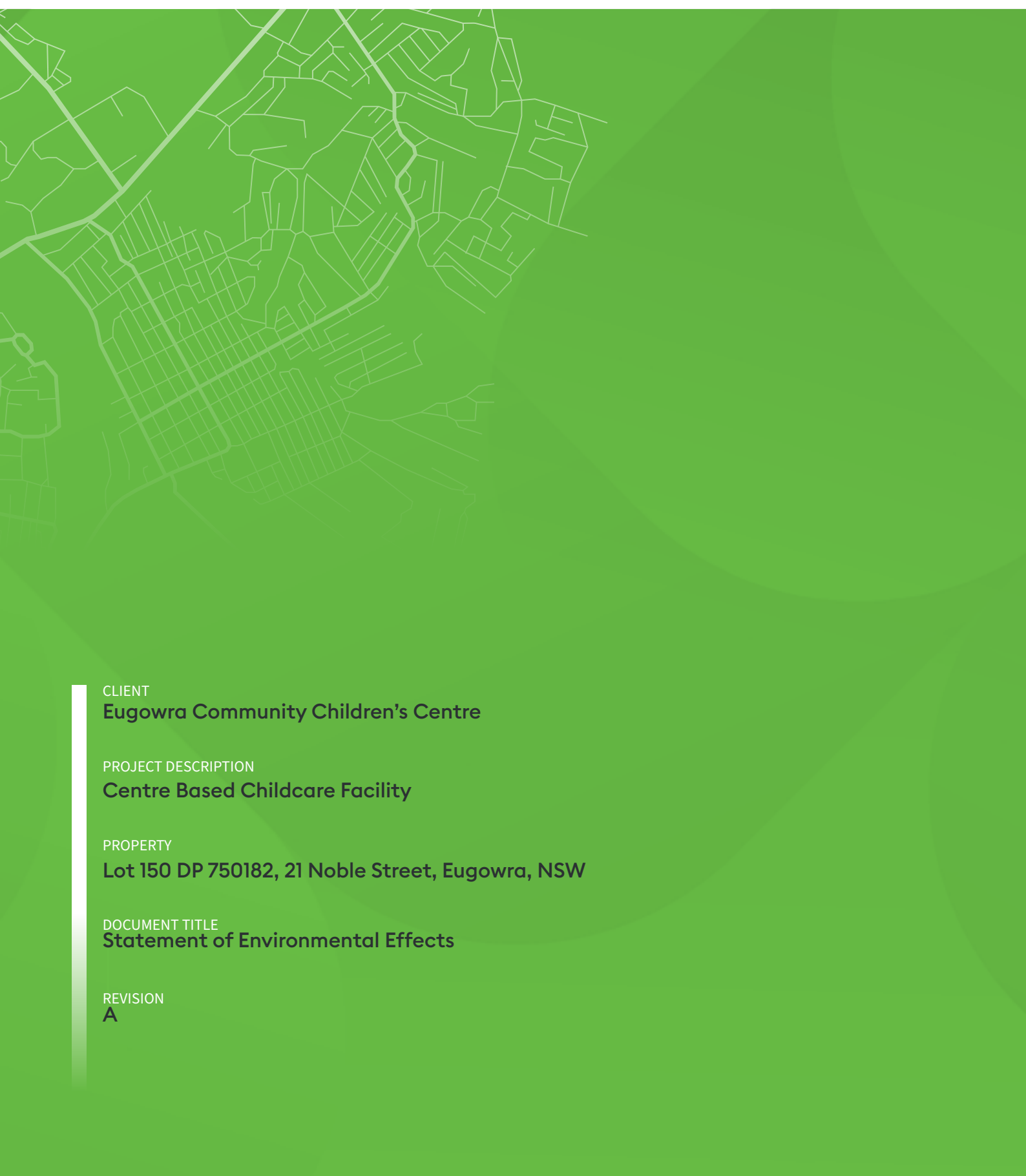


# CURRAJONG

PLANNING, PROPERTY + PROJECT MANAGEMENT



CLIENT

**Eugowra Community Children's Centre**

PROJECT DESCRIPTION

**Centre Based Childcare Facility**

PROPERTY

**Lot 150 DP 750182, 21 Noble Street, Eugowra, NSW**


DOCUMENT TITLE

**Statement of Environmental Effects**

REVISION

**A**

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# CURRAJONG

PLANNING, PROPERTY + PROJECT MANAGEMENT

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# EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared by Currajong Pty Ltd on behalf of the Eugowra Community Children's Centre for a proposed centre-based childcare facility on Lot 150 DP 750182, 21 Noble Street, Eugowra.

The site is located at the Eugowra Showground, which is Crown land under the trustee of Cabonne Council. The subject land is currently zoned RE2 Private Recreation under the Cabonne Local Environmental Plan 2012, which is currently being amended under a Planning Proposal to permit centre-based childcare facilities with consent on Lot 150 DP 750182.

The site is considered suitable for the proposed development, due to its proximity to residential neighbourhoods in Eugowra, the flood free nature of the site and bushfire hazards being assessed to be manageable through the design development and operational phases of the project. Preliminary site investigation also reveals no contamination issues at the site.

Highlands Design have prepared Architectural Plans of the proposed centre-based childcare facility showing the new building would have an appropriate interface with existing / approved developments in and around the Eugowra Showground and will be consistent with a Plan of Management for the Eugowra Showground prepared by Cabonne Council.

This Statement of Environmental Effects provides the necessary information to support the lodgement of a Development Application with Cabonne Council for the assessment and determination of the proposal by the Western Regional Planning Panel in accordance with the relevant matters for consideration under the NSW Environmental Planning and Assessment Act 1979.

The proposed development is assessed to be of an acceptable scale and impact to be supported by NSW Crown Lands, Cabonne Council, the Western Regional Planning Panel and the wider Cabonne community, as evidenced in this Statement of Environmental Effects.

