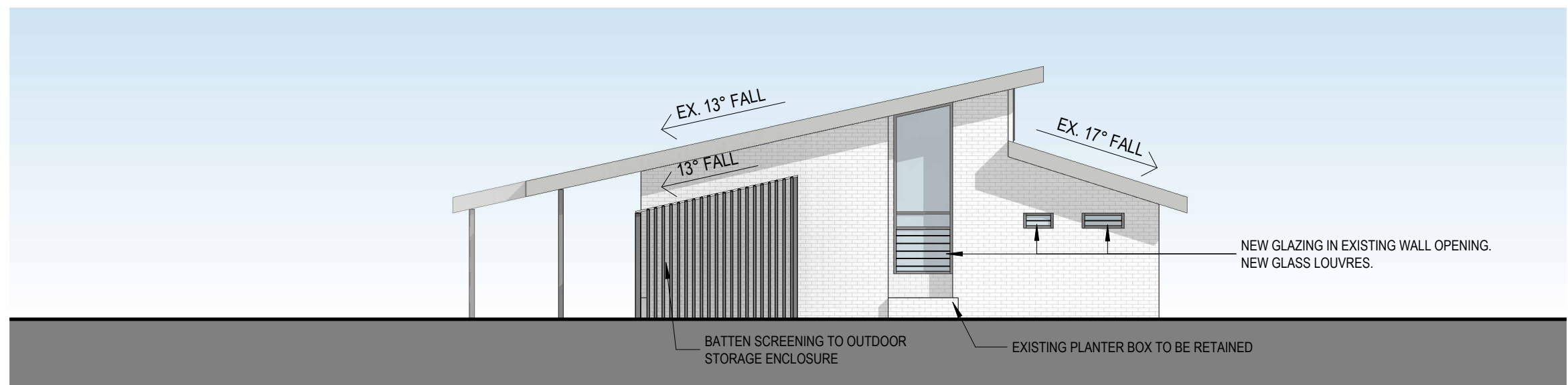


EAST ELEVATION

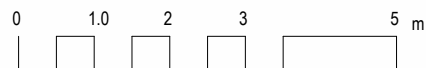




SOUTH ELEVATION



WEST ELEVATION



# INVERELL CHILD CARE CENTRE

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INVERELL NSW 2360

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Nominated Architect: Robert Puflett  
Arch. Reg. No. NSW 5376 | ACT 2726

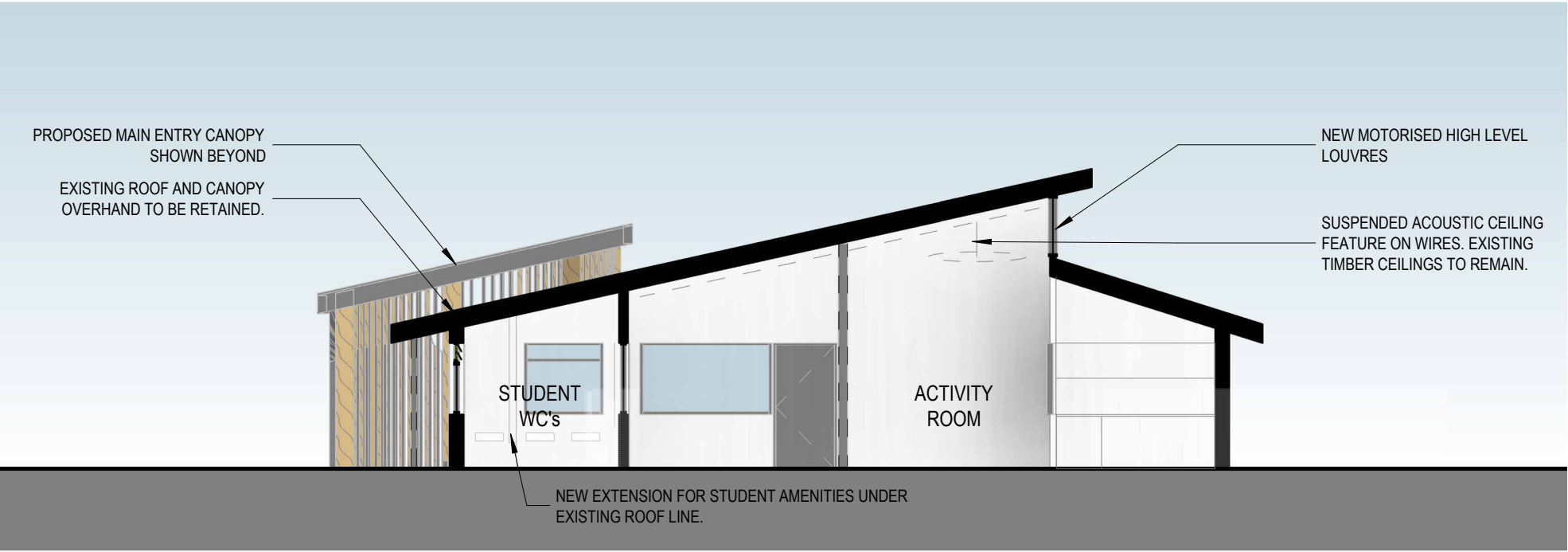
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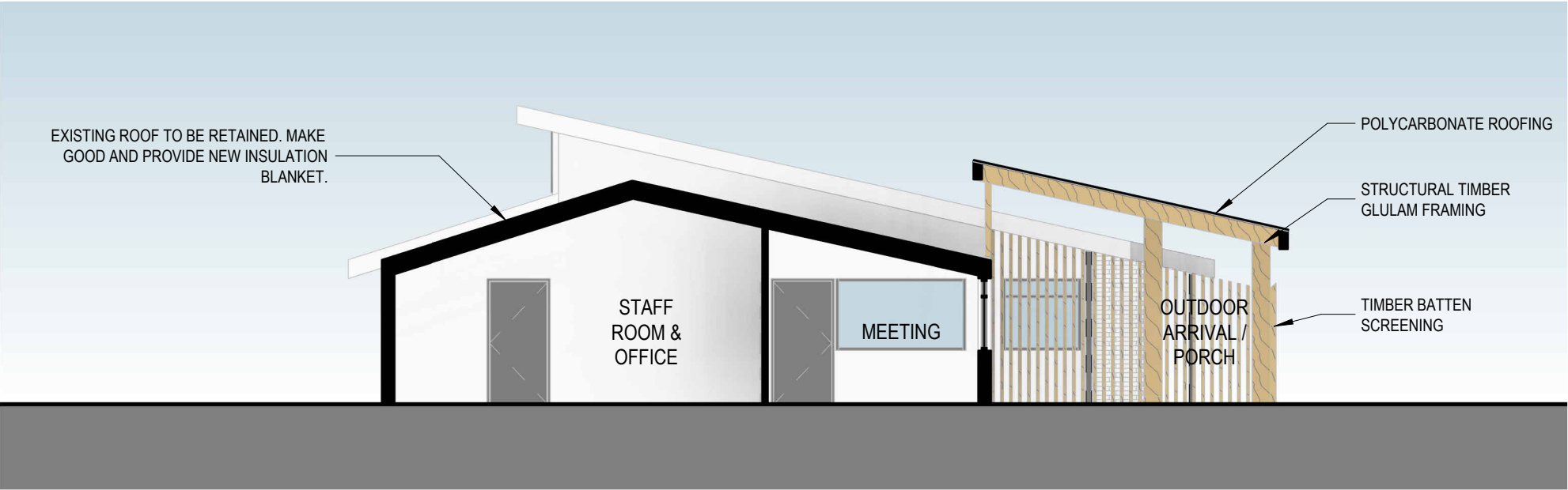
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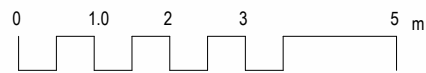
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SECTION 1



SECTION 2





# B. MAJOR CAPITAL FUND APPLICATION



Nicky Lavender  
Inverell District Family Services Incorporated  
30 Campbell St  
Inverell NSW 2360  
ceo@idfs.net.au

DOC22/559096

Dear Nicky,

Thank you for your Stage 2 Invitation to Apply (ITA) application in response to the Major Capital Fund under the 2021 Start Strong Capital Works Grants Program.

The Program aims to improve access to preschool by creating additional community preschool places in areas of need and demand across the state. Under the Major Capital Fund, applicants can apply for funding to create additional community preschool places through new builds, extensions and renovations of centre-based community preschools.

The Department assessed your Major Capital Fund application against the assessment criteria set out in the Major Capital Fund Guidelines.

I am pleased to inform you that the outcome of the assessment process is that your ITA application to undertake renovations work to deliver 30 new preschool places has been assessed to receive grant funding, subject to conditions.

The grant amount awarded to Inverell District Family Services Incorporated under the Major Capital Fund is \$390,500.00 (excluding GST) subject to the following conditions:

- Provide written confirmation that BEST supports the 10-year lease renewal
- Provide detailed plans of the final scope of work.

Before the Department is able to execute the funding agreement and finalise the grant award, you are required to:

- Agree to the conditions specified above to confirm your grant award
- Once the award is confirmed, accept the Program's Terms and Conditions.

Please note, the outcome of your application is under media embargo until the 29 August 2022 and you are not to engage in any media publications regarding the Program or your successful grant award until after such time.

The Department will contact you shortly to provide you with information on the next steps. In the meantime, we encourage you to review [Major Capital Fund Guidelines](#) for further guidance.

The Department congratulates you on your grant application and looks forward to your cooperation in formalising the documentation required for the delivery of your capital works project.

If you have any questions about your Major Capital Fund application or the Program, please contact the Department via phone on 1800 619 113 or email on [capital.works@det.nsw.edu.au](mailto:capital.works@det.nsw.edu.au)

Yours sincerely



Gillian White  
**Executive Director**  
**ECE and Schools Policy**  
1 July 2022





# C. SUPPLY AND DEMAND ANALYSIS

## Demand for Preschool

Inverell District Family Services operates in the Inverell Shire LGA. We are listed as an area of unmet demand and most recently our State Member of Parliament, Adam Marshall, has highlighted this publicly and within a Parliament sitting. We have a letter of support for this project from Adam Marshall's office included in this application.

As we operate 9 ECEC services across our region including long day care, preschools, community preschools and family day care we have a strong understanding of the current unmet demand at present. We undertake a centralised enrolment process to ensure that as many children get access to a preschool education for a minimum of 60 hours in the 2 years before they attend school. We generally can meet this demand at the beginning of the year, however we are finding we are at capacity now in March, where previously we would build throughout the year to reach capacity across our services in around September.

In the past 4 years IDFS has completed two capital works projects to increase the size of 2 of our existing preschools within Inverell. In 2018 we completed a renovation at Jack and Jill preschool and added 11 extra licenced places. In 2020 we completed a renovation to Kindamindi Preschool and added 12 extra licenced places. Both these services are now at capacity (and have been from approximately 6 months after opening the additional places) and both also have an extensive waiting list for new children and for children requiring additional days.

### Current exert from centre based preschool waiting list;

Preschool	New Children on Waitlist	Existing Children requesting additional days on wait list
Kindamindi Preschool	8	15
Jack and Jill Preschool	7	17

The establishment of a new 30 place preschool will allow us to meet the demand of the community at present and offer an opportunity for future growth. A review of data and current reporting it can be highlighted that Inverell Shire is currently growing at above the regional average and is expected to continue to do so.

Regional Development Australia 2016 Census data report highlights that Inverell has a higher percentage of children aged 0-4 years then our region and the state average;

Location	0-4 year old as a % percentage total population
Inverell	6.58%
Northern Inland Region	6.356%
New South Wales	6.21%

# Proposal // New Preschool Service



This data highlights that there were 1,085 children aged 0-4 year old. At present we currently have 980 estimated early education and care places in Inverell, so without population growth we are currently not meeting the expected demand.

In the current Inverell Shire Council Delivery Plan, Mayor Paul Harmon states that

*“Inverell Shire’s population is 16,936 making it the third largest LGA in the New England North West region. A 2016 report from NSW Department of Planning and Environment forecasts Inverell LGA to grow by 12.2 percent by 2031.”*

[https://inverell.nsw.gov.au/wp-content/uploads/2018/04/ISCPublication\\_DeliveryPlan-2017-2021.pdf](https://inverell.nsw.gov.au/wp-content/uploads/2018/04/ISCPublication_DeliveryPlan-2017-2021.pdf)

This above quoted population growth raises significant concern for our community, if we can not get in front of the increased population and access to services. Our current ECEC supply will mean that children will not be able to access the vital 600 hours of preschool before commencing school. This will mean that the children of our community will be disadvantaged which could lead to impacting their future success. Regional and remote communities are already at a disadvantage to their metropolitan counterparts for access to services, early education should not be one of these barriers. All children have the right to access quality early education and care services.

The secured location of this proposed 30 place preschool is also strategically placed to provide access to the areas highlighted as future growth and building subdivision within Inverell. We have utilised the Inverell Shire Council 2021 Structure Plans for New Residential Areas and secured a location on the boundary of this area, providing access and connectivity for families. There is a highlighted map as an attachment to this application for reference.

<https://inverell.nsw.gov.au/wp-content/uploads/2022/03/StructurePlansforNewResidentialAreas.pdf>

IDFS also have a strong understanding of the community as a whole and during this process we have reached out to local stakeholders to obtain an understanding of what they consider the need for a new quality early childhood preschool is. We attach as part of our application a letter of support from;

- Local State Member of New England Adam Marshall
- Inverell Shire Council General Manager
- Best Employment CEO Penny Alliston
- Inverell Chamber of Commerce & Industry President Georgie King

All 4 stakeholders indicate that current shortage of early childhood education and care spaces impacts on our community, especially in relation to an economic and quality of life perspective. All stakeholders recognise the current significant shortage within our community and support our application to secure funding to open a new 30 place preschool.







# D. BUSINESS PLAN

# Proposal // New Preschool Service



## Business Plan

### Background

Inverell District Family Services (IDFS) is a company limited by guarantee and currently provides early education and care services to over 750 children throughout Inverell and the surrounding area. We employ more than 90 educators and support staff and support 18 family day care educators.

IDFS currently operate the following services in Inverell and the surrounding district;

- Jack and Jill Preschool
- Kindamindi Preschool
- Grow Community Hub (including family day care, supported playgroups, vacation care and toy library)
- Catherine Campbell Centre
- Little Sprouts Learning Centre
- Tingha Preschool
- Ashford Preschool
- Northern Roads Activity Van 1 (Gum Flat & Bukkulla)
- Northern Roads Activity Van 2 (Gilgai & Delungra)
- Baby Sprouts (to be opened in July 2022)

All current registered IDFS services operate at meeting or above National Quality Standards.

### Bush Preschool Concept History

In 2018 IDFS commenced investigating the concept of a Bush Preschool. This was as a result of the impact the drought our small remote communities were experiencing. It was identified that families were needing to generate off farm income which resulted in them coming to the larger town of Inverell. As a result they were not able to have their children attend preschool in their own smaller community, but wanted that bush based early learning experience for their children. Through our mobile preschool Northern Roads Activity Van 1, we established a mobile venue within one of our existing licenced spaces in Inverell CBD. We commenced the Bush Preschool concept as a mobile preschool venue in 2019, 2 days per week with key personnel undertaking Forest Leader training as an additional qualification to their existing ECEC qualifications. We operated under this structure for 2019, 2020 and 2021, remaining at 2 days per week but were limited to 15 children due to transport options as the "home base" was located in the Inverell CBD and the "out the gate" location (Ross Hill Reserve) was 10km from the CBD on the outskirts of the Inverell community.

At the end of 2021 the two lead educators of Northern Roads Activity Van 1 – Bush Preschool venue decided to undertake a career change after 27 years as mobile preschool educators. Due to the limited notice and not a clear succession plan we had to make the difficult decision to cease operating this service. As a result IDFS Bush Preschool has not operated in 2022. This however has allowed us the opportunity to develop a more sustainable approach to this valued service.

The previous structure of IDFS Bush Preschool under the mobile licence and even under its own licence was not sustainable. We were limited to 15 enrolments per day, access to the transport is only available 2 days per week, financial modelling highlights that to operate this service successfully we need to be able to maximise enrolments at capacity and operate full time.

# Proposal // New Preschool Service



## Importance of Bush Preschool

The benefits of a Bush Preschool concept are;

- Physical development and wellbeing – gross and fine motor movement and balance through access to logs, rocks, inclines, tree climbing, uneven ground, picking up of small natural objects, sensory activities, listening, textures, observing etc. Increased ability to manipulate and manage tools and equipment. Ability to take responsibility for own health, safety and wellbeing as well as that of their peers.
- Social and emotional development and wellbeing – provides self paced challenges, choices, risk, change and new discoveries. There are opportunities for working collaboratively or independently. Connections with nature also mental health benefits, opportunity to develop mindfulness and the opportunity to be in the moment. It encourages self esteem and confidence through providing small achievable tasks. It also helps in the development of resilience in children.
- Intellectual development – including creativity and independent learning. Intellectual development is encouraged through problem solving, repetitive and revisited learning. Creativity is encouraged through art, be in sculpture, storytelling, dance, symbols, music, sound making and mark making.
- There is evidence that children who play regularly in natural settings are sick less often. Their outdoor environment helps stimulate their immune system.
- Children tend to be more physically active reducing the risk of being overweight and inactive. Children who learn and play in natural settings are more resistant to stress, have lower incidence of behavioural disorders, anxiety and depression.
- Increased social and imaginative play.

As a result IDFS do not want to see this service delivery lost to our community. We need to develop a more sustainable approach to this service delivery type.

## Proposed New Preschool

IDFS have recognised the demand and need for an additional preschool in Inverell. As documented in the supporting document “IDFS Demand for Preschool” it is clear that the Inverell community is lacking in access to early education places and as a result we have a sustainable and cost-effective option to **develop a new 30 space preschool service** with a focus on learning in connection with a natural bush environment. In February 2022 we were able to secure an agreement with local not for profit organisation Best Employment, to collaborate with us to redevelop their existing training/office based building on the grounds of their Best Nursery and Community Gardens space. This is currently underutilised space and we have an existing relationship with this Company.

This location would remove the need for transport as the bush area and natural environment is adjacent to the proposed location of the preschool service. Children would be able to undertake regular outdoor experiences to the natural bush land on a regular and consistent basis. This would allow us to provide an authentic Bush Preschool program with reduced risk and increase financial sustainability.

The existing building needs to be upgraded to fit current requirements of an early childhood education and care setting. The renovations to this property will result in a highly functional ECEC space with a direct link to the current environment. It will capitalise on the existing landscape with an open flow of inside/outside play. The entry way will create a portal into the magical world of IDFS Bush Preschool.

The proposed plans (attached within grant application) provide an open learning and play space internally with brand new toilet and bathroom facilities for children with inside/outside access. Full accessibility will be achieved across the upgraded space with appropriate meeting, staff room and office facilities and storage. The playground will be adapted

# Proposal // New Preschool Service



for an ECEC setting using existing plantings and established trees. Fixed structure shade will be installed as well as age-appropriate play outside play experiences. All glazing will need to be replaced to ensure safety compliance. Laundry and storage spaces will be updated to meet the needs of an ECEC setting. A working kitchen within the play space will be installed with all safety considerations met, to allow a paddock to plate preschool learning program.

## Value for Money (Grant Funding)

IDFS have undertaken 2 previous Start Strong Capital Works Programs to extend existing preschools. We completed Jack and Jill Preschool in 2018 and Kindamindi Preschool in 2020. Refer below to costing for additional places in comparison the current grant application.

Preschool	Year	Total Grant Funds Received/ Requested	Number of New Places	Number of New 600 hour places	Cost per new place	Cost per 600 place	Own Funds Contribution	Total cost per new place including own funds contribution
Jack and Jill Preschool	2018	\$294,000	11	27	\$26,727	\$10,888	\$14,700	\$28,063
Kindamindi Preschool	2020	\$297,873	12	30	\$24,823	\$9,929	\$14,893	\$26,064
Proposed New IDFS Bush Preschool	2022/23	\$390,500	30	75	\$13,016	\$5,206	\$540,500	\$18,016

Our current proposal is the most cost effective submission for a Capital Grant under the Start Strong Capital Works funding. IDFS are committed to this project and this is event by our investment of \$150,000 from own funds in the attempt to make this **proposed new 30 place preschool service** a reality. We see value in this proposal and a sustainable structure to be able to deliver a very much in demand quality early education service.

## Ability to Deliver

As mentioned IDFS have successfully delivered two Start Strong Capital Works programs in the past 4 years. We do currently have the financial reporting and request for funding outstanding for our Kindamindi Preschool project as part of the 2020 Start Strong Capital Works Grants Program. This remains outstanding due to delays impacted by Covid and additional administrative pressures during the past 2 years. We have completed the project and have been fully operational with the additional preschool places since November 2020, however we have not received the funding or completed the final reporting. Attached is the latest communication with the Department confirming the requested milestone information and the final report has been completed and lodged with the Department of Education Capital Works Team today 17.05.22.

With this proposed project we have recognised the hurdles that currently face capital works projects and have taken then opportunity to be supported by the CCSA Capital Works team as part of this ITA stage. We have also engaged the suggested architect and design services as provided during this process and are finding this specialist advice and support extremely beneficial.



# E. CHILD CARE PLANNING GUIDELINE



# **Child Care Planning Guideline**



***Delivering quality  
child care for NSW***

***August 2017***



**Planning &  
Environment**

August 2017

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Cover: East Sydney Early Learning Centre designed by Andrew Burges Architects in association with the City of Sydney. Photography by Peter Bennetts.

## Minister's Foreword



New South Wales' population is growing, as more people choose to live here and grow their families here. It's a reflection of the strength of our economy, the jobs being delivered and the enviable lifestyle our state has to offer.

This population growth, particularly in families, is also driving strong demand for child care. NSW currently has about 1.35 million children under 12 years of age and by 2036 that number will increase by more than 250,000 with a projected demand for 2,700 more long day care centres. The NSW Government is taking proactive steps in planning for our growing population's future.

The community has told us it wants more affordable and flexible quality child care that is closer to home and jobs. To achieve this our planning system needs to have clear regulations and guidelines.

The proposed changes to the planning laws relating to child care facilities and this Guideline will streamline planning approvals to deliver more affordable quality child care services in locations where families need them most.

Early childhood education is important to families, communities and our future. It helps parents gain employment, which benefits their quality of life and our economy and encourages healthy child development.

Child care facilities must provide a safe environment where every child has the opportunity to explore, interact and learn. They should include areas that embrace the natural environment while providing shady areas for learning and play. Designing facilities with staff in mind will deliver functional spaces and better supervision of children.

This Guideline will assist the industry to deliver early childhood education facilities that are of the highest standard.

The policy and this Guideline will align NSW planning controls with the National Quality Framework for early education and care, creating more certainty for developers and operators seeking service approval. NSW is the first state to achieve this outcome.

The NSW Government has worked closely with the industry, councils and stakeholders in the development of our new policy and this Guideline. On behalf of the NSW Government, I would like to thank all of those involved.

**The Hon. Anthony Roberts MP**  
**Minister for Planning**

# Contents

<b>1. Introduction</b>	<b>1</b>
1.1 About this Guideline	2
1.2 Who is the Guideline for?	2
1.3 What are the planning objectives?	2
1.4 Where does this Guideline fit?	2
<b>2. Design quality principles</b>	<b>4</b>
<b>3. Matters for consideration</b>	<b>8</b>
3.1 Site selection and location	9
3.2 Local character, streetscape and the public domain interface	11
3.3 Building orientation, envelope, building design and accessibility	12
3.4 Landscaping	15
3.5 Visual and acoustic privacy	15
3.6 Noise and air pollution	17
3.7 Hours of operation	18
3.8 Traffic, parking and pedestrian circulation	18
<b>4. Applying the National Regulations to development proposals</b>	<b>22</b>
<i>A. Internal physical environment</i>	<i>24</i>
4.1 Indoor space requirements	24
4.2 Laundry and hygiene facilities	25
4.3 Toilet and hygiene facilities	26
4.4 Ventilation and natural light	27
4.5 Administrative space	28
4.6 Nappy change facilities	29
4.7 Premises designed to facilitate supervision	30
4.8 Emergency and evacuation procedures	31
<i>B. External physical environment</i>	<i>32</i>
4.9 Outdoor space requirements	32
4.10 Natural environment	35
4.11 Shade	36
4.12 Fencing	37
4.13 Soil assessment	38
<i>C. Best practice example</i>	<i>40</i>
<i>D. National Quality Framework Assessment Checklist</i>	<i>42</i>
<b>5. Glossary of Terms</b>	<b>44</b>



# **1. Introduction**

***This Guideline establishes the assessment framework to deliver consistent planning outcomes and design quality for centre-based child care facilities in NSW***



# Introduction

## 1.1 About this Guideline

*State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (the SEPP)* determines that a consent authority must take into consideration this Guideline when assessing a development application (DA) for a centre-based child care facility ('child care facility').

It also determines this Guideline will take precedence over a Development Control Plan (DCP), with some exceptions, where the two overlap in relation to a child care facility.

This Guideline informs state and local government, industry and the community about how good design can maximise the safety, health and overall care of young children. At the same time, it aims to deliver attractive buildings that are sympathetic to the streetscape and appropriate for the setting while minimising any adverse impacts on surrounding areas. It will help achieve a high level of design that is practical and aligned with the National Quality Framework.

The Guideline will provide a consistent statewide planning and design framework for preparing and considering DAs for child care facilities.

## 1.2 Who is the Guideline for?

The Guideline is to assist and inform:

- developers, builders, child care providers and other professionals when preparing DAs for child care facilities
- planning professionals in state and local government when assessing development proposals by ensuring they know what defines a quality and compliant child care facility that can achieve subsequent service approval
- the wider community about planning and design considerations for the delivery of quality child care facilities.

## 1.3 What are the planning objectives?

The planning objectives of this Guideline are to:

- promote high quality planning and design of child care facilities in accordance with the physical requirements of the National Regulations
- ensure that child care facilities are compatible with the existing streetscape, context and neighbouring land uses
- minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment

- 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.

## 1.4 Where does this Guideline fit?

The SEPP generally provides that Development Control Plans seeking to regulate development for a child care facility will not apply, except for controls relating to building height, rear and side setbacks and car parking rates. The following table helps different users understand how the Guideline fits with the SEPP, and how they should apply it.

The Guideline will also assist users whose proposals do not require development consent choose appropriate sites and locations, and raise awareness of potential issues and impacts (for example providers seeking to temporarily re-locate after an emergency).



### Application of Child Care Planning Guideline

<b>SEPP Provision</b>	<b>Proponents</b>	<b>Consent authorities</b>	<b>Regulatory authority: Concurrence / Service Approval</b>
<b>Guideline as a consideration</b>	Use the Guideline when preparing a development application to ensure once built, the development meets the physical requirements for the subsequent service approval application.	Consider Parts 2, 3 and 4 of the Guideline.  Review the National Quality Framework Assessment Checklist.	Assess Concurrence request against relevant sections of Part 4 and the National Quality Framework Assessment Checklist.
<b>Controls in Development Control Plans</b>	The provisions of the Child Care Planning Guideline will generally take precedence over a DCP, other than building height, side and rear setbacks and car parking rates.  Where there is no DCP, use all Parts of the Guideline to inform DA preparation.	The provisions of the Child Care Planning Guideline will generally take precedence over a DCP, other than building height, side and rear setbacks and car parking rates.  Where there are no DCP provisions consider the development application against the matters in the Guideline.	N/A.
<b>Concurrence</b>	Complete and submit National Quality Framework Assessment Checklist.  Prepare DA in accordance with Part 4 of the Guideline and Regulations 107 & 108 of the National Regulations.	Check National Quality Framework Assessment Checklist to assess need for concurrence.  Refer to regulatory authority if insufficient unencumbered indoor or outdoor space provided.	Check National Quality Framework Assessment Checklist to review unencumbered space provisions – indoor and outdoor.  Advise consent authority of determination regarding concurrence.

## 2. Design quality principles

### ***This Part outlines the design quality principles***

The design quality principles establish the broad design context guide of all new proposals for child care facilities, regardless of whether they are stand alone, part of a mixed-use development, modifications or retrofits of existing buildings or seeking to occupy premises without incurring new building works.

Good design is integral to creating sustainable and liveable communities. There is growing appreciation of the significant role that good design can play in education with increasing evidence that learning outcomes are closely related to the quality of learning environments.

Factors such as air quality, ventilation, natural lighting, thermal comfort and acoustic performance have been shown to have a profound impact on learning, engagement, social interactions and competencies. They also contribute to wellbeing through creating a sense of belonging, self-esteem and confidence.







### **Principle 1 - Context**

Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.

Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood.

Well-designed child care facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.



### **Principle 2 - Built form**

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area.

Good design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.



### **Principle 3 - Adaptive learning spaces**

Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces fit-out.

Good design achieves a mix of inclusive learning spaces to cater for all students and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.



### **Principle 4 - Sustainability**

Sustainable design combines positive environmental, social and economic outcomes.

This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.

Well-designed facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water consumption, less generation of waste and air emissions and reduced operational costs.





### **Principle 5 - Landscape**

Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.



### **Principle 6 - Amenity**

Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of students and staff.

Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility.

Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.



### **Principle 7 - Safety**

Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately.

Good child care facility design balances safety and security with the need to create a welcoming and accessible environment. It provides for quality public and private spaces that are inviting, clearly defined and allow controlled access for members of the community. Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).

## **3. Matters for consideration**

### ***This Part covers matters for consideration***

The considerations give guidance to applicants on how to design a high-quality proposal that takes account of its surroundings and any potential environmental impacts the development may cause and to be mindful of potential impacts that may arise from existing uses and conditions within a locality.

The matters support the design principles and must be considered by the consent authority when assessing a DA for a child care facility. Child care facilities can be developed in a broad range of locations and need to be flexible in how they respond to the requirements and challenges this brings.

## 3.1 Site selection and location

Not all sites will be suitable for child care facilities. This Guideline aims to help proponents choose a suitable site for a new service or facility. The most important question for each applicant is: Is the neighbourhood a good “fit” for the proposal?

The location and physical context of a child care facility should be safe and healthy for children. There are several environmental hazards to be aware of when locating a new proposal, for example, bush fire and flood prone land, and contaminated land. In addition, local councils may identify areas of significant hazard in their planning instruments and policies.

Child care facilities should also be compatible with the surrounding land uses. The predominant issues will vary depending on the location and setting of the site, the type of development being proposed, and the type of surrounding land use.

Issues will differ depending on how urbanised or how rural the area is. While matters such as fire safety and evacuation may be a priority in a high rise building in metropolitan areas, impact on residential amenity may be more significant in suburban areas, and potential impacts from agricultural activities such as aerial spraying or odours may be more important in rural areas.

### Considerations

**Objective: To ensure that appropriate zone considerations are assessed when selecting a site.**

#### C1

For proposed developments in or adjacent to a residential zone, consider:

- the acoustic and privacy impacts of the proposed development on the residential properties
- the setbacks and siting of buildings within the residential context
- traffic and parking impacts of the proposal on residential amenity.

For proposed developments in commercial and industrial zones, consider:

- potential impacts on the health, safety and wellbeing of children, staff and visitors with regard to local environmental or amenity issues such as air or noise pollution and local traffic conditions
- the potential impact of the facility on the viability of existing commercial or industrial uses.

