

COUNCIL ASSESSMENT REPORT
HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSHCC-350 DA/2113/2024 (PAN-498653 & CON-25158)
PROPOSAL	Demolition of dwelling, tree removal and construction of a 113 place child care centre and associated works.
ADDRESS	167 Serpentine Road, Terrigal Lot 2 DP 746654
APPLICANT	The Trustee for Malachite Superannuation Fund
OWNER	The Trustee for Malachite Superannuation Fund
DA LODGEMENT DATE	16 January 2025
APPLICATION TYPE	Local Development
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19 (1) and Clause 5 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as the development comprises private infrastructure and community facilities with a capital investment value of more than \$5 million.
CIV	\$7,580,000.00 (excluding GST)
CLAUSE 4.6 REQUESTS	N/A
KEY SEPP/LEP	<i>State Environmental Planning Policy (Planning Systems) 2021</i> <i>State Environment Planning Policy (Transport and Infrastructure) 2021</i> <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> <i>Gosford IDO 122</i> <i>Central Coast Local Environmental Plan 2022 (CCLEP 2022)</i>

TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	13
DOCUMENTS SUBMITTED FOR CONSIDERATION	Attachment A: Draft conditions Attachment B: Architectural Plans and Landscape Plan Attachment C: Plan of Management (POM), Version 8, dated November 2025 Attachment D: NSW Childcare Guidelines and Central Coast Council Development Control Plan (CCDCP) 2022 Attachment E: Wastewater Management Report Attachment F: Geotechnical Report
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	N/A
RECOMMENDATION	Approval subject to conditions .
DRAFT CONDITIONS TO APPLICANT	N/A
SCHEDULED MEETING DATE	9 December 2025
PLAN VERSION	Architectural Plans Issue N, dated 26 November 2025
PREPARED BY	Emma Brown – Senior Development Planner
DATE OF REPORT	2 December 2025

EXECUTIVE SUMMARY

The development application (DA/2113/2025) seeks consent for the demolition of a dwelling and studio, tree removal and construction of a 113 place childcare centre and associated parking, landscaping, filling, retaining walls, fencing, on site sewer management system (OSSM) and other works.

The site is located at 167 Serpentine Road, Terrigal. Real property description is Lot 2 on DP 746654. The site was zone 7(c2) under the Gosford IDO 122 at the time of lodgement and now rezoned as of 9 May 2025 to zoned C4 Environmental Management. The use is permissible in the zone. Adjacent development comprises large lots with single detached dwellings. To the rear of the site is the Star of the Sea Catholic Primary School.

The site has is surrounded by educational, community, residential and other non-residential uses, and has a slope, falling away from Serpentine Road.

The proposal will be compatible with the setting of the site, and surrounding land uses and development, including residential development and educational / community uses, and is unlikely to create an unreasonable demand for public services or substantially reduce existing levels of service.

The proposal has a considered and appropriate design and appearance for the site and its visual qualities and has considered and addressed the impacts of the proposal on surrounding properties,

and with proposed treatments is unlikely to interfere unreasonably with the amenity of adjoining properties.

The proposal was notified between 31 January 2025 and 21 February 2025 in accordance with the Central Coast Council's requirements. There were 13 submissions (6 from the Broken Bay Catholic Diocese) received.

Key issues raised include increase in traffic, noise, odour, sewer, drainage, safety, effluent and stormwater management. The issues have been resolved by a revised plans, reports and updated Plan of Management (Version 8) at **Attachment C**.

A 'kick off' briefing to the Central Coast and Hunter Regional Planning Panel (the Panel) took place on 15 April 2025. In response, Council has had ongoing communication with the applicants and requested further information including a revised plan of management to address traffic, vehicular access and parking. Under the revised plan; parent/carer access to the centre will be limited in the AM and PM hours (apart from during emergencies).

The final design iteration includes refined engineering solutions and improved visual and acoustic treatments and landscaping buffers to address the boundary interfaces of the site.

The proposal is referred to the Hunter and Central Coast Regional Planning Panel for determination pursuant to Section 2.19(1) and Clause 5 of Schedule 6 of the *State Environmental Planning Policy (Planning Systems) 2021* that declares the proposal to be regionally significant development as the development comprises private infrastructure and community facilities with ~~has~~ a capital investment value of more than \$5 million.

The development has been assessed under Section 4.15 of the EP&A Act and is considered satisfactory. Accordingly, pursuant to Section 4.16(3) of the EP&A Act, it is recommended that the application be approved subject to the draft conditions contained in **Attachment A**.

1. THE SITE AND LOCALITY

1.1 The Site

The site is located at 167 Serpentine Road, Terrigal, the real property description is Lot 2 DP 746654. The site has an area of 1.783 hectares which is an irregular shape, with a frontage of 73.235m to Serpentine Road which then widens out to 108.255m.

The site extends east-west from Serpentine Road and is open and grassed land, falling moderately to the west towards Our Lady Star of the Sea (OLSS) Catholic Church. There are a number of trees on the site, primarily near the western rear boundary and along the site frontage and around the dwelling house. There are a number of trees along the access road to the OLSS Primary School and Church adjoining the site to the north, and which provide some screening of the property.

The site is a large lot rural-residential lot containing a two-storey brick dwelling house with a single storey detached studio and shed.

The main works under the development application more specifically apply to the more elevated part of the site fronting Serpentine Road. The site is located within walking distance of a bus stop. A single direct vehicular access exists to service the dwelling on Serpentine Road.

The site is not mapped as Acid Sulphate Soils. Historical imagery indicates that the development area had existed as a cropping field from at least the 1960's until 1980's. The land is therefore land on which development for a purpose referred to in Table 1 of the Contaminated Land Planning Guidelines is being, or is known to have been, carried out. Concentrations of organic contaminants in groundwater have not been detected above the LOR, although, concentrations of dissolved Copper, Nickel and Zinc are detected.

The site is not mapped as being bushfire prone and is not mapped as being affected by 1% AEP year flooding, Probable Maximum Flooding or being within Flood Planning Area.

The site is located at the western fringe of the Terrigal Lagoon Overland Flood Catchment. The site itself is not directly impacted by flooding, however the frontage road (across the left (south) of the frontage) is impacted in the PMF event to a H1 hazard classification (i.e., generally safe for people, vehicles and buildings). Reliable and/or safe pedestrian and vehicular evacuation from, and emergency vehicular access to, the site is available in all flood events, up to and including the PMF event.

The south-western corner of the site is impacted by a 40m buffer zone associated with an Identified (off site) Watercourse which traverses the adjoining site (refer to **Figure 3**).

The vegetation on the site comprises Narrabeen Coastal Blackbutt Forest. The land is not mapped as containing Endangered Ecological Communities (EECs), and is not mapped on the NSW Biodiversity Values Map, and is well removed from any mapped biodiversity areas.

The land is not mapped as being in the coastal zone under the Resilience and Hazards State Environmental Planning Policy, 2021 (ie is not in a coastal use or coastal environment area), and is not mapped as containing, or being within a proximity area to any coastal wetlands or littoral rainforest areas.

The site is capable of providing adequate essential servicing to the development having regard for water, sewer, electricity, stormwater drainage, waste collection and vehicular access.

The site is not located within a heritage conservation area nor located in close proximity to any items of either European or Aboriginal Cultural significance. The site does have a mapped building height or FSR control.

The paddock is approximately 1.4ha in area with exotic pasture being the predominate vegetation community. *Senecio madagascariensis* (Fire Weed) was in bloom, and prevalent throughout this location, with a stand of large, mature, remnant *Eucalyptus saligna* (Blue Gum) along the western boundary.

The site lies slightly northeast of an existing (off site) tributary which flows into Erina Creek. The 40m watercourse buffer extends 58m into the southwestern corner of the lot. However all works, and servicing is proposed to take place outside of this buffer.