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## 01. PROJECT INTRODUCTION

### 01.1 Overview

This Statement of Environmental Effects (SEE) has been prepared by Currajong Pty Ltd (Currajong) on behalf of the Eugowra Community Children's Centre (Eugowra CCC) for a proposed centre-based childcare facility on Lot 150 DP 750182, 21 Noble Street, Eugowra.

The SEE is accompanied by Civil, Architectural and Landscape Plans, Geotechnical Investigation, Civil Design Drawings, Preliminary Site Investigation, Bush Fire Assessment Report, DA Cost Estimate Report and other design development documentation.

The site is located at the Eugowra Showground, which is Crown land under the trustee of Cabonne Council. The site has an approximate area of 3.8ha and is currently used for limited showground activities and a temporary works compound.

The site is zoned RE2 Private Recreation under the Cabonne Local Environmental Plan (LEP) 2012, with the centre-based childcare facility intended to be permitted with consent, subject to an amendment to the Cabonne LEP 2012, which is being progressed by Cabonne Council.

A high level overview of the proposed development is as follows:

- + Construction of a single storey childcare centre building, including three (3) pre-school rooms, long day care room, common areas, kitchen facilities, reception, offices and staff rooms and toilets. External building treatments to comprise Genesis pre-finished compressed FC panels in various colours and Colorbond Custom Orb roofing. Wall mounted services would also include a meter box, air-conditioning units and PVC downpipes.
- + Construction of three (3) storage sheds, constructed from Custom Orb cladding materials to match the proposed childcare centre building.
- + Construction of a new access crossing from Noble Street to an on-site carpark for 39 cars, including three (3) disabled parking spaces and six (6) drop-off zone spaces, with stormwater from the carpark draining to the south via a swale drain that will discharge to the Noble Street table drain.
- + Construction of a concrete footpath linking the childcare centre to the shared path in Noble Street.
- + Connection to all available services and utilities, including reticulated water supply, sewerage, electricity and telecommunications.
- + Installation of 2 x 30,000 litre water rainwater collection tanks, sumps and pipes appropriately sized to meet Section J requirements and Council requirements.
- + Landscaping throughout the site to create attractive external building frontages, shade, playground spaces, orchard and chicken pen.
- + Earthworks necessary to establish building footings, carpark, driveways and landscaping.

Figure 1 shows the location of the site.

## 01.2 Approvals Required

The proposal requires development consent under Part 4 of the Environmental Planning and Assessment (EP&A) Act 1979. Key features affecting the processing of the Development Application (DA) are as follows:

- + The proposal does not trigger the threshold for 'State significant development' as it has a capital investment value less than \$50 million and is not development of a type listed in Section 15 of Schedule 1 of State Environmental Planning Policy (Planning Systems) SEPP 2021.
- + The proposal does not trigger the threshold for 'regionally significant development', as it has a capital investment value less than \$5 million on Crown land.
- + The proposal is 'integrated development' as it requires a bush fire safety authority under Section 100B of the Rural Fires Act 1997.
- + The proposal does not trigger the thresholds for Designated Development as it not development of a type listed in Schedule 3 of the EP&A Regulation 2021.
- + The proposal does not trigger the Biodiversity Offsets Scheme (BOS) threshold, as it does not involve substantive clearing of native vegetation and no significant impacts on threatened species are assessed to apply.

Accordingly, the DA is to be lodged with Cabonne Council via the NSW Planning Portal for determination by Cabonne Council.

## 01.3 Application Particulars

Table 1 includes the various details and particulars relating to the DA.

Table 1 Application Particulars

Detail	Description
Applicant	Eugowra CCC
Landowner	NSW Crown Lands
Land Title Description	Lot 150 DP 750182
Address	21 Noble Street, Eugowra
Description of Proposal	Centre-based Childcare Facility
Zoning	RE2 Private Recreation
Consent Authority	Cabonne Council
Determining Authority	Cabonne Council

## 01.4 Format of this Document

The information presented in this SEE covers all aspects of the proposal as specified under the EP&A Regulation 2021. The SEE has been prepared as a single document of several sections as described in Table 2.

**Table 2** Format of this document

Detail	Description
Section 1	Introduces the proposal and the main project drivers
Section 2	Describes the main features of the site and surrounds
Section 3	Provides a description of the proposal
Section 4	Reviews the proposal against the relevant legislative requirements
Section 5	Assesses the potential environmental impacts of the proposed development and documents the mitigation and management strategies to minimise impacts
Section 6	Provides an evaluation and justification of the proposed development against relevant environmental planning considerations
Section 7	Provides the conclusion for the SEE

## 01.5 Schedule of Plans and Drawings

The information presented in this SEE is supported by a number of new plans, drawings and reports which are included as separate attachments to the SEE. A brief description of these documents is presented in Table 3.

**Table 3** Format of this document

Attachment	Prepared by	Description	Date
1	Premise	Preliminary Site Investigation	2 May 2024
2	GDK	Geotechnical Investigation	26 November 2024
3	Calare Civil	Civil Design Drawings	27 February 2025
4	Highlands Design	Architectural Plan Set	6 March 2025
5	Sally Bourne Landscapes	Preliminary Landscape Plan	13 March 2025
6	Marline	Hydraulic Services Design	14 March 2025
7	Jensen Hughes	DA Stage BCA Assessment Report	17 December 2024
8	GJ Seib	DA Cost Estimate Report	17 March 2025
9	Kiho Building Consulting	Section J Report	16 March 2025
10	Integrated Consulting	Bush Fire Assessment Report	18 March 2025



## 02. DESCRIPTION OF THE SITE

### 02.1 Site Description

The proposed centre-based childcare facility is to be sited on Lot 150 DP 750182, 21 Noble Street, Eugowra. The site forms part of the Eugowra Showground, which is located on the eastern outskirts of Eugowra with frontage to Nangar Road and Noble Street.