For proposed developments in public or private recreation zones, consider:

- the compatibility of the proposal with the operations and nature of the community or private recreational facilities
- if the existing premises is licensed for alcohol or gambling
- if the use requires permanent or casual occupation of the premises or site
- the availability of on site parking
- compatibility of proposed hours of operation with surrounding uses, particularly residential uses
- the availability of appropriate and dedicated sanitation facilities for the development.

For proposed developments on school, TAFE or university sites in Special Purpose zones, consider:

- the compatibility of the proposal with the operation of the institution and its users
- the proximity of the proposed facility to other uses on the site, including premises licensed for alcohol or gambling
- proximity to sources of noise, such as places of entertainment or mechanical workshops
- proximity to odours, particularly at agricultural institutions
- previous uses of a premises such as scientific, medical or chemical laboratories, storage areas and the like.

**Objective: To ensure that the site selected for a proposed child care facility is suitable for the use.**

#### C2

When selecting a site, ensure that:

- the location and surrounding uses are compatible with the proposed development or use
- the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards
- there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed
- the characteristics of the site are suitable for the scale and type of development proposed having regard to:
  - size of street frontage, lot configuration, dimensions and overall size
  - number of shared boundaries with residential properties
  - the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas

## Matters for consideration

- where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use
- there are suitable drop off and pick up areas, and off and on street parking
- the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use
- it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.

**Objective: To ensure that sites for child care facilities are appropriately located.**

### C3

A child care facility should be located:

- near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship
- near or within employment areas, town centres, business centres, shops
- with access to public transport including rail, buses, ferries
- in areas with pedestrian connectivity to the local community, businesses, shops, services and the like.

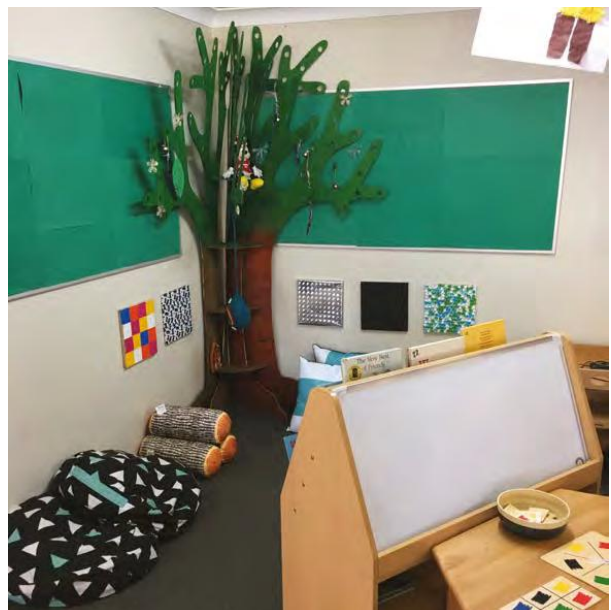
**Objective: To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards.**

### C4

A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:

- proximity to:
  - heavy or hazardous industry, waste transfer depots or landfill sites
  - LPG tanks or service stations
  - water cooling and water warming systems
  - odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses

- extractive industries, intensive agriculture, agricultural spraying activities
- any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site.



## 3.2 Local character, streetscape and the public domain interface

A detailed understanding of the overall site context will help create a well-designed and integrated child care facility. Context is the character and setting of the area within which the facility will sit. This character and setting is influenced by environmental, physical, economic and social factors.

New development should appropriately consider surrounding identified heritage items and identified heritage conservation areas. Local heritage provisions may apply to the proposal.

The key priorities when responding to character and context are:

**Communities** - understanding social dynamics can help developments reinforce local communities.

**Place** - drawing inspiration from indigenous character and heritage can strengthen local identity.

**Natural resources** - maximising use of the intrinsic resources of the site can create more sustainable developments.

**Connections** - understanding existing street and road linkages can help develop an effective and integrated movement framework.

**Feasibility** - ensuring schemes are economically viable and deliverable.

**Vision** - understanding the aspirations of the site within the setting of the wider area.

Streetscape impacts are integral to local character and identity. Streetscape is particularly important in areas with a strong unified, environmental, architectural, design, planting or cultural character such as scenic protection areas, environmental protection areas or heritage and urban conservation areas.

The public domain interface is the transition area between the child care facility, its private or communal space at the street edge and the public domain. The interface contributes to the quality and character of the street. The key components of the interface include entries, fences and walls, changes in level, service locations, interactions with outdoor play spaces and the location and size of street facing windows.

### Considerations

**Objective: To ensure that the child care facility is compatible with the local character and surrounding streetscape.**

#### C5

The proposed development should:

- contribute to the local area by being designed in character with the locality and existing streetscape
- reflect the predominant form of surrounding land uses, particularly in low density residential areas
- recognise predominant streetscape qualities, such as building form, scale, materials and colours
- include design and architectural treatments that respond to and integrate with the existing streetscape
- use landscaping to positively contribute to the streetscape and neighbouring amenity
- integrate car parking into the building and site landscaping design in residential areas.

**Objective: To ensure clear delineation between the child care facility and public spaces.**

#### C6

Create a threshold with a clear transition between public and private realms, including:

- fencing to ensure safety for children entering and leaving the facility
- windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community
- integrating existing and proposed landscaping with fencing.

#### C7

On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.

### C8

Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:

- clearly defined street access, pedestrian paths and building entries
- low fences and planting which delineate communal/private open space from adjoining public open space
- minimal use of blank walls and high fences.

**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.**

### C9

Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.

### C10

High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.

## 3.3 Building orientation, envelope and design

Orientation refers to the position of a building and its internal spaces in relation to its site, the street, the subdivision and neighbouring buildings, vistas and weather factors such as sun and wind. Building orientation influences the urban form of the street and building address. In residential areas, orientation of the facility may directly affect residential amenity including solar access and visual and acoustic privacy.

The building envelope is determined by the permissible building height and site setbacks. In combination with height and setbacks, the following elements of building design make up the overall built form.

**Building height** helps shape the desired future character of a place relative to its setting and topography.

**Setbacks** are expressed as distance of a building from property boundaries and are important to the amenity of new development and buildings on adjacent sites. Setbacks to the street establish the alignment of buildings along a street frontage. Combined with building height and road reservation, street setbacks define the proportion and scale of the street and contribute to the character of the public domain.

**Floor space ratios** primarily apply to mixed use developments.

**Architectural form** defines a building as viewed from a distance and makes a strong contribution to local character. Aesthetics and articulation can assist in refining the form and enhancing it with scale and proportion.

**Roof design** forms an important part of the skyline and may provide opportunities for open space.

**Facades** contribute to the visual interest of the building and the character of the local area. They have an impact on the public domain where they face the street and may influence the amenity of neighbouring buildings.

**Materials and finishes** provide visual interest and create good amenity and a positive visual impact through consistency of finish, well-considered use of colour and texture, durability of surface finishes and fixtures, resistance to damage and vandalism, and minimal recurrent maintenance.

Buildings for child care services must be designed so that they are safe and secure for children, staff and other users. Child care facilities need to allow equitable access by all members of the community, including those with disabilities. They should also provide suitable play areas for children with disabilities.





### Considerations

**Objective: To respond to the streetscape and site, while optimising solar access and opportunities for shade.**

#### C11

Orient a development on a site and design the building layout to:

- ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by:
  - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties
  - placing play equipment away from common boundaries with residential properties
  - locating outdoor play areas away from residential dwellings and other sensitive uses
- optimise solar access to internal and external play areas
- avoid overshadowing of adjoining residential properties
- minimise cut and fill
- ensure buildings along the street frontage define the street by facing it
- ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.

**Objective: To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.**

#### C12

The following matters may be considered to minimise the impacts of the proposal on local character:

- building height should be consistent with other buildings in the locality
- building height should respond to the scale and character of the street
- setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility
- setbacks should provide adequate access for building maintenance
- setbacks to the street should be consistent with the existing character.

**Objective: To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.**

#### C13

Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.

### C14

On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.

**Objective: To ensure that the built form, articulation and scale of development relates to its context and buildings are well designed to contribute to an area's character.**

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### C15

The built form of the development should contribute to the character of the local area, including how it:

- respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage
- contributes to the identity of the place
- retains and reinforces existing built form and vegetation where significant
- considers heritage within the local neighbourhood including identified heritage items and conservation areas
- responds to its natural environment including local landscape setting and climate
- contributes to the identity of place.

**Objective: To ensure that buildings are designed to create safe environments for all users.**

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### C16

Entry to the facility should be limited to one secure point which is:

- located to allow ease of access, particularly for pedestrians
- directly accessible from the street where possible
- directly visible from the street frontage
- easily monitored through natural or camera surveillance
- not accessed through an outdoor play area.
- in a mixed-use development, clearly defined and separate from entrances to other uses in the building.

**Objective: To ensure that child care facilities are designed to be accessible by all potential users.**

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### C17

Accessible design can be achieved by:

- providing accessibility to and within the building in accordance with all relevant legislation
- linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry
- providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible
- minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.

NOTE: The *National Construction Code*, the *Discrimination Disability Act 1992* and the *Disability (Access to Premises – Buildings) Standards 2010* set out the requirements for access to buildings for people with disabilities.



### 3.4 Landscaping

Landscaping of child care facilities can play an important role in integrating facilities into the surrounding streetscape and context. Good integration of facilities benefits neighbours and future residents.

Special attention is required when designing landscaping for sites on bush fire prone land. (For detailed guidance refer to *Planning for Bush Fire Protection* and NSW Rural Fire Service website.) The type, location and ongoing maintenance of landscaping within the Asset Protection Zone (APZ) is a necessary Bush Fire Protection Measure.

#### Considerations

**Objective: To provide landscape design that contributes to the streetscape and amenity.**

#### C18

Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.

Use the existing landscape where feasible to provide a high quality landscaped area by:

- reflecting and reinforcing the local context
- incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping.

#### C19

Incorporate car parking into the landscape design of the site by:

- planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings
- taking into account streetscape, local character and context when siting car parking areas within the front setback
- using low level landscaping to soften and screen parking areas.



### 3.5 Visual and acoustic privacy

Visual privacy is about allowing residents on adjacent properties to occupy their private space without being overlooked by child care facilities and ensuring child care facilities are not overlooked by neighbouring properties. Privacy is influenced by the activities in each of the spaces where overlooking may occur, the times and frequency these spaces are being used, the expectations of occupants for privacy and residents' willingness to reduce overlooking with screening devices.

Acoustic privacy involves reducing sound transmission between activity rooms and outdoor play areas of the child care facility and its neighbours. Design and site layout are the main ways of reducing acoustic impacts for example:

- site context and orientation of the building
- building design including the location of public and private open spaces and the arrangement of internal spaces
- physical relationship to surrounding uses
- building separation and providing physical barriers between the outdoor areas and the noise receivers.

Outdoor areas near residential uses can be designed to encourage more passive activities. Acoustic attenuation measures can be used to reduce reflected noise and once a facility is operating the installation of public address systems should be discouraged.



## Matters for consideration

### Considerations

**Objective: To protect the privacy and security of children attending the facility.**

#### C20

Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.

#### C21

Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:

- appropriate site and building layout
- suitably locating pathways, windows and doors
- permanent screening and landscape design.

**Objective: To minimise impacts on privacy of adjoining properties.**

#### C22

Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:

- appropriate site and building layout
- suitable location of pathways, windows and doors
- landscape design and screening.

**Objective: To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments.**

#### C23

A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:

- provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence).
- ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure.

#### C24

A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:

- identify an appropriate noise level for a child care facility located in residential and other zones
- determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use
- determine the appropriate height of any acoustic fence to enable the noise criteria to be met.



## 3.6 Noise and air pollution

Child care facilities located near major roads, rail lines, and beneath flight paths are likely to be subject to noise impacts. Other noisy environments such as industrial areas and substations may impact on the amenity and well-being of the children and staff. The location of child care facilities should be selected to avoid or minimise the potential impact of external sources of significant noise.

The *Protection of the Environment Operations Act 1997* provides the statutory framework for managing air emissions in NSW and should be consulted when proposing facilities in or close to industrial areas. The *Protection of the Environment Operations (Clean Air) Regulation* sets air emission standards for different industries.

### Considerations

**Objective: To ensure that outside noise levels on the facility are minimised to acceptable levels.**

#### C25

Adopt design solutions to minimise the impacts of noise, such as:

- creating physical separation between buildings and the noise source
- orienting the facility perpendicular to the noise source and where possible buffered by other uses
- using landscaping to reduce the perception of noise
- limiting the number and size of openings facing noise sources
- using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)
- using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits
- locating cot rooms, sleeping areas and play areas away from external noise sources.

#### C26

An acoustic report should identify appropriate noise levels for sleeping areas and other non play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:

- on industrial zoned land
- where the ANEF contour is between 20 and 25, consistent with AS 2021 - 2000

- along a railway or mass transit corridor, as defined by *State Environmental Planning Policy (Infrastructure) 2007*
- on a major or busy road
- other land that is impacted by substantial external noise.

**Objective: To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.**

#### C27

Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.

#### C28

A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines.

The air quality assessment report should evaluate design considerations to minimise air pollution such as:

- creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution
- using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway
- incorporating ventilation design into the design of the facility.

### 3.7 Hours of operation

The hours of operation of child care facilities should not adversely impact the amenity of surrounding properties, particularly in residential areas. However, there is increasing demand for child care services outside the standard 7.00am to 7.00pm period as working hours become increasingly flexible for both shift and office workers. Hence there is a need to strike a balance between the needs of families and compatibility with the surrounding uses in an area.

#### Considerations

**Objective: To minimise the impact of the child care facility on the amenity of neighbouring residential developments.**

#### C29

Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.

#### C30

Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.



### 3.8 Traffic, parking and pedestrian circulation

Site access from the public road to the site is important to ensure safety. At the same time, a safe pedestrian environment is essential on the site.

Car parking areas need to ensure the safety of all visitors to the site, whether it is a stand-alone facility or part of a mixed use residential, commercial or industrial development.

On and off site conflicts with children, visitors and users of the facility can be avoided through a combination of design and management plans. For example, drop off, parking and play areas in light industrial or commercial areas need to be carefully sited, away from heavy truck traffic and main roads to minimise risk of accidents.

Car parking rates are generally measured as a function of capacity, that is, spaces per number of children and staff. The capacity of a facility will be determined by several factors dictated by compliance with requirements under the National Regulations. These include:

- the amount of unencumbered space provided within a facility
- the reigning staff / child ratio provisions.

Rates of car parking should also be determined relative to the availability, frequency and convenience of public transport. Facilities located in inner urban and high density areas may require fewer off street car parking spaces than in lower density areas with limited access to transport, employment and services.

Car parking within a basement can provide optimum use of the site area and minimise visual impacts. Where basement car parking is provided, design should aim to:

- locate car park entries behind the building line
- integrate entries with the overall building façade. Design options include ventilation grills, louvres, screening devices, 'hit and miss' brickwork and similar cladding finishes
- minimise visual prominence. This can be done by stepping car park levels or using split levels on sloping sites.

Bicycle parking should be provided suitable for the context and user needs of the centre.

#### Considerations

**Objective: To provide parking that satisfies the needs of users and demand generated by the centre.**

#### C31

Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.



Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates:

Within 400 metres of a metropolitan train station:

- 1 space per 10 children
- 1 space per 2 staff. Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space.

In other areas:

- 1 space per 4 children.

A reduction in car parking rates may be considered where:

- the proposal is an adaptive re-use of a heritage item
- the site is in a B8 Metropolitan Zone or other high density business or residential zone
- the site is in proximity to high frequency and well connected public transport
- the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks)
- there is sufficient on street parking available at appropriate times within proximity of the site.

### C32

In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.

### C33

A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:

- the amenity of the surrounding area will not be affected
- there will be no impacts on the safe operation of the surrounding road network.

**Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.**

### C34

Alternate vehicular access should be provided where child care facilities are on sites fronting:

- a classified road

- roads which carry freight traffic or transport dangerous goods or hazardous materials.

The alternate access must have regard to:

- the prevailing traffic conditions
- pedestrian and vehicle safety including bicycle movements
- the likely impact of the development on traffic.

### C35

Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.

**Objective: To provide a safe and connected environment for pedestrians both on and around the site.**

### C36

The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:

- separate pedestrian access from the car park to the facility
- defined pedestrian crossings included within large car parking areas
- separate pedestrian and vehicle entries from the street for parents, children and visitors
- pedestrian paths that enable two prams to pass each other
- delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities
- in commercial or industrial zones and mixed use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas
- vehicles can enter and leave the site in a forward direction.

### C37

Mixed use developments should include:

- driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks
- drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or maneuvering areas used by vehicles accessing other parts of the site

## ***Matters for consideration***

- parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.

### **C38**

Car parking design should:

- include a child safe fence to separate car parking areas from the building entrance and play areas
- provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards
- include wheelchair and pram accessible parking.



## **4. Applying the National Regulations to development proposals**

### ***This part covers:***

#### **Internal physical environment**

This section describes the specific regulations that apply to internal physical environment matters, references related construction standards and provides design guidance on how the regulations may be met.

#### **External physical environment**

This section describes the specific regulations that apply to external physical environmental matters, references related construction standards and provides design guidance on how the regulations may be met.

#### **Best practice example**

This section outlines a recommended layout for a stand-alone child care facility by bringing together the internal and external physical environmental matters. The underpinning principles may also be applied to mixed use developments which include a centre-based child care facility in commercial, industrial or high density zones.

#### **National Quality Framework Assessment Checklist**

The checklist will assist applicants demonstrate that the development is designed to achieve the requirements of Part 4.3 Physical Environment of the Education and Care Services National Regulations.



The physical environment of a child care facility must be safe, suitable and provide a rich and diverse range of experiences that promote children's learning and development.

This fundamentally underpins the National Regulations covering education and care services, which need to be met before a child care facility can be given service approval to operate. The good design of a child care facility is a major contributor to ensuring these regulations are addressed and service approval processing is quick and efficient.

The SEPP states that if the requirements of the National Regulations relating to the amount of unencumbered indoor and outdoor space are not met in a DA in NSW, the concurrence of the regulatory authority will be required. In determining whether to grant or refuse concurrence, the authority must consider all requirements applicable to the proposal under the Regulations.

The following advice and information will assist child care developers and operators in applying the requirements of the National Regulations when preparing DAs. The minimum construction standards contained in the *National Construction Code* relating to child care facilities also apply.



## A. INTERNAL PHYSICAL ENVIRONMENT

### 4.1 Indoor space requirements

#### Regulation 107

##### Education and Care Services National Regulations

Every child being educated and cared for within a facility must have a minimum of 3.25m<sup>2</sup> of unencumbered indoor space.

**If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.**

Unencumbered indoor space excludes any of the following:

- passageway or thoroughfare (including door swings) used for circulation
- toilet and hygiene facilities
- nappy changing area or area for preparing bottles
- area permanently set aside for the use or storage of cots
- area permanently set aside for storage
- area or room for staff or administration
- kitchens, unless the kitchen is designed to be used predominately by the children as part of an educational program e.g. a learning kitchen
- on-site laundry
- other space that is not suitable for children.

All unencumbered indoor spaces must be provided as a secure area for children. The design of these spaces should consider the safe supervision of children.

When calculating indoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations.

Applicants should also note that regulation 81 requires that the needs for sleep and rest of children at the service be met, having regard to their ages, development stages and individual needs. Development applications should indicate how these needs will be accommodated.

Verandahs may be included when calculating indoor space with the written approval from the regulatory authority.

#### Design Guidance

##### Verandahs as indoor space

For a verandah to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather. It can only be counted once and therefore cannot be counted as outdoor space as well as indoor space (refer to Figure 1).

##### Storage

Storage areas including joinery units are not to be included in the calculation of indoor space. To achieve a functional unencumbered area free of clutter, storage areas must be considered when designing and calculating the spatial requirements of the facility. It is recommended that a child care facility provide:

- a minimum of 0.3m<sup>3</sup> per child of external storage space
- a minimum of 0.2m<sup>3</sup> per child of internal storage space.

Storage does not need to be in a separate room or screened, and there should be a mixture of safe shelving and storage that children can access independently.

Storage of items such as prams, bikes and scooters should be located adjacent to the building entrance.

Where an external laundry service is used, storage and collection points for soiled items should be in an area with separate external access, away from children. This will prevent clothes being carried through public areas and reduce danger to children during drop off and collection of laundry.

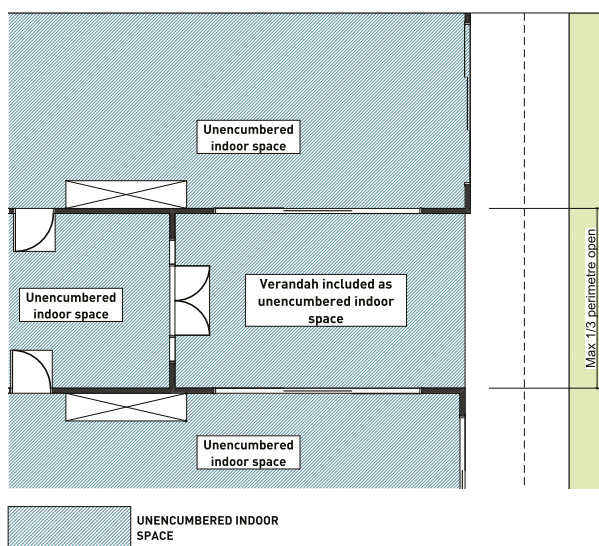


Figure 1 An outdoor verandah can be included as unencumbered indoor space with written approval. In spatial calculations this can only be counted once.



## 4.2 Laundry and hygiene facilities

### Regulation 106

#### Education and Care Services National Regulations

There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.

Child care facilities must also comply with the requirements for laundry facilities that are contained in the *National Construction Code*.

#### Design Guidance

Laundry and hygiene facilities are a key consideration for education and care service premises. The type of laundry facilities provided must be appropriate to the age of children accommodated.

#### On site laundry

On site laundry facilities should contain:

- a washer or washers capable of dealing with the heavy requirements of the facility
- a dryer
- laundry sinks
- adequate storage for soiled items prior to cleaning
- an on site laundry cannot be calculated as usable unencumbered play space for children (refer to Figure 2).

#### External laundry service

A facility that does not contain on site laundry facilities must make external laundering arrangements. Any external laundry facility providing services to the facility needs to comply with any relevant Australian Standards.

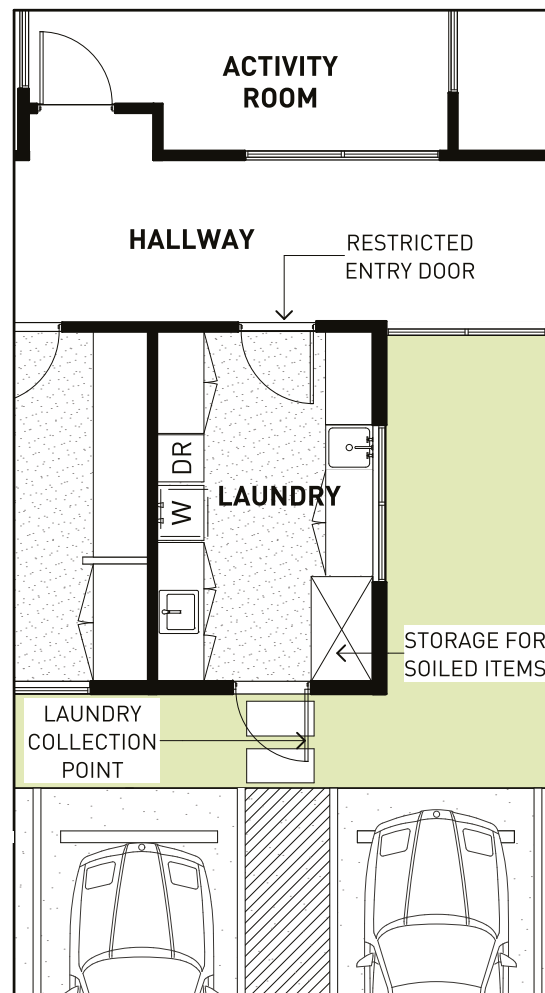


Figure 2 A typical child care facility laundry layout. External access may be provided if laundry is done off site or for deliveries.



A typical child care facility laundry with plenty of storage.

## 4.3 Toilet and hygiene facilities

### Regulation 109

#### Education and Care Services National Regulations

A service must ensure that adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.

Child care facilities must comply with the requirements for sanitary facilities that are contained in the *National Construction Code*.

#### Design Guidance

Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants (refer to Figure 3). Design considerations could include:

- junior toilet pans, low level sinks and hand drying facilities for children
- a sink and handwashing facilities in all bathrooms for adults
- direct access from both activity rooms and outdoor play areas
- windows into bathrooms and cubicles without doors to allow supervision by staff
- external windows in locations that prevent observation from neighbouring properties or from side boundaries

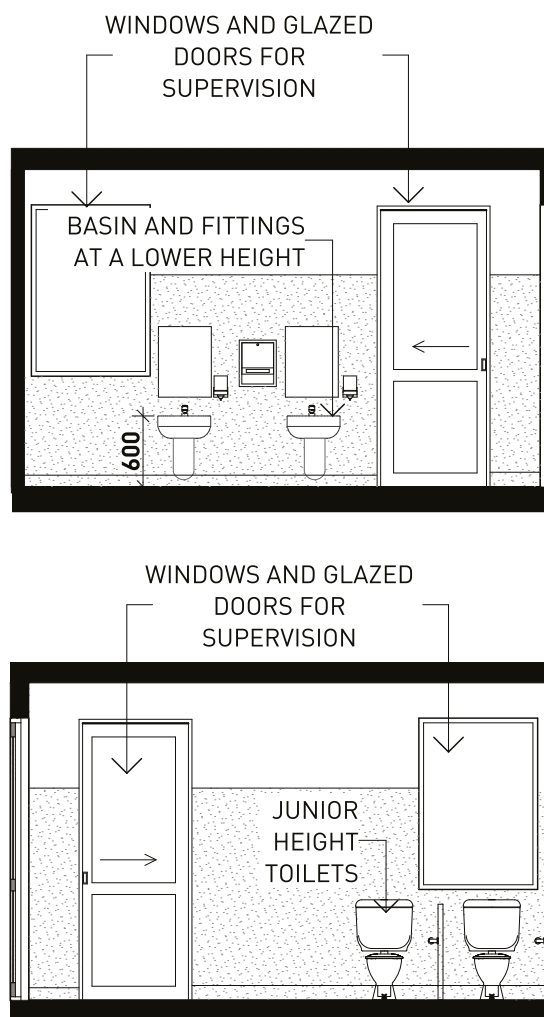


Figure 3 Bathroom facilities including toilet pans for use by children at a lower height.



Windows from activity rooms provide supervision into the bathrooms.

## 4.4 Ventilation and natural light

### Regulation 110

#### Education and Care Services National Regulations

Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.

Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the *National Construction Code*. Ceiling height requirements may be affected by the capacity of the facility.

### Design Guidance

#### Ventilation

Good ventilation can be achieved through a mixture of natural cross ventilation and air conditioning. Encouraging natural ventilation is the basis of sustainable design; however, there will be circumstances where mechanical ventilation will be essential to creating ambient temperatures within a facility.

To achieve adequate natural ventilation, the design of the child care facilities must address the orientation of the building, the configuration of rooms and the external building envelope, with natural air flow generally reducing the deeper a building becomes. It is recommended that child care facilities ensure natural ventilation is available to each indoor activity room.

#### Natural light

Solar and daylight access reduces reliance on artificial lighting and heating, improves energy efficiency and creates comfortable learning environments through pleasant conditions. Natural light contributes to a sense of well-being, is important to the development of children and improves service outcomes. Daylight and solar access changes with the time of day, seasons and weather conditions. When designing child care facilities consideration should be given to:

- providing windows facing different orientations
- using skylights as appropriate
- ceiling heights.

Designers should aim to minimise the need for artificial lighting during the day, especially in circumstances where room depth exceeds ceiling height by 2.5 times. It is recommended that ceiling heights be proportional to the room size, which can be achieved using raked ceilings and exposed trusses, creating a sense of space and visual interest.



Clerestory windows are effective at adding natural light to activity rooms.



Louvres can be incorporated to allow for ventilation when doors are closed.



High ceiling heights provide good proportion in long and wide rooms.

### 4.5 Administrative space

#### Regulation 111

##### Education and Care Services National Regulations

A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.

#### Design Guidance

Design considerations could include closing doors for privacy and glass partitions to ensure supervision.

When designing administrative spaces, consideration should be given to functions which can share spaces and those which cannot (refer Figure 4). Sound proofing of meeting rooms may be appropriate where they are located adjacent to public areas, or in large rooms where sound can easily travel.

Administrative spaces should be designed to ensure equitable use by parents and children at the facility. A reception desk may be designed to have a portion of it at a lower level for children or people in a wheel chair.



Reception spaces in administrative areas should be welcoming to adults and children and be designed for equitable access by all.

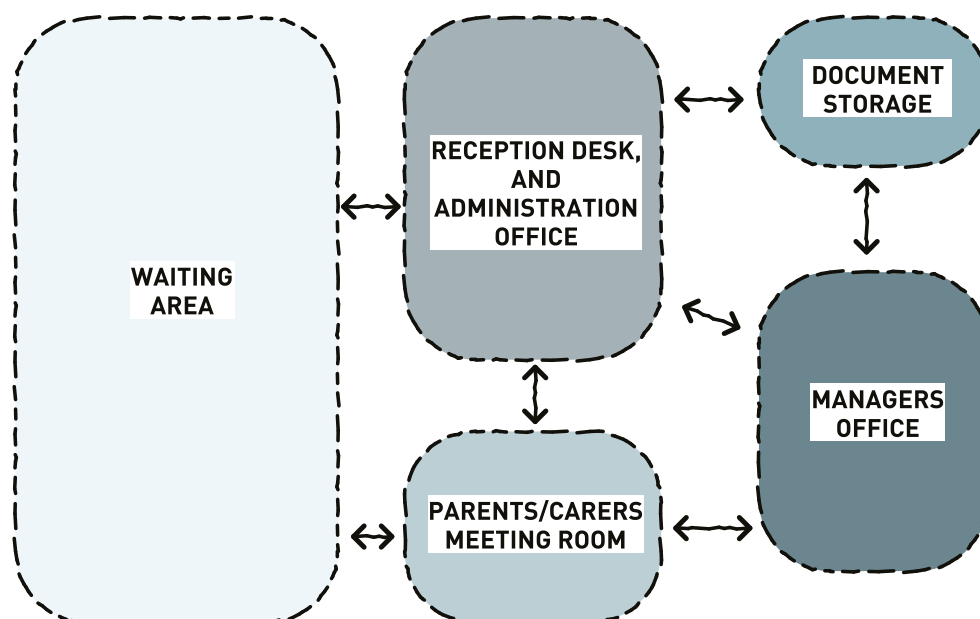


Figure 4 Diagram showing relationships between administrative spaces within a child care facility. Requirements of rooms and functions may vary depending on the size and individual requirements of the facility.



## 4.6 Nappy change facilities

### Regulation 112

#### **Education and Care Services National Regulations**

Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children.

Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the *National Construction Code*.

#### **Design Guidance**

In circumstances where nappy change facilities must be provided, design considerations could include:

- properly constructed nappy changing bench or benches
- a bench type baby bath within one metre from the nappy change bench
- the provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area
- a space to store steps
- positioning to enable supervision of the activity and play areas.



Baby change facilities located in the bathroom.



## 4.7 Premises designed to facilitate supervision

### Regulation 115

#### Education and Care Services National Regulations

A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity.

Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the *National Construction Code*.

#### Design Guidance

Design considerations should include:

- solid walls in children's toilet cubicles (but no doors) to provide dignity whilst enabling supervision
- locating windows into bathrooms or nappy change areas away from view of visitors to the facility, the public or neighbouring properties
- avoiding room layouts with hidden corners where supervision is poor, or multi room activity rooms for single groups of children
- avoiding multi-level rooms which compromise, or require additional staffing, to ensure proper supervision. If multi-level spaces are proposed, consideration should be given to providing areas that can be closed off and used only under supervision for controlled activities (refer to Figures 5, 6 and 7).

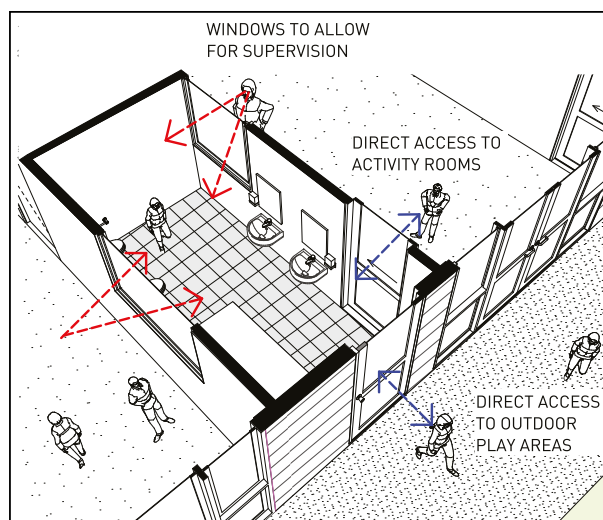


Figure 5 Bathroom facilities to have direct access to outdoor areas and activity rooms. Supervision requirements need to be considered in the design to prevent blind spots.

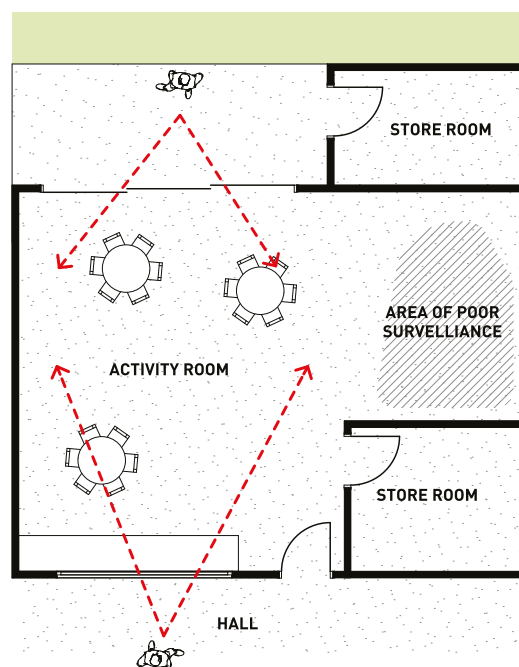


Figure 6 Avoid tucked away areas as these reduce effective supervision.

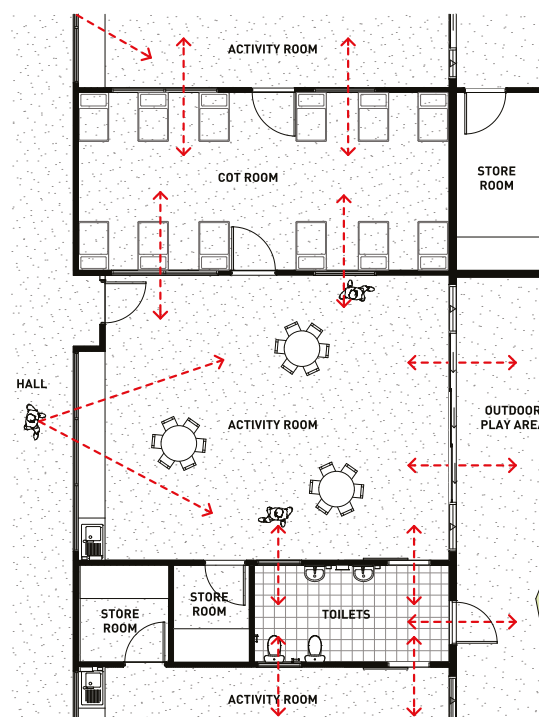


Figure 7 Good design of spaces allows for effective supervision between all areas children will occupy.

## 4.8 Emergency and evacuation procedures

### Regulations 97 and 168

#### Education and Care Services National Regulations

Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.

Regulation 97 sets out the detail for what those procedures must cover including:

- instructions for what must be done in the event of an emergency
- an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit
- a risk assessment to identify potential emergencies that are relevant to the service.

#### Design Guidance

Facility design and features should provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency.

Multi-storey buildings with proposed child care facilities above ground level may consider providing additional measures to protect staff and children. For example:

- independent emergency escape routes from the facility to the ground level that would separate children from other building users to address child protection concerns during evacuations
- a safe haven or separate emergency area where children and staff can muster during the initial stages of a fire alert or other emergency. This would enable staff to account for all children prior to evacuation.

An emergency and evaluation plan should be submitted with a DA and should consider:

- the mobility of children and how this is to be accommodated during an evacuation
- the location of a safe congregation/assembly point, away from the evacuated building, busy roads and other hazards, and away from evacuation points used by other occupants or tenants of the same building or of surrounding buildings
- how children will be supervised during the evacuation and at the congregation/assembly point, relative to the capacity of the facility and governing child-to-staff ratios.



## B. EXTERNAL PHYSICAL ENVIRONMENT

### 4.9 Outdoor space requirements

#### Regulation 108

##### Education and Care Services National Regulations

An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m<sup>2</sup> of unencumbered outdoor space.

**If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.**

Unencumbered outdoor space excludes any of the following:

- pathway or thoroughfare, except where used by children as part of the education and care program
- car parking area
- storage shed or other storage area
- laundry
- other space that is not suitable for children.

When calculating outdoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations.



Outdoor play areas are important for growth and development.

Applicants should also note that regulation 274 (Part 7.3 NSW Provisions) states that a centre-based service for children preschool age or under must ensure there is no swimming pool on the premises, unless the swimming pool existed before 6 November 1996. Where there is an existing swimming pool, a water safety policy will be required.

A verandah that is included within indoor space cannot be included when calculating outdoor space and vice versa.

#### Design Guidance

Calculating unencumbered space for outdoor areas should not include areas of dense hedges or plantings along boundaries which are designed for landscaping purposes and not for children's play (refer to Figures 9 and 10).

When new equipment or storage areas are added to existing services, the potential impact on unencumbered space calculations and service approvals must be considered.

#### Verandahs as outdoor space

Where a covered space such as a verandah is to be included in outdoor space it should:

- be open on at least one third of its perimeter
- have a clear height of 2.1 metres
- have a wall height of less than 1.4 metres where a wall with an opening forms the perimeter
- have adequate flooring and roofing
- be designed to provide adequate protection from the elements (refer to Figure 8).

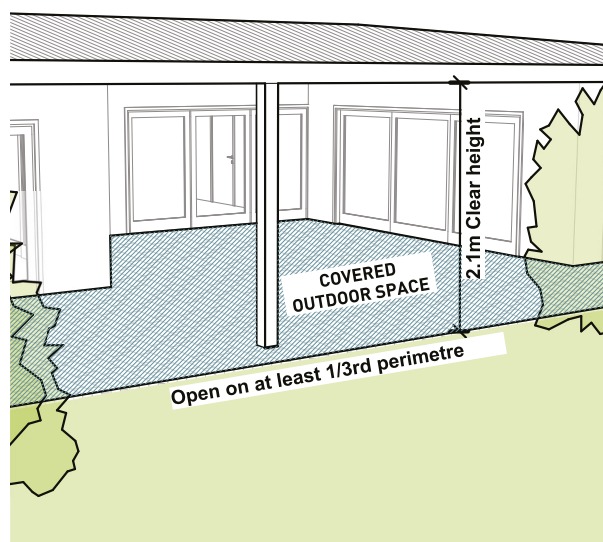


Figure 8 Covered areas such as verandahs can be included in outdoor space calculations.





Figure 9 Dense planting along boundaries and other areas not suitable for children should be excluded when calculating outdoor unencumbered space.

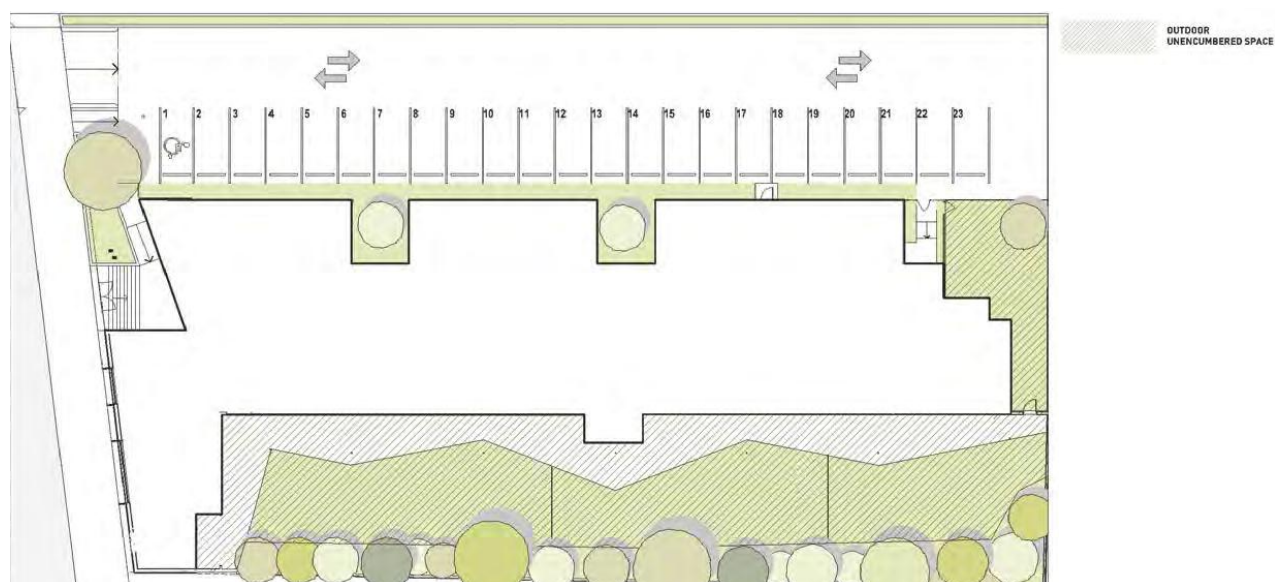


Figure 10 Areas to be included when calculating outdoor unencumbered space.

## Applying the National Regulations

### Simulated outdoor environments

Proponents should aim to provide the requisite amount of unencumbered outdoor space in all development applications.

A service approval will only be granted in exceptional circumstances when outdoor space requirements are not met. For an exemption to be granted, the preferred alternate solution is that indoor space be designed as a simulated outdoor environment.

Simulated outdoor space must be provided in addition to indoor space and cannot be counted twice when calculating areas.

Simulated outdoor environments are internal spaces that have all the features and experiences and qualities of an outdoor space. They should promote the same learning outcomes that are developed during outdoor play. Simulated outdoor environments should have:

- more access to natural light and ventilation than required for an internal space through large windows, glass doors and panels to enable views of trees, views of the sky and clouds and movement outside the facility
- skylights to give a sense of the external climate
- a combination of different floor types and textures, including wooden decking, pebbles, mounds, ridges, grass, bark and artificial grass, to mimic the uneven surfaces of an outdoor environment
- sand pits and water play areas
- furniture made of logs and stepping logs
- dense indoor planting and green vegetated walls
- climbing frames, walking and/or bike tracks
- vegetable gardens and gardening tubs.



Simulated outdoor environments contain sand pits, rocks and elements from the natural environment.



An indoor space designed to be a simulated outdoor space.



## 4.10 Natural environment

### Regulation 113

#### *Education and Care Services National Regulations*

The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.

#### *Design Guidance*

Creating a natural environment to meet this regulation includes the use of natural features such as trees, sand and natural vegetation within the outdoor space.

Shrubs and trees selected for the play space must be safe for children. Avoid plant species that risk the health, safety and welfare of the facility's occupants, such as those which:

- are known to be poisonous, produce toxins or have toxic leaves or berries
- have seed pods or stone fruit, attract bees, have thorns, spikes or prickly foliage or drop branches

The outdoor space should be designed to:

- provide a variety of experiences that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment
- assist supervision and minimise opportunities for bullying and antisocial behaviour
- enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitate interaction.



Natural environments are important for growth and play.

### 4.11 Shade

#### Regulation 114

##### Education and Care Services National Regulations

The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.

#### Design Guidance

Providing the correct balance of sunlight and shade to play areas is important for the health and well-being of children and staff. Combining built and natural shade will often be the best option.

##### Solar access

Controlled exposure to daylight for limited periods is essential as sunlight provides vitamin D which promotes healthy muscles, bones and overall wellbeing. Outdoor play areas should be provided with controlled solar access throughout the year. Outdoor play areas should:

- have year-round solar access to at least 30 per cent of the ground area, with no more than 60 per cent of the outdoor space covered.
- provide shade in the form of trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area
- have evenly distributed shade structures over different activity spaces.

##### Natural shade

Natural shade should be a major element in outdoor play areas. Trees with dense foliage and wide-spreading canopies provide the best protection. Existing stands of trees, particularly in rear setbacks, should be retained to provide shaded play areas. Species that suit local soil and climatic conditions and the character of the environment are recommended.

Dense shrubs can also provide shade. They should be planted around the site perimeter so they don't obstruct supervision. Pruning shrubs on the underside may create shaded play nooks underneath.

Planting for shade and solar access is enhanced by:

- placing appropriately scaled trees near the eastern and western elevations
- providing a balance of evergreen and deciduous trees to give shade in summer and sunlight access in winter.

##### Built shade structures

Built structures providing effective shade include:

- permanent structures (pergolas, sails and verandahs)
- demountable shade (marquees and tents)
- adjustable systems (awnings)
- shade sails.

Shade structures should not create safety hazards. Support systems such as upright posts should be clearly visible with rounded edges or padding. Vertical barriers at the sides of shade structures should be designed to prevent children using them for climbing. Shade structures should allow adults to view and access the children's play areas, with a recommended head clearance of 2.1 metres. The floor area underneath the structure should be of a sufficient size and shape to allow children to gather or play actively.



Shade structure can be a fixed structural element or a shade sail.

## 4.12 Fencing

### Regulation 104

#### Education and Care Services National Regulations

Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.

This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age, including a family day care venue where all children are over preschool age.

Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the *National Construction Code*.

#### Design guidance

Fencing at child care facilities must provide a secure, safe environment for children and minimise access to dangerous areas. Fencing also needs to positively contribute to the visual amenity of the streetscape and surrounding area. In general, fencing around outdoor spaces should:

- prevent children climbing over, under or through fences
- prevent people outside the facility from gaining access by climbing over, under or through the fence
- not create a sense of enclosure.

Design considerations for side and rear boundary fences could include:

- being made from solid prefinished metal, timber or masonry
- having a minimum height of 1.8 metres
- having no rails or elements for climbing higher than 150mm from the ground.

Fencing and gates should be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and Roads and Maritime Services Traffic Management Guidelines. Gates should be designed to prevent children leaving/entering unsupervised by use of childproof locking systems (refer to Figure 11).

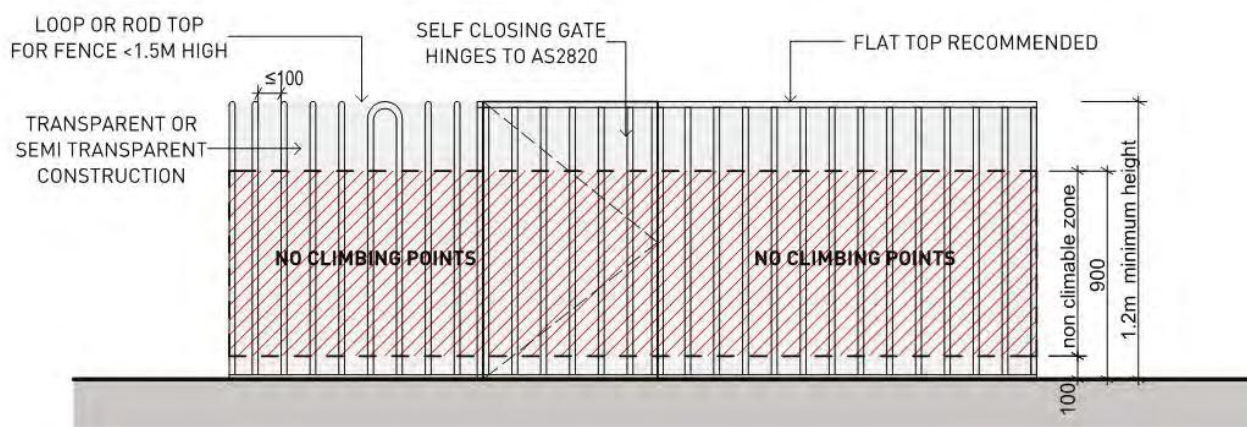


Figure 11 Heights and requirements for child care facility fencing.

### 4.13 Soil assessment

#### Regulation 25

##### **Education and Care Services National Regulations**

Subclause (d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval.

With every service application one of the following is required:

- a soil assessment for the site of the proposed education and care service premises
- if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken
- a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children.

#### **Design Guidance**

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To ensure consistency between the development consent and the service approval application, a soil assessment should be undertaken as part of the development application process.

Where children will have access to soil the regulatory authority requires a preliminary investigation of the soil. This includes sites with or without buildings and existing approved children's services where:

- the application is to alter or extend the premises
- the alteration or extension requires earthworks or deep excavations (exceeding a depth of one metre)
- the works are going to take place in an area used for children's outdoor play or will be used for children's outdoor play after the work is completed
- a soil assessment has not been undertaken at the children's service.

Minor landscaping, creation of sand pits, movement of play equipment and so on do not qualify as earthworks and do not require a soil assessment.

An assessment of soil for a children's service approval application may require three levels of investigation:

- Stage 1 - Preliminary investigation (with or without soil sampling)
- Stage 2 - Detailed site investigation
- Stage 3 - Site specific human health risk assessment.







## Applying the National Regulations

### C. BEST PRACTICE EXAMPLE

Figure 12 is a sample plan of a facility designed with a best practice layout. The arrangement of rooms is linear with activity rooms and administration areas located off a central hallway.

Children's bathrooms and cot rooms are located between activity rooms to allow direct and easy access from both internal and external play areas.

Administration and services rooms such as the laundry and kitchen are located nearest the parking. This allows for separate access for deliveries away from children and their play areas.

The best practice example shows an optimal layout for new single storey, standalone developments. However, many of the underpinning principles apply equally to modifications of existing facilities, mixed use developments, and conversions of buildings to new facilities.

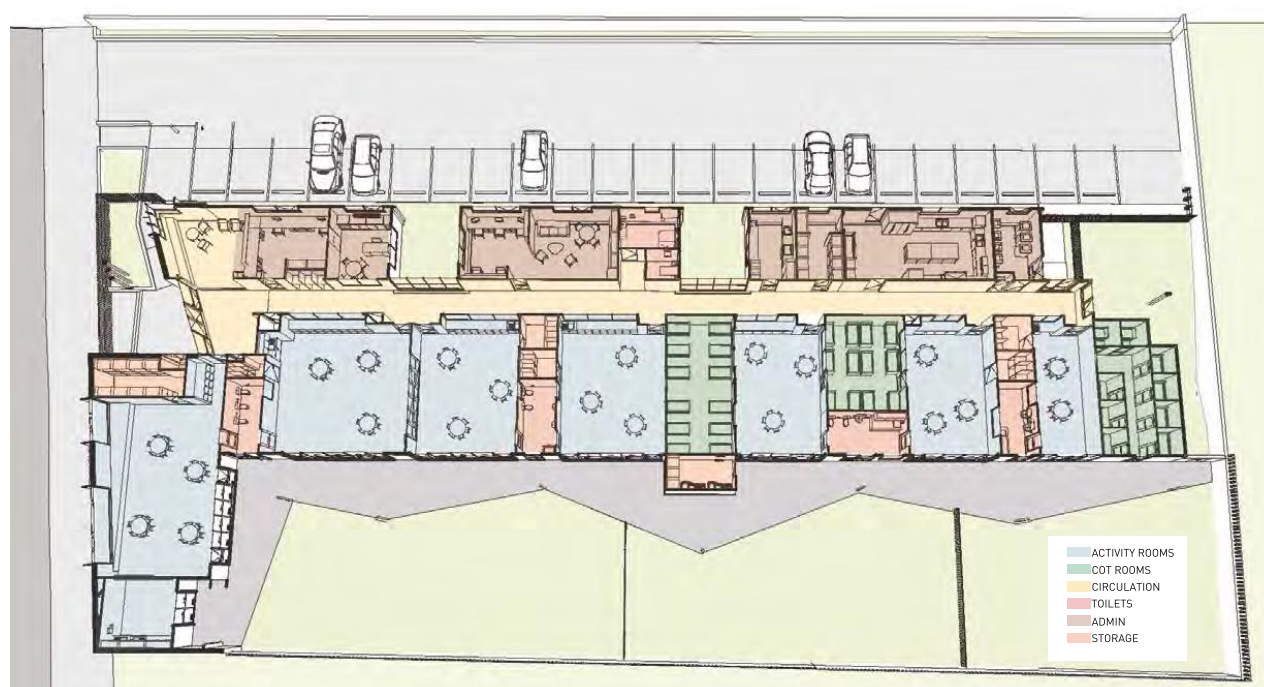


Figure 12 Cutaway plan showing arrangement and relationship between rooms within a child care facility.



## Applying the National Regulations

### D. NATIONAL QUALITY FRAMEWORK ASSESSMENT CHECKLIST

<b>Regulation</b>	<b>Proposed</b>	<b>Complies</b> (Tick or Cross)
<p><b>104. Fencing or barrier that encloses outdoor spaces.</b></p> <p>Outdoor space that will be used by children will be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.</p> <p>Note: This clause does not apply to a centre-based service primarily for children over preschool age or a family day care residence or venue for over preschool age children.</p>	<p>Indicate height, materials and style on plans.</p>	
<p><b>106. Laundry and hygiene facilities</b></p> <p>The proposed development includes laundry facilities or access to laundry facilities OR explain the other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage of soiled clothing, nappies and linen prior to their disposal or laundering.</p> <p>Laundry/hygienic facilities are located where they do not pose a risk to children</p>	<p>On site or off site facilities</p>	
<p><b>107. Unencumbered indoor space</b></p> <p>The proposed development includes at least 3.25 square metres of unencumbered indoor space for each child.</p> <p>Refer to regulation 107 of the Education and Care Services National Regulation for further information on calculating indoor space.</p>	<p>Number of children:</p> <p>Required area:</p> <p>Provided Area:</p>	
<p><b>108. Unencumbered outdoor space</b></p> <p>The proposed development includes at least 7.0 square metres of unencumbered outdoor space for each child.</p> <p>Refer to regulation 108 of the Education and Care Services National Regulation for further information on calculating outdoor space, and for different requirements for out-of-school-hours care services.</p>	<p>Number of children:</p> <p>Required area:</p> <p>Provided Area:</p>	
<p><b>109. Toilet and hygiene facilities</b></p> <p>The proposed development includes adequate, developmentally and age-appropriate toilet, washing and drying facilities for use by children being educated and cared for by the service.</p> <p>The location and design of the toilet, washing and drying facilities enable safe and convenient use by the children.</p>	<p>Show number of toilets and hand basins on plan</p>	
<p><b>110. Ventilation and natural light</b></p> <p>The proposed development includes indoor spaces to be used by children that —</p> <ul style="list-style-type: none"> <li>• will be well ventilated; and</li> <li>• will have adequate natural light; and</li> <li>• can be maintained at a temperature that ensures the safety and well-being of children.</li> </ul>	<p>Indicate on plans and elevations how natural ventilation and lighting is achieved.</p>	



<b>Regulation</b>	<b>Proposed</b>	<b>Complies</b> (Tick or Cross)
<p><b>111. Administrative space</b></p> <p>The proposed development includes an adequate area or areas for the purposes of conducting the administrative functions of the service; and consulting with parents of children; and conducting private conversations.</p> <p>Note: This space cannot be included in the calculation of unencumbered indoor space – see regulation 107</p>	Indicate administrative space on plans	
<p><b>112. Nappy change facilities</b></p> <p>(To be completed only if the proposed development is for a service that will care for children who wear nappies)</p> <p>The proposed development includes an adequate area for construction of appropriate hygienic facilities for nappy changing including at least one properly constructed nappy changing bench and hand cleansing facilities for adults in the immediate vicinity of the nappy change area.</p> <p>The proposed nappy change facilities can be designed and located in a way that prevents unsupervised access by children.</p>	Indicate nappy change on plans	
<p><b>113. Outdoor space—natural environment</b></p> <p>The proposed development includes outdoor spaces that will allow children to explore and experience the natural environment.</p>	Indicate on landscape plans	
<p><b>114. Outdoor space—shade</b></p> <p>The proposed development includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p>	Indicate shade on landscape plans	
<p><b>115. Premises designed to facilitate supervision</b></p> <p>The proposed development (including toilets and nappy change facilities) are designed in a way that facilitates supervision of children at all times, having regard to the need to maintain the rights and dignity of the children.</p>	Indicate on floor plans	

## 5. Glossary of Terms

### **Acoustic privacy**

A measure of sound insulation between dwellings, between dwellings and communal areas, and between external and internal spaces.

### **Adaptive reuse**

The conversion of an existing building or structure from one use to another, or from one configuration to another.

### **Aircraft noise**

Aircraft noise is identified as contours on the Australian Noise Exposure Forecast (ANEF) Map. The higher the ANEF contour value, the greater the exposure to aircraft noise.

### **Amenity**

The 'liveability', comfort or quality of a place which makes it pleasant and agreeable to be in for individuals and the community. Amenity is important in the public, communal and private domains and includes the enjoyment of sunlight, views, privacy and quiet. It also includes protection from pollution and odours.

### **ANEF**

Australian Noise Exposure Forecast  
(Refer [www.airservicesaustralia.com](http://www.airservicesaustralia.com))

### **BCA**

*Building Code of Australia.*

### **Building line**

The predominant line formed by the main external face of the building. Balconies or bay window projections may or may not be included depending on desired streetscape.

### **Building height**

As defined in the *Standard Instrument - Principal Local Environmental Plan*.

### **Business zones**

Land identified on a Land Zoning Map within a local environmental plan as a B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core, B4 Mixed Use, B5 Business Development, B6 Enterprise Corridor, B7 Business Park or B8 Metropolitan Centre zone.

### **Busy road or rail line**

As defined in *State Environmental Planning Policy (Infrastructure) 2007*.

### **Centre-based service**

As defined in the *Education and Care Services National Regulations*.

### **Child care facility**

Term used as an abbreviation of centre-based child care facility.

### **Centre-based child care facility**

As defined in the *Standard Instrument - Principal Local Environmental Plan*.

### **Classified Road**

As defined in the *Roads Act 1993*. (Note: Classified road includes all State Roads and specified Regional Roads. Regional roads comprise two categories: those regional roads that are classified under the *Roads Act 1993* and those regional roads that are not classified. Local roads are not classified).

### **Core**

Vertical circulation (lift and/or stairs) within a building. A single core may include multiple lifts serving the same floor area.

### **Concurrence**

*State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* includes a provision that consent cannot be given by a local council for a centre-based child care facility under certain circumstances unless the Regulatory Authority (currently NSW Secretary of Education) grants concurrence.

### **Daylight**

Consists of both skylight (diffuse light from the sky) and sunlight (direct beam radiation from the sun). Daylight changes with the time of day, season and weather conditions

### **DCP**

Development Control Plan

### **Education and care service**

As defined in the Children (Education and Care Services) National Law (NSW) 104a.

### **Education and care service premises**

As defined in the *Children (Education and Care Services) National Law (NSW) 104a*.



### **Facade**

The external face of a building, generally the principal face, facing a public street or space.

### **Floor Space Ratio**

As defined in the *Standard Instrument - Principal Local Environmental Plan*.

### **Guide to Traffic Generating Developments**

*Guide to Traffic Generating Developments*, published by Roads and Maritime Services (formerly RTA) and available on its website.

### **Landscaped Area**

As defined in the *Standard Instrument - Principal Local Environmental Plan*.

### **NCC**

*National Construction Code*. The NCC is made up of the Building Code of Australia and the Plumbing Code of Australia.

### **National Law**

Refers to the *Children (Education and Care Services) National Law (NSW) 104a*.

### **National Regulations**

Refers to the *Education and Care Services National Regulations*.

### **NQF (National Quality Framework)**

'National Quality Framework' is made up of the *Children (Education and Care Services) National Law*, the *Education and Care Services National Regulations*, the National Quality Standard (Schedule 1 of the Regulations), an assessment and rating scheme, and an approved learning framework. The National Quality Framework regulates children's education and safety, staffing, partnerships with families and the community, the physical environment and use of child care facilities throughout Australia.

### **Regulatory authority**

As defined in *Children (Education and Care Services) National Law (NSW) 104a* and *Children (Education and Care Services National Law Application) Act 2010 No 104*. In NSW, this is the Secretary of Education.

### **SEPP**

State Environmental Planning Policy. In the context of this Guideline, *State Environmental Planning Policy (Educational Establishments and Child Care Facilities)* 2017.

### **Sloping site**

A site with a slope of 15 per cent or greater.

### **Solar access**

The ability of a building to continue to receive direct sunlight without obstruction from other buildings or impediments, not including trees.

### **Street setback**

The space along the street frontage between the property boundary and the building. Refer to building line or setback as defined in the *Standard Instrument - Principal Local Environmental Plan*.

### **Sunlight**

Direct beam radiation from the sun.

### **Unencumbered indoor space**

As defined by regulation 107 of the *Education and Care Services National Regulations*.

### **Unencumbered outdoor space**

As defined by regulation 108 of the *Education and Care Services National Regulations*.