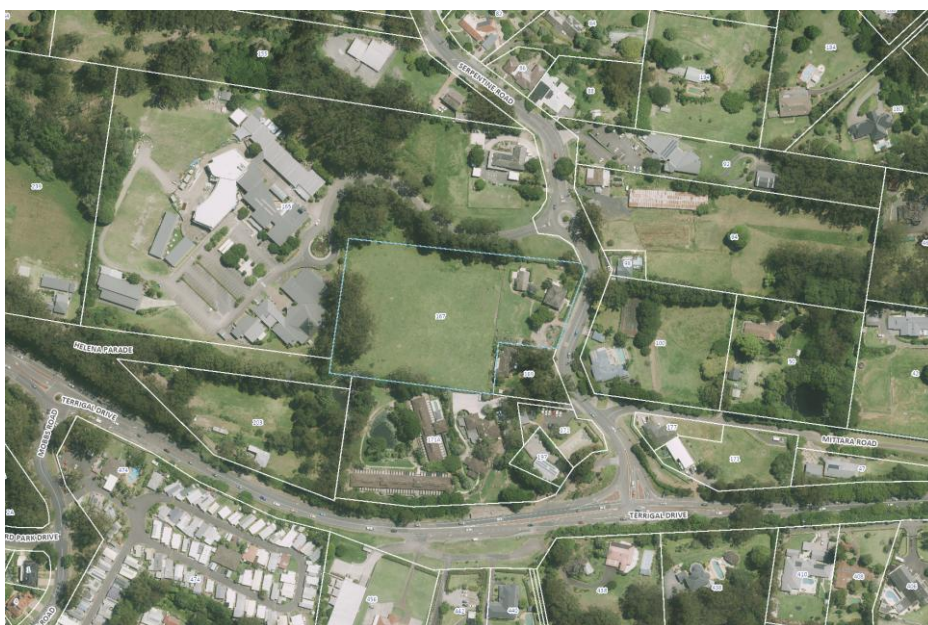


Figure 1 Aerial of site and context

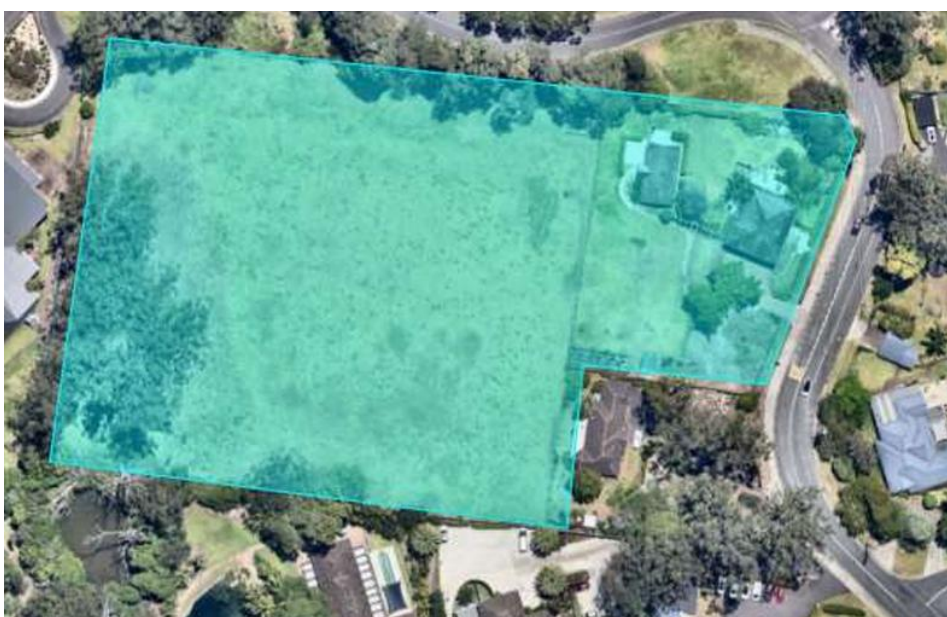


Figure 2 Aerial of site

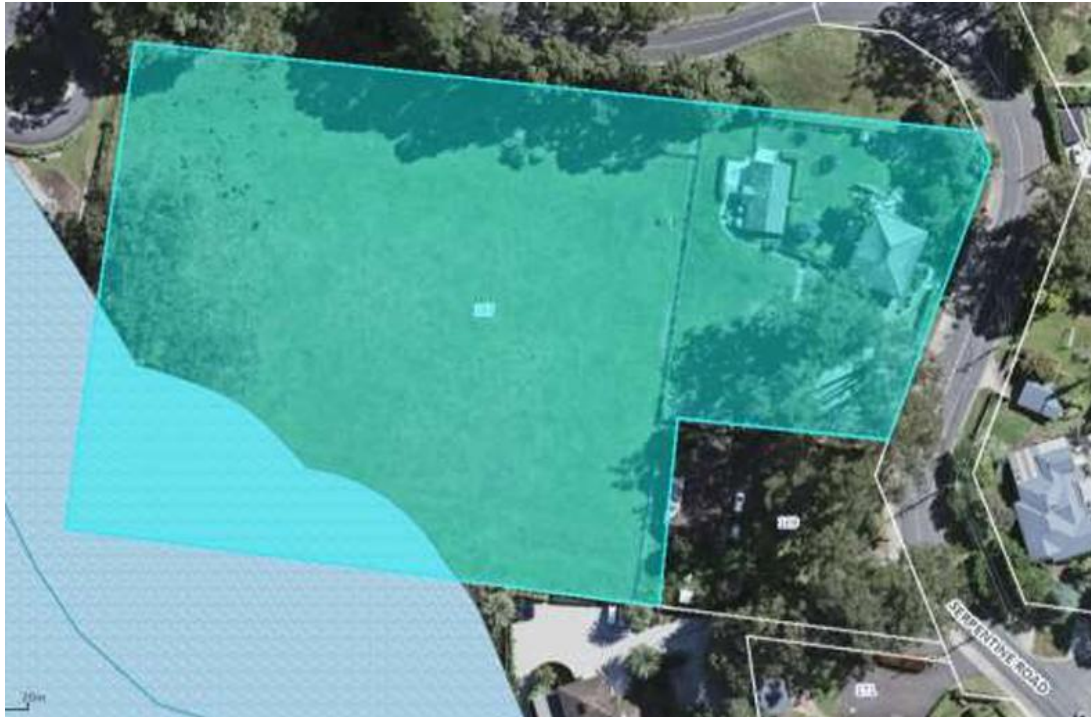


Figure 3 Watercourse and 40 metres buffer zone traversing the site



Figure 4 Excerpt from the NSW State Vegetation Map. Purple polygon showing the extent of remnant vegetation in relation to the site.



Figure 5 Council's Geospatial Information System highlighting the extent of the watercourse buffer into the site.

Site Inspection

A site inspection was carried out 15 March 2025. The subject site can be seen in the photos below:



Photograph 1 View to the south from the north eastern corner roundabout with Star of the Sea on Serpentine Road



Photograph 2 View of the site

1.2 The Locality

The proposal is located within the Central Coast Local Government Area (LGA) within the suburb of Terrigal. The site is immediately surrounded by predominately large lot residential dwellings, and a school. Otherwise, surrounding land contains a mixture of uses, including residential, and educational/ community and other non-residential uses. Adjoining land to the south, close to Serpentine Road contains a dwelling house (169 Serpentine Road), and at the rear is a pet boarding facility.

Adjoining land to the west is the OLSS Catholic Church and Primary School, and there is also a child care facility located on that land further to the west. Adjoining land to the north is the private access road to the Church and School, and there is a small autistic school (Aspect Central Coast School) located to the north, on the other side of the access road.

Adjoining land to the east, on the other side of Serpentine Road contains detached dwelling houses.

The land to the north and west (OLSS Primary School and Church) is zoned SP2 Educational Establishment under Central Coast LEP 2022. In addition to the adjoining Church, Primary School and Pet Resort, there are a number of non-residential uses along Serpentine Road, including a church to the south, and to the north is another church, an indoor swim centre, a cat boarding facility and another child care centre located on the corner of Serpentine Road and Erina Valley Road.

There are daily buses that service the area.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for the following:

- Site Preparation Works
- Demolition of dwelling and studio
- Tree removal
- Construction of a child care centre (8.5m-10.25m) for 113 children and 21 staff plus a compliance officer {off site required by law to conduct ongoing policy adherence and complaints management, auditing and the like}
- The development area occupies an area of approximately 6,800m² (936m² GFA)
- Filling and retaining is proposed at the rear of the centre to accommodate level external play areas
- An on-site wastewater treatment area and reserve area are provided behind the centre, on the western side, and the balance of the site will remain undeveloped.
- New access to the centre is provided directly to the car parking area for 41 vehicles
- The building comprises entry, reception, and administration areas on the eastern side at the front, and there are 5 play rooms for 0-1, 1-2, 2-3, 3-4 and 4-5 year old children, together with kitchen, laundry and bathroom facilities.
- External play areas at the rear provide 2 separate play areas based on age.
- Unencumbered indoor floor areas of 472m² (4.17m² per child)
- Unencumbered outdoor floor areas of 857m² (7.58m² per child)
- Acoustic screening, fencing and landscaping is incorporated
- Streetscape and boundary treatment landscaping
- A Stormwater Management Plan has been provided with the application which includes an extension of the public stormwater system. The proposal will be connected to the existing services that are available to the site
- Childcare Centre Plan of Management, Version 8 (Attachment C) details daily operations and compliance; hours of operation are Monday to Friday between 7.00 am and 6:00 pm. Staff may arrive prior to 7:00am to open the centre and in readiness for arrivals, however this would not be prior to 6.30am.
- Parents/carers have limited drop off and pick times (outside of peak hours). Travel Management- Instructions to Parents:
 - Morning drop-off: Arrive between 7:30am–8:00am, or after 9:15am
 - Afternoon pick-up: Collect children before 3:00pm or after 4:00pm- 5:30pm
 - Exiting the driveway: No right turns are allowed onto Serpentine Road.
 - Safe turnaround: Always turn left when leaving, then use the nearby roundabout on Serpentine Road to return towards Terrigal Drive.
- No signage proposed.



Figure 6 Indicative overlay of development footprint (*Source: Council Urban Designer*)

PHOTOMONTAGE VIEW - EXISTING



VIEW 1 - Western (School Boundary) - EXISTING

PROPOSED EARLY LEARNING CENTRE - SERPENTINE ROAD TERRIGAL

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DA PROPOSAL
T1.04.25

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PHOTOMONTAGE VIEW - PROPOSED



VIEW 1 - Western (School Boundary) - PROPOSED

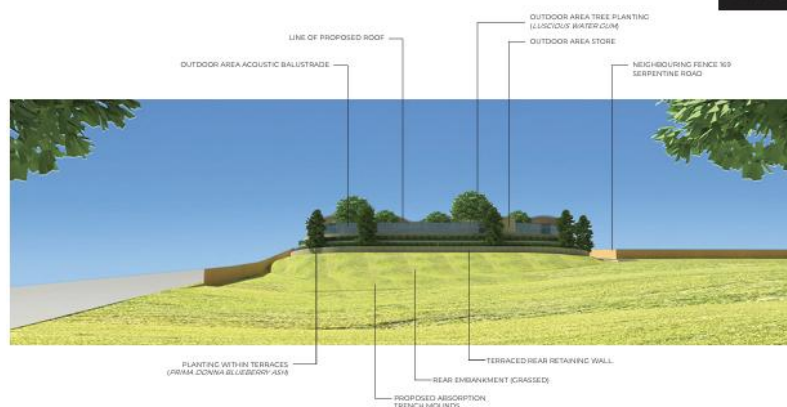
PROPOSED EARLY LEARNING CENTRE - SERPENTINE ROAD TERRIGAL

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DA PROPOSAL
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PHOTOMONTAGE VIEW - MODELLED ELEMENTS



VIEW 1 - Western Elevation - MODELLED ELEMENTS

PROPOSED EARLY LEARNING CENTRE - SERPENTINE ROAD TERRIGAL

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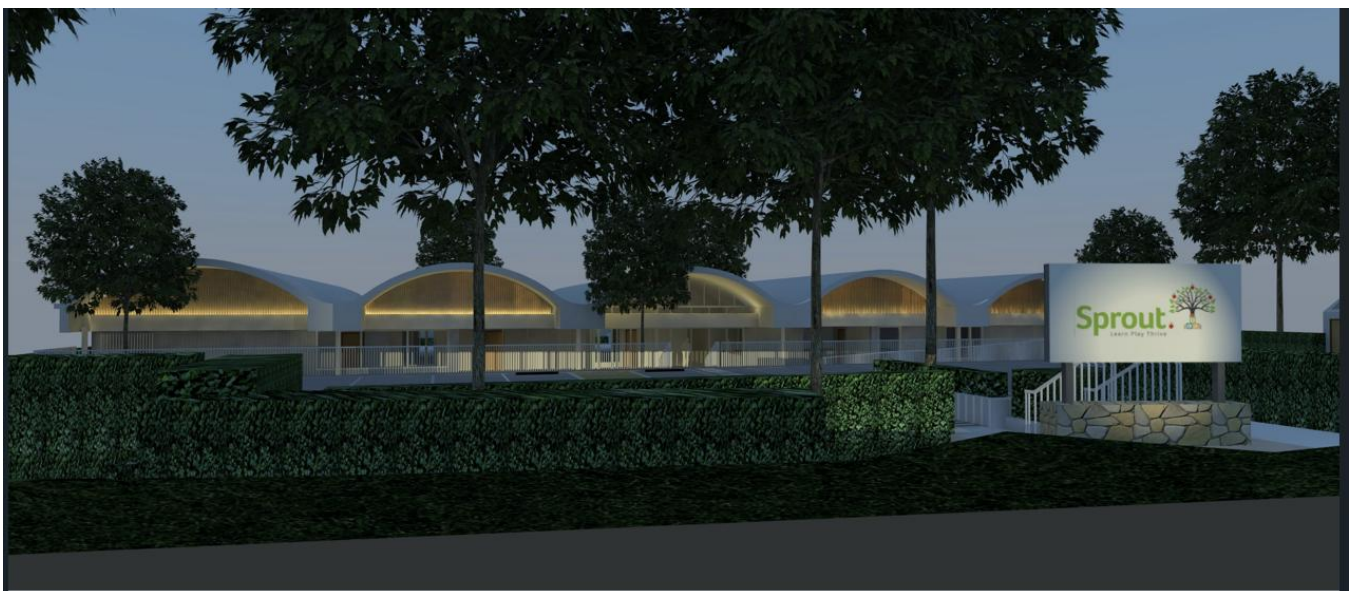
DA PROPOSAL
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Photomontage 1: Artists Impression of proposed development (Source: AA)



Photomontage 2: Artists Indicative Impression of proposed development (Source: AA)



Photomontage 3: Artists Indicative Impression of proposed development – Signage not part of this DA (Source: AA)

2.2 Background

The development application was lodged on **10 January 2024**.