The development site is currently vacant of permanent buildings and used generally as open paddocks associated with the Eugowra Showground. A temporary reconstruction authority compound is established on the southern part of Lot 150 DP 750182 and northern part of Lot 71 DP 750182, which was established as part of the NSW government response to the 2022 Eugowra Flood. A DA has been lodged for the proposed development of a State Emergency Service (SES) depot on Lot 150 DP 750182, to the north of the proposed centre-based childcare facility and directly adjoining the intersection of Nangar Road and Noble Street.

Land to the east of the site is generally zoned RU5 Village and comprises a mix of residential, commercial and industrial land-uses. Land to the north, east and south is zoned RU1 Primary Production and is generally used for livestock grazing, cropping and associated dwellings and sheds. The Orange Broken Hill Railway is located to the south of the site, which is no longer in service. Approximately 420m south of Lot 150 DP 750182 is Puzzle Flat Creek, which has a confluence with Mandagery Creek approximately 3.5km south-west of the site.

Lot 150 DP 750182 has two large Box Eucalyptus tree, ground-cover vegetation (currently under crop), vehicle hardstands, cleared areas, fences, shipping containers, transportable dwellings and other temporary structures. The site is relatively flat with a slight overall slope to the south-west. The elevation at the site is approximately 275m Australian Height Datum (AHD), with the highest point in the north-east of the site. There are no natural watercourses, ridgelines or elevated areas, significant stands of native vegetation or other distinguishing natural features on the site. Preliminary Site Investigation by Premise indicates no contamination issues.

The site is not mapped as flood affected under the Cabonne LEP 2012 or the Eugowra Flood Study 2011. Analysis of preliminary flood data showing the extent of the Eugowra Flood that occurred on 14 November 2022 indicates the development site of the proposed centre-based childcare facility is located outside the 2022 flood. Actual observation of flood behaviour during and immediately after the November 2022 Eugowra Flood by residents in the area and first responders confirms no substantive flooding of the development site.

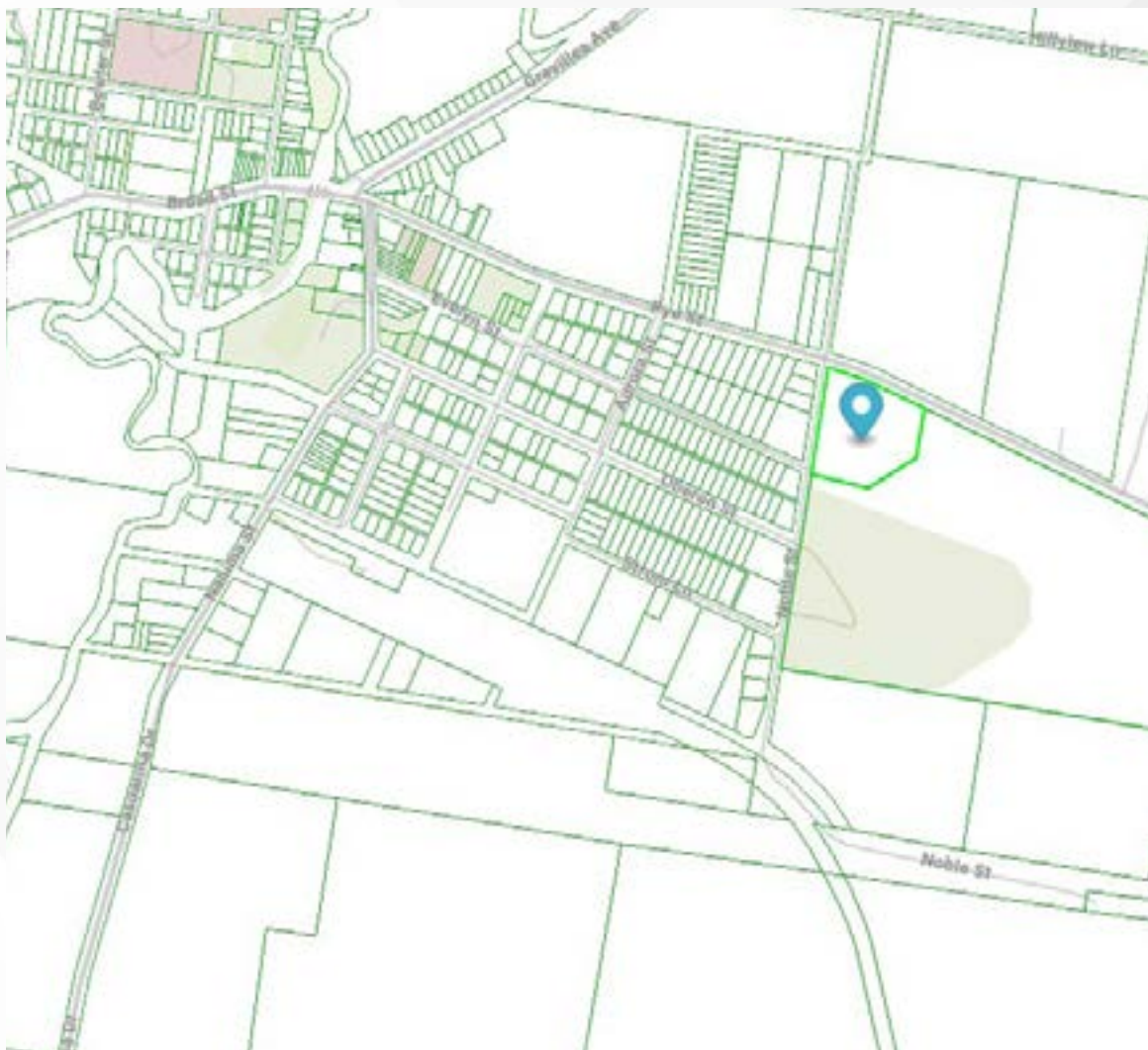
Figure 1 shows the location of the site in relation to Eugowra township and adjoining land-use, roads and watercourses.