## Notes



NSW Department of Planning and Environment  
GPO Box 39, Sydney NSW 2001  
Tel: 1300 305 695  
[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)



# F. SITE IMAGES





**View southwest over the land from intersection of Gwydir Highway and Bennett Street showing existing nursery centre and (beyond) telecommunications tower.**



**View south from Gwydir Highway over nursery buildings in the west of the land.**





**View west from  
Bennett Street showing  
existing concrete  
vehicle crossovers to  
the land and on-site  
nursery parking  
beyond.**



**View west from  
Bennett Street over the  
land showing gravel  
access and cyclone  
fencing.**





**View southwest from  
Bennett Street over the  
southernmost access  
to the land showing  
Forestry Corporation of  
NSW depot buildings.**



**View southwest from  
Bennett Street over Lot  
1 DP 957346 and Lot 3  
DP 818029 showing  
public utility  
infrastructure for the  
supply of potable  
water.**



**View west from  
Bennett Street over  
battle-axe handle on  
Lot 100 DP 1185793.**



**View northeast from  
Bennett Street over  
vacant Lot 2 DP  
1131010.**





**View southeast from  
Gwydir Highway over  
Lot 1 DP 1131010  
showing mixed use  
development  
combining commercial  
premises and industry.**



**View east from Gwydir  
Highway over service  
station on Lot A DP  
413777.**





**View southwest from  
Gwydir Highway over  
cultivated land on  
adjoining Lot 100 DP  
1185793.**



# G. COUNCIL CORRESPONDENCE



Our Ref: s7.2.7/15  
Contact: Chris Faley, Development Services Coordinator

18 July 2022

Chief Executive Officer  
Inverell District Family Services  
By E-mail

Dear Mrs Lavender

**PRE-LODGE MENT ADVICE – PROPOSED CHILD CARE CENTRE  
LOT 2 DP 818029 – 1 BURGESS STREET, INVERELL**

Reference is made to the e-mail and concept plans received 8 July 2022 seeking pre-lodgement advice in relation to the development of a child care centre on Lot 2 DP 818029, 1 Burgess Street, Inverell.

The purpose of this letter is to provide preliminary advice in relation to the permissibility of the development, possible re-zoning process and other broad considerations identified by Council based on a desk-top review of the development and site.

**Permissibility of the Development**

Lot 2 DP 818029, 1 Burgess Street, Inverell is zoned RU1 Primary Production under the *Inverell Local Environmental Plan 2012* (ILEP 2012). Based on the plans and information supplied to Council, the proposed development is characterised as a "centre-based child care facility" under the ILEP 2012 (definition attached).

A "centre-based child care facility" is prohibited within the RU1 Primary Production zone (Land Use Table attached) and Council is currently unable to consider a Development Application for the proposed child care centre on Lot 2 DP 818029, 1 Burgess Street, Inverell.

**Re-zoning Process**

To enable a "centre-based child care facility" to be undertaken on Lot 2 DP 818029, it would be necessary to amend the ILEP 2012.

To initiate an amendment to the ILEP 2012, the developer must submit a "Planning Proposal" to Council that has been prepared in accordance with the *Local Environmental Plan Making Guidelines December 2021* issued by the NSW Department of Planning and Environment. A "Planning Proposal" is a formal document that explains the intended effect of, and provides strategic justification for, the amendment to the ILEP 2012. Generally, a Planning Proposal is prepared by a town planning consultant.

Once a Planning Proposal is submitted to Council, it will be assessed by Council's Development Services staff and referred to Council's Civil and Environmental Services Committee for consideration. If the Planning Proposal is supported, it will then be submitted to the NSW Department of Planning and Environment for a Gateway Determination. Council fees for the assessment and processing of a Planning Proposal total \$7,500.00.

Pursuant to Division 3.5 of the *Environmental Planning and Assessment Act 1979*, it would be possible to submit a Planning Proposal and a Development Application at the same time for assessment.

Please note that this advice does not infer that a Planning Proposal would be ultimately supported by Council and/or the NSW Department of Planning and Environment.

## Other Considerations

Council's Development Services Staff have undertaken a high-level, desk-top review of the plans received 8 July 2022. Discussion is provided below on matters identified by Council staff that should be considered in the preparation of a Planning Proposal and Development Application:

- Contamination – In accordance with *State Environmental Planning Policy (Hazards and Resilience) 2021*, Council must not consent to a development application for child care purposes unless it has considered whether the development site is contaminated. Council has insufficient information in relation to the historic use of Lot 2 DP 818029 (e.g. Forestry Corporation operations) to determine whether the site is suitable for a child care centre. A Contamination Assessment prepared in accordance with the *Contaminated Land Planning Guidelines* will need to be submitted for any Planning Proposal and/or Development Application.
- Existing Nursery – The plans nominate that the existing nursery on Lot 2 DP 818029 is "Not in Scope & Out of Bounds". Council is not prepared to consider the child care development in isolation from the existing nursery. The proposed child care development must consider:
  - Whether the child care results in the loss of facilities (e.g. toilets, lunch room) for the Nursery, which will need to be provided elsewhere on-site; and
  - The proximity of nursery buildings to the child care building and the need for fire separation and/or fire safety measures.
- Car Parking – Council is prepared to accept a total 14 parking spaces (minimum), inclusive of 1 disabled space, being provided on-site to cater for both the existing nursery and proposed child care centre. Please note that Council has not reviewed the car parking layout shown on the plans submitted 8 July 2022 to determine whether the 14 spaces nominated on plan comply with Australian Standard 2890. For Council to assess the car park and for a development application, a detailed parking plan is to be provided clearly showing dimensions of the car parking spaces, nominated entries, nominated exits, aisle widths and turning circles. The final detailed design, may require changes to the parking area and/or access crossings. Subject to the approval process, it is likely that Council would require the entire car park to be bitumen sealed (existing area to be rehabilitated) and line marked as part of the child care development.
- Proximity to Powerlines – The proposed child care centre, including new entry and outdoor space, is located adjacent to electricity infrastructure including a service line to Council's water supply reservoir. Council will refer any Development Application to Essential Energy for review and comment in relation to safety matters. It is recommended that you undertake early consultation with Essential Energy to determine their design and information requirements.
- Boundary Survey – Council records indicate that the perimeter fencing around the Lot 2 DP 818029 is partly within the road reserve. It is unclear from the plans submitted on 8 July 2022 whether the development, including outdoor space is contained wholly within Lot 2 DP 818029. A boundary survey will need to be undertaken to correctly identify the property boundaries.
- Child Care Guidelines – Council has not undertaken an assessment of the proposal against the NSW Child Care Planning Guideline. It is recommended that you undertake your own review of these guidelines, in particular any design requirements in relation to a child care centre adjacent to highways and commercial uses (e.g. nursery, service station).
- Water and Sewer Contributions – A new child care centre is subject to water and sewer contributions under Council's Development Services Plan No. 1 which are calculated based on 0.06 ET per person for water and 0.10 ET per person for sewer. For the 2021/2022 financial year, the contributions payable for 30 children would equate to:
  - Water –  $30 \times 0.06 \text{ ET} = 1.8 \text{ ETs} = \$21,699.00$ ; and
  - Sewer –  $30 \times 0.10 \text{ ET} = 3 \text{ ETs} = \$11,730.00$ .

Please note the above matters are identified based on a high-level, desk-top review only. Additional matters to be addressed may be identified following the detailed assessment of a Planning Proposal and Development Application.



## **Conclusion**

Lot 2 DP 818029, 1 Burgess Street, Inverell is zoned RU1 Primary Production under the Inverell Local Environmental Plan 2012. The proposed development is characterised as a "centre-based child care facility", which is prohibited within the RU1 Primary Production zone.

At this point in time, Council is unable to consider a Development Application for the proposed child care centre on Lot 2 DP 818029, 1 Burgess Street, Inverell.

To pursue this development, it is recommended that you engage the services of your own town planning consultant to review your development proposal and/or prepare a Planning Proposal seeking an amendment to the *Inverell Local Environmental Plan 2012*.

Council has a strong commitment to assisting in the pre-application process, and Council staff are available to provide additional assistance, comment or advice. Should you wish to arrange a meeting with Council staff, please contact me on 6728 8251 to arrange an appropriate time.

Yours faithfully



**CHRIS FALEY**  
**DEVELOPMENT SERVICES COORDINATOR**

Encl.    Definition - Centre-based child care facility  
          Land Use Table – RU1 Primary Production Zone

**centre-based child care facility** means—

(a) a building or place used for the education and care of children that provides any one or more of the following—

- (i) long day care,
- (ii) occasional child care,
- (iii) out-of-school-hours care (including vacation care),
- (iv) preschool care, or

(b) an approved family day care venue (within the meaning of the *Children (Education and Care Services) National Law (NSW)*),

**Note—**

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the *Children (Education and Care Services) National Law (NSW)*) is provided.

but does not include—

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the *Children (Education and Care Services) National Law (NSW)*), or
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

**Note—**

Centre-based child care facilities are a type of **early education and care facility**—see the definition of that term in this Dictionary.

# Inverell Local Environmental Plan 2012

Current version for 27 May 2022 to date (accessed 18 July 2022 at 13:32)

[Part](#) > pt-cg1.Zone\_RU1

## Zone RU1 Primary Production

### 1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

### 2 Permitted without consent

Environmental protection works; Extensive agriculture; Flood mitigation works; Forestry; Home-based child care; Home occupations; Moorings; Roads

### 3 Permitted with consent

Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Backpackers' accommodation; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Function centres; Helipads; Home businesses; Home industries; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Kiosks; Landscaping material supplies; Mooring pens; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Signage; Vehicle repair stations; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities

### 4 Prohibited

Any development not specified in item 2 or 3



# H. DEVELOPMENT APPLICATION DA-2/2013



## **NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION**

**Issued under the Environmental Planning & Assessment Act, 1979 Section 81(1)(a)**

TO: **Aurecon Australia Pty Ltd**  
OF: **P O Box 538**  
**Neutral Bay NSW 2089**

being the applicant in respect of **Application No DA-2/2013**

Notice is hereby given of the determination by Council of **Application No. DA-2/2013** relating to the land owned by **Best Employment Ltd, of P O Box 175, Inverell NSW 2360** and is described as follows:-

**Lot 2 DP 818029**  
**1 Burgess Street, INVERELL 2360**

The development proposal is:- **Telecommunications facility**

The Determination is **consent granted subject to conditions described below** made on **18 June 2013**.

This consent expires five (5) years from the date on which it commences to operate in accordance with Section 83 of the Environmental Planning and Assessment Act 1979 unless the work to which it relates has physically commenced on site within that period. Where the approval relates to a use of the land rather than to the carrying out of works then that use must have commenced on site within that five year period.

The conditions of consent are set out as follows:-

1. ***Preliminary***

Inverell Shire Council issues its consent, subject to conditions stated hereunder, in accordance with Section 80A of the *Environmental Planning and Assessment Act 1979*.

Consent is granted for the construction of telecommunications facility on Lot 2 DP 818029.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the stamped and approved plans and accompanying documentation, unless modified by any following condition.

Any deviation from this will require the consent of Council.

2. ***Prior to Construction***

Prior to the commencement of any building works on the site a Construction Certificate is to be obtained from Council or an Accredited Certifier. The application for a Construction Certificate shall include plans and specifications demonstrating full compliance with the Building Code of Australia and associated standards.

3. ***During Construction***

All work must be carried out in accordance with the requirements of the Building Code of Australia.

4. For the duration of any work on site, the builder must maintain a copy of the specification, stamped approved plans, copy of development consent and Construction Certificate on site.
5. Construction may only be carried out between 7.00am and 5.00pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or Public Holiday.
6. Sediment and erosion control measures are to be implemented onsite and maintained until the site is fully stabilised. This must be carried out in accordance with Council's Erosion and Sedimentation Control Policy 2004 and the "*Blue Book – Managing Urban Stormwater: Soils and Construction*".
7. Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
8. All work carried out under this Consent should be done in accordance with WorkCover requirements including the *Occupational Health and Safety Act 2000* and subordinate regulations, codes of practice and guidelines that control and regulate the development industry.
9. Should any aboriginal artefacts or places be discovered during construction, all works are to cease immediately. The NSW Office of Environment and Heritage are to be contacted immediately and any direction or requirements complied with.
- 10 The applicant must:
  - Repair, or pay the full costs associated with repairing any public infrastructure that is damaged during construction of the development; and
  - Relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.
- 11 The colours of the telecommunications tower and associate facilities are to be in accordance with the approved nominate colours –steel/grey.

## 12 **Prior to Occupation**

Prior to use of the facility, an Occupation Certificate must be issued in accordance with Section 109M of the *Environmental Planning and Assessment Act 1979*.

Note: Prior to the issue of the Occupation Certificate, the Principal Certifying Authority is required to be satisfied, amongst other things, that:

- All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- Any preconditions to the issue of the certificate required by development consent have been met.

## 13 **Ongoing use**

The telecommunications tower and associate facilities are to be maintained in reasonable manner whilst in use.

- 14 The noise level emanating from any air-conditioning systems must not exceed the background level by more than 5dB(a) when measured at the worst affected property not associated with the development.
- 15 In the event that the telecommunications facility is no longer required, it is to be removed and the site restored, to a condition that is similar to its condition before the facility was constructed.

16 No access is to be taken from the Gwydir Highway. Access to the site must be taken from Burgess Street.

**Reasons for Conditions:**

The above conditions have been imposed:

1. To ensure compliance with the terms of the applicable environmental planning instruments.
2. Having regard to Council's duties of consideration under Section 79C of the Environmental Planning and Assessment Act 1979, as well as Section 80A which authorizes the imposing of the consent conditions.
3. Having regard to the circumstances of the case and the public interest.

If you are dissatisfied with this decision section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

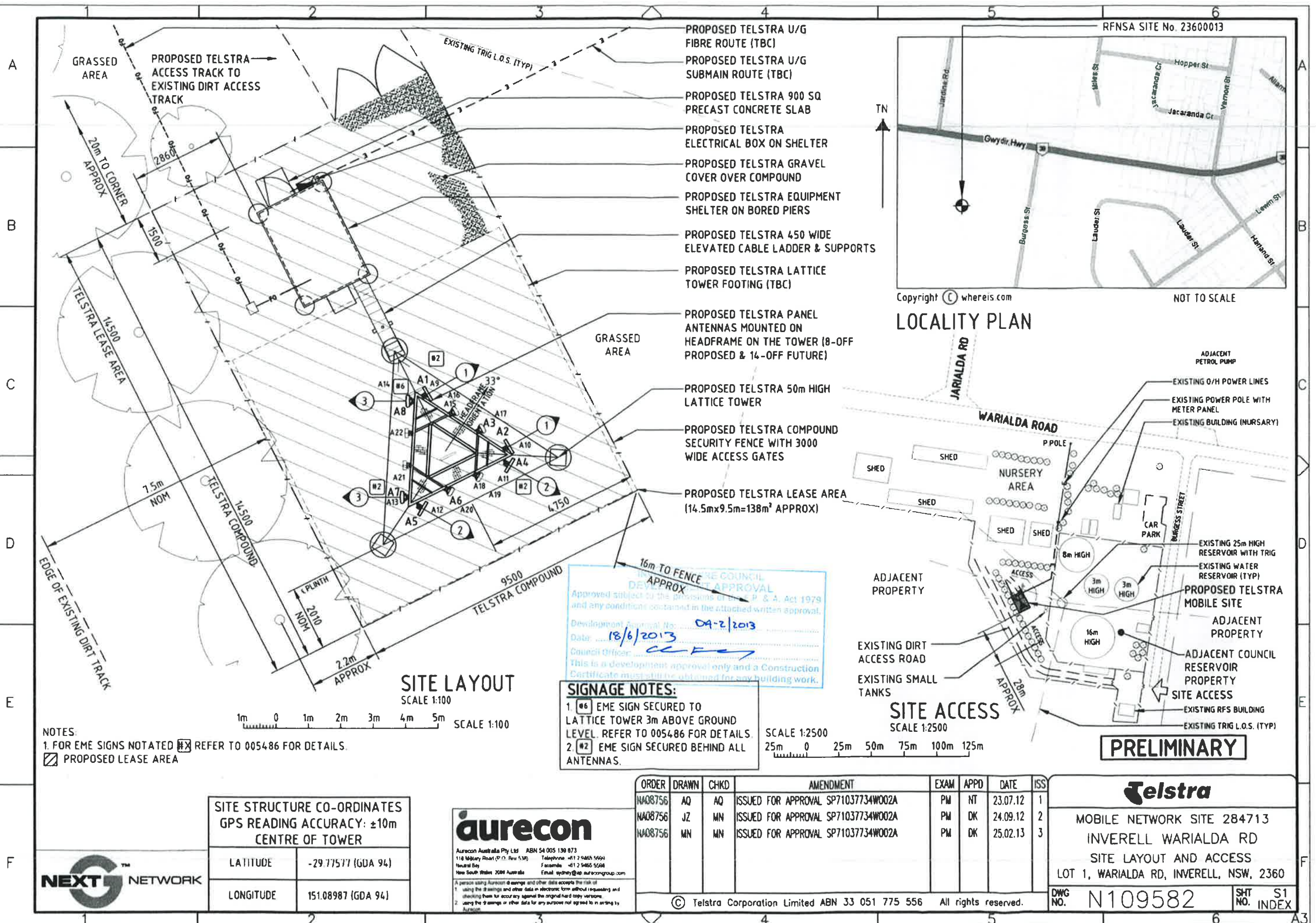
You are also advised that section 82A of the *Environmental Planning and Assessment Act 1979* provides that you may apply to Council for a review of this decision subject to the limitations contained in that section and payment of the prescribed fee.

On behalf of Inverell Shire Council

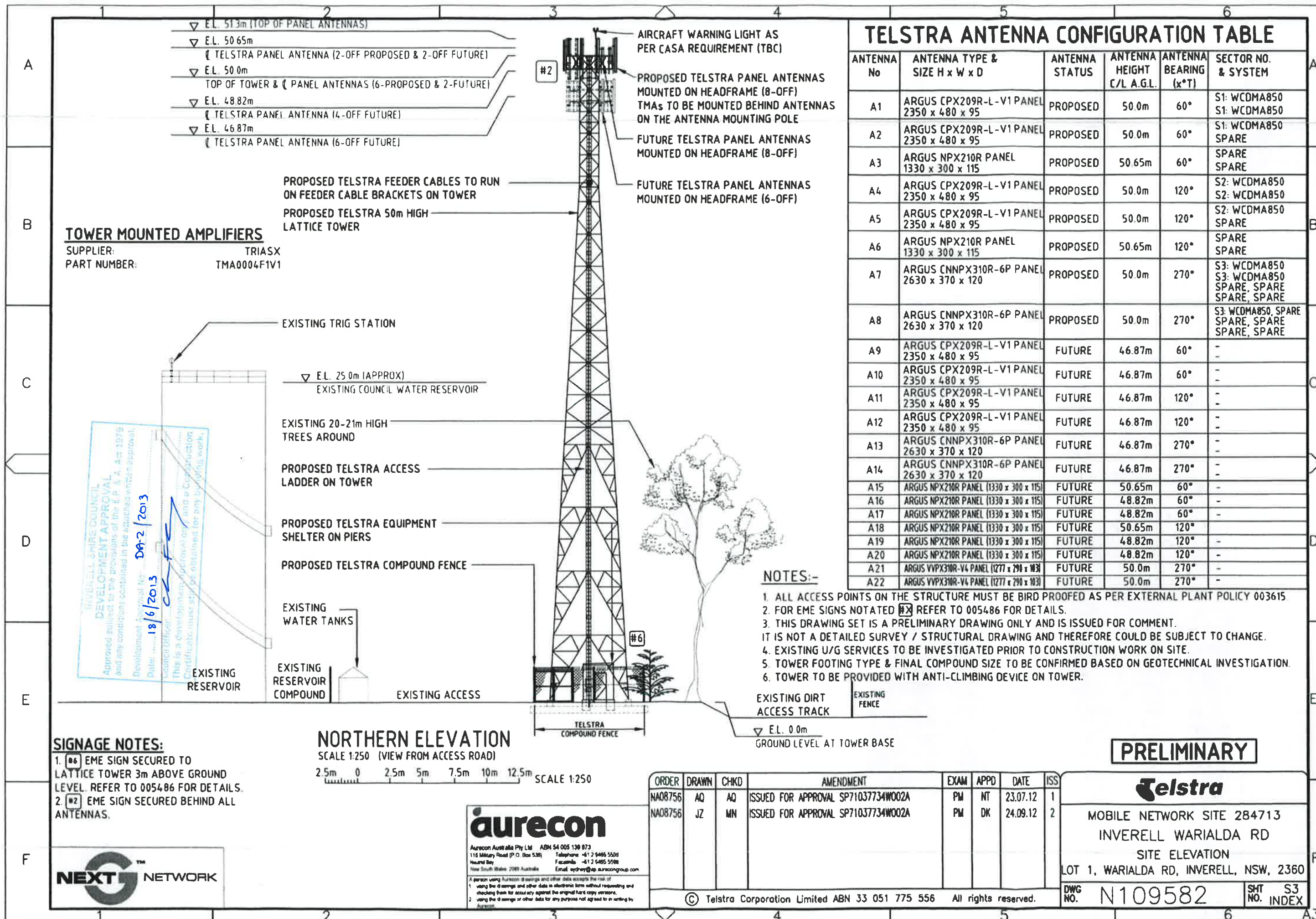


**ANTHONY ALLISTON**  
**MANAGER DEVELOPMENT SERVICES**  
**DATE : 21 June 2013**













# I. ESTIMATED RF EME



## Summary of Estimated RF EME Levels around the Proposed Wireless Base Station at 2 Plan 818029 Warialda Rd, INVERELL NSW 2360

### Introduction:

Date 13/11/2012

NSA Site No (2360013)

This report summarises the estimated maximum cumulative radiofrequency (RF) electromagnetic energy (EME) levels at ground level emitted from the existing wireless base station antennas at 2 Plan 818029 Warialda Rd INVERELL NSW 2360. Maximum EME levels are estimated in 360° circular bands out to 500m from the base station. The procedures for making the estimates have been developed by the Australian Radiation Protection And Nuclear Safety Agency (ARPANSA)<sup>1</sup>. These are documented in the ARPANSA Technical Report; "Radio Frequency EME Exposure Levels - Prediction Methodologies" which is available at <http://www.arpansa.gov.au>

### EME Health Standard

ARPANSA, an Australian Government agency in the Health and Ageing portfolio has established a Radiation Protection Standard<sup>2</sup> specifying limits for continuous exposure of the general public to RF transmissions at frequencies used by wireless base stations. Further information can be gained from the ARPANSA web site.

The Australian Communications and Media Authority (ACMA)<sup>3</sup> mandates exposure limits for continuous exposure of the general public to RF EME from wireless base stations. Further information can be found at the ACMA website <http://emr.acma.gov.au>

**Existing Site Radio Systems** There are currently no existing radio systems for this site.

### Proposed Site Radio Systems

Telstra / WCDMA850 (proposed)			
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### Table of Predicted EME Levels – Proposed

Distance from the antennas at 2 Plan 818029 Warialda Rd in 360° circular bands	Maximum Cumulative EME Level – All carriers at this site (% of ARPANSA exposure limits <sup>2</sup> ) Public exposure limit = 100%
0m to 50m	0.0034%
50m to 100m	0.018%
100m to 200m	0.026%
200m to 300m	0.097%
300m to 400m	0.098%
400m to 500m	0.083%
<b>Maximum EME level</b> 306.086 m, from the antennas at 2 Plan 818029 Warialda Rd	0.098%

**Note:** Estimation for the maximum level of RF EME at 1.5m above the ground from the existing and proposed antennas assuming level ground. The estimated levels have been calculated on the maximum mobile phone call and data capacity anticipated for this site. This estimation does not include possible radio signal attenuation due to buildings and the general environment. The actual EME levels will generally be significantly less than predicted due to path losses and the base station automatically minimising transmitter power to only serve established phone calls and data transmissions<sup>5</sup>. Where applicable, particular locations of interest in the area surrounding the base station, including topographical variations, are assessed in Appendix A "Other areas of Interest" table on the last page.

### Summary – Proposed Radio Systems

RF EME levels have been estimated from the existing and proposed antennas at 2 Plan 818029 Warialda Rd INVERELL NSW 2360. The maximum cumulative EME level at 1.5 m above ground level is estimated to be 0.098 % of the ARPANSA public exposure limits.



#### Reference Notes:

1. The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is a Federal Government agency incorporated under the Health and Ageing portfolio. ARPANSA is charged with responsibility for protecting the health and safety of people, and the environment, from the harmful effects of radiation (ionising and non-ionising).
2. Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), 2002, 'Radiation Protection Standard: Maximum Exposure Levels to Radiofrequency Fields — 3 kHz to 300 GHz', Radiation Protection Series Publication No. 3, ARPANSA, Yallambie Australia. [Printed version: ISBN 0-642-79400-6 ISSN 1445-9760]  
[Web version: ISBN 0-642-79402-2 ISSN 1445-9760]
3. The Australian Communications and Media Authority (ACMA) is responsible for the regulation of broadcasting, radiocommunications, telecommunications and online content. Information on EME is available at <http://emr.acma.gov.au/>
4. The EME predictions in this report assume a near worst-case scenario including:
  - wireless base station transmitters for mobile and broadband data operating at maximum power (no automatic power reduction)
  - simultaneous telephone calls and data transmission.
  - an unobstructed line of sight view to the antennas.

In practice a worst-case scenario is rarely the case. There are often trees and buildings in the immediate vicinity, and cellular networks automatically adjust transmit power to suit the actual user traffic. The level of EME may also be affected where significant landscape features are present and predicted EME levels might not be the absolute maximum at all locations.
5. Further explanation of this report may be found in "Understanding the ARPANSA Environmental EME Report" and other documents on the ARPANSA web site, <http://www.arpansa.gov.au>

## Appendix A

Table of Other Areas of Interest

Additional Locations	Height / Scan relative to location ground level	Maximum Cumulative EME Level All Carriers at this site  (% of ARPANSA exposure limits <sup>2</sup> ) Public exposure limit = 100%
Deployment Code C564:2011 Section 6 - consultation requirements new sites	n/a	Existing Site Update - No additional locations identified. Refer to previous table for the environmental EME assessment
Topography/Buildings	n/a	No locations identified
Other (e.g. significant previous community concern)	n/a	No locations identified

**Note:** Estimation for the maximum EME levels at selected areas of interest over a height range relative to the specific ground level at the area of interest. This table includes any existing and proposed radio systems.

### Estimation Notes / Assumptions – Other Areas of Interest

Variable ground topography has been included in the assessment of the "Other Areas of Interest" as per ARPANSA methodology

*Insert other data / notes as required*





# J. PRELIMINARY ENVIRONMENTAL SITE ASSESSMENT

# Preliminary Environmental Site Assessment - 1 Burgess Street, Inverell



12 October 2022

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For: Inverell District Family Services

Authored by: Strider Duerinckx



Ref	Ver	Date	Distribution
2223-021-02	A	12/10/22	Client

## Table of Contents

1	Introduction.....	4
1.1	Objectives.....	4
1.2	Suitability to Undertake Works .....	4
2	Proposed Development.....	4
3	Scope of Work .....	4
4	Site Description .....	5
4.1	Site Identification .....	5
4.2	Location and Features .....	5
4.3	Surrounding Land Use .....	7
5	Site History .....	7
5.1	Previous Environmental Investigations.....	7
5.2	Interviews.....	7
5.3	Aerial Photographs.....	8
5.4	NSW EPA Records.....	9
5.5	Other Contaminating Activities .....	9
5.6	Historical ownership.....	9
5.7	Summary of Site History.....	9
6	Potential Areas and Contaminants of Concern .....	10
7	Investigation Criteria .....	10
8	Sampling Program .....	11
9	Results .....	11
9.1	Sample Descriptions .....	11
10	Analytical Results.....	11
10.1	Discrete Check Samples.....	11
11	Discussion .....	11
12	Conclusions and Recommendations .....	12
13	References.....	12

**Tables (in report)**

**Table 1: Aerial Photographs** ..... 8

**Table 2: Historical Ownership** ..... 9

**Table 3: Potential AEC and CoC** ..... 10

**Tables (attached)**

**Table LR1**      Summary of Soil Discrete Analytical Results

**Figures**

**Figure 1**      Site Location

**Figure 2**      Proposed Development Layout

**Figure 3**      Existing Site Layout and Sample Locations

**Appendices**

**Appendix A**    Historical Aerial Photographs

**Appendix B**    Previous Ownerships

**Appendix C**    Laboratory Report



# 1 Introduction

Earth Water Consulting Pty Limited (EWC) was engaged by Inverell District Family Services (the “Client”) to undertake a Preliminary Environmental Site Assessment (PESA) of 1 Burgess Street, Inverell (the “Site”) (Figure 1).

## 1.1 Objectives

The objective of this investigation was to undertake an assessment of the property as part of a PESA, to ensure that potential soil contamination from previous landuse would not significantly limit the proposed development.

## 1.2 Suitability to Undertake Works

Strider Duerinckx has project managed and signs off on this investigation. Strider is an environmental geologist with 25 years’ experience in contaminated sites investigations including numerous banana plantation assessments. Strider is a CEnvP (Site Contamination Specialist) accredited.

# 2 Proposed Development

Based on plans provided by Thomson Adsett Pty Ltd. it is understood that a proposed childcare centre will be repurposed from an existing brick building (Figure 2). A small extension will be undertaken on the northeastern side to create an entrance foyer, and carparking spaces will be increased to the south by utilising a portion of the existing nurse yard.

# 3 Scope of Work

This PESA has been undertaken in reference to the relevant sections in the *Consultants Reporting on Contaminated Land* (NSW EPA 2020), and Department of Urban Affairs and Planning *Managing Land Contamination – Planning Guidelines SEPP55 – Remediation of Land* (DUAP & EPA 1998).

The Site study investigation area is targeted within the confines of the north-eastern section of the property as referred to in the provided plans (Figure 2), however potential offsite and adjacent impacts on the proposed childcare have been taken into consideration in this contamination investigation.

The assessment included:

- Historical aerial photographs review (to map change in use over time);
  - NSW EPA contaminated land and POEO notices and records (onsite or offsite contamination presence or significant activities),
  - Historical ownership records; and
  - Interviews if available with previous owners/employees.
- A site walkover of the property to visually assess the current site layout and surface conditions;
  - Collection of 3 surface check samples and analysis for heavy metals, OCP and PCB chlorinated substances, and TRH/BTEXN hydrocarbons.

- Presentation of this PESA report, detailing the results of the desktop review and site walkover, analytical results in comparison to guidelines, and assessment of contamination risks, conclusions regarding the contamination status of the Site, and recommendations for further investigations (if required).

## 4 Site Description

### 4.1 Site Identification

The Site is known as Lot 2 in DP818029, and is approximately 2.64 ha in area. The proposed development area covers about 800m<sup>2</sup>.

### 4.2 Location and Features

The Site is located on the corner of the western side of Burgess Street and the southern side of the Gwydir Highway, on the western fringe of the Inverell suburban area (Figure 1). The site inspection was undertaken on 19 September 2022, and observations include:

- The northwestern section of the property consists of a large greenhouse, sheds and gravel hardstand areas associated with the existing nursery operations. The southern section of the property consists of sheds and hardstand areas associated with the existing Forestry Corporation depot operations, and a mobile signal tower associated with existing Telstra Corporation operations;
- The Site is situated on a hilltop position with the ground surface falling towards the northeast and northwest;
- No Underground Petroleum Storage System (UPSS) infrastructure was observed on the Site in the vicinity of the proposed development area;
- The housekeeping of the nursery is of a high quality with a well maintained property evident.
- The proposed childcare centre is located on the eastern edge of the nursery within an existing brick structure with tiled and metal roof. The building is used as a shop front, training rooms, offices, and toilets. No hazardous materials were observed in the building, and chemical storage for the nursery is in a storage shed further into the nursery away from the proposed development area.
- In layout and build quality, the proposed childcare building appears to be the former offices of the former Forestry operations. The layout internal is appointed with open timber lined rooms, timber floors, and office type kitchenette, storage rooms, toilets and common areas. Eaves are all wood lined.
- Fibro cement sheeting is present in the wet areas (bathrooms) but given the age of the building is not suspected to contain asbestos.
- No significant cutting/filling appears to have been undertaken for construction of the building, it is a concrete slab essentially at grade.
- The bitumen carpark is in moderate condition. The front lawn area is grassed and well maintained garden beds.