A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

Table 2: Chronology of the DA

Date	Event
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8 February 2024	Pre-Development Meeting
16 January 2025	DA lodged
31 January - 21 February 2025	Exhibition of the application
9 May 2025	Notification of Central Coast LEP 2022 Amendment No.8 - Deferred Matters came into effect. As per the LEP Amendment (Cl. 1.8A), Savings Provisions apply to Development Applications that have previously been lodged under IDO 122 and are yet to be determined.
13 March 2025 1 September 2025	Council Request for Information (RFIs)
15 April 2025	Panel initial 'kick off' briefing
6 July 2025	Water Cycle Management Plan submitted
5 August 2025	Updated Arborist Report submitted Hazardous Materials Assessment submitted
3 October 2025	Response to Traffic Matters submitted Updated Acoustic Report submitted
29 October 2025	Updated Geotechnical Report submitted
19 November 2025	Council RFI issued to applicant
4 November 2023	Updated Civil Plans submitted Updated Plan of Management Version 8
24 November 2025 26 November 2025	Updated Landscape Plan with material and plant species palette submitted Final Architectural Plans Issue submitted
28 November 2025	Updated Wastewater Report submitted
1 December 2025	Council Assessment Report The applicant has been advised of inconsistencies in the paperwork submitted

“Kick off” Briefing minutes state the following:

PANEL COMMENTS

- *The Panel considers that there are three key issues that require further assessment and consideration:*
 - o Topography of the site and the design response.*
 - o Traffic impacts and the need to consider road safety particularly with the combined driveway being proposed.*
 - o Interfaces with boundaries – acoustic fencing, driveway along the boundary, filling and terracing to boundaries and possible impacts on neighbouring trees.*
- Detailed cross sections need to be provided.*

- *Site access arrangements need to be carefully considered, and any Council proposed works on surrounding roads need to be shared with the applicant.*
- *Tree removal needs to be considered and assessed. The Panel will not support loss of vegetation on adjoining properties which are impacted because of earthworks, retaining or fencing and the like.*
- *The acoustic treatments proposed on the boundary need to be understood with full details of fencing treatments required. Acoustic measures closer to the source rather than on the boundary may be a more suitable option. Detailed cross sections are needed to understand potential impacts.*
- *Total staff numbers are required (not just educators) to consider adequacy of the proposed car parking.*
- *Documentation needs to be consistent regarding operating hours and peak traffic generation through the day should be documented.*
- *Landscaping and soil depths in the terracing needs to be understood. The Panel understands that Council will issue a further RFI and expects the applicant to be responsive to this request. Given the number of submissions received a public determination meeting will be required*

2.3 Site History

The site has historically been used for residential purposes.

- Pre-DA/269/2023 for a Change of use to Childcare Centre & Relocate VAC was held with Council 8 February 2024.
- DA/44709/1987 20th November 1987 GARAGE
- DA/10251/1988 Approved 29th September 1988 DWELLING-HOUSE
- DA/50192/1988 Approved 21st November 1988 DWELLING-HOUSE
- DA/14944/1991 Refused 2nd December 1991 STOCK HOME
- DA/21816/1996 Approved 3rd June 1997 Development Application: ESTABLISHMENT OF USE DA/43283/2013 Approved 31st January 2013 Dwelling Addition and Establishment of Use
- DA/43283/2013A Approved 5th March 2013 Section 96 - Internal Wall Changes, Window & Door Changes
- DA/43283/2013A Approved 5th March 2013 Section 96 - Internal Wall Changes, Window & Door Changes
- DA/54968/2018 Approved 29th August 2018 Provide New Ground Floor Kitchen And Remove Existing First Floor Kitchen
- DA/54968/2018 Approved 29th August 2018 Provide New Ground Floor Kitchen And Remove Existing First Floor Kitchen DA/55737/2018 Approved 8th February 2019 Pergola & New Garage Door
- DA/55737/2018 Approved 8th February 2019 Pergola & New Garage Door

There are no other relevant recent records of any historical applications lodged over the site in Council's records.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act').

These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*

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

These matters are further considered below.

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environment Planning Policy (Transport and Infrastructure) 2021*
- *Gosford Interim Development Order (IDO) 122*
- *Central Coast LEP 2022 Amendment No.8 - Deferred Matters* - On 9 May 2025, came into effect. As per the LEP Amendment (Cl. 1.8A), Savings Provisions apply to Development Applications that have previously been lodged under IDO 122 and are yet to be determined.
- *Central Coast Local Environmental Plan 2022 (CCLEP 2022)*

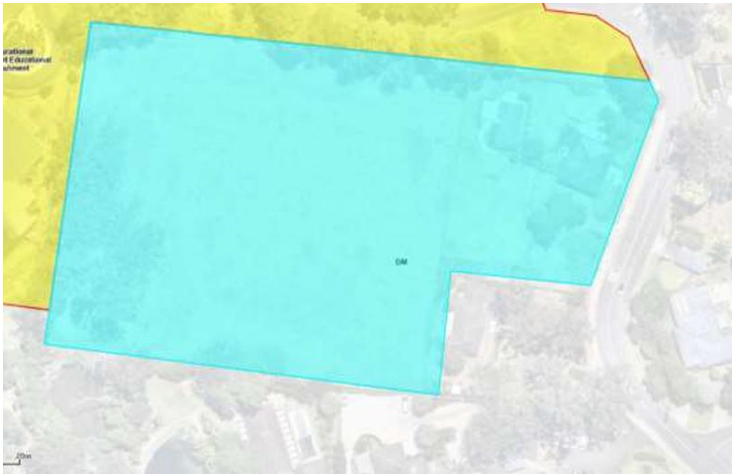

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	<p>Chapter 2: Vegetation in non-rural areas The proposal requires the removal of or impact to trees and vegetation located on the site. The application is supported by an Ecological Assessment prepared by Enviro Ecology addressing relevant considerations under the Local Land Services Act 2013, the Biodiversity Conservation Act 2016, the Commonwealth Environmental Protection and Biodiversity Conservation (EPBC) Act 1999, and the NSW Biodiversity Offset Scheme (BOS).</p> <p>The assessment identifies that no threatened flora or endangered populations, as defined by the Biodiversity Conservation (BC) or Environmental Protection and Biodiversity Conservation (EPBC) Acts, were recorded at the site, no endangered ecological communities listed under the BC or EPBC Acts were observed on the site, and that the site may support transient threatened fauna species, including some bird and bat species, but these species are highly mobile, and the site does not provide suitable or exclusive habitat.</p> <p>The proposed development is unlikely to have a significant impact on local biodiversity, as no suitable habitat for threatened species or ecological communities exists within the area.</p> <p>Chapter 4: Koala Habitat Protection 2021 The site is not mapped as koala habitat.</p>	Yes
State Environmental Planning Policy (Sustainable Buildings) 2022	<p>The proposal is subject to the provisions of Chapter 3, being a non-residential development in an equivalent C4 zone and with a cost of development greater than \$5 million, and the application is supported by a NABERS Embodied Emissions Materials Form, dated 24 October 2023, along with required details provided as part of the application.</p>	Yes
SEPP (Resilience & Hazards) 2021	<p>Chapter 4: Remediation of Land Section 4.6 – A detailed site investigation (DSI), including soil sampling, has been undertaken for the site by Foundation Earth Sciences, together with a Hazardous Material Survey. The DSI concludes that based on the historical review, environmental information, proposed development and laboratory results of the investigation, the site can be made suitable for the proposed development, subject to the implementation of a Remediation Management Plan and classification for any soil requiring removal.</p> <p>For completeness and given the sensitive use proposed, the preparation of a Remediation Management Plan (RAP) prepared by Foundation Earth Sciences in accordance with the recommendations of the DSI has been reviewed by Council Environmental Health Officer, who supports the proposal subject to conditions and implementations of the RAP. Pre- and during demolition and construction surveys must be undertaken to prevent exposure to any potential hazardous building material</p>	Yes

	<p>during the demolition works. Any identified hazardous material must be removed in accordance with the guidelines, and a clearance inspection be issued by a qualified environmental consultant prior to any demolition work being undertaken. If any soil is to be excavated as part of the development and requires offsite disposal as waste, it will be requiring classification in accordance with NSW EPA's Waste Classification Guidelines Part 1-4 Classifying Waste 2014. In the event of unexpected finds, such as discovering buried asbestos-containing material, underground storage tanks, or odorous and/ or stained soil uncovered during works, all site works must cease, and a suitably qualified and experienced environmental consultant/ occupational hygienist) must be notified immediately for further investigations.</p>	
<p>State Environment Planning Policy (Transport and Infrastructure) 2021</p>	<p>Chapter 3: Educational Establishments and Child Care Facilities</p> <p>The application has been assessed against the SEPP provisions and the Child Care Planning Guidelines, and the proposal is consistent with the SEPP and the Guidelines, or will be through the licensing requirements that apply following the issue of a development consent, including matters that would normally be addressed at a construction certificate stage (such as compliance with the BCA) or through licensing requirements.</p> <p>Clause 3.22 – Concurrence requirements</p> <p>The proposal has been assessed against the indoor and outdoor space requirements under the Education and Care Services National Regulations and complies with the requirements.</p> <p>Clause 3.23 - Consideration of the Child Care Planning Guidelines</p> <p>An assessment of the proposal has been undertaken against the Child Care Planning Guidelines. A Childcare Design Statement has prepared by Armada Architects.</p> <p>Clause 3.24 – Child care facilities in industrial zones</p> <p>Not applicable as the land is not in an industrial zone.</p> <p>Clause 3.25 – Non-discretionary development standards. The proposal complies.</p> <p>Clause 3.26 – Development control plans</p> <p>These provisions confirm that any requirements in Chapter 2.10 of Central Coast DCP 2022 do not apply to operational or management plans or arrangements (including hours of operation), demonstrated need or demand for child care services, proximity of facility to other early education and care facilities, any matter relating to development for the purpose of a centre-based child care facility contained in— (i) (ii) the design principles set out in Part 2 of the Child Care Planning Guideline, or the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).</p> <p>Clauses 3.27 – 3.32 - Various</p>	<p>Yes</p>

	<p>Does not apply. The proposal is not a mobile or temporary emergency facility, home based child care or out of hours care at a school or university.</p> <p>Child Care Planning Guidelines Parts 2 to 4 of the Child Care Planning Guidelines have been considered in the design of the proposal and are addressed at Attachment D.</p> <p>Part 3 of the Planning Guidelines provide matters for consideration in the assessment of development applications for child care facilities relating to how a proposal 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. A Childcare Design Statement prepared by Armada Architects outlines the proposal consistency with the requirements of the Planning Guidelines.</p> <p>Schedule 3 of the SEPP – No referral to Transport for NSW is required as a traffic generating development under the SEPP. Terrigal Drive is to the south which is a sub-arterial road. The Entrance Road (Central Coast Highway) to the north is a State road. There is no direct vehicular access proposed to either of these roads.</p> <p>The single point of vehicular entry is on Serpentine Road, 137m from Terrigal Drive and 1.3km from The Entrance Road. A Traffic and Parking Assessment prepared by SECA Solution has been supported by Council Traffic Engineer. The proposal addressed pre and post construction traffic generation, safety and parking. The proposal is consistent with the requirements of the Child Care Planning Guideline (see Attachment D).</p> <p>Council Principal Traffic and Transport Engineer supports the proposal. Strict compliance with the POM is required limiting drop off and pick times to outside of peak hours.</p>	
Child Care Planning Guideline and the Education and Care Services National Regulation	An assessment of the proposal against the physical environment requirements of Part 4.3 of the Education and Care Services National Regulation 2011 has found the proposal is capable of full compliance. Please see Attachment D .	Yes
Gosford Interim Development Order No 122 (IDO 122)	<p>The proposal is for a child care centre, which is permitted with consent in the 7(c2) Conservation and Scenic Protection zone.</p> <p>Objectives</p> <p>(a) <i>to provide a buffer or transition zone between conservation areas and urban areas; and</i></p> <p>(b) <i>(b) to enable development for the purposes of rural-residential holdings to be carried out on land which is suitable for those purposes and which is unlikely: (i) to adversely affect the aesthetic and scenic value of the land and its setting; or (ii) to create a demand for the uneconomic provision of services; and</i></p>	Yes