### 02.2 Site History

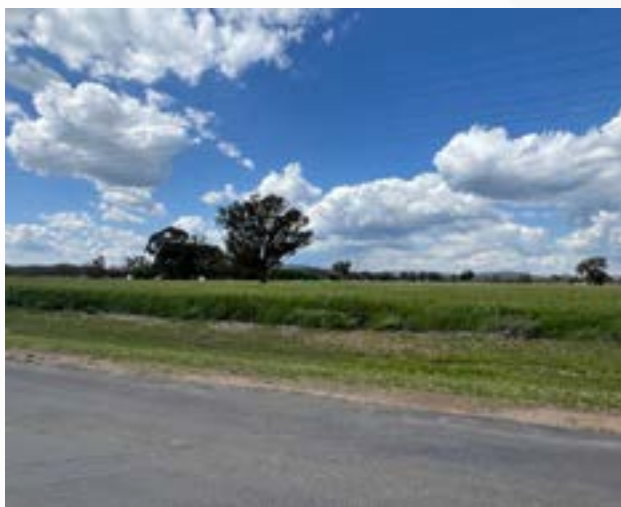
Lot 150 DP 750182 forms part of the Eugowra Showground, which comprises Lots 71 and 150 DP 750182. Both Lots 71 and 150 DP 750182 are Crown land reserved for public recreation since 1883. On 5 November 1947 the reserve was entrusted to Boree Shire Council (and later Cabonne Council) to manage. Most activities associated with the Eugowra Showground appear to have occurred on Lot 71 DP 750182 (south of Lot 150). Several showground buildings, racecourse, internal roads, hardstands, temporary depot, utilities and other minor structures are the main improvements on the site.

A Plan of Management has been prepared by Cabonne Council which details a number of uses and activities deemed suitable on the site, including the Eugowra Showground, SES depot and a centre-based childcare facility. The site of the proposed centre-based childcare facility is currently vacant of buildings and has been recently cropped.

**Figure 1 Site and Surrounds Plan**



Photographs 1 - 6 show typical aspects of the subject land (as existing).



**Photograph 1**      **Childcare Centre site (north-east)**



**Photograph 2**      **Childcare Centre site (south-east)**



**Photograph 3**      **Noble Street (north)**



**Photograph 4**      **Noble Street (south)**



**Photograph 5**      **Eugowra Showground entrance**



**Photograph 6**      **Nangar Road and Noble Street  
intersection**



## 02.3 Land Zoning

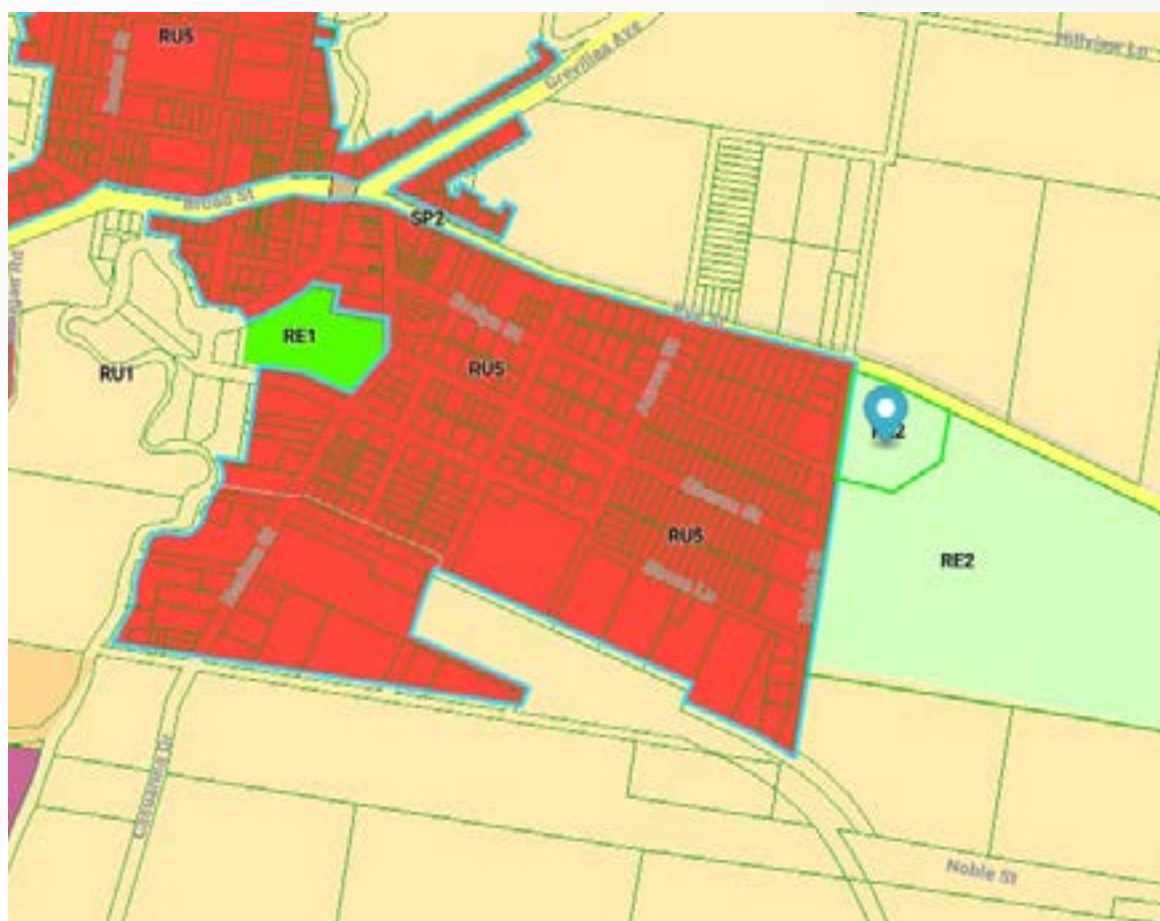
The site is zoned RE2 Private Recreation under the Cabonne LEP 2012, which prohibits centre-based childcare facilities in the zone.