Photographs of site features are presented below, and locations shown on Figure 3.





Photograph 1. Looking west at the existing structure and bitumen carpark to be redeveloped.



Photograph 2. Looking west across the existing nursery operations and community shed.





Photograph 3. Looking northeast across the existing gardens.

## 4.3 Surrounding Land Use

The surrounding land use includes:

- To the east – Truck repair and supplies depot;
- To the west – Agricultural farms and rural residential;
- To the north – Agricultural farms, rural residential and service station; and
- To the south – Town supply water tower.

## 5 Site History

### 5.1 Previous Environmental Investigations

No previous environmental investigations are known to have been undertaken on the Site.

### 5.2 Interviews

A nursery employee was interviewed on 19 September 2022 who confirmed no notable environmental contamination issues have occurred at the property.

The BEST representative onsite who operate the nursery confirmed that the Nursery has been present since 2014. As part of the Nursery redevelopment of the former forestry offices building, some internal walls were realigned or added.



## 5.3 Aerial Photographs

A review of aerial photographs from 1962-2013 are presented in **Table 1** and included in Appendix A.

**Table 1: Aerial Photographs**

Year	Site Details	Adjacent Properties
1956	The property is cleared agricultural land, potentially for wheat cultivation with a section in the northwestern portion showing vegetable planting rows. An access track runs through the Site, connecting Burgess Street with fields to the southwest.	Two large water tanks are present directly bordering the site occupying the high point of the hilltop where the Inverell town water tanks currently reside.  Properties to the north, south and west are cleared for agriculture representing present day conditions.  Industrial complex to the east of the Site adjacent to Burgess Street.
1962	As per 1956	Service station has been constructed across the Highway to the north.
1970	As per 1962. No market gardening visible in the western portion of the Site. Cropping land.	As per 1962.
1975	As per 1970	As per 1962, with small lot residential to the east expanding westwards and a third tank has been constructed bordering the south of the Site.
1985	The Forestry Corporation office and car park has been constructed at the northeastern portion of the Site at the proposed childcare location.	As per 1975, with small lot residential to the east expanding westwards and tall narrow tank structure has been constructed bordering the Site. A dwelling has been constructed in the tank complex area.
1994	The Site layout of sheds, bitumen carpark and hardstand is essentially as per the site inspection 2022.	As per 1991, with the dwelling in the tank complex has been demolished.
2003	Greenhouses and structures associated with forestry nursery operations are present in the western portion of the Site well away from the office building.	As per 1994.
2013	The greenhouses have been removed otherwise no changes compared to 2003.	A large water tank and hardstand has been constructed in the tank complex. A market garden has been cultivated adjacent to the west of Site at least 100m from the proposed childcare centre.
2020	As per 2013.	Expansion of market gardening operations to the west and south of the Site.

## 5.4 NSW EPA Records

A search of the NSW EPA's contaminated land record revealed no investigation or remediation notices have been issued on the Site or adjacent properties for contamination or 'significant risk of harm' under Section 58 of the Contaminated Land Management Act 1997.

A search of the public register under Section 308 of the Protection of the Environment Operations Act indicated that no current licenses are held for potentially contaminating activities on the Site or adjacent properties.

## 5.5 Other Contaminating Activities

A review of the Lotsearch collated database indicates that Site is not known to have been nor located adjacent to any known Defence sites, former gasworks, PFAS contaminated sites, loose fill asbestos insulation registered, cattle tick dip, dry cleaners, fire rescue, gas terminals, liquid fuel depots, active mines or quarries, derelict mines, petrol stations, power stations, electrical substations, telephone exchanges, active or historical waste management facilities (landfills) or wastewater treatment facilities.

## 5.6 Historical ownership

A search of historical owners and current leases was undertaken of the properties. A summary of owners is presented in Table 5 and included in Appendix B.

**Table 2: Historical Ownership**

Date	Detail
	<b>(L2 DP818029)</b>
16.05.1918 (1918 to 1930)	Spencer Joseph St Clair Butler (Solicitor) William Murray Borthwick (Stock and Station Agent)
14.05.1930 (1930 to 1933)	Stanley Tamworth Murray (Farmer & Grazier)
22.12.1933 (1933 to 1945)	Martin O'Brien (Grazier) Mary O'Brien (Married Woman)
04.09.1945	His Most Gracious Majesty King George the Sixth (For the purposes of the Soil Conservation Act, 1938) Intervening Name Changes, Now Her Majesty Queen Elizabeth II
18.03.1985 Until 2009	Forestry Commission of New South Wales
07.07.2009 (2009 to Current)	Best Employment Limited

## 5.7 Summary of Site History

Based on the desktop review, the history of the property has included:

- The Site was cropping land until 1985, then owned by the Forestry Commission of NSW from 1985 to 2009, followed by the current BEST owners;
- The Site around the proposed childcare was offices only and carparking; and
- The nursery usage of the former offices commenced in around 2014, with conversion of the former offices into mixed retail, offices, training and storage uses.

## 6 Potential Areas and Contaminants of Concern

Based on the site history and a walkover, Areas of Environmental Concern (AECs) and associated Contaminants of Concern (CoC) were identified for the Site. These are presented in Table 3.

**Table 3: Potential AEC and CoC**

AEC	Potential Contaminating Activity	CoC	Likelihood of Contamination	Comment
1	Existing brick structure to be redeveloped	Heavy metals in the ground from leaching of building materials	Very Low	The external area to be used by the childcare will generally extend into the garden area away from the building.
2	Broadscale agricultural activities	Fertilizers and Pesticides (Heavy Metals, OCP, OPP)	Very low	Historical agricultural landuse. Groundsurface is directed away from proposed childcare centre.
3	Existing bitumen carpark	Heavy metals (cadmium, chromium, copper, lead, nickel and zinc), TRH and PAH hydrocarbons	Low-Moderate	No evidence of former USTs and ASTs in the carpark around the structure.
<b>Notes</b> <b>OCP = Organochlorine Pesticides, OPP = Organophosphorus Pesticides</b> <b>TRH = Total Recoverable Hydrocarbons</b> <b>BTEX = Benzene, Toluene, Ethyl Benzene, Total Xylene</b> <b>PAH = Polycyclic Aromatic Hydrocarbons</b>				

## 7 Investigation Criteria

The proposed landuse is a childcare centre. Childcare centres are grouped in with residential, p[reschools and primary schools landuses. The analytical results were compared to the following investigation levels and limits for standard residential land use:

- Health-based investigation levels for standard residential sites (HIL A) provided in NEPM (NEPC 2013) Guidelines;
- Health screening levels (HSL A) for petroleum compounds provided in NEPM (NEPC 2013) Guidelines;
- Ecological screening levels (ESL A) for petroleum compounds provided in NEPM (NEPC 2013) Guidelines; and
- Ecological investigation levels (EILs) provided in NEPM (NEPC 2013) Guidelines.

The investigation criteria are shown in the attached Table LR1.

## 8 Sampling Program

The sampling program was developed for the PESA investigation.

Samples were collected from 0-75mm depth into laboratory supplied jars and shipped under chain of custody arrangements to Eurofins laboratory for analysis.

Three targeted samples were collected from a garden bed adjacent to the carpark (S-1), and two lawn samples (S-2 and S-3). The samples were analysed discretely for TRH, BTEX and PAH hydrocarbons, OCP and OPP pesticides, and 8 heavy metals.

## 9 Results

### 9.1 Sample Descriptions

The discrete sampling locations are presented in Figure 2. During sampling no odiferous or discoloured soils were noted at the locations.

## 10 Analytical Results

### 10.1 Discrete Check Samples

The soil analytical results are summarised in the attached Table LR1.

Comparison of discrete sample results to the investigation criteria indicated that:

- Concentrations of heavy metals were reported at concentrations below the investigation criteria for all samples analysed except for chromium and nickel at S-2. For Chromium the concentration was reported at 130mg/kg compared to the human health based (HIL(A) investigation criteria of 100mg/kg. For Nickel the concentration of 100mg/kg is well below the HIL(A) of 400mg/kg, but above the ecological EIL of 55mg/kg. Chromium and Nickel in soils are often an indicator of leaching of chromium plated building materials such as handrails;
- Concentrations of cadmium and mercury were reported below the laboratory Limit of Reporting (LOR) for all samples analysed, and concentrations of the remaining heavy metals were reported above the laboratory LOR but below the HIL(A) and EIL ;
- Concentrations of BTEX, OCPs, OPPs and PAH were reported below the laboratory LOR for all samples analysed;
- Concentrations of TRH hydrocarbons were reported below the LOR in sample S-2;
- Concentrations of TRH were reported above the LOR in samples S-1 and S-3 marginally above laboratory LOR but well below the ESL(A) investigation criteria.

## 11 Discussion

The desktop review and site observations indicate that historical broadscale cropping activities preceded office use by Forestry Corporation, then retail occupation by a nursery for the proposed childcare building. The risks of contamination are low from these historical and current landuse activities for the proposed development footprint. The soil sampling results confirmed that



concentrations of contaminants are generally low and within background concentrations in the area.

Some detectable Chromium and Nickel were reported in sample S-2 in the garden bed near the carpark, and this is expected to be from leached handrail weatherproofing. This area will be not be accessible in play areas for the proposed children's day care centre. Also, the existing carpark and bordering garden bed is to be redeveloped as part of the development, and as such no further investigations will be required in those areas.

The low but detectable TRH concentrations reported in S-1 and S-3 area in the diesel and oil fraction. Low grade TRH can be reported in many pre-developed properties. The concentrations reported in this PESA were at an order of magnitude below the ecological thresholds. As such no further investigations will be required in those areas.

## **12 Conclusions and Recommendations**

The desktop review and site observations indicate that historical broadscale cropping activities preceded office use by Forestry Corporation from 1985, then retail occupation by a nursery from 2014 at the proposed childcare building. These pose only a low risk of contamination that would affect the proposed development.

Based on the desktop review, site walkover and limited sampling program, it is concluded that historical usage of the property has not resulted in any significant broadscale contamination at the proposed development area. No further investigations are required.

## **13 References**

NEPC. 2013. National Environment Protection (Assessment of Site Contamination) Measure. Schedule B1-Schedule B1 Guideline on Investigation Levels For Soil and Groundwater. National Environment Protection Council.

# TABLES

---

Table LR1: Summary of Soil Discrete Analytical Results

Sample ID	Units	LOR	Investigation Criteria				S-1	S-2	S-3
Date Collected		Eurofins	NEPM				19/09/2022		
Depth Collected			HIL (A)	HSL (A)	ESL (A)	EIL	0-75	0-75	0-75
% Moisture	%	1	-			-	19	32	31
Heavy Metals									
Arsenic	mg/kg	2	100			100	2.8	< 2	10
Lead	mg/kg	5	300			1100	16	6.1	14
Cadmium	mg/kg	0.4	20			-	< 0.4	< 0.4	< 0.4
Chromium	mg/kg	5	100			480	37	130	69
Copper	mg/kg	5	6000			140	24	47	36
Mercury	mg/kg	0.1	40				< 0.1	< 0.1	< 0.1
Nickel	mg/kg	5	400			55	29	100	67
Zinc	mg/kg	5	7400			210	69	90	76
Organochlorine Pesticides									
4,4'-DDD	mg/kg	0.05	-			-	< 0.05	< 0.05	< 0.05
4,4'-DDE	mg/kg	0.05	-			-	< 0.05	< 0.05	< 0.05
4,4'-DDT	mg/kg	0.05	-			180	< 0.05	< 0.05	< 0.05
a-BHC	mg/kg	0.05	-			-	< 0.05	< 0.05	< 0.05
Aldrin	mg/kg	0.05	-			-	< 0.05	< 0.05	< 0.05
Aldrin and Dieldrin (Total)*	mg/kg	0.05	6			-	< 0.05	< 0.05	< 0.05
b-BHC	mg/kg	0.05	-			-	< 0.05	< 0.05	< 0.05
Chlordanes - Total	mg/kg	0.1	50			-	< 0.1	< 0.1	< 0.1
d-BHC	mg/kg	0.05	-			-	< 0.05	< 0.05	< 0.05
DDT + DDE + DDD (Total)*	mg/kg	0.05	240			-	< 0.05	< 0.05	< 0.05
Dieldrin	mg/kg	0.05	-			-	< 0.05	< 0.05	< 0.05
Endosulfan I	mg/kg	0.05	270			-	< 0.05	< 0.05	< 0.05
Endosulfan II	mg/kg	0.05				-	< 0.05	< 0.05	< 0.05
Endosulfan sulphate	mg/kg	0.05	-			-	< 0.05	< 0.05	< 0.05
Endrin	mg/kg	0.05	10			-	< 0.05	< 0.05	< 0.05
Endrin aldehyde	mg/kg	0.05	-			-	< 0.05	< 0.05	< 0.05
Endrin ketone	mg/kg	0.05	-			-	< 0.05	< 0.05	< 0.05
g-BHC (Lindane)	mg/kg	0.05	-			-	< 0.05	< 0.05	< 0.05
Heptachlor	mg/kg	0.05	6			-	< 0.05	< 0.05	< 0.05
Heptachlor epoxide	mg/kg	0.05	-			-	< 0.05	< 0.05	< 0.05
Hexachlorobenzene (HCB)	mg/kg	0.05	10			-	< 0.05	< 0.05	< 0.05
Methoxychlor	mg/kg	0.05	300			-	< 0.05	< 0.05	< 0.05
Toxaphene	mg/kg	0.1	20			-	< 0.5	< 0.5	< 0.5
Organophosphorous Pesticides									
Azinphos-methyl	mg/kg	0.2					< 0.2	< 0.2	< 0.2
Bolstar	mg/kg	0.2					< 0.2	< 0.2	< 0.2
Chlorfenvinphos	mg/kg	0.2					< 0.2	< 0.2	< 0.2
Chlorpyrifos	mg/kg	0.2	160				< 0.2	< 0.2	< 0.2
Chlorpyrifos-methyl	mg/kg	0.2					< 0.2	< 0.2	< 0.2
Coumaphos	mg/kg	2					< 2	< 2	< 2
Demeton-O	mg/kg	0.2					< 0.2	< 0.2	< 0.2
Demeton-S	mg/kg	0.2					< 0.2	< 0.2	< 0.2
Diazinon	mg/kg	0.2					< 0.2	< 0.2	< 0.2
Dichlorvos	mg/kg	0.2					< 0.2	< 0.2	< 0.2
Dimethoate	mg/kg	0.2					< 0.2	< 0.2	< 0.2
Disulfoton	mg/kg	0.2					< 0.2	< 0.2	< 0.2
EPN	mg/kg	0.2					< 0.2	< 0.2	< 0.2
Ethion	mg/kg	0.2					< 0.2	< 0.2	< 0.2
Ethoprop	mg/kg	0.2					< 0.2	< 0.2	< 0.2
Ethyl parathion	mg/kg	0.2					< 0.2	< 0.2	< 0.2
Fenitrothion	mg/kg	0.2					< 0.2	< 0.2	< 0.2
Fensulfothion	mg/kg	0.2					< 0.2	< 0.2	< 0.2
Fenthion	mg/kg	0.2					< 0.2	< 0.2	< 0.2
Malathion	mg/kg	0.2					< 0.2	< 0.2	< 0.2
Merphos	mg/kg	0.2					< 0.2	< 0.2	< 0.2
Methyl parathion	mg/kg	0.2					< 0.2	< 0.2	< 0.2
Mevinphos	mg/kg	0.2					< 0.2	< 0.2	< 0.2

Table LR1: Summary of Soil Discrete Analytical Results

Sample ID	Units	LOR	Investigation Criteria				S-1	S-2	S-3
Date Collected		Eurofins	NEPM				19/09/2022		
Depth Collected			HIL (A)	HSL (A)	ESL (A)	EIL	0-75	0-75	0-75
Monocrotophos	mg/kg	2					< 2	< 2	< 2
Naled	mg/kg	0.2					< 0.2	< 0.2	< 0.2
Omethoate	mg/kg	2					< 2	< 2	< 2
Phorate	mg/kg	0.2					< 0.2	< 0.2	< 0.2
Pirimiphos-methyl	mg/kg	0.2					< 0.2	< 0.2	< 0.2
Pyrazophos	mg/kg	0.2					< 0.2	< 0.2	< 0.2
Ronnel	mg/kg	0.2					< 0.2	< 0.2	< 0.2
Terbufos	mg/kg	0.2					< 0.2	< 0.2	< 0.2
Tetrachlorvinphos	mg/kg	0.2					< 0.2	< 0.2	< 0.2
Tokuthion	mg/kg	0.2					< 0.2	< 0.2	< 0.2
Trichloronate	mg/kg	0.2					< 0.2	< 0.2	< 0.2
Polycyclic Aromatic Hydrocarbons									
Acenaphthene	mg/kg	0.5					< 0.5	< 0.5	< 0.5
Acenaphthylene	mg/kg	0.5					< 0.5	< 0.5	< 0.5
Anthracene	mg/kg	0.5					< 0.5	< 0.5	< 0.5
Benz(a)anthracene	mg/kg	0.5					< 0.5	< 0.5	< 0.5
Benzo(a)pyrene	mg/kg	0.5	3				< 0.5	< 0.5	< 0.5
Benzo(b&j)fluoranthene	mg/kg	0.5					< 0.5	< 0.5	< 0.5
Benzo(g,h,i)perylene	mg/kg	0.5					< 0.5	< 0.5	< 0.5
Benzo(k)fluoranthene	mg/kg	0.5					< 0.5	< 0.5	< 0.5
Chrysene	mg/kg	0.5					< 0.5	< 0.5	< 0.5
Dibenz(a,h)anthracene	mg/kg	0.5					< 0.5	< 0.5	< 0.5
Fluoranthene	mg/kg	0.5					< 0.5	< 0.5	< 0.5
Fluorene	mg/kg	0.5					< 0.5	< 0.5	< 0.5
Indeno(1,2,3-cd)pyrene	mg/kg	0.5					< 0.5	< 0.5	< 0.5
Naphthalene	mg/kg	0.5		5		170	< 0.5	< 0.5	< 0.5
Phenanthrene	mg/kg	0.5					< 0.5	< 0.5	< 0.5
Pyrene	mg/kg	0.5					< 0.5	< 0.5	< 0.5
Total PAH*	mg/kg	0.5	300				< 0.5	< 0.5	< 0.5
BTEX									
Benzene	mg/kg	0.1		0.7			< 0.1	< 0.1	< 0.1
Ethylbenzene	mg/kg	0.1		-			< 0.1	< 0.1	< 0.1
Toluene	mg/kg	0.1		480			< 0.1	< 0.1	< 0.1
Xylenes - Total*	mg/kg	0.3		110			< 0.3	< 0.3	< 0.3
Total Recoverable Hydrocarbons									
Naphthalene	mg/kg	0.5		5		170	< 0.5	< 0.5	< 0.5
TRH C6-C10 less BTEX (F1)	mg/kg	20		50	180		< 20	< 20	< 20
TRH >C10-C16 less Naphthalene (F2)	mg/kg	50		280	120		< 50	< 50	< 50
TRH >C16-C34	mg/kg	100		-	1300		160	< 100	120
TRH >C34-C40	mg/kg	100		-	5600		150	< 100	< 100
TRH >C10-C40 (total)*	mg/kg	100		-			310	< 100	120

**Notes**

Indicates sample concentration exceeds investigation

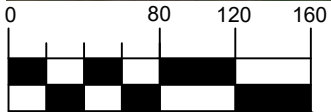
Indicates sample concentration exceeds investigation criteria value by >250%

EILs based on assumed background concentrations and adopted pH and CEC soil values



# FIGURES

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Horizontal Scale (metres) 1:4000



#### LEGEND

- Property Boundary
- Contour (10m)
- Drainage Alignment
- - - Proposed Building

TITLE Site Location

FIGURE Figure 1

PROJECT  
PESA for 1  
Burgess Street  
Inverell

CLIENT  
Inverell  
District  
Family  
Services

SHEET  
1 OF 1

ISSUE  
A

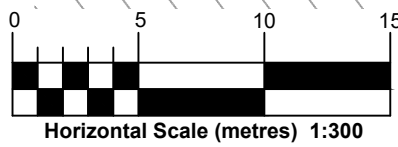
AUTHOR  
SD

DATE  
06/10/22

SCALE  
1:4000

PROJECT  
2223-021

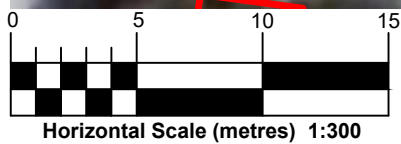




- LEGEND**
- Property Boundary
  - Existing Structure
  - Proposed Structure
  - Proposed Development Footprint
  - Out of Scope

<b>TITLE</b> Proposed Development Layout			<b>FIGURE</b> Figure 2	
<b>PROJECT</b> PESA for 1 Burgess Street Inverell			<b>SHEET</b> 1 OF 1	<b>ISSUE</b> A
			<b>CLIENT</b> Inverell Family District Services	
<b>AUTHOR</b> SD	<b>DATE</b> 06/10/22	<b>SCALE</b> 1:300	<b>PROJECT</b> 2223-021	





LEGEND	
	Property Boundary
	Proposed Building
	Existing Building
	Contour Line (2m)
	Driveway
	Slope Direction and Extent
	Approximate Sample Location

<b>TITLE</b> Existing Site Layout			<b>FIGURE</b> Figure 3
<b>PROJECT</b> PESA for 1 Burgess Street Inverell			<b>SHEET</b> 1 OF 1 <b>ISSUE</b> A
<b>AUTHOR</b> SD			<b>CLIENT</b> Inverell Family District Services
<b>DATE</b> 06/10/22		<b>SCALE</b> 1:300	<b>PROJECT</b> 2223-021



# APPENDIX A

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<p><b>Legend</b></p> <p><span style="border: 2px solid pink; display: inline-block; width: 20px; height: 10px;"></span> Site Boundary</p> <p><span style="border: 2px solid black; display: inline-block; width: 20px; height: 10px;"></span> Buffer 150m</p>	<p>Scale:</p> <p>0 30 60 90 120</p> <p>Meters</p>	<p>Data Source Aerial Imagery:</p> <p>© Aerometrex Pty Ltd</p>	<p>Coordinate System:</p> <p>GDA 1994 MGA Zone 56</p>	<p>Date: 06 September 2022</p>
---	---	--	---	--------------------------------





<p>Scale:</p> <p>0 30 60 90 120</p> <p>Meters</p>	<p>Data Source Aerial Imagery: © 2022 Google Inc, used with permission. Google and the Google logo are registered trademarks of Google Inc.</p>	<p>Coordinate System: GDA 1994 MGA Zone 56</p>	<p>Date: 05 September 2022</p>
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1 Burgess Street, Inverell, NSW 2360







Data Source Aerial Imagery: © NSW Department of Customer Service	Coordinate System: GDA 1994 MGA Zone 56	Date: 05 September 2022
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# APPENDIX B

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SEARCH DATE

7/9/2022 10:40AM

FOLIO: 1/705792

First Title(s): VOL 160 FOL 118

Prior Title(s): VOL 4408 FOL 103

Recorded	Number	Type of Instrument	C.T. Issue
24/7/1984	DP705792	DEPOSITED PLAN	LOT RECORDED FOLIO NOT CREATED
22/3/1985	V580598	TRANSFER	FOLIO CREATED EDITION 1
29/6/1992	DP818029	DEPOSITED PLAN	
19/11/1992	E913693	DEPARTMENTAL DEALING	FOLIO CANCELLED

\*\*\* END OF SEARCH \*\*\*



SEARCH DATE

7/9/2022 10:40AM

FOLIO: 2/705792

First Title(s): VOL 160 FOL 118 VOL 160 FOL 119  
VOL 168 FOL 188 VOL 168 FOL 189  
VOL 168 FOL 190 VOL 277 FOL 193

Prior Title(s): VOL 4408 FOL 103

Recorded	Number	Type of Instrument	C.T. Issue
24/7/1984	DP705792	DEPOSITED PLAN	LOT RECORDED FOLIO NOT CREATED
22/3/1985	V580598	TRANSFER	FOLIO CREATED
		Transfer does not affect AFFECTS 1/705792 ONLY	EDITION 1
29/6/1992	DP818029	DEPOSITED PLAN	
23/11/1992	E899174	TRANSFER	FOLIO CANCELLED
19/8/1999	6111097	DEPARTMENTAL DEALING	

\*\*\* END OF SEARCH \*\*\*



SEARCH DATE

7/9/2022 10:37AM

FOLIO: 2/818029

First Title(s): VOL 160 FOL 118

Prior Title(s): 1-2/705792

Recorded	Number	Type of Instrument	C.T. Issue
29/6/1992	DP818029	DEPOSITED PLAN	LOT RECORDED FOLIO NOT CREATED
24/11/1992	E899174	TRANSFER	FOLIO CREATED EDITION 1
7/7/2009	AE818497	TRANSFER	EDITION 2
22/10/2013	AH647642	REJECTED - LEASE	
22/10/2013	AH647643	REJECTED - LEASE	
22/10/2013	AH647644	REJECTED - LEASE	
22/10/2013	AH647645	REJECTED - LEASE	
8/12/2014	AI881938	LEASE	
8/12/2014	AI881939	LEASE	
8/12/2014	AI881940	LEASE	
8/12/2014	AI881941	LEASE	EDITION 3
22/10/2021	AR330330	LEASE	
22/10/2021	AR330331	LEASE	EDITION 4

\*\*\* END OF SEARCH \*\*\*

RP13



# TRANSFER

Real Property Act, 1900



E  
899174 U

Office of State Revenue use only

Transfer instrument not liable to Stamp Duty

H. K. ROBERTS  
Crown Solicitor

## (A) LAND TRANSFERRED

Show no more than 20 References to Title.  
If appropriate, specify the share transferred.

FOLIO IDENTIFIER 2/705792 PART BEING PART OF  
LOT 2 IN DP818029 FORMERLY COMPRISED  
IN LOT 2 DP705792

## (B) LODGED BY

L.T.O. Box

Name, Address or DX and Telephone

8/3E

STATE CROWN SOLICITORS OFFICE  
GOODER & CO  
8-12 CHURCH STREET, SYDNEY, 2000  
DX 19

REFERENCE (max. 15 characters):

B13E

## (C) TRANSFEROR

HER MAJESTY QUEEN ELIZABETH II  
(DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT)

(D) acknowledges receipt of the consideration of ..\$25,000.

and as regards the land specified above transfers to the transferee an estate in fee simple pursuant to Section 25A of the  
Soil Conservation Act 1938

(E) subject to the following ENCUMBRANCES 1. .... 2. .... 3. ....

## (F) TRANSFEE

T

FORESTRY COMMISSION OF NEW SOUTH WALES

OVER.

(G)

~~as joint tenants in common~~

(H) We certify this dealing correct for the purposes of the Real Property Act, 1900.

DATE 28.10.92

Signed in my presence by the transferor who is personally known to me.

Signature of Witness

Garry James Brown

Name of Witness (BLOCK LETTERS)

8 Smeaton Hill NSW 2280

Address of Witness

(GARRY WEST)

Signature of Transferor

MINISTER FOR CONSERVATION  
AND LAND MANAGEMENT FOR  
AND ON BEHALF OF HER MAJESTY  
QUEEN ELIZABETH II

H. K. ROBERTS  
State Crown Solicitor

Signature of Transferee

Signed in my presence for the transferor by

HUGH KING ROBERTS, State Crown Solicitor

PAUL CROLLINI

Signature of Witness

Garry James Brown

Name of Witness (BLOCK LETTERS)

SYDNEY-CLARK

Address of Witness

05-11  
54



[illegible]

Form: 01T  
Release: 2.1  
www.lpi.nsw.gov.au

# TRANSFER

New South Wales  
Real Property Act 1900

AE818497B

PRIVACY NOTE: this information is legally required and will be

## STAMP DUTY

Office of State Revenue use only

NEW SOUTH WALES DUTY  
26-06-2009 0005468196-001  
SECTION 275-TRANSFER  
NO DUTY PAYABLE

## (A) TORRENS TITLE

FOLIO IDENTIFIER 2/818029

## (B) LODGED BY

Delivery Box	Name, Address or DX and Telephone	CODES
545D	LLPN: 123397E JOHN McLAREN & CO.	T
	Reference: AVERN-BEST.	TW (Sheriff)

## (C) TRANSFEROR

FORRESTRY COMMISSION OF NEW SOUTH WALES (ABN 43 141 857 613)

(D) **CONSIDERATION** The transferor acknowledges receipt of the consideration of \$ 505,000.00 and as regards

(E) **ESTATE** the land specified above transfers to the transferee an estate in fee simple

(F) **SHARE TRANSFERRED** WHOLE

(G) **ENCUMBRANCES** (if applicable):

## (H) TRANSFEE

BEST EMPLOYMENT LIMITED (ACN 078 059 248)

(I) **TENANCY:**

## (J) DATE

14th May 2009

I certify that the person(s) signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this instrument in my presence.

Certified correct for the purposes of the Real Property Act 1900 by the authorised officer named below.

Signature of witness:

*Howard*

Signature of authorised officer:

*[Signature]*

Name of witness:

Mastair HOWARD

Authorised officer's name:

ROSS DICKSON

Address of witness:

22 Whelling Ave  
Castle Hill NSW 2154

Authority of officer:

DIRECTOR

Signing on behalf of:

Forrestry Commission of NSW.

Certified for the purposes of the Real Property Act 1900 by the person whose signature appears below.

Signature:

*[Signature]*

Signatory's name:

JON RICHARD WATTS

Signatory's capacity:

transferee's solicitor

All handwriting must be in block capitals.



FOLIO: 2/818029

SEARCH DATE	TIME	EDITION NO	DATE
7/9/2022	10:41 AM	4	22/10/2021

LAND

LOT 2 IN DEPOSITED PLAN 818029  
AT INVERELL  
LOCAL GOVERNMENT AREA INVERELL  
PARISH OF INVERELL COUNTY OF GOUGH  
TITLE DIAGRAM DP818029

FIRST SCHEDULE

BEST EMPLOYMENT LIMITED

(T AE818497)

SECOND SCHEDULE (5 NOTIFICATIONS)

- 1 AI881939 LEASE TO TELSTRA CORPORATION LIMITED OF THE PART SHOWN HATCHED IN PLAN WITH AI881939. COMMENCES 1/11/2017. EXPIRES: 31/10/2022.
- 2 AI881940 LEASE TO TELSTRA CORPORATION LIMITED OF THE PART SHOWN HATCHED IN PLAN WITH AI881940. COMMENCES 1/11/2022. EXPIRES: 31/10/2027.
- 3 AI881941 LEASE TO TELSTRA CORPORATION LIMITED OF THE PART SHOWN HATCHED IN PLAN WITH AI881941. COMMENCES 1/11/2027. EXPIRES: 31/10/2032.
- 4 AR330330 LEASE TO FORESTRY CORPORATION OF NEW SOUTH WALES OF PART DESIGNATED (A) IN PLAN WITH AR330330. EXPIRES: 30/6/2026.
- 5 AR330331 LEASE TO FORESTRY CORPORATION OF NEW SOUTH WALES OF PART DESIGNATED (A) IN PLAN WITH AR330331. COMMENCES: 1/7/2026. EXPIRES: 30/6/2031.