<p>Central Coast LEP 2022 Amendment No.8 - Deferred Matters</p> <p>CCLEP 2022</p>	<p>(c) (c) to allow for non-residential uses where those uses are:</p> <p>(d) (i) compatible with rural-residential development and unlikely to create an unreasonable demand for public services or substantially reduce existing levels of service;</p> <p>(e) (ii) unlikely to adversely affect the aesthetic and scenic value of the land and its setting; and</p> <p>(f) (iii) unlikely to interfere unreasonably with the amenity of adjoining properties.</p> <p>The centre will meet the needs of people who live in and work in locality which supports educational, community residential and other non-residential uses. The built form is not incompatible with character of the area. Appropriate landscaping across the site is encouraged to ensure visual improved aesthetics and protection of privacy and amenity of neighbours by way of overlooking, overshadowing and noise.</p> <p>On 9 May 2025, Notification of Central Coast LEP 2022 Amendment No.8 - Deferred Matters came into effect. As per the LEP Amendment (Cl. 1.8A), Savings Provisions apply to Development Applications that have previously been lodged under IDO 122 and are yet to be determined. The site is zoned C4 Environmental Living under the Deferred Matters Lands Planning Proposal and now CCLEP 2022.</p>  <p>Figure 7 Deferred Lands Matter Map</p> 	
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	<p>Figure 8 7(c2) Scenic Protection Rural IDO 122 Map</p> <p>The proposal is permissible with consent in the C4 zone. An assessment against the provisions of the planning proposal and Central Coast LEP 2022 is provided below:</p> <ul style="list-style-type: none"> • Clause 2.3 – Permissibility and zoning objectives – The proposal is permissible under the CCLEP 2022. • Clause 2.6 – Subdivision consent requirements – The proposal would not result subdivision. • Clause 2.7 – Demolition requires development consent – The proposal includes demolition. • Clause 4.1 – Minimum subdivision lot size – 20,000m2. • Clause 4.3 – Height of buildings – N/A • Clause 4.4 – Floor Space Ration - N/A • Clause 4.6 – Exceptions to development standards – No request to vary the development standards have been received. • Clause 5.10 – Heritage conservation – There are no local or state heritage items on the site. The site is also not in proximity to sensitive landscape features that may indicate the presence of potential Aboriginal items. • Clause 5.21 – Flood planning – The site is not flood prone land. The site is located at the western fringe of the Terrigal Lagoon Overland Flood Catchment. The site itself is not directly impacted by flooding, however the frontage road (across the left (south) of the frontage) is impacted in the PMF event to a H1 hazard classification (i.e., generally safe for people, vehicles, & buildings). Reliable and/or safe pedestrian and vehicular evacuation from, and emergency vehicular access to, the site is available in all flood events, up to and including the PMF event. Accordingly, the proposal satisfies <i>CCLEP Cl.5.22 Special flood considerations</i>. • Clause 7.1 requires special assessment to be given to certain development on land being subject to actual or potential acid sulphate soils. The site is not mapped as Class 5 Land. • Clause 7.2 – Earthworks – Earthworks are considered reasonable to establish the proposed development and not considered likely to impact neighbouring properties. A dilapidation report will be required, as conditioned. • Clause 7.5 – Airspace operations – Not applicable, as the proposal would not penetrate the Limitation or Operations Surface. 	
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	<ul style="list-style-type: none"> Clause 7.6 – Essential services – it is required that for the childcare development, services are available or that adequate arrangements have been made to make them available when required prior to consent being granted. These services include water supply, electricity supply, sewage management and disposal, stormwater drainage or on-site conservation and suitable road access. Additionally, vehicular access is achieved via a new crossover from Serpentine Road and a Stormwater Management Plan has been provided with the application which includes an extension of the public stormwater system. The proposal will be connected to the existing services that are available to the site therefore complying with the requirements of this clause. 	
DCP	Central Coast Development Control 2022 <ul style="list-style-type: none"> Please see Attachment D Compliance Checklist. 	Yes

Consideration of the relevant SEPPs is outlined below

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2: Vegetation in non-rural areas

This chapter aims to protect the biodiversity values and preserve the amenity and other vegetation in non-rural areas of the State. The chapter further provides that Council may issue a permit for tree removal if it does not exceed the Biodiversity Offsets Scheme (BOS) threshold. If a development does seek to exceed the BOS threshold, clearing must be approved by the Native Vegetation Panel. The development does not include the removal of vegetation that exceeds the BOS clearing threshold and therefore no referral to the Native Vegetation Panel is required. Additionally, a permit is not required as the clearing is proposed as part of a Development Application.

Chapter 4: Koala habitat protection 2021

This chapter aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. The site is not mapped as mainly cleared koala habitat. The proposal does not involve the removal of any koala feed trees and is not identified as being within a koala corridor or habitat buffer and considered to be consistent with this policy.

State Environmental Planning Policy (Sustainable Buildings) 2022

The proposal is subject to the provisions of Chapter 3, being a non-residential development in an equivalent C4 zone and with a cost of development greater than \$5M, and the application is supported by a NABERS Embodied Emissions Materials Form, along with required details provided as part of the application. The proposal is consistent with the Sustainable Buildings SEPP subject to the recommended conditions of consent.

State Environmental Planning Policy (Planning Systems) 2021

Chapter 2: State and Regional Development

The proposal is regionally significant pursuant to Section 2.19 (1) as it satisfies Clause 5 of Schedule 6 of the Planning Systems SEPP as the proposal which has a capital investment value of more than \$5 million. Accordingly, the Hunter and Central Coast Regionally Planning Panel is the consent authority for the application.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation of Land

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('the Resilience and Hazards SEPP') have been considered in the assessment of the development application. Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

In order to consider this, a review of historical records and aerial imagery has been conducted to understand how the site has been previously used. The assessment of historical uses and aerial imagery determined that the site was historically cleared. Since then, the site has been continually used for cropping and now for residential. As such, potential sources of contamination have been addressed in the PSI, DSI and RAP. Council EHO supports the RAP recommendations.

Central Coast Local Environmental Plan 2022

The relevant local environmental plan applying to the site is the *Central Coast Local Environmental Plan 2022* ('the LEP').

The aims of the LEP are:

1.2 Aims of Plan

(1) *This Plan aims to make local environmental planning provisions for land in the Central Coast in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.*

(2) *The particular aims of this Plan are as follows—*

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to foster economic, environmental and social well-being so that the Central Coast continues to develop as a sustainable and prosperous place to live, work and visit,*
- (b) to encourage a range of housing, employment, recreation and services to meet the needs of existing and future residents of the Central Coast,*
- (c) to promote the efficient and equitable provision of public services, infrastructure and amenities,*
- (d) to provide for a range of local and regional community facilities for recreation, culture, health and education purposes,*
- (e) to conserve, protect and enhance the natural environment of the Central Coast, incorporating ecologically sustainable development,*
- (f) to conserve, protect and enhance the environmental and cultural heritage of the Central Coast,*
- (g) to minimise risk to the community in areas subject to environmental hazards, including flooding, climate change and bush fires,*
- (h) to promote a high standard of urban design that responds appropriately to the existing or desired future character of areas,*
- (i) to promote design principles in all development to improve the safety, accessibility, health and well-being of residents and visitors,*

- (j) to concentrate intensive land uses and trip-generating activities in locations that are most accessible to transport and centres,
- (k) to encourage the development of sustainable tourism that is compatible with the surrounding environment.

The proposal is consistent with the plan aims. The proposal will cultivate a sense of place to promote community well-being and quality of life, contributes to the provision of diverse land uses, and provide opportunities for early educational care by providing a centre based facility.

Zoning and Permissibility (Part 2)

The site is located within the C4 Environmental Management zone pursuant to the LEP. According to the definitions in Clause 1.4 (contained in the Dictionary), the proposal satisfies the definition of childcare centre based centre which is a permissible use with consent in the Land Use Table.

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.*

The Gosford IDO land use definition is:

“Child care centre” means a building or place used or intended for use for the purpose of educating, minding, or caring (without provision for residential care) for 8 or more children under 6 years of age, not related to the person so using the said building or place, but does not include an educational establishment.

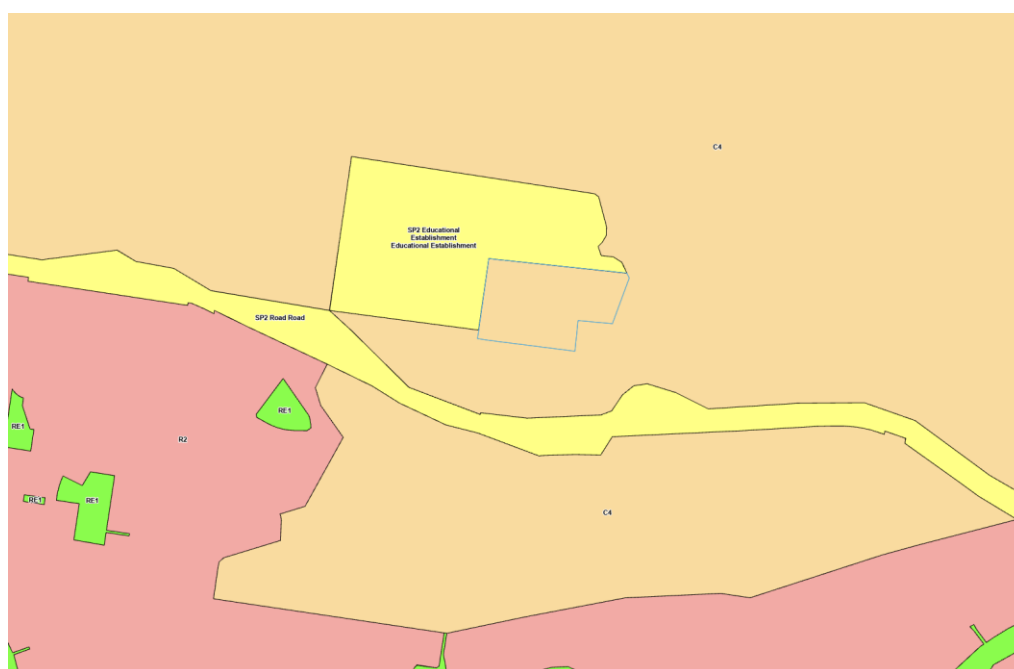


Figure 9 Zoning Map

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maintain and enhance the residential amenity of the surrounding area.*
- *To encourage the consolidation of existing lots to facilitate well designed medium density development and to avoid unnecessary isolation of lots.*

The proposal is considered to be consistent with the zone objectives for the following reasons:

- The proposal will provide early educational care to provide for the needs of the community.
- The proposal will not detract from the area, the built form and landscape design has taken queues from the existing site topography and scenic values and will sit into the slope of the site with an abundance of landscaping both to provide greenery, acoustic measures and provide a cooling effect.
- The development has been designed so as to be compatible with the site constraints.

General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 7** below.