Cabonne Council is currently progressing a Planning Proposal (PP) to permit the proposed centre-based childcare facility on Lot 150 DP 750182, 21 Noble Street, Eugowra with consent.

Special provisions are included in the Cabonne LEP 2012 which have applicability to the proposed development, and these are assessed in Section 4 of this SEE.

Figure 2 shows the zoning framework applying to the subject land and surrounding sites under the Cabonne LEP 2012.

**Figure 2 Land Zoning Map**



### LEGEND - LAND USE ZONES

E1	E1 Local Centre	RE1	Public Recreation
E3	E3 Productivity Support	RE2	Private Recreation
C1	C1 National Parks and Nature Reserves	RU1	Primary Production
C2	C2 Environmental Conservation	RU3	Forestry
C3	C3 Environmental Management	RU4	Primary Production Small Lots
E4	E4 General Industrial	RU5	Village
R1	R1 General Residential	SP2	Infrastructure
R2	R2 Low Density Residential	SP3	Tourist
R5	R5 Large Lot Residential	W2	Recreational Waterways

## 02.4 Surrounding Land-use

The site forms part of the Eugowra Showground, with the mainstay of showground improvements being located on Lot 71 DP 750182 to the south and east. A temporary reconstruction authority compound is established directly south of the proposed centre-based childcare facility with access to Noble Street. The compound was established as part of the NSW government's response to the Eugowra 2022 flood.

Land to the east of the site is generally zoned RU5 Village and comprises a mix of residential, commercial and industrial land-uses. Land to the north, east and south is zoned RU1 Primary Production and is generally used for livestock grazing, cropping and associated dwellings and sheds.

The Orange Broken Hill Railway is also located to the south, which is no longer in service.

Approximately 420m south of Lot 150 DP 750182 is Puzzle Flat Creek, which has a confluence with Mandagery Creek approximately 3.5km south-west of the site. The general area consists of a flat landscape with a slight overall slope downward to the south-west.

## 02.5 Bushfire

The site is shown as Category 3 Bush Fire Prone Land as per the NSW Rural Fire Service Bush Fire Prone Land Map. In accordance with Section 100B of the Rural Fires Act 1997, a centre-based childcare facility is identified as a Special Fire Protection Purpose (SFPP) Development and a bushfire safety authority is required to be issued by NSW RFS.

## 02.6 Flooding

The site is not mapped as flood affected under the Cabonne LEP 2012 or the Eugowra Flood Study 2011. Analysis of preliminary flood data shows the development site of the centre-based childcare centre is not affected by the Eugowra 1950, 2011 or 2022 flood. Actual observation of flood behaviour during and immediately after the November 2022 Eugowra Flood by residents in the area and first responders confirms no substantive flooding of the development site. All advice received about flood behaviour of the November 2022 Eugowra Flood indicates it was an extreme (2,000 year event) with flood waters generally restricted to the eastern boundary of Noble Street, with no substantive flood waters entering this part of the showground site.

## 03. DESCRIPTION OF THE PROPOSAL

### 03.1 Objectives of the Project

The objective of the project is to obtain consent from Cabonne Council for a centre-based childcare facility on Lot 150 DP 750182, 21 Noble Street, Eugowra. To gain consent, a DA is to be lodged with Council for processing and the tabling of an assessment report for determination.

### 03.2 Project Background and Need

There is considerable background and action leading up to the need for the centre-based childcare facility project, as detailed below:

#### 03.2.1 Eugowra Childcare Facility

Prior to 2022, the Eugowra CCC was located on Lot 214 DP 750182 and Lot 7009 DP 1021063, 41 Nanima Street, Eugowra; being Crown land located towards the centre of Eugowra township and approximately 100m from Mandagery Creek.

#### 03.2.2 2022 Eugowra Flood

On 14 November 2022 a major flood event was experienced at Eugowra. Due to its proximity to the Mandagery Creek, the Eugowra CCC was inundated by flood waters and suffered irreparable damage, as identified in NSW Public Works (PWA) flood assessment reporting.

#### 03.2.3 Alternate Site Investigations

Following the PWA assessment reporting, a new site for a centre-based childcare facility was identified by the Eugowra CCC and the wider community, comprising an area of vacant Crown land situated at the Eugowra Showground (Lot 150 DP 750182). The site was chosen as the preferred location for a permanent centre-based childcare facility due to the site being flood free. The site / project is generally supported by Federal and State government agencies, Cabonne Council, Eugowra Showground Trust, Eugowra CCC and other members of the community.

#### 03.2.4 Draft Plan of Management

A Plan of Management has been prepared for the Eugowra Showground (Reserve D590015) which makes provision for a centre-based childcare facility on Lot 150 DP 750182, 21 Noble Street, Eugowra.

#### 03.2.5 Draft Cabonne Local Environmental Plan

A PP has been prepared by Cabonne Council proposing a change to the Cabonne LEP 2012 to permit centre-based childcare facilities as an additional permitted use under Schedule 1 of the Cabonne LEP 2012 on Lot 150 DP 750182. The PP has been substantially progressed by Council in accordance with a Gateway Determination by the NSW Department of Planning, Housing and Infrastructure (DPHI).

### 03.3 The Proposal

The proposal has been designed for up to 75 preschool places and 45 long day care places. The Highlands Design Architectural Plans show the scope of the proposed works.