NOTATIONS

UNREGISTERED DEALINGS: TL AS421691.

\*\*\* END OF SEARCH \*\*\*

# APPENDIX C

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Earth Water Consulting Pty Limited  
2-16 Lourdes Avenue  
Urunga  
NSW 2455



NATA Accredited  
Accreditation Number 1261  
Site Number 18217

Accredited for compliance with ISO/IEC 17025 – Testing  
NATA is a signatory to the ILAC Mutual Recognition  
Arrangement for the mutual recognition of the  
equivalence of testing, medical testing, calibration,  
inspection, proficiency testing scheme providers and  
reference materials producers reports and certificates.

Attention: **Strider Duerinckx**

Report **925942-S**

Project name

Project ID **2223-21**

Received Date **Sep 23, 2022**

Client Sample ID			S-1	S-2	S-3
Sample Matrix			Soil	Soil	Soil
Eurofins Sample No.			S22-Se0051028	S22-Se0051029	S22-Se0051030
Date Sampled			Sep 19, 2022	Sep 19, 2022	Sep 19, 2022
Test/Reference	LOR	Unit			
<b>Total Recoverable Hydrocarbons</b>					
TRH C6-C9	20	mg/kg	< 20	< 20	< 20
TRH C10-C14	20	mg/kg	20	< 20	< 20
TRH C15-C28	50	mg/kg	98	< 50	59
TRH C29-C36	50	mg/kg	99	56	90
TRH C10-C36 (Total)	50	mg/kg	217	56	149
Naphthalene <sup>N02</sup>	0.5	mg/kg	< 0.5	< 0.5	< 0.5
TRH C6-C10	20	mg/kg	< 20	< 20	< 20
TRH C6-C10 less BTEX (F1) <sup>N04</sup>	20	mg/kg	< 20	< 20	< 20
TRH >C10-C16	50	mg/kg	< 50	< 50	< 50
TRH >C10-C16 less Naphthalene (F2) <sup>N01</sup>	50	mg/kg	< 50	< 50	< 50
TRH >C16-C34	100	mg/kg	160	< 100	120
TRH >C34-C40	100	mg/kg	150	< 100	< 100
TRH >C10-C40 (total)*	100	mg/kg	310	< 100	120
<b>BTEX</b>					
Benzene	0.1	mg/kg	< 0.1	< 0.1	< 0.1
Toluene	0.1	mg/kg	< 0.1	< 0.1	< 0.1
Ethylbenzene	0.1	mg/kg	< 0.1	< 0.1	< 0.1
m&p-Xylenes	0.2	mg/kg	< 0.2	< 0.2	< 0.2
o-Xylene	0.1	mg/kg	< 0.1	< 0.1	< 0.1
Xylenes - Total*	0.3	mg/kg	< 0.3	< 0.3	< 0.3
4-Bromofluorobenzene (surr.)	1	%	95	110	100
<b>Polycyclic Aromatic Hydrocarbons</b>					
Benzo(a)pyrene TEQ (lower bound) *	0.5	mg/kg	< 0.5	< 0.5	< 0.5
Benzo(a)pyrene TEQ (medium bound) *	0.5	mg/kg	0.6	0.6	0.6
Benzo(a)pyrene TEQ (upper bound) *	0.5	mg/kg	1.2	1.2	1.2
Acenaphthene	0.5	mg/kg	< 0.5	< 0.5	< 0.5
Acenaphthylene	0.5	mg/kg	< 0.5	< 0.5	< 0.5
Anthracene	0.5	mg/kg	< 0.5	< 0.5	< 0.5
Benz(a)anthracene	0.5	mg/kg	< 0.5	< 0.5	< 0.5
Benzo(a)pyrene	0.5	mg/kg	< 0.5	< 0.5	< 0.5
Benzo(b&j)fluoranthene <sup>N07</sup>	0.5	mg/kg	< 0.5	< 0.5	< 0.5
Benzo(g,h,i)perylene	0.5	mg/kg	< 0.5	< 0.5	< 0.5
Benzo(k)fluoranthene	0.5	mg/kg	< 0.5	< 0.5	< 0.5
Chrysene	0.5	mg/kg	< 0.5	< 0.5	< 0.5
Dibenz(a,h)anthracene	0.5	mg/kg	< 0.5	< 0.5	< 0.5

Client Sample ID			S-1	S-2	S-3
Sample Matrix			Soil	Soil	Soil
Eurofins Sample No.			S22-Se0051028	S22-Se0051029	S22-Se0051030
Date Sampled			Sep 19, 2022	Sep 19, 2022	Sep 19, 2022
Test/Reference	LOR	Unit			
<b>Polycyclic Aromatic Hydrocarbons</b>					
Fluoranthene	0.5	mg/kg	< 0.5	< 0.5	< 0.5
Fluorene	0.5	mg/kg	< 0.5	< 0.5	< 0.5
Indeno(1.2.3-cd)pyrene	0.5	mg/kg	< 0.5	< 0.5	< 0.5
Naphthalene	0.5	mg/kg	< 0.5	< 0.5	< 0.5
Phenanthrene	0.5	mg/kg	< 0.5	< 0.5	< 0.5
Pyrene	0.5	mg/kg	< 0.5	< 0.5	< 0.5
Total PAH*	0.5	mg/kg	< 0.5	< 0.5	< 0.5
2-Fluorobiphenyl (surr.)	1	%	100	94	90
p-Terphenyl-d14 (surr.)	1	%	101	96	95
<b>Organochlorine Pesticides</b>					
Chlordanes - Total	0.1	mg/kg	< 0.1	< 0.1	< 0.1
4.4'-DDD	0.05	mg/kg	< 0.05	< 0.05	< 0.05
4.4'-DDE	0.05	mg/kg	< 0.05	< 0.05	< 0.05
4.4'-DDT	0.05	mg/kg	< 0.05	< 0.05	< 0.05
a-HCH	0.05	mg/kg	< 0.05	< 0.05	< 0.05
Aldrin	0.05	mg/kg	< 0.05	< 0.05	< 0.05
b-HCH	0.05	mg/kg	< 0.05	< 0.05	< 0.05
d-HCH	0.05	mg/kg	< 0.05	< 0.05	< 0.05
Dieldrin	0.05	mg/kg	< 0.05	< 0.05	< 0.05
Endosulfan I	0.05	mg/kg	< 0.05	< 0.05	< 0.05
Endosulfan II	0.05	mg/kg	< 0.05	< 0.05	< 0.05
Endosulfan sulphate	0.05	mg/kg	< 0.05	< 0.05	< 0.05
Endrin	0.05	mg/kg	< 0.05	< 0.05	< 0.05
Endrin aldehyde	0.05	mg/kg	< 0.05	< 0.05	< 0.05
Endrin ketone	0.05	mg/kg	< 0.05	< 0.05	< 0.05
g-HCH (Lindane)	0.05	mg/kg	< 0.05	< 0.05	< 0.05
Heptachlor	0.05	mg/kg	< 0.05	< 0.05	< 0.05
Heptachlor epoxide	0.05	mg/kg	< 0.05	< 0.05	< 0.05
Hexachlorobenzene	0.05	mg/kg	< 0.05	< 0.05	< 0.05
Methoxychlor	0.05	mg/kg	< 0.05	< 0.05	< 0.05
Toxaphene	0.5	mg/kg	< 0.5	< 0.5	< 0.5
Aldrin and Dieldrin (Total)*	0.05	mg/kg	< 0.05	< 0.05	< 0.05
DDT + DDE + DDD (Total)*	0.05	mg/kg	< 0.05	< 0.05	< 0.05
Vic EPA IWRG 621 OCP (Total)*	0.1	mg/kg	< 0.1	< 0.1	< 0.1
Vic EPA IWRG 621 Other OCP (Total)*	0.1	mg/kg	< 0.1	< 0.1	< 0.1
Dibutylchlorodate (surr.)	1	%	91	105	112
Tetrachloro-m-xylene (surr.)	1	%	99	92	91
<b>Organophosphorus Pesticides</b>					
Azinphos-methyl	0.2	mg/kg	< 0.2	< 0.2	< 0.2
Bolstar	0.2	mg/kg	< 0.2	< 0.2	< 0.2
Chlorfenvinphos	0.2	mg/kg	< 0.2	< 0.2	< 0.2
Chlorpyrifos	0.2	mg/kg	< 0.2	< 0.2	< 0.2
Chlorpyrifos-methyl	0.2	mg/kg	< 0.2	< 0.2	< 0.2
Coumaphos	2	mg/kg	< 2	< 2	< 2
Demeton-S	0.2	mg/kg	< 0.2	< 0.2	< 0.2
Demeton-O	0.2	mg/kg	< 0.2	< 0.2	< 0.2
Diazinon	0.2	mg/kg	< 0.2	< 0.2	< 0.2
Dichlorvos	0.2	mg/kg	< 0.2	< 0.2	< 0.2
Dimethoate	0.2	mg/kg	< 0.2	< 0.2	< 0.2

Client Sample ID			S-1	S-2	S-3
Sample Matrix			Soil	Soil	Soil
Eurofins Sample No.			S22-Se0051028	S22-Se0051029	S22-Se0051030
Date Sampled			Sep 19, 2022	Sep 19, 2022	Sep 19, 2022
Test/Reference	LOR	Unit			
<b>Organophosphorus Pesticides</b>					
Disulfoton	0.2	mg/kg	< 0.2	< 0.2	< 0.2
EPN	0.2	mg/kg	< 0.2	< 0.2	< 0.2
Ethion	0.2	mg/kg	< 0.2	< 0.2	< 0.2
Ethoprop	0.2	mg/kg	< 0.2	< 0.2	< 0.2
Ethyl parathion	0.2	mg/kg	< 0.2	< 0.2	< 0.2
Fenitrothion	0.2	mg/kg	< 0.2	< 0.2	< 0.2
Fensulfothion	0.2	mg/kg	< 0.2	< 0.2	< 0.2
Fenthion	0.2	mg/kg	< 0.2	< 0.2	< 0.2
Malathion	0.2	mg/kg	< 0.2	< 0.2	< 0.2
Merphos	0.2	mg/kg	< 0.2	< 0.2	< 0.2
Methyl parathion	0.2	mg/kg	< 0.2	< 0.2	< 0.2
Mevinphos	0.2	mg/kg	< 0.2	< 0.2	< 0.2
Monocrotophos	2	mg/kg	< 2	< 2	< 2
Naled	0.2	mg/kg	< 0.2	< 0.2	< 0.2
Omethoate	2	mg/kg	< 2	< 2	< 2
Phorate	0.2	mg/kg	< 0.2	< 0.2	< 0.2
Pirimiphos-methyl	0.2	mg/kg	< 0.2	< 0.2	< 0.2
Pyrazophos	0.2	mg/kg	< 0.2	< 0.2	< 0.2
Ronnel	0.2	mg/kg	< 0.2	< 0.2	< 0.2
Terbufos	0.2	mg/kg	< 0.2	< 0.2	< 0.2
Tetrachlorvinphos	0.2	mg/kg	< 0.2	< 0.2	< 0.2
Tokuthion	0.2	mg/kg	< 0.2	< 0.2	< 0.2
Trichloronate	0.2	mg/kg	< 0.2	< 0.2	< 0.2
Triphenylphosphate (surr.)	1	%	87	92	89
<b>Heavy Metals</b>					
Arsenic	2	mg/kg	2.8	< 2	10
Cadmium	0.4	mg/kg	< 0.4	< 0.4	< 0.4
Chromium	5	mg/kg	37	130	69
Copper	5	mg/kg	24	47	36
Lead	5	mg/kg	16	6.1	14
Mercury	0.1	mg/kg	< 0.1	< 0.1	< 0.1
Nickel	5	mg/kg	29	100	67
Zinc	5	mg/kg	69	90	76
% Moisture	1	%	19	32	31

**Sample History**

Where samples are submitted/analysed over several days, the last date of extraction is reported.

If the date and time of sampling are not provided, the Laboratory will not be responsible for compromised results should testing be performed outside the recommended holding time.

Description	Testing Site	Extracted	Holding Time
Total Recoverable Hydrocarbons - 1999 NEPM Fractions - Method: LTM-ORG-2010 TRH C6-C40	Sydney	Sep 30, 2022	14 Days
Total Recoverable Hydrocarbons - 2013 NEPM Fractions - Method: LTM-ORG-2010 TRH C6-C40	Sydney	Sep 30, 2022	14 Days
Total Recoverable Hydrocarbons - 2013 NEPM Fractions - Method: LTM-ORG-2010 TRH C6-C40	Sydney	Sep 30, 2022	14 Days
BTEX - Method: LTM-ORG-2010 BTEX and Volatile TRH	Sydney	Sep 30, 2022	14 Days
Polycyclic Aromatic Hydrocarbons - Method: LTM-ORG-2130 PAH and Phenols in Soil and Water	Sydney	Sep 30, 2022	14 Days
Organochlorine Pesticides - Method: LTM-ORG-2220 OCP & PCB in Soil and Water	Sydney	Sep 30, 2022	14 Days
Organophosphorus Pesticides - Method: LTM-ORG-2200 Organophosphorus Pesticides by GC-MS	Sydney	Sep 30, 2022	14 Days
Metals M8 - Method: LTM-MET-3040 Metals in Waters, Soils & Sediments by ICP-MS	Sydney	Sep 30, 2022	28 Days
% Moisture - Method: LTM-GEN-7080 Moisture	Sydney	Sep 23, 2022	14 Days



**Company Name:** Earth Water Consulting Pty Limited  
**Address:** 2-16 Lourdes Avenue  
Urunga  
NSW 2455

**Project Name:**  
**Project ID:** 2223-21

**Order No.:**  
**Report #:** 925942  
**Phone:** 0402 6083 96  
**Fax:**

**Received:** Sep 23, 2022 9:36 AM  
**Due:** Sep 30, 2022  
**Priority:** 5 Day  
**Contact Name:** Strider Duerinckx

**Eurofins Analytical Services Manager : Andrew Black**

### Sample Detail

Moisture Set

Eurofins Suite B10

**Sydney Laboratory - NATA # 1261 Site # 18217**

**External Laboratory**

No	Sample ID	Sample Date	Sampling Time	Matrix	LAB ID		
1	S-1	Sep 19, 2022		Soil	S22-Se0051028	X	X
2	S-2	Sep 19, 2022		Soil	S22-Se0051029	X	X
3	S-3	Sep 19, 2022		Soil	S22-Se0051030	X	X
<b>Test Counts</b>						3	3

## Internal Quality Control Review and Glossary

### General

1. Laboratory QC results for Method Blanks, Duplicates, Matrix Spikes, and Laboratory Control Samples follows guidelines delineated in the National Environment Protection (Assessment of Site Contamination) Measure 1999, as amended May 2013 and are included in this QC report where applicable. Additional QC data may be available on request.
2. All soil/sediment/solid results are reported on a dry basis, unless otherwise stated.
3. All biota/food results are reported on a wet weight basis on the edible portion, unless otherwise stated.
4. Actual LORs are matrix dependant. Quoted LORs may be raised where sample extracts are diluted due to interferences.
5. Results are uncorrected for matrix spikes or surrogate recoveries except for PFAS compounds.
6. SVOC analysis on waters are performed on homogenised, unfiltered samples, unless noted otherwise.
7. Samples were analysed on an 'as received' basis.
8. Information identified on this report with blue colour, indicates data provided by customer that may have an impact on the results.
9. This report replaces any interim results previously issued.

### Holding Times

Please refer to 'Sample Preservation and Container Guide' for holding times (QS3001).

For samples received on the last day of holding time, notification of testing requirements should have been received at least 6 hours prior to sample receipt deadlines as stated on the SRA.

If the Laboratory did not receive the information in the required timeframe, and regardless of any other integrity issues, suitably qualified results may still be reported.

Holding times apply from the date of sampling, therefore compliance to these may be outside the laboratory's control.

For VOCs containing vinyl chloride, styrene and 2-chloroethyl vinyl ether the holding time is 7 days however for all other VOCs such as BTEX or C6-10 TRH then the holding time is 14 days.

### Units

<b>mg/kg:</b> milligrams per kilogram	<b>mg/L:</b> milligrams per litre	<b>µg/L:</b> micrograms per litre
<b>ppm:</b> parts per million	<b>ppb:</b> parts per billion	<b>%:</b> Percentage
<b>org/100 mL:</b> Organisms per 100 millilitres	<b>NTU:</b> Nephelometric Turbidity Units	<b>MPN/100 mL:</b> Most Probable Number of organisms per 100 millilitres

### Terms

<b>APHA</b>	American Public Health Association
<b>COC</b>	Chain of Custody
<b>CP</b>	Client Parent - QC was performed on samples pertaining to this report
<b>CRM</b>	Certified Reference Material (ISO17034) - reported as percent recovery.
<b>Dry</b>	Where a moisture has been determined on a solid sample the result is expressed on a dry basis.
<b>Duplicate</b>	A second piece of analysis from the same sample and reported in the same units as the result to show comparison.
<b>LOR</b>	Limit of Reporting.
<b>LCS</b>	Laboratory Control Sample - reported as percent recovery.
<b>Method Blank</b>	In the case of solid samples these are performed on laboratory certified clean sands and in the case of water samples these are performed on de-ionised water.
<b>NCP</b>	Non-Client Parent - QC performed on samples not pertaining to this report, QC is representative of the sequence or batch that client samples were analysed within.
<b>RPD</b>	Relative Percent Difference between two Duplicate pieces of analysis.
<b>SPIKE</b>	Addition of the analyte to the sample and reported as percentage recovery.
<b>SRA</b>	Sample Receipt Advice
<b>Surr - Surrogate</b>	The addition of a like compound to the analyte target and reported as percentage recovery.
<b>TBTO</b>	Tributyltin oxide ( <i>bis</i> -tributyltin oxide) - individual tributyltin compounds cannot be identified separately in the environment however free tributyltin was measured and its values were converted stoichiometrically into tributyltin oxide for comparison with regulatory limits.
<b>TCLP</b>	Toxicity Characteristic Leaching Procedure
<b>TEQ</b>	Toxic Equivalency Quotient or Total Equivalence
<b>QSM</b>	US Department of Defense Quality Systems Manual Version 5.4
<b>US EPA</b>	United States Environmental Protection Agency
<b>WA DWER</b>	Sum of PFBA, PFPeA, PFHxA, PFHpA, PFOA, PFBS, PFHxS, PFOS, 6:2 FTSA, 8:2 FTSA

### QC - Acceptance Criteria

The acceptance criteria should be used as a guide only and may be different when site specific Sampling Analysis and Quality Plan (SAQP) have been implemented

RPD Duplicates: Global RPD Duplicates Acceptance Criteria is 30% however the following acceptance guidelines are equally applicable:

Results <10 times the LOR: No Limit

Results between 10-20 times the LOR: RPD must lie between 0-50%

Results >20 times the LOR : RPD must lie between 0-30%

NOTE: pH duplicates are reported as a range not as RPD

Surrogate Recoveries: Recoveries must lie between 20-130% for Speciated Phenols & 50-150% for PFAS

PFAS field samples that contain surrogate recoveries in excess of the QC limit designated in QSM 5.4 where no positive PFAS results have been reported have been reviewed and no data was affected.

### QC Data General Comments

1. Where a result is reported as a less than (<), higher than the nominated LOR, this is due to either matrix interference, extract dilution required due to interferences or contaminant levels within the sample, high moisture content or insufficient sample provided.
2. Duplicate data shown within this report that states the word "BATCH" is a Batch Duplicate from outside of your sample batch, but within the laboratory sample batch at a 1:10 ratio. The Parent and Duplicate data shown is not data from your samples.
3. pH and Free Chlorine analysed in the laboratory - Analysis on this test must begin within 30 minutes of sampling. Therefore, laboratory analysis is unlikely to be completed within holding time. Analysis will begin as soon as possible after sample receipt.
4. Recovery Data (Spikes & Surrogates) - where chromatographic interference does not allow the determination of recovery the term "INT" appears against that analyte.
5. For Matrix Spikes and LCS results a dash "-" in the report means that the specific analyte was not added to the QC sample.
6. Duplicate RPDs are calculated from raw analytical data thus it is possible to have two sets of data.

**Quality Control Results**

Test	Units	Result 1			Acceptance Limits	Pass Limits	Qualifying Code
<b>Method Blank</b>							
<b>Total Recoverable Hydrocarbons</b>							
TRH C6-C9	mg/kg	< 20			20	Pass	
TRH C10-C14	mg/kg	< 20			20	Pass	
TRH C15-C28	mg/kg	< 50			50	Pass	
TRH C29-C36	mg/kg	< 50			50	Pass	
Naphthalene	mg/kg	< 0.5			0.5	Pass	
TRH C6-C10	mg/kg	< 20			20	Pass	
TRH >C10-C16	mg/kg	< 50			50	Pass	
TRH >C16-C34	mg/kg	< 100			100	Pass	
TRH >C34-C40	mg/kg	< 100			100	Pass	
<b>Method Blank</b>							
<b>BTEX</b>							
Benzene	mg/kg	< 0.1			0.1	Pass	
Toluene	mg/kg	< 0.1			0.1	Pass	
Ethylbenzene	mg/kg	< 0.1			0.1	Pass	
m&p-Xylenes	mg/kg	< 0.2			0.2	Pass	
o-Xylene	mg/kg	< 0.1			0.1	Pass	
Xylenes - Total*	mg/kg	< 0.3			0.3	Pass	
<b>Method Blank</b>							
<b>Polycyclic Aromatic Hydrocarbons</b>							
Acenaphthene	mg/kg	< 0.5			0.5	Pass	
Acenaphthylene	mg/kg	< 0.5			0.5	Pass	
Anthracene	mg/kg	< 0.5			0.5	Pass	
Benz(a)anthracene	mg/kg	< 0.5			0.5	Pass	
Benzo(a)pyrene	mg/kg	< 0.5			0.5	Pass	
Benzo(b&j)fluoranthene	mg/kg	< 0.5			0.5	Pass	
Benzo(g,h,i)perylene	mg/kg	< 0.5			0.5	Pass	
Benzo(k)fluoranthene	mg/kg	< 0.5			0.5	Pass	
Chrysene	mg/kg	< 0.5			0.5	Pass	
Dibenz(a,h)anthracene	mg/kg	< 0.5			0.5	Pass	
Fluoranthene	mg/kg	< 0.5			0.5	Pass	
Fluorene	mg/kg	< 0.5			0.5	Pass	
Indeno(1,2,3-cd)pyrene	mg/kg	< 0.5			0.5	Pass	
Naphthalene	mg/kg	< 0.5			0.5	Pass	
Phenanthrene	mg/kg	< 0.5			0.5	Pass	
Pyrene	mg/kg	< 0.5			0.5	Pass	
Total PAH*	mg/kg	-			0.5	N/A	
<b>Method Blank</b>							
<b>Organochlorine Pesticides</b>							
Chlordanes - Total	mg/kg	< 0.1			0.1	Pass	
4,4'-DDD	mg/kg	< 0.05			0.05	Pass	
4,4'-DDE	mg/kg	< 0.05			0.05	Pass	
4,4'-DDT	mg/kg	< 0.05			0.05	Pass	
a-HCH	mg/kg	< 0.05			0.05	Pass	
Aldrin	mg/kg	< 0.05			0.05	Pass	
b-HCH	mg/kg	< 0.05			0.05	Pass	
d-HCH	mg/kg	< 0.05			0.05	Pass	
Dieldrin	mg/kg	< 0.05			0.05	Pass	
Endosulfan I	mg/kg	< 0.05			0.05	Pass	
Endosulfan II	mg/kg	< 0.05			0.05	Pass	
Endosulfan sulphate	mg/kg	< 0.05			0.05	Pass	

Test	Units	Result 1			Acceptance Limits	Pass Limits	Qualifying Code
Endrin	mg/kg	< 0.05			0.05	Pass	
Endrin aldehyde	mg/kg	< 0.05			0.05	Pass	
Endrin ketone	mg/kg	< 0.05			0.05	Pass	
g-HCH (Lindane)	mg/kg	< 0.05			0.05	Pass	
Heptachlor	mg/kg	< 0.05			0.05	Pass	
Heptachlor epoxide	mg/kg	< 0.05			0.05	Pass	
Hexachlorobenzene	mg/kg	< 0.05			0.05	Pass	
Methoxychlor	mg/kg	< 0.05			0.05	Pass	
Toxaphene	mg/kg	< 0.5			0.5	Pass	
<b>Method Blank</b>							
<b>Organophosphorus Pesticides</b>							
Azinphos-methyl	mg/kg	< 0.2			0.2	Pass	
Bolstar	mg/kg	< 0.2			0.2	Pass	
Chlorfenvinphos	mg/kg	< 0.2			0.2	Pass	
Chlorpyrifos	mg/kg	< 0.2			0.2	Pass	
Chlorpyrifos-methyl	mg/kg	< 0.2			0.2	Pass	
Coumaphos	mg/kg	< 2			2	Pass	
Demeton-S	mg/kg	< 0.2			0.2	Pass	
Demeton-O	mg/kg	< 0.2			0.2	Pass	
Diazinon	mg/kg	< 0.2			0.2	Pass	
Dichlorvos	mg/kg	< 0.2			0.2	Pass	
Dimethoate	mg/kg	< 0.2			0.2	Pass	
Disulfoton	mg/kg	< 0.2			0.2	Pass	
EPN	mg/kg	< 0.2			0.2	Pass	
Ethion	mg/kg	< 0.2			0.2	Pass	
Ethoprop	mg/kg	< 0.2			0.2	Pass	
Ethyl parathion	mg/kg	< 0.2			0.2	Pass	
Fenitrothion	mg/kg	< 0.2			0.2	Pass	
Fensulfothion	mg/kg	< 0.2			0.2	Pass	
Fenthion	mg/kg	< 0.2			0.2	Pass	
Malathion	mg/kg	< 0.2			0.2	Pass	
Merphos	mg/kg	< 0.2			0.2	Pass	
Methyl parathion	mg/kg	< 0.2			0.2	Pass	
Mevinphos	mg/kg	< 0.2			0.2	Pass	
Monocrotophos	mg/kg	< 2			2	Pass	
Naled	mg/kg	< 0.2			0.2	Pass	
Omethoate	mg/kg	< 2			2	Pass	
Phorate	mg/kg	< 0.2			0.2	Pass	
Pirimiphos-methyl	mg/kg	< 0.2			0.2	Pass	
Pyrazophos	mg/kg	< 0.2			0.2	Pass	
Ronnel	mg/kg	< 0.2			0.2	Pass	
Terbufos	mg/kg	< 0.2			0.2	Pass	
Tetrachlorvinphos	mg/kg	< 0.2			0.2	Pass	
Tokuthion	mg/kg	< 0.2			0.2	Pass	
Trichloronate	mg/kg	< 0.2			0.2	Pass	
<b>Method Blank</b>							
<b>Heavy Metals</b>							
Arsenic	mg/kg	< 2			2	Pass	
Cadmium	mg/kg	< 0.4			0.4	Pass	
Chromium	mg/kg	< 5			5	Pass	
Copper	mg/kg	< 5			5	Pass	
Lead	mg/kg	< 5			5	Pass	
Mercury	mg/kg	< 0.1			0.1	Pass	
Nickel	mg/kg	< 5			5	Pass	



Test	Units	Result 1			Acceptance Limits	Pass Limits	Qualifying Code
Zinc	mg/kg	< 5			5	Pass	
<b>LCS - % Recovery</b>							
<b>Total Recoverable Hydrocarbons</b>							
TRH C6-C9	%	93			70-130	Pass	
TRH C10-C14	%	96			70-130	Pass	
Naphthalene	%	95			70-130	Pass	
TRH C6-C10	%	91			70-130	Pass	
TRH >C10-C16	%	92			70-130	Pass	
<b>LCS - % Recovery</b>							
<b>BTEX</b>							
Benzene	%	96			70-130	Pass	
Toluene	%	95			70-130	Pass	
Ethylbenzene	%	95			70-130	Pass	
m&p-Xylenes	%	95			70-130	Pass	
o-Xylene	%	96			70-130	Pass	
Xylenes - Total*	%	96			70-130	Pass	
<b>LCS - % Recovery</b>							
<b>Polycyclic Aromatic Hydrocarbons</b>							
Acenaphthene	%	70			70-130	Pass	
Acenaphthylene	%	71			70-130	Pass	
Anthracene	%	72			70-130	Pass	
Benz(a)anthracene	%	77			70-130	Pass	
Benzo(a)pyrene	%	83			70-130	Pass	
Benzo(b&j)fluoranthene	%	86			70-130	Pass	
Benzo(g,h,i)perylene	%	79			70-130	Pass	
Benzo(k)fluoranthene	%	80			70-130	Pass	
Chrysene	%	89			70-130	Pass	
Dibenz(a,h)anthracene	%	84			70-130	Pass	
Fluoranthene	%	74			70-130	Pass	
Fluorene	%	77			70-130	Pass	
Indeno(1,2,3-cd)pyrene	%	83			70-130	Pass	
Naphthalene	%	70			70-130	Pass	
Phenanthrene	%	77			70-130	Pass	
Pyrene	%	75			70-130	Pass	
<b>LCS - % Recovery</b>							
<b>Organochlorine Pesticides</b>							
Chlordanes - Total	%	121			70-130	Pass	
4,4'-DDD	%	119			70-130	Pass	
4,4'-DDE	%	121			70-130	Pass	
4,4'-DDT	%	101			70-130	Pass	
a-HCH	%	105			70-130	Pass	
Aldrin	%	123			70-130	Pass	
b-HCH	%	111			70-130	Pass	
d-HCH	%	106			70-130	Pass	
Dieldrin	%	108			70-130	Pass	
Endosulfan I	%	114			70-130	Pass	
Endosulfan II	%	116			70-130	Pass	
Endosulfan sulphate	%	112			70-130	Pass	
Endrin	%	109			70-130	Pass	
Endrin aldehyde	%	98			70-130	Pass	
Endrin ketone	%	107			70-130	Pass	
g-HCH (Lindane)	%	120			70-130	Pass	
Heptachlor	%	121			70-130	Pass	
Heptachlor epoxide	%	117			70-130	Pass	