Table 4: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Minimum subdivision Lot size (CI 4.1)	20000m2	No subdivision	N/A
Height of buildings (CI 4.3(2))	N/A	Max height of development – 8.5m to 10.2m	N/A
FSR (CI 4.4(2))	N/A		N/A
Land acquisition (CI 5.1/5.1A)	N/A	N/A	N/A
Heritage (CI 5.10)	Clause 5.10 specifies the requirements for consent and associated assessment requirements for impacts relating to European and Aboriginal heritage	There are no local or state heritage listed items on the site and the site is not within a heritage conservation area. Additionally, a search of the Aboriginal Heritage Information System (AHIMS) did not identify any known Aboriginal objects or places on the site or in proximity to the site. The development is not in proximity to any sensitive landscape features, exhibits evidence of previous ground disturbance and does not involve any substantial excavation more than 2m below existing ground level. As such, the development is not expected to impact Aboriginal heritage and an unexpected finds	Yes

		condition has been recommended.	
Flood planning (CI 5.21)	<p>Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development complies with the following matters identified in 5.21(2):</p> <p>(a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses</p>	<p>The site is not located on flood prone land. The site is located at the western fringe of the Terrigal Lagoon Overland Flood Catchment. The site itself is not directly impacted by flooding, however the frontage road (across the left (south) of the frontage) is impacted in the PMF event to a H1 hazard classification (i.e., generally safe for people, vehicles, & buildings). Reliable and/or safe pedestrian and vehicular evacuation from, and emergency vehicular access to, the site is available in all flood events, up to and including the PMF event. Accordingly, the proposal satisfies <i>CCLEP Cl.5.22 Special flood considerations</i>.</p>	Yes
ASS (Clause 7.1)	<p>Clause 7.1 requires special assessment to be given to certain development on land being subject to actual or potential acid sulphate soils.</p>	<p>The site is not mapped as Class 5 Land.</p>	N/A
Airspace operations (Clause 7.5)	<p>(1) The objectives of this clause are as follows—</p> <p>(a) to prevent certain noise sensitive developments from being located near Central Coast Airport and its flight paths,</p> <p>(b) to assist in minimising the impact of aircraft noise from Central Coast Airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,</p> <p>(c) to ensure land use and development in the vicinity of Central Coast Airport do not hinder or have other adverse impacts on the ongoing, safe and efficient operation of the airport.</p> <p>(2) This clause applies to development—</p> <p>(a) on land—</p> <p>(i) near Central Coast Airport, and</p>	<p>Not applicable, as the proposal would not penetrate the Limitation or Operations Surface.</p>	N/A

	(ii) in an ANEF contour of 20 or greater, and (b) the consent authority considers is likely to be adversely affected by aircraft noise.		
Essential Services (Clause 7.6)	Clause 7.6 requires that it is required that for the childcare development, services are available or that adequate arrangements have been made to make them available when required prior to consent being granted. These services include water supply, electricity supply, sewage management and disposal, stormwater drainage or on-site conservation and suitable road access.	The site has appropriate or alternative solutions for these services including water supply, electricity supply, sewage management and disposal, stormwater drainage or on-site conservation and suitable road access. Additionally, vehicular access is achieved via a new crossover from Serpentine Road and a Stormwater Management Plan has been provided with the application which includes an extension of the public stormwater system. The proposal will be connected to the existing services that are available to the site therefore complying with the requirements of this clause.	Yes

(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no proposed instruments which have been the subject of public consultation under the EP&A Act, and are relevant to the proposal, including the following:

(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- *Central Coast Development Control Plan 2022.*

Assessment against **CCDCP 2022** is found at **Attachment D.**

Central Coast Contributions Plan

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered). Under the plan, contributions apply to the proposed use and there are no exemptions for the proposed use. A condition has been

recommended requiring that a monetary contribution is to be paid to Council prior to the issue of the construction certificate.

Below is the proposed Condition for the Section 7.12 Development Contributions Plan:

*Before the issue of a Construction Certificate, pursuant to Section 7.12 of the Environmental Planning & Assessment Act, the applicant must pay a contribution to Council totalling **\$78,023.05**, as calculated at the date of this consent, in accordance with the Central Coast 7.12 Local Infrastructure Contributions Plan 2024.*

The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the Central Coast 7.12 Local Infrastructure Contributions Plan 2024. Contributions under the Central Coast 7.12 Local Infrastructure Contributions Plan 2024 are subject to quarterly indexation by CPI.

A copy of the Contributions Plan is available for inspection at 2 Hely St, Wyong or on Council's website: [Development Contributions Plans and Planning Agreements | Central Coast Council \(nsw.gov.au\)](https://www.centralcoast.nsw.gov.au/development-contributions-plans-and-planning-agreements)

Housing and Productivity Contribution (HPC)

The proposed development is subject to the Housing and Productivity Contribution as the proposal involves commercial development where new floorspace is being created. The housing and productivity contribution is calculated at a base rate of \$30 per square metre of new gross floor area, plus indexation. The Housing and Productivity Contribution applicable to the proposed development is \$28,080.00.

(d) Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(e) Section 4.15(1)(a)(iv) - Provisions of Regulations

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal. S61(1) requires that if a development application includes the demolition of a building, the consent authority must consider the Australian Standard AS 2601—2001: *The Demolition of Structures*. Appropriate conditions have been recommended to address demolition requirements. These provisions of the EP&A Regulation 2021 have been considered and are addressed in the recommended draft conditions (where necessary).

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, former Gosford IDO, CCLEP 2022, Childcare Guidelines and CCDCP 2022 controls outlined above and the Key Issues section below.

Built Environment

Developments in the immediate locality are generally older large lot housing stock that would present an opportunity for re-development in the future. As such, the development represents a contemporary development, that is capable of being consistent with the existing and envisaged future character of the area. The built form (height, bulk and scale) is informed by the site characteristics and topography.

The proposed materiality, facades, massing and articulation is capable of creating visual interest and create an attractive streetscape character. The presentation to Serpentine Avenue and when viewed from the rear will be covered with cascading landscape cover. Setbacks proposed are generally reasonable and respect the established and emerging area character for the streetscape.

In general, the proposed development is considered to be capable of having a positive impact on the built environment and is reflective of the land use structure and intended character of the land.

It is noted that the architecture of the development is unusual to the area in that the size of the building is comparatively large and curved roofs have been used in place of traditional pitched roofs. Surrounding development is generally more domestic in scale with brick buildings and tiled roofs set within a landscape setting. The architects have broken up the visual size of the development by treating the buildings as segments. The height of the roofs are almost the same as the height of the storey and the building segments appear to have good proportion in elevation.

Car parking is located in the front part of the site which is not ideal in terms of streetscape. However there are large setbacks provided in some areas that provide opportunity for good landscaping. The overall tree planting and landscaping could be improved and a revised plan is required to show that landscaping will not detract from the site and surrounds. Of note a drawing has been provided as A301 Detail Plan. This shows fencing to be largely maintained in the same position along the front boundary using the existing low masonry wall with a new white or light grey open palisade fence on top. Landscaping is to be located behind and in front of the fence of the property boundary (not dissimilar to the other centre operating at 125 Serpentine Road).

Overall, the streetscape presentation of the development is balanced by good landscape outcomes and street trees. The driveway location and parking should be adequately obscured from public view. The built form of the centre is reasonable set within a garden setting and interfaces with the residential neighbour is treated suitably with acoustic and landscape measures. It is recommended that landscaping is to better integrate this development with the character of the local area. A condition is recommended to improve perimeter planting.

The northern boundary and north-east corner of the site requires greater attention and should be revisited on the landscape plans. As shown below, the norther eastern corner is not adequately treated. It is recommended the applicant provide an updated plan to show how the corner will be treated and appropriately obscure the development as viewed from the roundabout corner.



Figure 10 Improved landscape measures recommended as conditioned

Natural Environment

The proposed development seeks to remove trees and vegetation of which none are of valued species requiring retention. None of the vegetation proposed to be removed contains hollows, preferred koala feed trees or identified habitat for threatened species. As the vegetation is located within an established residential area, the tree removal is not expected to result in any significant adverse biodiversity impacts.

Social and Economic Impact

The proposal will inevitably provide both social and economic benefits in employment during and post construction and provide a local essential service to working families within in the Central Coast LGA. Particularly those who commute given the limited drop off and pick up times. Some negative although limited impacts may occur during construction, primarily by noise disturbance and there would be a minor increase in traffic on completion, these impacts were considered and can be effectively managed via the POM Version 8 dated November 2025. The principles of CPTED have been integrated including however not withstanding a lighting strategy principles will supplement mitigation of the identified potential for anti-social behaviours on and around the site. Crime Prevention Through Environmental Design (CPTED) addresses the key principles for safety for emergency services attending the site and provide strong sightlines and accessibility throughout the site and development.

Overall, the development has been designed to maximise passive surveillance of the site and surrounds while the internal safety is ensured by controlled access to the development as required by the childcare centre guideline.

The proposed development will provide a service to the local and commuter community. The proposed development is anticipated to have positive social impacts. The proposed development is also anticipated to result in positive economic impacts. The proposal would provide employment opportunities in the local construction industry during construction and further employment opportunities would be provided during the ongoing maintenance of the development.

Roads, Access, Traffic & Parking

The proposal includes one driveway for 41 parking spaces which is consistent with the requirements for the proposal. The traffic impact assessment and additional surveying of volumes identified that it would be reasonable to timeline the drop off and pick up times of children outside of peak hours, this is incorporated into the POM as conditioned and supported by Council Principal Traffic and Transport Engineer.

Ecology

Vegetation has been proposed to be removed to facilitate the proposed development. The landscape plan has been provided which nominates appropriate species.

To facilitate the proposal, existing structures are required to be demolished and the removal of 4 ornamental and 1 non-native endemic trees will be necessary. To service stormwater a drainage line, will be installed, which is to comprise of grassed swales, which is proposed to intersect the existing paddock, and disperse across the west of the site. No areas of established native vegetation will be directly impacted by the proposal.

A preliminary desktop ecological assessment was undertaken by Council's Ecologist whereby the proposed site was assessed for Biodiversity Values, utilising the Biodiversity Values Map and Threshold Tool. This tool, which was developed by the NSW Government identifies land with high biodiversity value, particularly sensitive to impacts from development and clearing.

In this instance, the proposed development site does not intersect with Biodiversity Values Mapping. A BMAT test (Biodiversity Values Map and Threshold Tool) was completed, and the development does not breach the area clearing threshold and the therefore, does not require a BDAR to accompany the development application.

Council's Ecologist conducted a desktop analysis of the New South Wales State Vegetation Type Map to determine the floristic assemblages present onsite. A review of this information revealed that the site is constrained by the presence of one Plant Community Type (PCT): PCT3230 Central Coast Escarpment Moist Forest. This PCT is observed to occupy the southern, western and fragments of the north-western boundary. To facilitate the development, 5 trees are proposed for removal. 4 of these trees are ornamental garden varieties and 1, *Acacia baileyana* (Cootamundra wattle) is a native, however, non-endemic to the area.

The proposed development's impact has been evaluated by a supporting Arboricultural Impact Assessment (Ian Hills, November 2024) and Flora and Fauna Assessment (Enviro Ecology, December 2024).

Disturbance to the paddock to facilitate the installation of the stormwater servicing will also occur, however due to the lack of biodiversity and ecological values present in that area, as well as the dissipation of water through the proposed swale drains, impacts to remnant vegetation is anticipated to be negligible.

Council's Ecologist completed a review of the BioNet Threatened Species Atlas to evaluate records associated with vulnerable flora and fauna relating to the subject site. While no recent records for threatened flora and fauna exist within the site, adjoining lots to the north have incidences of Square-tailed Kite and White-throated Needletail. Due to the localised disturbance to occur predominately to areas consistent with a dwelling house, ornamental garden and paddock, impacts to threatened species habitat is expected to be minimal.

The proposed development's impact on trees has been addressed in the supporting Arboricultural Impact Assessment (*Ian Hills, November 2024*). 5 trees of very low to moderate retention value have been identified for removal. Of these trees, two are exempt fruit trees, two are ornamental garden exotics, and the *Acacia baileyana* (Cootamundra wattle) is not endemic to the Central Coast.

Section 9.1 of the Arboricultural Impact Assessment outlines the Tree Protection Management Plan requirements for the site, and it is expected that these recommendations be applied in full. Council's Tree Officer has reviewed the Development Application and is in support, provided the recommendations of the Arboricultural Impact Assessment and recommended conditions of consent are applied.