A breakdown of the main aspects of the proposal is as follows:

#### 03.3.1 Building Works

A description of the proposed building works associated with the development is as follows:

- + Construction of a single storey childcare centre building, including three (3) pre-school rooms, long day care room, common areas, kitchen facilities, reception, offices and staff rooms and toilets. External building treatments to comprise Genesis pre-finished compressed FC panels in various colours and Colorbond Custom Orb roofing. Wall mounted services would also include a meter box, air-conditioning units, PVC downpipes and 2 x 30,000 litre water rainwater collection tanks.
- + Construction of three (3) storage sheds from Custom Orb cladding materials to match proposed childcare centre building.
- + Construction of internal pedestrian access pathways to Noble Street.
- + Connection to all available services and utilities, including reticulated water supply, sewerage, electricity and telecommunications.
- + Connection to public drainage, including installation of on-site rainwater collection tanks, sumps and pipes appropriately sized to meet Section J requirements and on-site detention of stormwater for slow release consistent with existing pre-developed flows.
- + Landscaping throughout the site to create attractive external building frontages, shade, playground spaces, orchard and chicken pen.
- + Earthworks necessary to establish building footings, carpark, driveways and landscaping.

The FFL of the centre-based childcare centre building is proposed to be located 700m above natural ground level at the western edge of the building closest to Noble Street, so as to safeguard the childcare centre from flooding.

#### 03.3.2 Practical and Legal Access

The site is currently serviced by bitumen sealed roads (Nangar Road and Noble Street). It is proposed to construct a new access crossing from Noble Street to an on-site carpark for 39 cars, including three (3) disabled spaces and six (6) cars drop-off spaces. Appropriate permits will be obtained from Cabonne Council under Section 138 of the Roads Act 1993 prior to any works on public roads.

#### 03.3.3 Carparking, Drop-off and Loading Facilities

The proposed centre-based childcare facility makes provision for 39 car parking spaces on the site, including three (3) disabled parking spaces and six (6) drop-off spaces. Deliveries are anticipated to be made by smaller sized vehicles that can gain access to the centre-based childcare facility carpark.

#### 03.3.4 Hours of Operation

Consent is sought for the operation of the centre-based childcare facility from 6:00am to 6:00pm Monday to Friday. Generally, no childcare facility activities will be carried out on weekends and Public Holidays.

### 03.3.5 Utilities and Services

The proposed development is to be connected to all available utility services and infrastructure, including reticulated water supply, sewerage, electricity and telecommunications. Stormwater from the main building is proposed to be connected to on-site tanks for water storage and re-use. Overflow from water tanks is to be directed away from buildings. Stormwater from the proposed carpark is to be drained to the south to the Noble Street table drain via a swale.

### 03.3.6 Advertising Signage

The proposed development includes advertising / business identification signage as per the Highlands Design Plans. It is anticipated that some directional and advisory signage would also be installed at various locations in and around the centre-based childcare facility.

### 03.3.7 Staging

The DA is not lodged with Cabonne Council as a staged development.



## 04. PLANNING + LEGISLATIVE CONTEXT

### 04.1 Commonwealth Legislation

Section 4.1 describes the applicable Federal legislation and guidelines followed by a statement outlining how the development will address and / or comply with the legislation or policy.

#### 04.1.1 Environment Protection and Biodiversity Conservation Act 1999

Under the Federal Environment Protection and Biodiversity Conservation Act (EPBC Act) 1999, referral is required to the Australian Government for proposed actions that have the potential to significantly impact on Matters of National Environmental Significance (MNES) or the environment of Commonwealth land. The EPBC Act 1999 identifies the following as matters of national environmental significance for which Ministerial approval is required:

- + World heritage properties.
- + Wetlands of international significance.
- + Listed threatened species and communities.
- + Listed migratory species protected under international agreements.
- + National Heritage Places.
- + Protection of the environment from nuclear actions.
- + Commonwealth Marine environments.

Assessment of the proposal's impact on MNES confirms there is unlikely to be a significant impact on relevant MNES or on Commonwealth land. Accordingly, the proposal would not warrant referral under the EPBC Act 1999.

#### 04.1.2 Disability Discrimination Act 1992

The Federal Disability Discrimination Act (DDA Act) 1992 exists to provide legal protection against discrimination for people with disability (and carers, co-workers or associates of a person with a disability).

The DDA Act 1992 prohibits discrimination against people with disabilities in employment, education, publicly available premises, provision of goods and services, accommodation, clubs and associations, and other contexts. Discrimination is defined to include failing to make reasonable adjustments for a person with a disability. Complaints under the DDA Act 1992 are made to the Australian Human Rights Commission. Any member of the community can make a complaint about discrimination.

The proposed centre-based childcare facility is going to be an asset of Cabonne Council that will be managed by the Eugowra CCC and Cabonne Council. Both organisations place great importance on their facilities providing equitable access for citizens.

An access review has been carried out as part of the design phase to address compliance issues over a number of different standards, including:

- + Disability (Access to Premises – Buildings) Standards 2010.
- + Parts D3, E3.6 and F2.4, F2.9 and H2 of the Building Code of Australia 2019.
- + Australian Standard AS1428.1 (2009) Design for Access and Mobility Part 1: General requirements for access – new building work.

- + Australian Standard AS2890.5 (1993) Parking Facilities Part 5: On-street parking.
- + Australian Standard AS1428.2 (1992) Design for Access and Mobility Part 2: Enhanced and additional requirements – buildings and facilities.
- + Australian Standard AS1428.4 (2009) Design for Access and Mobility Part 4.1: Means to assist the orientation of people with vision impairment – tactile ground surface indicators.
- + Australian Standard AS1428.5 (2010) Design for Access and Mobility Part 5: Communications for people who are deaf or hearing impaired.
- + Australian Standard AS3745 (2009) Planning for Emergencies in Facilities.