Test			Units	Result 1			Acceptance Limits	Pass Limits	Qualifying Code
Hexachlorobenzene			%	114			70-130	Pass	
Methoxychlor			%	98			70-130	Pass	
<b>LCS - % Recovery</b>									
<b>Organophosphorus Pesticides</b>									
Diazinon			%	94			70-130	Pass	
Dimethoate			%	103			70-130	Pass	
Ethion			%	80			70-130	Pass	
Fenitrothion			%	109			70-130	Pass	
Methyl parathion			%	116			70-130	Pass	
Mevinphos			%	80			70-130	Pass	
<b>LCS - % Recovery</b>									
<b>Heavy Metals</b>									
Arsenic			%	108			80-120	Pass	
Cadmium			%	104			80-120	Pass	
Chromium			%	106			80-120	Pass	
Copper			%	103			80-120	Pass	
Lead			%	105			80-120	Pass	
Mercury			%	116			80-120	Pass	
Nickel			%	105			80-120	Pass	
Zinc			%	106			80-120	Pass	
Test	Lab Sample ID	QA Source	Units	Result 1			Acceptance Limits	Pass Limits	Qualifying Code
<b>Spike - % Recovery</b>									
<b>Total Recoverable Hydrocarbons</b>				Result 1					
TRH C6-C9	S22-Se0049718	NCP	%	107			70-130	Pass	
TRH C10-C14	S22-Se0050776	NCP	%	90			70-130	Pass	
Naphthalene	S22-Se0049718	NCP	%	117			70-130	Pass	
TRH C6-C10	S22-Se0049718	NCP	%	104			70-130	Pass	
TRH >C10-C16	S22-Se0050776	NCP	%	88			70-130	Pass	
<b>Spike - % Recovery</b>									
<b>BTEX</b>				Result 1					
Benzene	S22-Se0049718	NCP	%	119			70-130	Pass	
Toluene	S22-Se0049718	NCP	%	119			70-130	Pass	
Ethylbenzene	S22-Se0049718	NCP	%	122			70-130	Pass	
m&p-Xylenes	S22-Se0049718	NCP	%	119			70-130	Pass	
o-Xylene	S22-Se0049718	NCP	%	121			70-130	Pass	
Xylenes - Total*	S22-Se0049718	NCP	%	120			70-130	Pass	
<b>Spike - % Recovery</b>									
<b>Polycyclic Aromatic Hydrocarbons</b>				Result 1					
Acenaphthene	S22-Se0049706	NCP	%	91			70-130	Pass	
Acenaphthylene	S22-Se0049706	NCP	%	86			70-130	Pass	
Anthracene	S22-Se0049706	NCP	%	93			70-130	Pass	
Benz(a)anthracene	S22-Se0049706	NCP	%	97			70-130	Pass	
Benzo(a)pyrene	S22-Se0049706	NCP	%	84			70-130	Pass	
Benzo(b&j)fluoranthene	S22-Se0049706	NCP	%	85			70-130	Pass	
Benzo(g,h,i)perylene	S22-Se0049706	NCP	%	99			70-130	Pass	
Benzo(k)fluoranthene	S22-Se0049706	NCP	%	90			70-130	Pass	
Chrysene	S22-Se0049706	NCP	%	91			70-130	Pass	
Dibenz(a,h)anthracene	S22-Se0049706	NCP	%	85			70-130	Pass	
Fluoranthene	S22-Se0049706	NCP	%	93			70-130	Pass	
Fluorene	S22-Se0049706	NCP	%	95			70-130	Pass	
Indeno(1,2,3-cd)pyrene	S22-Se0049706	NCP	%	83			70-130	Pass	
Naphthalene	S22-Se0049706	NCP	%	93			70-130	Pass	
Phenanthrene	S22-Se0049706	NCP	%	96			70-130	Pass	
Pyrene	S22-Se0049706	NCP	%	94			70-130	Pass	

Test	Lab Sample ID	QA Source	Units	Result 1			Acceptance Limits	Pass Limits	Qualifying Code
<b>Spike - % Recovery</b>									
<b>Organochlorine Pesticides</b>				Result 1					
Chlordanes - Total	S22-Se0061303	NCP	%	86			70-130	Pass	
4,4'-DDD	S22-Se0061303	NCP	%	80			70-130	Pass	
4,4'-DDE	S22-Se0061303	NCP	%	85			70-130	Pass	
a-HCH	S22-Se0061303	NCP	%	74			70-130	Pass	
Aldrin	S22-Se0061303	NCP	%	87			70-130	Pass	
b-HCH	S22-Se0061303	NCP	%	76			70-130	Pass	
d-HCH	S22-Se0061303	NCP	%	75			70-130	Pass	
Dieldrin	S22-Se0061303	NCP	%	76			70-130	Pass	
Endosulfan I	S22-Se0061303	NCP	%	79			70-130	Pass	
Endosulfan II	S22-Se0061303	NCP	%	76			70-130	Pass	
Endosulfan sulphate	S22-Se0061303	NCP	%	78			70-130	Pass	
Endrin	S22-Se0061303	NCP	%	72			70-130	Pass	
Endrin aldehyde	S22-Se0061303	NCP	%	73			70-130	Pass	
Endrin ketone	S22-Se0061303	NCP	%	81			70-130	Pass	
g-HCH (Lindane)	S22-Se0061303	NCP	%	83			70-130	Pass	
Heptachlor	S22-Se0061303	NCP	%	85			70-130	Pass	
Heptachlor epoxide	S22-Se0061303	NCP	%	84			70-130	Pass	
Hexachlorobenzene	S22-Se0061303	NCP	%	82			70-130	Pass	
<b>Spike - % Recovery</b>									
<b>Heavy Metals</b>				Result 1					
Arsenic	S22-Se0059806	NCP	%	100			75-125	Pass	
Cadmium	S22-Se0059806	NCP	%	101			75-125	Pass	
Chromium	S22-Se0059806	NCP	%	113			75-125	Pass	
Copper	S22-Se0059806	NCP	%	98			75-125	Pass	
Lead	S22-Se0059806	NCP	%	100			75-125	Pass	
Mercury	S22-Se0059806	NCP	%	108			75-125	Pass	
Nickel	S22-Se0059806	NCP	%	102			75-125	Pass	
Zinc	S22-Se0059806	NCP	%	102			75-125	Pass	
Test	Lab Sample ID	QA Source	Units	Result 1			Acceptance Limits	Pass Limits	Qualifying Code
<b>Duplicate</b>									
<b>Total Recoverable Hydrocarbons</b>				Result 1	Result 2	RPD			
TRH C6-C9	S22-Se0063756	NCP	mg/kg	< 20	< 20	<1	30%	Pass	
TRH C10-C14	S22-Se0050778	NCP	mg/kg	< 20	< 20	<1	30%	Pass	
TRH C15-C28	S22-Se0050778	NCP	mg/kg	< 50	< 50	<1	30%	Pass	
TRH C29-C36	S22-Se0050778	NCP	mg/kg	110	< 50	120	30%	Fail	Q15
Naphthalene	S22-Se0063756	NCP	mg/kg	< 0.5	< 0.5	<1	30%	Pass	
TRH C6-C10	S22-Se0063756	NCP	mg/kg	< 20	< 20	<1	30%	Pass	
TRH >C10-C16	S22-Se0050778	NCP	mg/kg	< 50	< 50	<1	30%	Pass	
TRH >C16-C34	S22-Se0050778	NCP	mg/kg	< 100	< 100	<1	30%	Pass	
TRH >C34-C40	S22-Se0050778	NCP	mg/kg	110	< 100	130	30%	Fail	Q15
<b>Duplicate</b>									
<b>BTEX</b>				Result 1	Result 2	RPD			
Benzene	S22-Se0063756	NCP	mg/kg	< 0.1	< 0.1	<1	30%	Pass	
Toluene	S22-Se0063756	NCP	mg/kg	< 0.1	< 0.1	<1	30%	Pass	
Ethylbenzene	S22-Se0063756	NCP	mg/kg	< 0.1	< 0.1	<1	30%	Pass	
m&p-Xylenes	S22-Se0063756	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass	
o-Xylene	S22-Se0063756	NCP	mg/kg	< 0.1	< 0.1	<1	30%	Pass	
Xylenes - Total*	S22-Se0063756	NCP	mg/kg	< 0.3	< 0.3	<1	30%	Pass	

Duplicate								
Polycyclic Aromatic Hydrocarbons				Result 1	Result 2	RPD		
Acenaphthene	S22-Se0049716	NCP	mg/kg	< 0.5	< 0.5	<1	30%	Pass
Acenaphthylene	S22-Se0049716	NCP	mg/kg	< 0.5	< 0.5	<1	30%	Pass
Anthracene	S22-Se0049716	NCP	mg/kg	< 0.5	< 0.5	<1	30%	Pass
Benz(a)anthracene	S22-Se0049716	NCP	mg/kg	< 0.5	< 0.5	<1	30%	Pass
Benzo(a)pyrene	S22-Se0049716	NCP	mg/kg	< 0.5	< 0.5	<1	30%	Pass
Benzo(b&j)fluoranthene	S22-Se0049716	NCP	mg/kg	< 0.5	< 0.5	<1	30%	Pass
Benzo(g,h,i)perylene	S22-Se0049716	NCP	mg/kg	< 0.5	< 0.5	<1	30%	Pass
Benzo(k)fluoranthene	S22-Se0049716	NCP	mg/kg	< 0.5	< 0.5	<1	30%	Pass
Chrysene	S22-Se0049716	NCP	mg/kg	< 0.5	< 0.5	<1	30%	Pass
Dibenz(a,h)anthracene	S22-Se0049716	NCP	mg/kg	< 0.5	< 0.5	<1	30%	Pass
Fluoranthene	S22-Se0049716	NCP	mg/kg	< 0.5	< 0.5	<1	30%	Pass
Fluorene	S22-Se0049716	NCP	mg/kg	< 0.5	< 0.5	<1	30%	Pass
Indeno(1,2,3-cd)pyrene	S22-Se0049716	NCP	mg/kg	< 0.5	< 0.5	<1	30%	Pass
Naphthalene	S22-Se0049716	NCP	mg/kg	< 0.5	< 0.5	<1	30%	Pass
Phenanthrene	S22-Se0049716	NCP	mg/kg	< 0.5	< 0.5	<1	30%	Pass
Pyrene	S22-Se0049716	NCP	mg/kg	< 0.5	< 0.5	<1	30%	Pass
Duplicate								
Organochlorine Pesticides				Result 1	Result 2	RPD		
Chlordanes - Total	S22-Se0049716	NCP	mg/kg	< 0.1	< 0.1	<1	30%	Pass
4,4'-DDD	S22-Se0049716	NCP	mg/kg	< 0.05	< 0.05	<1	30%	Pass
4,4'-DDE	S22-Se0049716	NCP	mg/kg	< 0.05	< 0.05	<1	30%	Pass
4,4'-DDT	S22-Se0049716	NCP	mg/kg	< 0.05	< 0.05	<1	30%	Pass
Aldrin	S22-Se0049716	NCP	mg/kg	< 0.05	< 0.05	<1	30%	Pass
b-HCH	S22-Se0049716	NCP	mg/kg	< 0.05	< 0.05	<1	30%	Pass
d-HCH	S22-Se0049716	NCP	mg/kg	< 0.05	< 0.05	<1	30%	Pass
Dieldrin	S22-Se0049716	NCP	mg/kg	< 0.05	< 0.05	<1	30%	Pass
Endosulfan I	S22-Se0049716	NCP	mg/kg	< 0.05	< 0.05	<1	30%	Pass
Endosulfan II	S22-Se0049716	NCP	mg/kg	< 0.05	< 0.05	<1	30%	Pass
Endosulfan sulphate	S22-Se0049716	NCP	mg/kg	< 0.05	< 0.05	<1	30%	Pass
Endrin	S22-Se0049716	NCP	mg/kg	< 0.05	< 0.05	<1	30%	Pass
Endrin aldehyde	S22-Se0049716	NCP	mg/kg	< 0.05	< 0.05	<1	30%	Pass
Endrin ketone	S22-Se0049716	NCP	mg/kg	< 0.05	< 0.05	<1	30%	Pass
Heptachlor	S22-Se0049716	NCP	mg/kg	< 0.05	< 0.05	<1	30%	Pass
Heptachlor epoxide	S22-Se0049716	NCP	mg/kg	< 0.05	< 0.05	<1	30%	Pass
Hexachlorobenzene	S22-Se0049716	NCP	mg/kg	< 0.05	< 0.05	<1	30%	Pass
Methoxychlor	S22-Se0049716	NCP	mg/kg	< 0.05	< 0.05	<1	30%	Pass
Toxaphene	S22-Se0049716	NCP	mg/kg	< 0.5	< 0.5	<1	30%	Pass
Duplicate								
Organophosphorus Pesticides				Result 1	Result 2	RPD		
Azinphos-methyl	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass
Bolstar	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass
Chlorfenvinphos	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass
Chlorpyrifos	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass
Chlorpyrifos-methyl	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass
Coumaphos	S22-Se0049716	NCP	mg/kg	< 2	< 2	<1	30%	Pass
Demeton-S	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass
Demeton-O	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass
Diazinon	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass
Dichlorvos	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass
Dimethoate	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass
Disulfoton	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass
EPN	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass
Ethion	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass
Ethoprop	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass



Duplicate								
Organophosphorus Pesticides				Result 1	Result 2	RPD		
Ethyl parathion	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass
Fenitrothion	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass
Fensulfothion	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass
Fenthion	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass
Malathion	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass
Merphos	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass
Methyl parathion	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass
Mevinphos	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass
Monocrotophos	S22-Se0049716	NCP	mg/kg	< 2	< 2	<1	30%	Pass
Naled	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass
Omethoate	S22-Se0049716	NCP	mg/kg	< 2	< 2	<1	30%	Pass
Phorate	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass
Pirimiphos-methyl	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass
Pyrazophos	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass
Ronnel	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass
Terbufos	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass
Tetrachlorvinphos	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass
Tokuthion	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass
Trichloronate	S22-Se0049716	NCP	mg/kg	< 0.2	< 0.2	<1	30%	Pass
Duplicate								
Heavy Metals				Result 1	Result 2	RPD		
Arsenic	S22-Se0046930	NCP	mg/kg	8.2	8.1	1.9	30%	Pass
Cadmium	S22-Se0046930	NCP	mg/kg	< 0.4	< 0.4	<1	30%	Pass
Chromium	S22-Se0046930	NCP	mg/kg	19	19	1.3	30%	Pass
Copper	S22-Se0046930	NCP	mg/kg	5.2	5.7	8.8	30%	Pass
Lead	S22-Se0046930	NCP	mg/kg	15	15	<1	30%	Pass
Mercury	S22-Se0046930	NCP	mg/kg	< 0.1	< 0.1	<1	30%	Pass
Nickel	S22-Se0046930	NCP	mg/kg	< 5	< 5	<1	30%	Pass
Zinc	S22-Se0046930	NCP	mg/kg	7.7	7.2	6.6	30%	Pass
Duplicate								
				Result 1	Result 2	RPD		
% Moisture	S22-Se0050779	NCP	%	17	17	2.8	30%	Pass

## Comments

### Sample Integrity

Custody Seals Intact (if used)	N/A
Attempt to Chill was evident	Yes
Sample correctly preserved	Yes
Appropriate sample containers have been used	Yes
Sample containers for volatile analysis received with minimal headspace	Yes
Samples received within HoldingTime	Yes
Some samples have been subcontracted	No

### Qualifier Codes/Comments

Code	Description
N01	F2 is determined by arithmetically subtracting the "naphthalene" value from the ">C10-C16" value. The naphthalene value used in this calculation is obtained from volatiles (Purge & Trap analysis).
N02	Where we have reported both volatile (P&T GCMS) and semivolatile (GCMS) naphthalene data, results may not be identical. Provided correct sample handling protocols have been followed, any observed differences in results are likely to be due to procedural differences within each methodology. Results determined by both techniques have passed all QAQC acceptance criteria, and are entirely technically valid.
N04	F1 is determined by arithmetically subtracting the "Total BTEX" value from the "C6-C10" value. The "Total BTEX" value is obtained by summing the concentrations of BTEX analytes. The "C6-C10" value is obtained by quantitating against a standard of mixed aromatic/aliphatic analytes.
N07	Please note:- These two PAH isomers closely co-elute using the most contemporary analytical methods and both the reported concentration (and the TEQ) apply specifically to the total of the two co-eluting PAHs
Q15	The RPD reported passes Eurofins Environment Testing's QC - Acceptance Criteria as defined in the Internal Quality Control Review and Glossary page of this report.

### Authorised by:

Quinn Raw	Analytical Services Manager
Gabriele Cordero	Senior Analyst-Metal
Roopesh Rangarajan	Senior Analyst-Organic
Roopesh Rangarajan	Senior Analyst-Volatile



**Glenn Jackson**  
General Manager

Final Report – this report replaces any previously issued Report

- Indicates Not Requested

\* Indicates NATA accreditation does not cover the performance of this service

Measurement uncertainty of test data is available on request or please [click here](#).

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Company		Earth Water Consulting Pty Limited		Project No		2223-21	
Address		Unit 6 / 1A Mering Creek, Uungah NSW 2455		Project Name			
Contact Name		Sinder Duenickx		Project Manager		Sinder Duenickx	
Phone No		040268396		EOD Format		EOD Form 8-2	
Special Director				Analyses			
Purchase Order							
Quote ID No		Earth Water Consulting					
No	Client Sample ID	Sampled Date/Time	Matrix (S)	Matrix (W)			
1	S-1	19/9/22 5					
2	S-2	19/9/22 5					
3	S-3	19/9/22 5					
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
Total Counts							
Method of Shipment		Courier (# Toll Free)		Hand Delivered		Postal	
Eurofins (mg)		Recovery By		Recovery By		Recovery By	
Laboratory Use Only		Recovery By		Recovery By		Recovery By	
Signature		Signature		Signature		Signature	
Date		Date		Date		Date	
Time		Time		Time		Time	
Temperature		Temperature		Temperature		Temperature	
Report No		Report No		Report No		Report No	

029942



# K. CONSISTENCY WITH SEPPs





SEPPS and Key issues relevant to the Planning Proposal	Consistency Assessment
<b>State Environmental Planning Policy (Biodiversity and Conservation) 2021</b>	
<b>Chapter 3: Koala Habitat Protection 2020</b>	
<p><b><i>This Chapter aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline—</i></b></p> <p><b><i>(a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and</i></b></p> <p><b><i>(b) by encouraging the identification of areas of core koala habitat, and</i></b></p> <p><b><i>(c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.</i></b></p>	<p>In accordance with Clause 3.3 of the SEPP, this Chapter applies to the Inverell Shire and, by virtue of the Zone RU1 Primary Production, the land.</p> <p>The planning proposal does not seek to zone or rezone land and there are adequate provisions under the development application process with respect to the conservation of koala habitat.</p> <p>While the land has an area of more than one (1) hectare, it does not contain core koala habitat within the meaning of the SEPP.</p>
<b>State Environmental Planning Policy (Industry and Employment) 2021</b>	
<b>Chapter 3: Advertising and signage</b>	
<p><b><i>This Chapter aims—</i></b></p> <p><b><i>(a) to ensure that signage (including advertising)—</i></b></p> <p><b><i>(i) is compatible with the desired amenity and visual character of an area, and</i></b></p> <p><b><i>(ii) provides effective communication in suitable locations, and</i></b></p> <p><b><i>(iii) is of high quality design and finish, and</i></b></p> <p><b><i>(iv)</i></b></p> <p><b><i>(b) to regulate signage (but not content) under Part 4 of the Act, and</i></b></p> <p><b><i>(c) to provide time-limited consents for the display of certain advertisements, and</i></b></p> <p><b><i>(d) to regulate the display of advertisements in transport corridors, and</i></b></p> <p><b><i>(e) to ensure that public benefits</i></b></p>	<p>The proposed additional land use is to permit the development of a centre-based child care facility on the land with development consent. The land use will likely incorporate signage and there are adequate provisions under the development application process for the assessment of the impact of signs (note that signage is permitted with consent in the Zone RU1 Primary Production).</p> <p>Nursery and depot operations on the land are identified by freestanding pole signs and, along the chain link fence to the Gwydir Highway, banner signage. Signage forms part of the existing streetscape and both <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> and Schedule 2 of the ILPE facilitate the development of signage absent development consent, including the replacement of existing lawful business identification signs, where the standards are met.</p>



*may be derived from advertising in and adjacent to transport corridors.*

### **State Environmental Planning Policy (Primary Production) 2021**

#### **Chapter 2: Primary production and rural development**

**The aims of this Chapter are as follows—**

- (a) to facilitate the orderly economic use and development of lands for primary production,**
- (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,**
- (c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,**
- (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,**
- (e) to encourage sustainable agriculture, including sustainable aquaculture,**
- (f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,**
- (g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.**

The land is situated at the urban/rural interface and accommodates mixed use development that services the township including a telecommunications facility and nursery. It is subject to a 450m<sup>2</sup> minimum subdivision lot size and forms part of an isolated area of rural-zoned land that is in part strategically planned for future residential land and an enterprise corridor for large format type stores.

In the context of both existing and planned development and land use zones, the planning proposal is not inconsistent with the Policy's aim to facilitate orderly primary production development and to minimise both land use conflict and the sterilisation of agricultural land.

The land is not identified in Schedule 1 of the SEPP as State significant agricultural land.

The planning proposal does not concern land that is in a Priority Oyster Aquaculture Area or an oyster aquaculture area identified in the *NSW Oyster Industry Sustainable Aquaculture Strategy*.

### **State Environmental Planning Policy (Resilience and Hazards) 2021**

#### **Chapter 4: Remediation of Land**

**Chapter 4 of this Policy seeks to provide a State-wide planning approach to the remediation of**

The land has historically been used for agricultural/horticultural activities. Such activities may cause contamination as per Table 1 of the Department



contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. It aims to ensure that the contamination risk of land is compatible with the proposed land use.

of Urban Affairs and Planning and Environment Protection Authority's *Managing Land Contamination Planning Guidelines: SEPP 55–Remediation of Land* (1998). The proposed land use is additionally a sensitive activity intended to be conducted on land in relation to which there is incomplete knowledge of the potential for site contamination from previous land uses, including from former Forestry Corporation activities.

A preliminary environmental site assessment (see **Appendix J**) has been completed by Earth Water Consulting which concludes that “*historical use of the property has not resulted in any significant broadscale contamination at the proposed development area. No further investigations are required*”.

It is considered that the planning proposal is not inconsistent with this state policy.

(3) *A planning proposal authority that is requested by the owner of any land to exercise its functions under this Division in relation to the land may, as a condition of doing so, require the owner to carry out studies or provide other information concerning the proposal or to pay the costs of the authority in accordance with the regulations.*

### **State Environmental Planning Policy (Transport and Infrastructure) 2021**

#### **Chapter 2: Infrastructure**

The aim of this Chapter is to facilitate the effective delivery of infrastructure across the State by—

- (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and
- (b) providing greater flexibility in the location of infrastructure and service facilities, and
- (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and
- (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and
- (e) identifying matters to be considered in

Part 2.3 Division 5 of the Chapter concerns electricity transmission or distribution and provides relevant assessment matters for development applications at clause 2.48. Similarly, Part 2.3 Division 17 contains assessment considerations for development applications at clauses 2.119, 2.120 and 2.122 for roads and traffic.

The planning proposal seeks to include an additional permitted use in Schedule 1 of the ILEP. This provides an approval pathway for the land use via the development application process and renders it subject to all development standards and controls applying at the time.



the assessment of development adjacent to particular types of infrastructure development, and

- (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and
- (g) providing opportunities for infrastructure to demonstrate good design outcomes.

### Chapter 3: Educational establishments and child care facilities

The aim of this Chapter is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by—

- (a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and
- (b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and
- (c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and
- (d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and
- (e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and
- (f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and
- (g) ensuring that proponents of new

Part 3.3 of the Chapter provides specific development controls, standards and approval pathways for development characterised as early education and care facilities. This includes the requirement for development applications to align with the *Child Care Planning Guideline*, as relevantly discussed in the body of this Planning Proposal.

As per the above, the planning proposal seeks to give an approval pathway for the 'centre-based child care' land use via the development application process which renders it subject to all development standards and controls applying at the time.





**developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and**

- (h) encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.**



# L. CONSISTENCY WITH S9.1 DIRECTIONS



SECTION 9.1 DIRECTION	CONSISTENCY OF THE PLANNING PROPOSAL
<b>Focus Area 1: Planning Systems</b>	
<b>Direction 1.1 Implementation of Regional Plans</b>	
<p><i>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</i></p> <p><i>Planning Proposals must be consistent with a Regional Plan released by the Minister for Planning.</i></p>	<p>Table 3.1 of this planning proposal contains a review of the proposal against the <i>New England North West Regional Plan 2041</i> and concludes that ‘the planning proposal is consistent with the Regional Plan and can give effect to a range of key objectives and actions contained therein’.</p>
<b>Direction 1.2 Development of Aboriginal Land Council Land</b>	
<p><i>The objective of this direction is to provide for the consideration of development delivery plans prepared under chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021 when planning proposals are prepared by a planning proposal authority.</i></p> <p><i>When preparing a planning proposal to which this direction applies, the planning proposal authority must take into account:</i></p> <ul style="list-style-type: none"> <li><i>(a) any applicable development delivery plan made under the chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021; or</i></li> <li><i>(b) if no applicable development delivery plan has been published, the interim development delivery plan published on the Department’s website on the making of this direction.</i></li> </ul>	<p>This direction applies when preparing a planning proposal for land shown on the Land Application Map of chapter 3 of the <i>State Environmental Planning Policy (Planning Systems) 2021</i>.</p> <p>The land is not land specified on the ‘Land Application Map’ under <i>State Environmental Planning Policy (Planning Systems) 2021</i> and is not the subject of a development delivery plan under Chapter 3. Accordingly, Direction 1.2 is not applicable to the planning proposal.</p>
<b>Direction 1.3 Approval and Referral Requirements</b>	
<p><i>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i></p> <p><i>A planning proposal to which this direction applies must:</i></p> <ul style="list-style-type: none"> <li><i>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</i></li> </ul>	<p>The planning proposal will not result in any additional concurrence or referral requirements for future development. It is limited to the inclusion of an additional permitted use in Schedule 1 of the ILEP and does not contain new provisions with respect to concurrence, consultation or referral requirements or designated development thresholds.</p>



*(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:*

*(a) the appropriate Minister or public authority, and*

*(b) the Planning Secretary (or an officer of the Department nominated by the Secretary),*

*prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act, and*

*(c) not identify development as designated development unless the relevant planning authority:*

*i. can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and*

*ii. has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.*

#### **Direction 1.4 Site Specific Provisions**

*The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.*

*(1) A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:*

*(a) allow that land use to be carried out in the zone the land is situated on, or*

*(b) rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition*

The planning proposal seeks to allow a particular development to be undertaken by amending an environmental planning instrument, being the ILEP. It is consistent with Direction 1.4 (1) (c) as it seeks to permit a land use on the land without introducing any new planning controls including development standards. It is further consistent with Direction 1.4 (2) as references to drawings that show details of the conceptual development are included in the planning proposal for context only and do not form part of the proposed change to the environmental planning instrument.





*to those already contained in that zone, or*

- (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.*

- (2) A planning proposal must not contain or refer to drawings that show details of the proposed development.*

### **Focus area 1: Planning Systems – Place-based**

This Focus Area contains the following Directions:

- 1.5 Parramatta Road Corridor Urban Transformation Strategy
- 1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan
- 1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan
- 1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan
- 1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor
- 1.10 Implementation of the Western Sydney Aerotropolis Plan
- 1.11 Implementation of Bayside West Precincts 2036 Plan
- 1.12 Implementation of Planning Principles for the Cooks Cove Precinct
- 1.13 Implementation of St Leonards and Crows Nest 2036 Plan
- 1.14 Implementation of Greater Macarthur 2040
- 1.15 Implementation of the Pyrmont Peninsula Place Strategy
- 1.16 North West Rail Link Corridor Strategy
- 1.17 Implementation of the Bays West Place Strategy

These Directions apply to land in the Bayside, Blacktown, Blue Mountains, Burwood, Camden, Campbelltown, Canada Bay, City of Parramatta, City of Sydney, Cumberland, Fairfield, Hawkesbury, Hornsby, Inner West, Lane Cove, Liverpool, North Sydney, Penrith, Strathfield, The Hills, Willoughby and Wollondilly local government areas, and the Greater Parramatta Priority Growth Area. The planning proposal is in the Inverell local government area and is outside the application of these place-based Directions.

### **Focus area 2: Design and Place**

This Focus Area contains no Directions.

### **Focus area 3: Biodiversity and Conservation**

#### **Direction 3.1 Conservation Zones**

*The objective of this direction is to protect and conserve environmentally sensitive areas.*

The planning proposal is specific to Lot 2 DP 818029, 1 Burgess Street, Inverell. This site has been historically cleared of native vegetation for agricultural purposes and subsequently developed with buildings, driveways and parking. It is bound by



- (1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.
- (2) A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of “Rural Lands”.

the Gwydir Highway in the north and Burgess Street in the east and adjoins Council’s water plant. The site selection is the relevant provision to facilitate the protection and conservation of environmentally sensitive areas in accordance with Direction 3.1 (1).

The planning proposal does not apply to land that is within a conservation zone or land otherwise identified for environment conservation/protection purposes in a local environmental plan. Accordingly, Direction 3.1 (2) is not applicable.

### Direction 3.2 Heritage Conservation

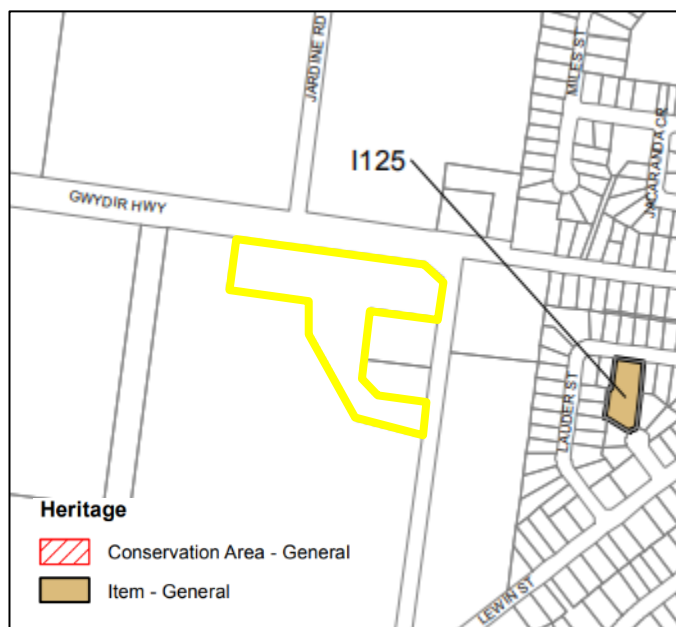
*The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.*

*A Planning Proposal shall contain provisions that facilitate the conservation of:*

- a) *items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,*
- b) *Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and*
- c) *Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the council, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.*

The land does not contain or adjoin a heritage item or area listed under Schedule 5 of the ILEP (see **Illustration L1**). The site selection is therefore the relevant provision to facilitate the conservation of environmental heritage and its settings in accordance with Direction 3.2 (1) (a).

### Illustration L1 - Heritage Map Excerpt



Source: ILEP, Heritage Map - Sheet HER\_008A

A basic search of the Aboriginal Heritage Information Management System undertaken on 19 August 2022 (see **Illustration 3.5**) identified no Aboriginal objects or places on or within fifty (50) metres of the land.