The supporting Flora and Fauna Assessment (*Enviro Ecology, December 2024*) was provided to evaluate the conservation values of the site inclusive of habitat for threatened species or communities listed in the Biodiversity Conservation Act 2016 (BC Act) or Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), nominate significant features of biodiversity importance and determine potential direct and indirect impacts of the proposal. The consultant ecologist completed an assessment of the site and concluded by stating the following:

"No threatened flora or endangered populations, as defined by the Biodiversity Conservation (BC) or Environmental Protection and Biodiversity Conservation (EPBC) Acts, were recorded at the site. No endangered ecological communities listed under the BC or EPBC Acts were observed on the site.

The site may support transient threatened fauna species, including some bird and bat species, but these species are highly mobile, and the site does not provide suitable or exclusive habitat. Given the lack of suitable habitat for both flora and fauna, the proposed development will not significantly impact the local environment, and further ecological assessments are unnecessary.

The proposed development is unlikely to have a significant impact on local biodiversity, as no suitable habitat for threatened species or ecological communities exists within the area. As such, the project does not meet the criteria to trigger the Biodiversity Offset Scheme or require a Biodiversity Development Assessment Report."

After completing a site inspection to verify the findings made in the supporting Flora and Fauna Assessment (*Enviro Ecology, December 2024*), Council's Ecologist is in concurrence and does not expect that the development will result in significant impacts to biodiversity on a local or regional level, nor will it be expected to significantly impact on any threatened ecological communities or threatened species.

After completing a site inspection, Council's Ecologist did not locate any hollows, nests, possum dreys or decorticated bark in the trees nominated for removal.

Clearing of significant vegetation and high retention value trees is not proposed, and the proposed works are unlikely to result in impacts to connectivity. Existing remnant vegetation onsite, around the subject site provides adequate green corridors and habitat for wildlife to traversing the landscape, and the design has been produced to alleviate impacts to these areas.

The supporting Flora and Fauna Assessment (*Enviro Ecology, December 2024*) provides a list of recommendations to minimise ecological impacts. It is expected that these recommendations, in conjunction with Council's Ecologists recommended conditions of consent be adopted in full as part of the development.

A review of the Wastewater Management Plan (*Larry Cook Consulting, December 2024*) nominates the location of the OSSM in a position 39m west of the Childcare Centre, 75m east of the eastern boundary containing established remnant trees and placed well outside the 40m watercourse buffer on the northern side of the lot.

Ecological impact pertaining to the OSSM is expected to be minimal.

Sediment controls are proposed to prevent impacts on vegetated areas and drainage lines in the west of the site and beyond. The stormwater design has been created to consider impacts on remnant trees and impacts to these retained vegetated areas is considered to be minor.

The site lies slightly northeast of an existing tributary which flows into Erina Creek. The 40m watercourse buffer extends ~58m into the southwestern corner of the lot, however all works, and servicing is proposed to take place outside of this buffer.

Social and Economic Impact

The proposal will support social impact by providing additional services that will benefit not only the surrounding residents but also our local workers.

Waste

Councils Waste Officer supports the waste management solutions outlined in the Resource Waste Management Plan (RWMP). General waste and recycling bins will be provided in each playroom, bathroom, kitchen, and administration area. Food Organics and Garden Organics (FOGO) bins will be located in the kitchen and all dining areas to support organic waste separation. Cleaning staff will empty all bins at least once daily, with additional emptying by centre staff as needed to maintain hygiene and functionality.

Stormwater Drainage

Council Engineer is satisfied with the proposed stormwater management system. An onsite stormwater detention (OSD) system and a runoff routing model/method must be used. An on-site stormwater detention report including an operation and maintenance plan must accompany the design.

Acid Sulphate Soils

The site is not located within an area mapped to have Acid Sulphate Soils. The proposed works do not trigger the need to provide an Acid Sulfate Soil Assessment and/or Management Plan (under Council's LEP) as proposed works are not within 500m of adjacent Class 1-4 land.

Contamination

A Preliminary Site Investigation, Detailed Site Investigation and Remediation Action Plan have been reviewed. The DSI has generally addressed the requirements under State Environmental Planning Policy (Resilience and Hazards) 2021 by considering the PSI, site history, undertaking a site investigation and considering the sampling & analysis to support any conclusions made. Council EHO concurs with the recommendations and implementation of the RAP.

Noise and Vibration

The proposal has addressed noise and vibration impacts associated with the proposal. The perimeter of the site will be fenced, to the standards required to comply with childcare guidelines as well as to mitigate acoustic impact to neighbours. It is recommended temporary acoustic fencing is proposed during the construction period to reduce noise impacts. An acoustic report provides recommendations to mitigate noise.

The assessment includes an assessment to the Our Lady Star of the Sea School. It was incorporated into the noise model and the calculations show that acoustic compliance is readily achieved due to the large distance to the receiver.

Acoustic fences either at the boundary or the retaining wall line (indicated by the red line) of min. 1.8 m height must be installed at the boundary.

The acoustic fences must have a minimum acoustic performance of Rw25. Structural requirements must be checked with the relevant authority. The acoustic barrier must be of solid construction (with no air gaps or penetrations including the connections and structural bases) such as:

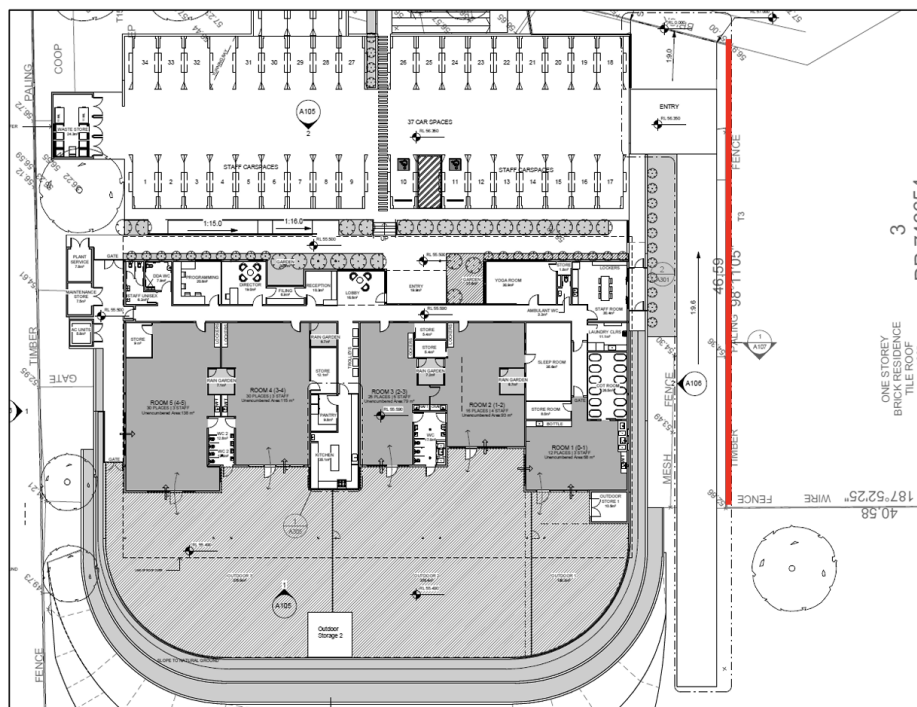


Figure 11 Recommended Acoustic Barrier

A Construction (Noise) Management Plan (CNMP) is required to be submitted for consideration. Developments requiring an CNMP must be prepared in accordance with the Department of Environment and Climate Change NSW Interim Construction Noise Guideline (2009). At a minimum, the following information must be included in an CNMP:

- a) identification of the residences and other sensitive land uses near the works; and
- b) description of the proposed works, including a discussion of alternative construction methods and justification for selected method.

Council requested additional landscaping and tree planting along the boundaries. Council Environmental Health Officer has recommended suitable conditions to be satisfied prior to the issue of a Construction Certificate.

Utilities

The proposal is capable of providing for the current and future servicing needs of the childcare centre.

Heritage

There will be no impact upon Aboriginal and European Cultural Heritage.

Odour

A Waste Management Plan has been reviewed by Council Waste and EHO Officers. Suitable mitigation and management measures have been recommended. The waste will be collected outside of core operational hours so as to minimise potential for traffic conflicts.

Natural hazards

There are no known natural hazards.

Safety, security, and crime prevention.

The site is secured with appropriate site fencing, operational management, lighting, security and private CCTV.

Construction Impacts

Construction will be managed by a Construction (Noise) Management Plan (CNMP) which is required to be submitted for consideration. Developments requiring an CNMP must be prepared in accordance with the Department of Environment and Climate Change NSW *Interim Construction Noise Guideline (2009)*.

Childcare Centre Plan of Management

Vehicle and pedestrian entry are directly accessed from Serpentine Road allowing passive surveillance to occur from the street. Wide common circulation areas with clear sight lines are provided with no obscured corners within the car parking area, pedestrian access is available for parents wishing to walk to the centre. All environmental impacts are to be controlled with restrictions as per the POM at the development, its daily operations and compliance expectations as well as suitable management measures have been outlined in the Plan of Management, Version 8 dated November 2025. The plan will ensure the prevention of conflict between the vehicle and pedestrians' movements on and around the site.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.3 Section 4.15(1)(c) - Suitability of the site

The site is considered suitable for the proposed development for the following reasons:

- The site is located within an established scenic protection and now C4 Environmental Management area and the development is consistent with the existing and desired character of the area. The land use is permissible with consent.
- The site has access essential services.

- Impacts from the proposed development have been appropriately assessed and mitigated as required.
- The development would not adversely impact the amenity of adjoining properties or the public domain via appropriate boundary treatments and the POM.

Based on the above, the site is suitable to accommodate the proposal.

3.4 Section 4.15(1)(d) - Public Submissions

The proposal was notified in accordance council requirements between 21 January and 25 February 2024. 13 submissions were received during this time. The issues outlined have been addressed below and through the body of this report.

3.5 Section 4.15(1)(e) - Public interest

The development is considered to be in the public interest as it would not have any significant adverse impacts on the built or natural environment and has positive social and economic impacts. The application does not trigger negative cumulative impact and is accompanied by a POM (recommended to be updated where relevant to align with the recommendations of this report and condition of consent).

The proposal is consistent with the relevant of environmental planning instruments applying to the land and provides needed services. On this basis, the proposal is considered to be in the public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has not been required to be referred to any external the agency for comment.

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 5**.