To address the above standards and guidelines and the objects of the DDA Act 1992, the following is proposed:

- + Provision of a footpath from Noble Street to the main entry of the facility and connecting all parking / drop-off areas to the proposed childcare facility building, including three (3) disabled parking spaces.
- + Continuous accessible path of travel throughout the main foyer areas, pre-school and long day care rooms of the building and to playground areas, including doorways with minimum clear opening dimensions for wheelchair access, door handles with compliant door opening forces, as identified on Highlands Design Architectural Plans.
- + Accessible sanitary facilities, including a unisex disabled WC and Shower, as identified on Highlands Design Architectural Plans.
- + Information and directional signage for sight impaired and blind persons (where necessary).

## 04.2 New South Wales Legislation

Section 4.2 describes the applicable State legislation and guidelines followed by a statement outlining how the development will address and / or comply with the legislation or policy.

### 04.2.1 Environmental Planning and Assessment Act 1979

The EP&A Act 1979 forms the legal and policy platform for development assessment and approvals process in NSW. The objects of the Act are:

- + To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources.
- + To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment.
- + To promote the orderly and economic use and development of land.
- + To promote the delivery and maintenance of affordable housing.
- + To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats.
- + To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage).
- + To promote good design and amenity of the built environment.
- + To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants.

- + To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State.
- + To provide increased opportunity for community participation in environmental planning and assessment.

Under the EP&A Act 1979, environmental planning instruments are made to specify planning controls for specific parcels of land and / or land-use. Applicable environmental planning instruments are discussed in later parts of this SEE. In general, development consent is to be required for the proposed centre-based childcare facilities, pursuant to the Cabonne LEP 2012 (as amended).

#### 04.2.2 Local Government Act 1993

Section 68 of the Local Government Act (LG) 1993 specifies that approval is required for a number of activities carried out on operational land, including:

- + Structures or places of public entertainment.
- + Water supply, sewerage and stormwater drainage work.
- + Management of trade waste in the sewerage system.
- + Swing or hoist goods over a public road.

Section 68 approvals will be lodged with Cabonne Council at a later date.

#### 04.2.3 Crown Land Management Act 2016

Lot 150 DP 750182 is Crown Land (Reserve D590015) and the Crown Land Management Act 2016 applies. The objects of the Crown Land Management 2016 (CLM Act) include providing for the ownership, use and management of the Crown land of NSW.

The proposal involves works on land owned by Crown Lands NSW (Reserve D590015) that is in the trustee of Cabonne Council for use as the Eugowra Showground. A Plan of Management has been prepared for the Eugowra Showground, which makes provision for a centre-based childcare facility on Lot 150 DP 750182, Noble Street, Eugowra.

Landowner's consent is being sought from Crown Lands NSW to allow the lodgement of the DA for the proposed centre-based childcare facility with Cabonne Council.

#### 04.2.4 Rural Fires Act

The Rural Fires (RF) Act 1997 requires approval of development on bushfire prone land as identified by a bushfire prone land map prepared under Section 146 of the EP&A Act 1979. According to the mapping prepared by the NSW Rural Fire Service, the site is identified as being bushfire prone land, Vegetation Category 3.

Under Section 100B of the RF Act 1997, a centre-based childcare facility is identified as a Special Fire Protection Purpose (SFPP) Development and an bushfire safety authority is required to be issued by NSW RFS.

To ensure the requirements of NSW RFS are properly considered in the determination of the DA for the proposed centre-based childcare facility, it is intended to lodge the application as 'integrated development' to obtain the General Terms of Approval (GTAs) from NSW RFS for their granting of the bushfire safety authority.

To assist with the proper consideration of the proposed SFPP Development, a Bush Fire Assessment Report has been prepared by Integrated Consulting, which is separately attached to this report. The Bushfire Assessment Report outlines the compliance measures required for the proposed centre-based childcare facility to comply with the NSW RFS Planning For Bushfire Protection Guideline 2019.

#### 04.2.5 National Parks and Wildlife Act 1974

The National Parks and Wildlife Act (NPW Act) 1974 is administered by the Office of Environment and Heritage and provides the basis for the legal protection of flora and fauna in NSW.

Unless a licence is obtained under the NPW Act 1974 (or the Threatened Species Conservation Act 1995), it is an offence to harm any animal that is protected or is a threatened species, population or ecological community. It is also an offence to pick any plant that is protected or is a threatened species, population or ecological community. In addition, a person must not, by act or omission, damage any critical habitat.

The NPW Act 1974 also provides the basis for the legal protection and management of Aboriginal sites within NSW. Sections 86, 90 and 91 of the NPW Act 1974 provide statutory protection for any physical / material evidence of Aboriginal occupation of NSW and places of cultural significance to the Aboriginal community.

The site comprises 'disturbed land' previously used for showground purposes. The site has been majorly cleared of native vegetation, with grass and weeds managed by spraying and regular mowing. Aboriginal cultural heritage and biodiversity issues are assessed under Section 5 of this SEE. In general, no threatened species or Aboriginal cultural heritage issues / impacts are assessed to apply, and an approval under the NPW Act 1974 is not required to be obtained for the proposal.

#### 04.2.6 Biodiversity Conservation Act 2016

The Biodiversity Conservation Act (BC Act) 2016 provides the framework for the management of flora and fauna on lands within NSW. Under the BC Act 2016 the principles of ecologically sustainable development are used to achieve the conservation and protection of biodiversity values. Clause 7.2 of the BC Act 2016 identifies the following circumstances where a development is likely to significantly affect threatened species:

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

The site of the proposed centre-based childcare facility is largely cleared of native vegetation. Surrounding land comprises rural and residential land-use. Inspection of the site and surrounds confirms the presence of native and exotic flora and fauna on the outskirts of Eugowra township. There are no National Parks, State Forrest, woodlands, water bodies, wetlands or cave systems in close proximity of the site.