This is consistent with historical development on the land, including terracing, which has altered the landscape and turned the soil.

The proponent is not aware of any Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes that have been identified by an Aboriginal heritage survey for the land and provided to Council.

### Direction 3.3 Sydney Drinking Water Catchments

This Direction applies to the local government areas of Blue Mountains, Kiama, Sutherland, Campbelltown, Lithgow, Upper Lachlan, Cooma, Monaro, Oberon, Wingecarribee, Eurobodalla, Palerang, Wollondilly, Goulburn, Mulwaree, Shoalhaven and Wollongong. The planning proposal is in the Inverell local government area and Direction 3.3 is therefore not applicable.

### Direction 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs

This direction applies to the Ballina, Byron, Kyogle, Lismore and Tweed local government areas. The planning proposal is in the Inverell local government area and Direction 3.4 is therefore not applicable.

### Direction 3.5 Recreation Vehicle Areas

*The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.*

The planning proposal does not enable land to be developed for the purpose of a recreational vehicle area.

*A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983):*

- (a) where the land is within a conservation zone,*
- (b) where the land comprises a beach or a dune adjacent to or adjoining a beach,*
- (c) where the land is not within an area or zone referred to in paragraphs (a) or (b) unless the relevant planning authority has taken into consideration:*
  - i. the provisions of the guidelines entitled Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985, and*
  - ii. the provisions of the guidelines entitled Recreation Vehicles Act*



1983, *Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas*, State Pollution Control Commission, September 1985.

### Direction 3.6 Strategic Conservation Planning

This direction applies to land that is identified as avoided land or a strategic conservation area under the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*. Avoided land and strategic conservation areas under the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* are confined to the Sydney basin. Accordingly, Direction 3.6 is not applicable to the planning proposal.

### Focus Area 4: Resilience and Hazards

#### Direction 4.1 Flooding

The objectives of this direction are to:

- (a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
  - (b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.
- (1) A planning proposal must include provisions that give effect to and are consistent with:
- (a) the NSW Flood Prone Land Policy,
  - (b) the principles of the Floodplain Development Manual 2005,
  - (c) the Considering flooding in land use planning guideline 2021, and
  - (d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.
- (2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential,

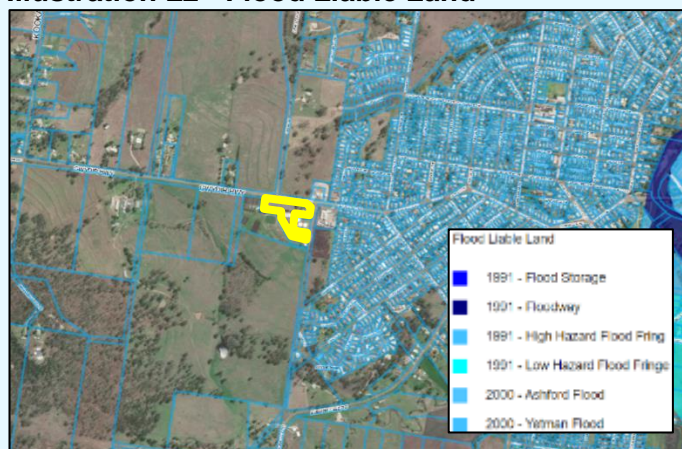
The land is not situated at or below flood liable land (see **Illustration L2**), with mainstream flooding attributable to the Macintyre River being below 600m AHD and the land situated at an elevation of circa 650m AHD.

Strahler order 1 streams originate to the north and south of the land and drain away such that localised flooding of the land from these watercourses is improbable.

The land additionally benefits from access to and from higher land to the west, with Tabletop Mountain ascending to 742m AHD.

The land the subject of the planning proposal has been selected in accordance with Direction 4.1 'Flooding'.

#### Illustration L2 - Flood Liable Land



Source: Council's online public map database (accessed 23 August 2022)





*Business, Industrial or Special Purpose Zones.*

*(3) A planning proposal must not contain provisions that apply to the flood planning area which:*

- (a) permit development in floodway areas,*
- (b) permit development that will result in significant flood impacts to other properties,*
- (c) permit development for the purposes of residential accommodation in high hazard areas,*
- (d) permit a significant increase in the development and/or dwelling density of that land,*
- (e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,*
- (f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,*
- (g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or*
- (h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.*

*(4) A planning proposal must not contain provisions that apply to areas between the flood planning area and probable*



*maximum flood to which Special Flood Considerations apply which:*

- (a) permit development in floodway areas,*
  - (b) permit development that will result in significant flood impacts to other properties,*
  - (c) permit a significant increase in the dwelling density of that land,*
  - (d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,*
  - (e) are likely to affect the safe occupation of and efficient evacuation of the lot, or*
  - (f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.*
- (5) For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.*

#### **Direction 4.2 Coastal Management**

This direction applies to land that is within the coastal zone, as defined under the *Coastal Management Act 2016* - comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area - and as identified by *State Environmental Planning Policy (Resilience and Hazards) 2021*.

The land is not situated within the 'coastal zone' and the provisions of this Direction are not applicable to the planning proposal.

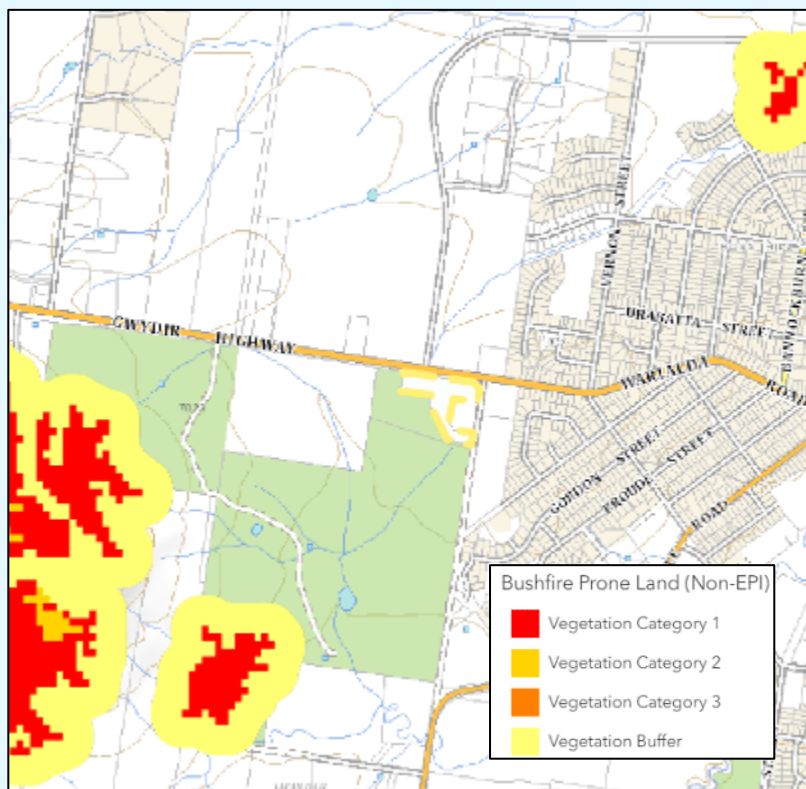
#### **Direction 4.3 Planning for Bushfire Protection**

This direction applies to a planning proposal that will affect, or is in proximity to, land mapped as bush fire prone land. Mapped bush fire prone land is identified by Council and certified by the



Commissioner of the NSW Rural Fire Service as land which can support a bush fire or is subject to bush fire attack (see **Illustration L3**).

### Illustration L3 - Bush Fire Prone Land Excerpt



Source: ePlanning Spatial Viewer

The land is not on or in proximity to land mapped as bush fire prone land and Direction 4.3 is accordingly not applicable to the planning proposal.

### Direction 4.4 Remediation of Contaminated Land

*The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.*

*(1) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land to which this direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless:*

*(a) the planning proposal authority has considered whether the land is contaminated, and*

The land has historically been used for agricultural/horticultural activities. Such activities may cause contamination as per Table 1 of the Department of Urban Affairs and Planning and Environment Protection Authority's *Managing Land Contamination Planning Guidelines: SEPP 55–Remediation of Land* (1998). The proposed land use is additionally a sensitive activity intended to be conducted on land in relation to which there is incomplete knowledge of the potential for site contamination from previous land uses, including from former Forestry Corporation activities.

A preliminary environmental site assessment (see **Appendix J**) has been completed by Earth Water Consulting which concludes that “*historical use of the property has not resulted in any significant*



*(b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*

*broadscale contamination at the proposed development area. No further investigations are required”.*

It is considered that the planning proposal is not inconsistent with this direction.

*(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.*

*In order to satisfy itself as to paragraph 1(c), the planning proposal authority may need to include certain provisions in the local environmental plan.*

*(2) Before including any land to which this direction applies in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.*

#### **Direction 4.5 Acid Sulfate Soils**

This direction applies to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps held by the Department of Planning and Environment. Inverell Shire is not responsible for land having a probability of containing acid sulfate soils and Direction 4.5 is accordingly not applicable to the planning proposal.

#### **Direction 4.6 Mine Subsidence and Unstable Land**

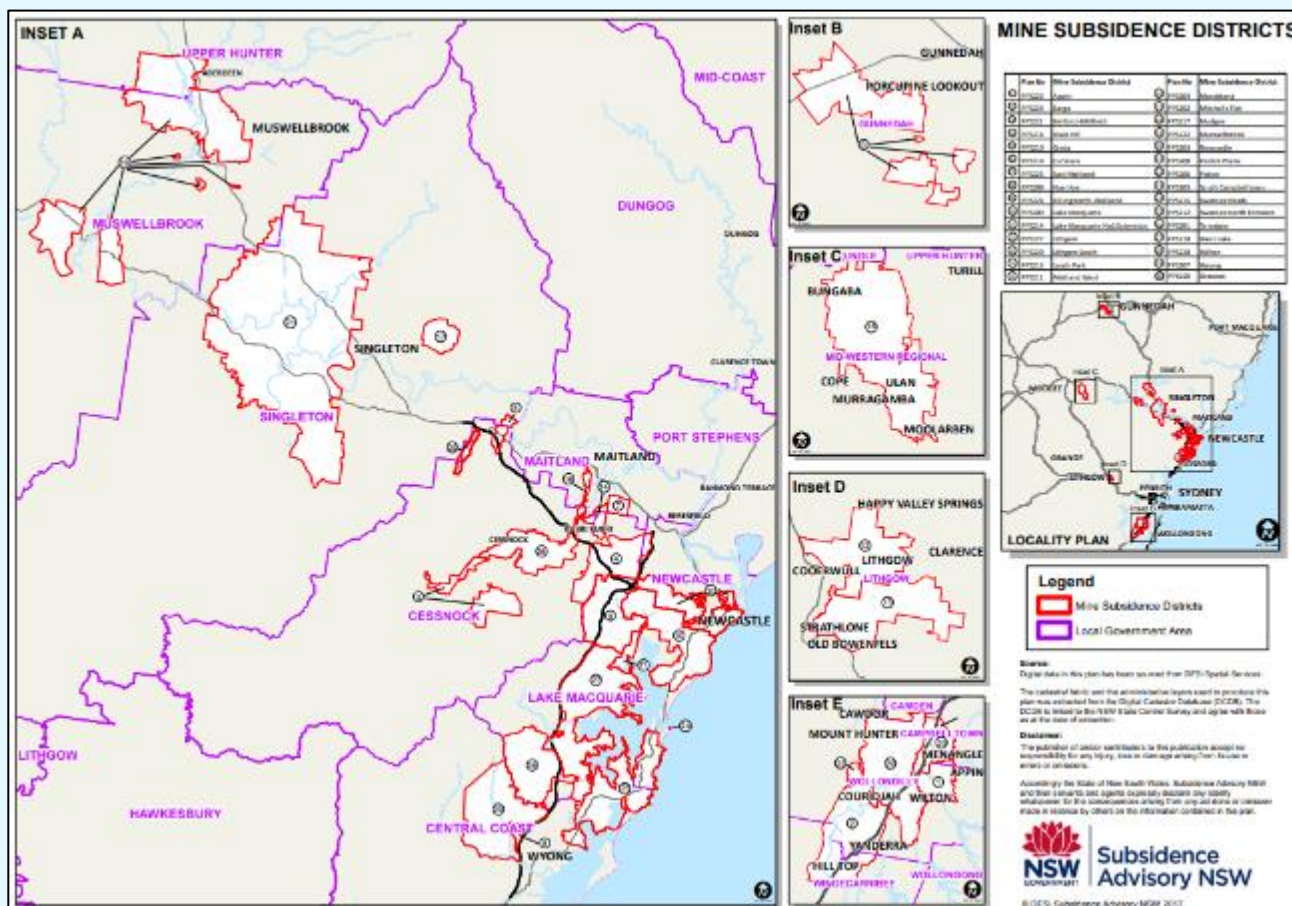
This direction applies to a planning proposal that permits development on land that is within a declared mine subsidence district in the *Coal Mine subsidence Compensation Regulation 2017* pursuant to section 20 of the *Coal Mine Subsidence Compensation Act 2017*, or has been identified as unstable in a study, strategy or other assessment undertaken by or on behalf of the relevant planning authority or by or on behalf of a public authority and provided to the relevant planning authority.

A review of the land via the Planning Portal establishes that the land is not in a Mine Subsidence District (see **Illustration L4**), or in an area with underground coal mining, or classified as Landslide Risk Land.





## Illustration L4 - Mine Subsidence Districts



Source: [Subsidence Advisory NSW](#)

## Focus Area 5: Transport and Infrastructure

### Direction 5.1 Integrating Land Use and Transport

This direction applies to a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

This Direction is not applicable to the planning proposal as it concerns rural land as opposed to land zoned for residential, business, industrial, village or tourist purposes.

### Direction 5.2 Reserving Land for Public Purposes

The objectives of this direction are to:

- facilitate the provision of public services and facilities by reserving land for public purposes, and
- facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

The planning proposal does not:

- create, alter or reduce existing zonings or reservations of land for public purposes;
- seek to reserve land for a public purpose;
- request new provisions relating to the use of land reserved for a public purpose; or
- propose to rezone and/or remove a reservation of any land that is reserved for public purposes.



- (1) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).*
- (2) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:*
  - (a) reserve the land in accordance with the request, and*
  - (b) include the land in a zone appropriate to its intended future use or a zone advised by the Planning Secretary (or an officer of the Department nominated by the Secretary), and*
  - (c) identify the relevant acquiring authority for the land.*
- (3) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:*
  - (a) include the requested provisions, or*
  - (b) take such other action as advised by the Planning Secretary (or an officer of the Department nominated by the Secretary) with respect to the use of the land before it is acquired.*
- (4) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.*



### Direction 5.3 Development Near Regulated Airports and Defence Airfields

This direction applies to a planning proposal that will create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.

Inverell Airport is situated to the south-southeast of the land at Airport Road, Gilgai, some 16.6 kilometres by road. The planning proposal therefore does not relate to land on or near a regulated airport and Direction 5.3 is not applicable.

### Direction 5.4 Shooting Ranges

This direction applies to a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.

The planning proposal concerns land that is not adjacent to or adjoining an existing shooting range. The Inverell RSM Pistol Club, Inverell RSM Civilian Rifle Club and Inverell RSM Clay Target Club all operate from alternative locations, including the range at Haywood Road, Delungra. Accordingly, Direction 5.4 is not applicable to the planning proposal.

## Focus Area 6: Housing

### Direction 6.1 Residential Zones

This direction applies to a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.

This Direction is not applicable to the planning proposal as it does not concern land within an existing or proposed residential zone or another zone permitting or proposing to permit 'significant residential development'. The land is Zone RU1 Primary Production which only permits residential accommodation that is characterised as *dual occupancies*, *dwelling houses* and *Rural workers' dwellings*. The planning proposal does not seek to intensify residential development within the Zone.

### Direction 6.2 Caravan Parks and Manufactured Home Estates

*The objectives of this direction are to:*

- (a) provide for a variety of housing types, and*
- (b) provide opportunities for caravan parks and manufactured home estates.*

*(1) In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:*

- (a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and*

*Caravan Park* is a land use that is permitted with consent in the Zone RU1 Primary Production. Both this provision and the land use zone are retained by the planning proposal.

Development for the purposes of manufactured home estates is controlled by *State Environmental Planning policy (Housing) 2021*. Clause 122 of *State Environmental Planning Policy (Housing) 2021* provides that development for the purposes of a manufactured home estate 'may be carried out pursuant to this Part on any land on which development for the purposes of a caravan park may be carried out...' The planning proposal does not amend *State Environmental Planning policy (Housing) 2021* or seek to identify zones, locations



- (b) *retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.*
- (2) *In identifying suitable zones, locations and provisions for manufactured home estates (MHEs) in a planning proposal, the relevant planning authority must:*
- (a) *take into account the categories of land set out in Schedule 6 of State Environmental Planning Policy (Housing) 2021 as to where MHEs should not be located,*
  - (b) *take into account the principles listed in clause 125 of State Environmental Planning Policy (Housing) 2021 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and*
  - (c) *include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the Community Land Development Act 1989 be permissible with consent.*
- and provisions that are suitable for manufactured home estates.

## **Focus Area 7: Industry and Employment**

### **Direction 7.1 Business and Industrial Zones**

This direction applies to a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

The planning proposal concerns land that is Zone RU1 Primary Production and does not apply to Business or Industrial zones. Direction 7.1 is not applicable to the planning proposal.

### **Direction 7.2 Reduction in non-hosted short term rental accommodation period**

This direction applies to Byron Shire Council when the council prepares a planning proposal to identify or reduce the number of days that non-hosted short-term rental accommodation may be carried out in parts of its local government area.

The planning proposal is relevant to Inverell Shire and therefore Direction 7.2 is not applicable.

### **Direction 7.3 Commercial and Retail Development along the Pacific Highway, North Coast**





This direction applies to a planning proposal in the North Coast council areas between Port Stephens Shire Council and Tweed Shire Council, inclusive, that is in the vicinity of the existing and/or proposed alignment of the Pacific Highway.

The planning proposal concerns land that is not situated on the North Coast, and Direction 7.3 is not applicable.

## **Focus Area 8: Resources and Energy**

### **Direction 8.1 Mining, Petroleum Production and Extractive Industries**

This direction applies when preparing a planning proposal that would have the effect of:

- (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or
- (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.

The Planning Proposal does not affect either matter (a) or (b).

## **Focus Area 9: Primary Production**

### **Direction 9.1 Rural Zones**

*The objective of this direction is to protect the agricultural production value of rural land.*

The planning proposal does not seek to rezone the land and retains the existing Zone RU1 Primary Production in accordance with Direction 9.1 (1) (a).

*A planning proposal must:*

- a) *not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.*
- b) *not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).*

Direction 9.1 (1) (b) does not apply to the Inverell Local Government Area as per the 'Application' terms of this Direction.

### **Direction 9.2 Rural Lands**

*The objectives of this direction are to:*

- (a) *protect the agricultural production value of rural land,*
- (b) *facilitate the orderly and economic use and development of rural lands for rural and related purposes,*
- (c) *assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,*

Alignment of the planning proposal with the applicable strategic plans and the local strategic planning statement forms commentary to the body of this planning proposal along with consideration of the suitability of the land for the proposed additional permitted use. Matters including the potential for adverse environmental impacts on agricultural production, biodiversity and cultural heritage, and the proximity of the land to waterways and water services are all considered therein.



- (d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,*
- (e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,*
- (f) support the delivery of the actions outlined in the NSW Right to Farm Policy.*

*(1) A planning proposal must:*

- (a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement*
- (b) consider the significance of agriculture and primary production to the State and rural communities*
- (c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources*
- (d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions*
- (e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities*
- (f) support farmers in exercising their right to farm*
- (g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land use*



- (h) consider State significant agricultural land identified in chapter 2 of the State Environmental Planning Policy (Primary Production) 2021 for the purpose of ensuring the ongoing viability of this land*
- (i) consider the social, economic and environmental interests of the community.*
- (2) A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:*
  - (a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses*
  - (b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains*
  - (c) where it is for rural residential purposes:*
    - i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres*
    - ii. is necessary taking account of existing and future demand and supply of rural residential land.*

### **Direction 9.3 Oyster Aquaculture**

This direction applies when preparing a planning proposal in 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area as identified in the *NSW Oyster Industry Sustainable Aquaculture Strategy* (2006).

According to the *NSW Oyster Industry Sustainable Aquaculture Strategy* (2006), systems mapped as priority oyster aquaculture areas and phase-out estuary lease areas concern the Tweed River, Brunswick River, Richmond River, Clarence River, Sandon River, Wooli Wooli River, Bellinger River,



Nambucca River, Macleay River, Hastings River, Camden Haven, Manning River, Wallis Lake, Port Stephens, Hunter River, Brisbane Waters, Patonga Creek, Hawkesbury River, Botany Bay, Georges River, Shoalhaven River, Crookhaven River, Currumbene Creek, Moona Moona Creek, Conjola River, Narrawallee Creek, Burrill Lake, Clyde River, Tomaga River, Moruya River, Tuross Lake, Wagonga Inlet, Wallaga Lake, Bermagui River, Murrah Lagoon, Wapengo Lake, Nelson Lagoon, Bega River, Merimbula Lake, Pambula River, Towamba River (Kiah) and Wonboyn River/Lake (note that maps describing the location of current oyster aquaculture leases in NSW estuaries are published on the DPI Spatial Data Portal as available on the DPI website).

The planning proposal is not situated in a Priority Oyster Aquaculture Area or an oyster aquaculture area identified in the *NSW Oyster Industry Sustainable Aquaculture Strategy* and consequently Direction 9.3 is not applicable.

#### **Direction 9.4 Farmland of State and Regional Significance on the NSW Far North Coast**

This direction is not applicable to the planning proposal as it is geographically limited to planning proposals on land within the Ballina Shire, Byron Shire, Kyogle Shire, Lismore City, Richmond Valley and Tweed Shire local government areas.





# M. DEPOSITED PLAN

**PLAN APPROVED:** *Authorized Officer*  
**Land District:** *paper*  
**Field Book:** *paper*

**Crown Lands Office Approval**

**Council Clerk's Certificate**

**Survey Party:** *1. Surveyor, 2. Clerk, 3. Chainman, 4. Driver, 5. Assistant*

**Reference:** *1. 1975, 2. 1976, 3. 1977, 4. 1978, 5. 1979, 6. 1980, 7. 1981, 8. 1982, 9. 1983, 10. 1984, 11. 1985, 12. 1986, 13. 1987, 14. 1988, 15. 1989, 16. 1990, 17. 1991, 18. 1992, 19. 1993, 20. 1994, 21. 1995, 22. 1996, 23. 1997, 24. 1998, 25. 1999, 26. 2000, 27. 2001, 28. 2002, 29. 2003, 30. 2004, 31. 2005, 32. 2006, 33. 2007, 34. 2008, 35. 2009, 36. 2010, 37. 2011, 38. 2012, 39. 2013, 40. 2014, 41. 2015, 42. 2016, 43. 2017, 44. 2018, 45. 2019, 46. 2020, 47. 2021, 48. 2022, 49. 2023, 50. 2024, 51. 2025, 52. 2026, 53. 2027, 54. 2028, 55. 2029, 56. 2030, 57. 2031, 58. 2032, 59. 2033, 60. 2034, 61. 2035, 62. 2036, 63. 2037, 64. 2038, 65. 2039, 66. 2040, 67. 2041, 68. 2042, 69. 2043, 70. 2044, 71. 2045, 72. 2046, 73. 2047, 74. 2048, 75. 2049, 76. 2050, 77. 2051, 78. 2052, 79. 2053, 80. 2054, 81. 2055, 82. 2056, 83. 2057, 84. 2058, 85. 2059, 86. 2060, 87. 2061, 88. 2062, 89. 2063, 90. 2064, 91. 2065, 92. 2066, 93. 2067, 94. 2068, 95. 2069, 96. 2070, 97. 2071, 98. 2072, 99. 2073, 100. 2074, 101. 2075, 102. 2076, 103. 2077, 104. 2078, 105. 2079, 106. 2080, 107. 2081, 108. 2082, 109. 2083, 110. 2084, 111. 2085, 112. 2086, 113. 2087, 114. 2088, 115. 2089, 116. 2090, 117. 2091, 118. 2092, 119. 2093, 120. 2094, 121. 2095, 122. 2096, 123. 2097, 124. 2098, 125. 2099, 126. 2100, 127. 2101, 128. 2102, 129. 2103, 130. 2104, 131. 2105, 132. 2106, 133. 2107, 134. 2108, 135. 2109, 136. 2110, 137. 2111, 138. 2112, 139. 2113, 140. 2114, 141. 2115, 142. 2116, 143. 2117, 144. 2118, 145. 2119, 146. 2120, 147. 2121, 148. 2122, 149. 2123, 150. 2124, 151. 2125, 152. 2126, 153. 2127, 154. 2128, 155. 2129, 156. 2130, 157. 2131, 158. 2132, 159. 2133, 160. 2134, 161. 2135, 162. 2136, 163. 2137, 164. 2138, 165. 2139, 166. 2140, 167. 2141, 168. 2142, 169. 2143, 170. 2144, 171. 2145, 172. 2146, 173. 2147, 174. 2148, 175. 2149, 176. 2150, 177. 2151, 178. 2152, 179. 2153, 180. 2154, 181. 2155, 182. 2156, 183. 2157, 184. 2158, 185. 2159, 186. 2160, 187. 2161, 188. 2162, 189. 2163, 190. 2164, 191. 2165, 192. 2166, 193. 2167, 194. 2168, 195. 2169, 196. 2170, 197. 2171, 198. 2172, 199. 2173, 200. 2174, 201. 2175, 202. 2176, 203. 2177, 204. 2178, 205. 2179, 206. 2180, 207. 2181, 208. 2182, 209. 2183, 210. 2184, 211. 2185, 212. 2186, 213. 2187, 214. 2188, 215. 2189, 216. 2190, 217. 2191, 218. 2192, 219. 2193, 220. 2194, 221. 2195, 222. 2196, 223. 2197, 224. 2198, 225. 2199, 226. 2200, 227. 2201, 228. 2202, 229. 2203, 230. 2204, 231. 2205, 232. 2206, 233. 2207, 234. 2208, 235. 2209, 236. 2210, 237. 2211, 238. 2212, 239. 2213, 240. 2214, 241. 2215, 242. 2216, 243. 2217, 244. 2218, 245. 2219, 246. 2220, 247. 2221, 248. 2222, 249. 2223, 250. 2224, 251. 2225, 252. 2226, 253. 2227, 254. 2228, 255. 2229, 256. 2230, 257. 2231, 258. 2232, 259. 2233, 260. 2234, 261. 2235, 262. 2236, 263. 2237, 264. 2238, 265. 2239, 266. 2240, 267. 2241, 268. 2242, 269. 2243, 270. 2244, 271. 2245, 272. 2246, 273. 2247, 274. 2248, 275. 2249, 276. 2250, 277. 2251, 278. 2252, 279. 2253, 280. 2254, 281. 2255, 282. 2256, 283. 2257, 284. 2258, 285. 2259, 286. 2260, 287. 2261, 288. 2262, 289. 2263, 290. 2264, 291. 2265, 292. 2266, 293. 2267, 294. 2268, 295. 2269, 296. 2270, 297. 2271, 298. 2272, 299. 2273, 300. 2274, 301. 2275, 302. 2276, 303. 2277, 304. 2278, 305. 2279, 306. 2280, 307. 2281, 308. 2282, 309. 2283, 310. 2284, 311. 2285, 312. 2286, 313. 2287, 314. 2288, 315. 2289, 316. 2290, 317. 2291, 318. 2292, 319. 2293, 320. 2294, 321. 2295, 322. 2296, 323. 2297, 324. 2298, 325. 2299, 326. 2300, 327. 2301, 328. 2302, 329. 2303, 330. 2304, 331. 2305, 332. 2306, 333. 2307, 334. 2308, 335. 2309, 336. 2310, 337. 2311, 338. 2312, 339. 2313, 340. 2314, 341. 2315, 342. 2316, 343. 2317, 344. 2318, 345. 2319, 346. 2320, 347. 2321, 348. 2322, 349. 2323, 350. 2324, 351. 2325, 352. 2326, 353. 2327, 354. 2328, 355. 2329, 356. 2330, 357. 2331, 358. 2332, 359. 2333, 360. 2334, 361. 2335, 362. 2336, 363. 2337, 364. 2338, 365. 2339, 3*



# N. GATEWAY DETERMINATION

Mr Paul Henry  
General Manager  
Inverell Shire Council  
PO Box 138  
INVERELL NSW 2360

Our ref: IRF22/3442

Via email: [council@inverell.nsw.gov.au](mailto:council@inverell.nsw.gov.au)  
[chris.faley@inverell.nsw.gov.au](mailto:chris.faley@inverell.nsw.gov.au)

Dear Mr Henry

**Planning proposal (PP-2022-3147) to amend Inverell Local Environmental Plan 2012**

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to identify a 'centre-based child care facility' as an additional permitted use with consent at 1 Burgess Street, Inverell (Lot 2 DP 818029).

As delegate of the Minister for Planning, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the Act, being 1.1 Implementation of Regional Plans, 3.2 Heritage Conservation, 4.4 Remediation of Contaminated Land and 9.2 Rural Lands. Council should ensure this occurs prior to the LEP being made.

The amending local environmental plan (LEP) is to be finalised within 9 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2021) is supported by category specific timeframes for satisfaction of conditions and authority



and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Ms Kate Campbell to assist you. Ms Campbell can be contacted on 5778 1401.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Gray', is positioned above the printed name.

28/10/2022

**Jeremy Gray**  
**Director, Northern Region**  
**Local and Regional Planning**

Encl: Gateway determination

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-3147):** to identify a 'centre-based child care facility' as an additional permitted use with consent at 1 Burgess Street, Inverell (Lot 2 DP 818029)

I, the Director, Northern Region at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Inverell Local Environmental Plan 2012 to identify a 'centre-based child care facility' as an additional permitted use with consent at 1 Burgess Street, Inverell (Lot 2 DP 818029) should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
  - clarify that an amendment to the Additional Permitted Uses map is proposed;
  - include an indicative Additional Permitted Uses map detailing the proposed change;
  - acknowledge that final drafting of the amendment will be determined by Legal Services Branch and Parliamentary Counsel at the legal drafting stage;
  - include an assessment against the New England North West Regional Plan 2041;
  - consider the recommendations of a report specifying the findings of a preliminary investigation of the land carried out in accordance with the *Contaminated Land Planning Guidelines*.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 working days; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
  - NSW Department of Primary Industries – Agriculture
  - Anaiwan Local Aboriginal Land Council

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The LEP should be completed within 9 months from the date of the Gateway determination.

Dated 28 day of October 2022.

A handwritten signature in black ink, appearing to read 'J. Gray', is positioned above the printed name and title.

**Jeremy Gray**  
**Director, Northern Region**  
**Local and Regional Planning**  
**Department of Planning and Environment**  
  
**Delegate of the Minister for Planning**



# O. INDICATIVE AMENDMENT TO ADDITIONAL PERMITTED USES MAP





### Current – Additional Permitted Use Map



### Indicative Amendment – Additional Permitted Uses Map