Table 5: Consideration of Council Referrals

Officer	Comments	Resolved
Development Engineering	<p>The application was referred to Council's Development Engineering team to review the proposal from a traffic, access, grading, earthworks and stormwater perspective. The revised design is supported subject to conditions of consent including however not limited to:</p> <ul style="list-style-type: none"> • Dilapidation Reports – to be undertaken on neighbouring properties, due to the extent of earthworks/benching proposed within proximity of the side boundaries of the site. • Geotechnical Investigation Report – the final [revised] Geotech Report submitted for the proposal, which 	Yes, conditions recommended.

	provides recommendations for earthworks design and construction which is required to be followed, is included within the Supporting Documents list of any consent issued.	
Tree Officer	The referral found that the proposed tree and vegetation removal was unlikely to result in any significant adverse environmental impacts and the application was supported with conditions.	Yes
Development Contributions	The proposal is subject to contributions. Condition have been recommended.	Yes
Waste Officer	The application was referred to Council's Waste Management Officer who supported the application which is to operate in accordance with the Resource Waste Management Plan (RWMP).	Yes
Water and Sewer	Water is available to the land. The property is not serviced by sewer. Building in Proximity to Water & Sewer Pipelines Procedure is not applicable as the front retaining wall (located north-eastern corner) is existing wall. No construction/storage allowed within the water easement for the existing 500mm CICAL transfer water main. The applicant needs to get a section 307 certificate of compliance under the Water Management Act 2000. Water & sewer contribution fees applicable.	Yes
Environmental Health Officer	<p>Council Environmental Health Officer' support the proposal, subject to conditions.</p> <p>A Remediation Action Plan (RAP), dated November 2024, was prepared by Foundation Earth Sciences in light of the contamination identified within the DSI. The RAP was prepared to satisfy Council that the land will be remediated and made suitable for the proposed use. The preferred remediation option is excavation, classification, off-site disposal, and validation. Known contamination of a leachable contaminant exists at a depth of 0.2m at (1) location (TP6).</p> <p>The Remediation Strategy, Validation Site Management Plan, Operational Controls and Contingency Management Plans have been reviewed and are considered appropriate. The land will be made suitable for the intended use, subject to the implementation of the RAP. A condition to ensure remediation and validation work are undertaken in accordance with the RAP will be applied.</p> <p>A Hazardous Materials Survey (HMS) was provided which identifies hazardous materials, although does not provide recommendations for the safe removal and disposal of hazardous materials during works. As such, a request for additional information was sought. In response to the RFI, a revised Hazardous Materials Survey, dated June 2025, prepared by Foundation Earth Sciences was submitted to Council. The revised survey includes recommendations for appropriate procedures and safe removal of hazardous materials which will be addressed under the recommended conditions.</p> <p>In response to the RFI, a 'Revised Acoustic Report' and an 'accompanying letter Re: Acoustics – Response to Central Coast Council RFI dated 13 March 2025', dated 29 July 2025, prepared by PKA was submitted to Council. The assessment has been deemed as adequately prepared in accordance with the NSW <i>EPA Noise Policy</i></p>	Yes, subject to conditions.

	<p><i>for Industry criteria & AAAC Guideline for Child Care Centre Acoustic Assessment.</i> The assessment concludes that the predicted intrusive & extrusive noise impacts associated with the proposed child care centre will be compliant with the adopted criteria, including the AAAC Criteria for the unrestricted use of outdoor play area. The report provided recommendations to ensure compliance. The recommendations have been reviewed and are considered appropriate to be conditioned for the development.</p> <p>The Childcare Centre Plan of Management Plan has been reviewed. Hours of Operation and maximum numbers is included under ongoing conditions.</p> <p>The area of soil disturbance exceeds 2500m² (approx. 6800m²), therefore a Soil and Water Management Plan (SWMP), is required to be submitted for consideration. The provided Soil and Water Management Plan has been reviewed and is considered appropriately prepared. It is noted that Council have calculated a minimum basin volume of 394m³, and the consultant has also recognised approximately similar (350m³), although has designed the basin volume to a conservative 1140m³ (39mLx13mWx2.25mH). Overland flow and clean water volumes to capture expected discharge quantities were noted to be slightly different although are considered adequate and appropriately positioned. Additional information is required in relation to meeting Council's discharge requirements. Suitable conditions recommended.</p>	
Environment Health Officer (OSSM)	<p>The Environmental Health and Systems team has reviewed the revised Wastewater Management Plan, report number 24142-E, dated 28th November 2025, prepared by Larry Cook Consulting Pty Ltd. The report satisfactorily addresses the issues previously raised by the team subject to conditions. Elements of the proposed wastewater management plan are summarized below.</p> <p>Wastewater Generation</p> <p>The proposed Early Learning Centre is intended to accommodate a total of 113 children and up to 21 staff. The daily hydraulic loading has been determined based on Table H4 AS/NZS 1547:2012 <i>Onsite domestic wastewater management</i> allowances for school premises with a reticulated water supply. Wastewater generation for children and staff results in a potential daily hydraulic loading of 2743L/day, based on maximum occupation. Additional wastewater allowances have been made for kitchen and laundry activities, resulting in a total daily hydraulic loading of 4,840L/day.</p> <p>Management of Waste Products used in the Centre</p> <p>Wastewater treatment systems cannot accommodate strong caustic or alkaline substances, oils, acids, bleaches, disinfectants, strong chemical detergents and paints, or foreign objects such as paper or sanitary products. Accordingly, the consultant has provided recommendations for the disposal of these items, and a Plan of Management has been developed which must be followed by all staff.</p>	Yes, subject to conditions

	<p>FLOW BALANCING</p> <p>Flow balancing has been proposed as a strategy to manage daily and seasonal fluctuations in hydraulic loads.</p> <p>Influent Flow Balancing</p> <p>Influent flow balancing is a method that is generally used in commercial wastewater treatment to control the flow of wastewater into the treatment system. It is achieved by installing a suitably sized temporary storage tank which allows for controlled loading into the wastewater treatment system. Regulating effluent entering the treatment tank prevents surge flows, ensuring adequate detention time for optimal treatment.</p> <p>The consultant has run an 18-month flow balancing analysis to determine the optimal storage volume for the design hydraulic loading of 4,840L, and utilizing a daily treatment volume of 3,350L/day which has resulted in a nominated storage tank volume of 10,000L.</p> <p>Effluent Flow Balancing</p> <p>Effluent flow balancing is used in a similar manner to regulate the amount of effluent being discharged to the Effluent Application Area (EAA). An effluent storage tank is installed to temporarily store the treated effluent and allow for scheduled incremental discharge to the EAA.</p> <p>The consultant has run an 18-month flow balancing analysis based on a wastewater discharge volume of 3,350L/day to determine the optimal acceptance capacity of the EAA. The analysis has indicated that the installation of a 10,000L storage tank will result in an optimal acceptance capacity of the EAA of 2,300L per day.</p> <p>There is an error in both the influent and effluent flow balancing which has resulted in the storage tank volumes being underestimated. Regardless, it is considered that there is sufficient area on site to accommodate either larger balance tanks and/or a larger land application area and this will be addressed under recommended conditions.</p> <p>Wastewater Treatment</p> <p>Wastewater treatment is proposed to a secondary level using a commercial scale Aerated Wastewater Treatment System (AWTS).</p> <p>While there are several certified proprietary systems available which provide wastewater treatment to a secondary level, the report specifically includes certification documentation for the EcoSeptic Maxi 5000 AWTS, confirming its compliance with AS 1546.3:2017 standards for advanced secondary treatment.</p> <p>Effluent Application Area Sizing</p> <p>The proposed method for disposing of wastewater is sub-surface drip irrigation. To determine the necessary EAA (Effluent Application Area) size, the consultant used water and nutrient balance calculations,</p>	
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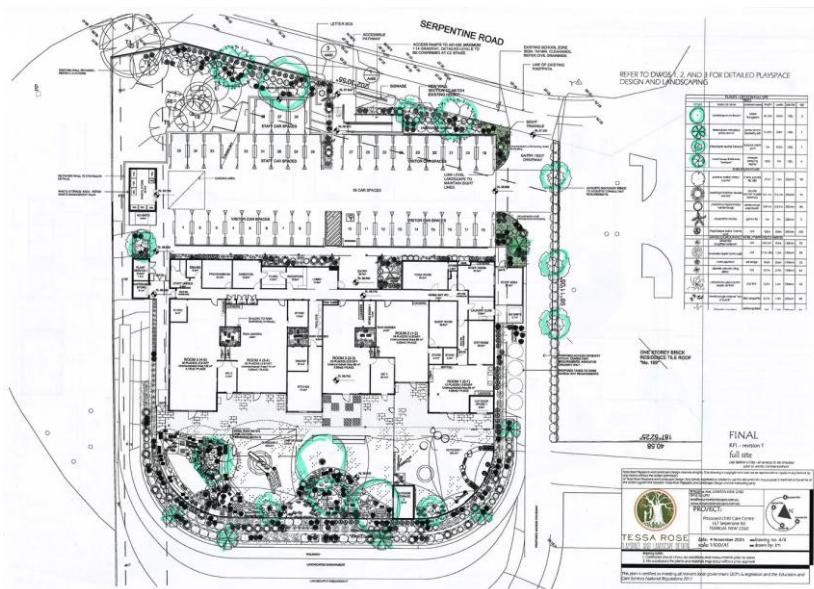
	<p>along with climate data from nearby weather stations—Peats Ridge for rainfall and Maryville for evaporation. The minimum EAA required for phosphorus, nitrogen, and water uptake is 330m², 846m², and 1,720m², respectively. The water balance is the most limiting factor, and therefore an area of at least 1,720m² is needed for adequate water and nutrient absorption. As discussed above, a slightly larger EAA may be required to reduce the capacity of the effluent balance tank. It is considered that there is sufficient area on site to accommodate any likely increase in area and this will be addressed by conditions.</p> <p>Wastewater Disposal</p> <p>The EAA is proposed to be located in the southern portion of the site. While a small area of the proposed primary EAA is located within the mapped 40m buffer to the creek and dam located on the adjacent property to the south, the actual flow path from the EAA to these elements exceeds 40m and is therefore considered acceptable.</p> <p>Under the OLG (2025) Onsite Wastewater Management Guidelines reserve EAAs are required where wastewater treatment to a primary level is proposed. Where secondary treatment of wastewater is proposed for a development Council may waive the requirement to provide a reserve area. Regardless, the consultant has nominated a reserve area as an additional precaution.</p> <p>Council Environmental Health and Systems team is satisfied that the wastewater report provides a sustainable solution for onsite sewage management for the proposed development, subject to the submission of revised report addressing flow balancing. The report has been prepared in accordance with AS/NZS 1547:2012 Onsite domestic wastewater management, OLG (2025) Onsite Wastewater Management Guidelines and Chapter 3.3 of the DCP, and accordingly there are no objections to the proposal, subject to conditions.</p>	
Urban Designer	<p>Supported subject to the recommendations in the body of this report. Overall, the built form and landscaping will not detract from the site and surrounds. Of note:</p> <ul style="list-style-type: none"> • Rain gardens: Note that a plan and reference image has been provided on dwg A107 Sections of architectural set. This assists in understanding what is intended by the rain gardens. The rain gardens will provide a visual focal point in the rooms and assist with dispersing stormwater runoff from the roofs. • Frontage design and fencing: Note that an additional drawing has been provided as A301 Detail Plan. This shows fencing to be largely maintained in the same position along the front boundary using the existing low masonry wall with a new white or light grey open palisade fence on top. Landscaping is to be located behind and in front of the fence of the property boundary (not dissimilar to the other centre operating on Serpentine Road). 	Conditions recommended.



Figure 12 SPROUT at 125 Serpentine Road

- **Trees to be removed/retained:** There seems to be discrepancies in the information. The original Arborist's report identifies trees to be removed as Tree Nos. 4, 6, 9, 10 & 11. The architectural set also shows these trees to be removed. The landscape set shows tree nos. 4, 6 and 9 retained as part of the landscaping. The landscape drawings should be corrected to show the removal of these trees and the provision of appropriate landscaping in this location to compensate for the tree loss.
- **Lack of landscaping along northern boundary:** The proposed development is large in terms of building footprint and is all at one level and therefore the surrounding landscaping will be important in integrating the development with the streetscape of the local area. There is no landscaping along the northern boundary shown on the landscape set, apart from a single small tree near the plant service/ pump room. The north-east corner of the site is one of the few locations with enough area to accommodate larger trees and landscaping. This area should be accurately represented on the landscape plans (without the trees to be removed) and should be planted out to assist in screening the waste and service rooms, and the expanses of car parking.
- **Landscaped embankments:** There are two large landscaped embankments shown on the architectural drawings and two terraced landscaped gardens. Only the terrace landscaped gardens have planting shown on the landscape drawings. Landscaping details on the embankments are required and how this will continue around the building along the northern boundary.
- **Existing timber paling fence to be retained along northern boundary:** This is appropriate given the context as long as some landscaping and trees are proposed along this boundary.

In summary, landscaping is to integrate this development with the character of the local area. The northern boundary and north-east corner of the site requires greater attention and should be revisited on the landscape plans. As shown below, the norther eastern corner is not adequately treated. It is recommended the applicant provide an updated plan to show how the corner will be treated and appropriately obscure the development as viewed from the roundabout corner.

	 <p>Figure 13 Mark up tree location on landscape plan</p> <p>Improved landscape measures are recommended and to be approved by Council, as conditioned.</p>	
Traffic Engineer	<p>Supported subject to conditions and compliance with the POM Version 8, dated November 2025 and time limited drop off and pickup.</p> <p>Travel Management- Instructions to Parents • Morning drop-off: Arrive between 7:30am–8:00am, or after 9:15am • Afternoon pick-up: Collect children before 3:00pm or after 4:00pm- 5:30pm • Exiting the driveway: No right turns are allowed onto Serpentine Road. • Safe turnaround: Always turn left when leaving, then use the nearby roundabout on Serpentine Road to return towards Terrigal Drive.</p>	Yes, conditions to require compliance with POM.
Ecology	<p>The objectives of the relevant policies, zoning objectives and potential environmental impacts associated with the proposal have been considered. Council's Ecologist has no objection to the proposal subject to the attached conditions being included within any consent granted.</p>	Yes

There are no outstanding issues raised by Council officers and all officers have supported the application unconditionally or with recommended conditions of consent.

4.3 Community Consultation

The proposal was notified in accordance with the Council's requirements between 25 January 2024 and 21 February 2024. 13 submissions were received during this time. The Council received a total of 13 unique submissions, comprising objections. The issues raised in these submissions are considered in **Table 6**.

Table 6: Community Submissions

Issue	Council Comments
Stormwater / Drainage	The application proposes an appropriate stormwater management network which will capture and control discharge of stormwater to the watercourse in the southern portion of the site. Stormwater modelling has been submitted to demonstrate the proposed stormwater management chain, including discharge to watercourse, and will not have negative impacts on downstream properties in peak storm events. Council's Development Engineer has reviewed the proposal and raises no objections to the proposed stormwater management arrangements. This issue has been satisfactorily addressed subject to the imposition of relevant recommended conditions of consent.
Residential amenity impacts	Suitable boundary treatments (acoustic wall and landscaped interfaces) will prevent impact by way of overlooking and noise. Conditions are recommended to improve on site tree and landscaping around the site perimeter.
Wastewater	An updated Wastewater Report has been provided to Council EHO has recommended suitable conditions.
Sewer	The site is not connected o sewer. Council Water and Sewer Engineer supports the proposal.
Child Safety and Street Access	<p>The centre will be guided by the National Code and required to function in accordance with the Centre Compliance Operator Policy and Procedures monitored by the centre compliance officer.</p> <p>The site is connect to a footpath and established pedestrian environment for parents to walk their children if they wish safely to the site.</p>
Nonfunctional design - development will eliminate any chance of absorption of rainwater in the grass and soil on the hill as it will be covered by concrete and send all rainwater directly down into the Church	<p>Council EHO and Engineers are satisfied with the design to eliminate stormwater run off impact.</p> <p>The proposal satisfies CCDCP Ch.3.1 Water Cycle Management, Part C, and/or Council's Civil Works Specification (CWS) Design Guideline (DG) S.10, for demonstrating the proposal complies with all relevant water conservation (i.e., re-use), retention, local overland drainage, and/or stormwater discharge targets, and/or for overland flow paths, and/or stormwater runoff to be discharged from a development in a manner, to not adversely affect adjoining and/or downstream properties.</p> <p>A Water Cycle Management Plan (WCMP) was required to be submitted to demonstrate compliance of the development with all relevant CCDCP Ch.3.1 S.3.1.10 and S.3.1.11 requirements, with suitable calculations detailed.</p> <p>Plans detail a suitable stormwater disposal method which will not have an adverse impact on the adjoining downstream property, i.e., suitable level spreader(s) installed within the site as far as possible from the rear boundary (staying downstream of OSSM Areas to prevent effluent transfer) to ensure site run-off simulates natural overland flow when crossing the rear/any property boundary.</p>

Traffic and Parking	<p>Council requested additional SIDRA modelling and traffic surveys.</p> <p>Between 8:30am and 9:30am and 2:30pm to 3:30pm traffic on Serpentine Road is congested due to the pet boarding facility, two churches, a school and a childcare centre. Council requested additional SECA traffic survey data.</p> <p>The proposal amended the operational activity to outside peak hours. Compliance with the POM Version 8, dated November 2025 and time limited drop off and pickup will mitigate impact upon street network is required.</p> <p>All Staff and Parents of the centre are to be made aware that the drop off and pick up of children between 8:00am - 9:15am and 3:00pm - 4:00pm is not permitted.</p> <p>Travel Management- Instructions to Parents</p> <ul style="list-style-type: none"> • Morning drop-off: Arrive between 7:30am–8:00am, or after 9:15am • Afternoon pick-up: Collect children before 3:00pm or after 4:00pm- 5:30pm • Exiting the driveway: No right turns are allowed onto Serpentine Road. • Safe turnaround: Always turn left when leaving, then use the nearby roundabout on Serpentine Road to return towards Terrigal Drive.
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5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

Roads, Access, Traffic and Parking

The proposal includes one driveway for 41 parking spaces which is consistent with the requirements for the proposal. The traffic impact assessment and additional surveying of volumes identified that it would be reasonable to time to drop off and pick up times of children outside of peak hours, this is incorporated into the Plan of Management Version 8, dated November 2025 as conditioned and is supported by Council Principal Traffic and Transport Engineer. The plan is to be updated to reflect the additional parking spaces (now 41 spaces).

Wastewater

A review of the Wastewater Management Plan (*Larry Cook Consulting*) nominates the location of the OSSM in a position 39m west of the Childcare Centre, 75m east of the eastern boundary containing established remnant trees and placed well outside the 40m watercourse buffer on the northern side of the lot. Ecological impacts pertaining to the proposed OSSM is expected to be minimal.

The site lies slightly northeast of an existing off site tributary which flows into Erina Creek. The 40m watercourse buffer extends 58m into the southwestern corner of the lot, however all works, and servicing is proposed to take place outside of this buffer. The objectives of the relevant policies, zoning objectives and potential environmental impacts associated with the

proposal have been considered. Council's Ecologist has no objection to the proposal subject to recommended conditions being included within any consent granted.

Site Earthworks – Cut and Fill, retaining works to address site topography

The site topography of the large rural lot falls 21.5-22.9m from front (east) to rear (west), with an overall fall of up to 13.2% and up to 15.3% across the footprint of the CCF and Outdoor Play Area. Pile and retaining wall construction methods are required to mitigate groundwater impact and 11,000m³ fill import is required to support the proposal (allowing for unsuitable/contaminated materials to be removed from the site along with 285-334 truckloads of fill imported over 3 months which equates to 5-6 loads per day. This is considered to have a negligible construction traffic impact on the road frontage and surrounding road network.

The Geotechnical Report recommends batter slopes, supported by Council Engineer and no further benching is required. Furthermore, the elevated access driveway at the front (east) of the site to be supported via a Drop-Edge-Beam (DEB) under the left (southern) edge, with guardrail atop to satisfy AS2890.1 requirements and prevent vehicle drop-off. Transitional works within the road reserve adjacent to access driveway will include batters on both sides, up to a gradient of maximum 1 Vertical to 3 Horizontal (i.e., if it goes up (Vertical) 1m it needs to go (Horizontally) out 3m) on the left (south) side of the access. Council Engineer has recommended conditions.

Boundary interface issues

Perimeter screening and landscaping will assist with protection of neighbouring amenity and enhance the development presentation to the surrounding street networks.

Submission / Objector Concerns

Addressed by way of amendments to the design or updated reports and conditions of ongoing management (POM).

Water cycle Management Plan and Stormwater Discharge

The proposal satisfies CCDCP Ch.3.1 Water Cycle Management, Part C, and/or Council's Civil Works Specification (CWS) Design Guideline (DG) S.10, for demonstrating the proposal complies with all relevant water conservation (i.e., re-use), retention, local overland drainage, and/or stormwater discharge targets, and/or for overland flow paths, and/or stormwater runoff to be discharged from a development in a manner, to not adversely affect adjoining and/or downstream properties.

A Water Cycle Management Plan (WCMP) was required to be submitted to demonstrate compliance of the development with all relevant CCDCP Ch.3.1 S.3.1.10 and S.3.1.11 requirements, with suitable calculations detailed.

Plans detail a suitable stormwater disposal method which will not have an adverse impact on the adjoining downstream property such as suitable level spreader(s) installed within the site as far as possible from the rear boundary (staying downstream of OSSM Areas to prevent effluent transfer) to ensure site run-off simulates natural overland flow when crossing the rear/any property boundary.

“Kick off” Briefing minutes state the following:

Table 7: RPP Kick Off Briefing

Minutes	Comments
<p><i>The Panel considers that there are three key issues that require further assessment and consideration:</i></p> <ul style="list-style-type: none"> <i>Topography of the site and the design response.</i> <i>Traffic impacts and the need to consider road safety particularly with the combined driveway being proposed.</i> <i>Interfaces with boundaries – acoustic fencing, driveway along the boundary, filling and terracing to boundaries and possible impacts on neighbouring trees.</i> <p><i>Detailed cross sections need to be provided.</i></p> <p><i>Site access arrangements need to be carefully considered, and any Council proposed works on surrounding roads need to be shared with the applicant.</i></p> <p><i>Tree removal needs to be considered and assessed. The Panel will not support loss of vegetation on adjoining properties which are impacted because of earthworks, retaining or fencing and the like.</i></p> <p><i>The acoustic treatments proposed on the boundary need to be understood with full details of fencing treatments required. Acoustic measures closer to the source rather than on the boundary may be a more suitable option. Detailed cross sections are needed to understand potential impacts.</i></p> <p><i>Total staff numbers are required (not just educators) to consider adequacy of the proposed car parking.</i></p> <p><i>Documentation needs to be consistent regarding operating hours and peak traffic generation through the day should be documented.</i></p> <p><i>Landscaping and soil depths in the terracing needs to be understood.</i></p> <p><i>The Panel understands that Council will issue a further RFI and expects the applicant to be responsive to this request. Given the number of submissions received a public determination meeting will be required</i></p>	<p>Initial dot points are addressed in applicant responses.</p> <p>Cross sections and Driveway fence details provided in revised Architectural Drawing set.</p> <p>RFI Arborist report confirms no impact on adjoining trees.</p> <p>RFI Acoustic report addresses and confirms the proposal, and additional detail and sections have been provided as part of the updated architectural plans.</p> <p>Staff numbers updated in OSSM, OMP, Traffic Response, and Architectural responses.</p> <p>RFI Landscape statement confirms proposal is acceptable.</p> <p>Council undertook ongoing consultation and issued RFIs in response to unsatisfactory documentation.</p> <p>Council collaborated with the applicant consultant team to agree to a suitable design outcome.</p> <p>Where matters have not been resolved. Council has</p>

	recommended suitable conditions of consent.
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6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls and the key issues identified in this report, it is considered that the application can be supported.

It is considered that the key issues as outlined in Section 5 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

7. RECOMMENDATION

That the Development Application for the demolition and construction of a childcare facility and parking at 167 Serpentine Road, Terrigal be APPROVED pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions attached to this report at **Attachment A**.

The following attachments are provided:

Attachment A: Draft conditions

Attachment B: Architectural Plans and Landscape Plan

Attachment C: Childcare Centre Plan of Management Version 8

Attachment D: Childcare Guidelines, CCDCP 2022

Attachment E: Wastewater Management Report

Attachment F: Geotechnical Report

Acoustic G: Acoustic Report