Section 7.3 of the BC Act 2016 specifies the assessment criteria to test impacts, as follows:

- a. In the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of these species such that a viable local population of the species is likely to be placed at risk of extinction.
- b. In the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:
  - i. Is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or
  - ii. Is likely to substantially and adversely modify the composition of the ecological community such that its occurrence is likely to be placed at risk of extinction.
- c. In relation to the habitat of a threatened species or ecological community:

- i. The extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and
- ii. Whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and
- iii. The importance of the habitat to be removed, modified, fragmented, or isolated to the long-term survival of the species or ecological community in the locality.
- d. Whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly).
- e. Whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.

In conjunction with the BC Act 2016, the Biodiversity Assessment Method (BAM) is used as the model for undertaking biodiversity assessments on developments that require consent under the EP&A Act 1979. The BAM provides a classification and credit system to ensure that there is no net loss of biodiversity values across the State. In circumstances where the clearing of native vegetation is proposed, the BC Act 2016 makes provision for the retirement of biodiversity offsets (credit payments) under the BOS as part of the determination of a DA for a proposal under the EP&A Act 1979. In this case no substantive clearing of native vegetation is proposed.

Assessment of the impacts of the proposal on biodiversity values is undertaken in Section 5 of this SEE. Tests of significance completed for the site conclude the proposal is unlikely to cause significant impacts on any threatened species and does not trigger entry into the BOS. There is consequently no requirement for the proponent to offset biodiversity impacts associated with this proposal or to prepare a Biodiversity Assessment Report (BAR) or a Biodiversity Development Assessment Report (BDAR).

#### 04.2.7 Water Management Act 2000

The objective of the Water Management Act (WM Act) 2000 is the sustainable and integrated management of the State's water sources for the benefit of both present and future generations by applying the principles of ecologically sustainable development to protect, enhance and restore water sources and their associated ecosystems, ecological processes and biological diversity and their water quality.

The proposal does not involve any works within 40m of a watercourse and a controlled activity approval is not required to be provided by Water NSW.

#### 04.2.8 Heritage Act 1977

The Heritage Act 1977 provides for the conservation of environmental heritage defined as places, buildings, works, relics, moveable objects, and precincts, of State or local heritage significance which are at least 50 years old. The Act applies to non-Aboriginal relics only, as Aboriginal relics are protected under the NPW Act 1974.

The subject site is not listed on the State Heritage Register and an approval from Heritage NSW is not required under the Heritage Act 1977. The site is also not listed as a Heritage Item under the Cabonne LEP 2012.

Heritage issues are assessed under Section 5 of this report. In general, no heritage issues / impacts have been assessed to apply, and an approval under the Heritage Act 1977 is not required to be obtained for the proposal.

#### 04.2.9 Protection of the Environment Operations Act 1997

The Protection of the Environment Operations Act (POEO Act) 1997 regulates air, noise, land and water pollution in NSW. No issues are identified for the proposal that relate to POEO Act 1997 administration matters.

#### 04.2.10 Roads Act 1993

Under Section 138 of the Roads Act 1993 a person must not erect a structure or carry out a work in, on or over a public road, or dig up or disturb the surface of a public road, otherwise than with the consent of the appropriate road authority. The site adjoins Nangar Road and Noble Street. It is proposed to construct a new access crossing from Noble Street, which is a local road owned and managed by Cabonne Council. All relevant permits / approvals will be obtained from Cabonne Council prior to any works on public roads.

#### 04.2.11 Contaminated Land Management Act 1997

Cabonne Council is required to notify the NSW Environment Protection Authority (EPA) if contamination is discovered that presents a significant risk of harm. Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997 are available on the EPA website. A Preliminary Site Investigation has been carried out by Premise, which shows no evidence of potential contamination of the site. EPA notification is not required to be undertaken at this stage.

### 04.3 State Environmental Planning Policies (SEPP)

#### 04.3.1 SEPP Overview

A high level assessment of the applicability of each SEPP to the proposed development is provided in Table 4, with further assessment work completed in Section 4.3.2 as necessary.

Table 4 Preliminary SEPP Assessment

Name of SEPP	Further assessment warranted?
SEPP (Exempt and Complying Development Codes) 2008	Yes. See Section 4.3.2
SEPP (Planning Systems) 2021	Yes. See Section 4.3.2
SEPP (Sustainable Buildings) 2022	Yes. See Section 4.3.2
SEPP (Housing) 2021	Yes. See Section 4.3.2
SEPP (Industry and Employment) 2021	Yes. See Section 4.3.2
SEPP (Primary Production) 2021	No
SEPP (Precincts - Central River City) 2021	No
SEPP (Precincts - Eastern Harbour City) 2021	No
SEPP (Precincts - Western Parkland City) 2021	No
SEPP (Precincts - Regional) 2021	No
SEPP (Resilience and Hazards) 2021	Yes. See Section 4.3.2
SEPP (Resources and Energy) 2021	No
SEPP (Transport and Infrastructure) 2021	Yes. See Section 4.3.2
SEPP (Biodiversity and Conservation) 2021	Yes. See Section 4.3.2

#### 04.3.2 SEPP Assessment

##### SEPP (Exempt and Complying Development Codes) 2008

The Exempt and Complying Development Codes SEPP 2008 permits certain activities without consent or by issue of a Complying Development Certificate. The proposed centre-based childcare facility is neither exempt or complying development and a DA is to be lodged with Cabonne



Council for consent. There may be some minor ancillary components of the project that are exempt from consent, such as facility name and contact details being displayed on the front facade of the premises.

#### **SEPP (Planning Systems) 2021**

The Planning Systems SEPP 2021 identifies significant development and infrastructure and confer functions on Regional Planning Panels to determine development applications. The proposal is classified as 'local development' and will be determined by Cabonne Council.

#### **SEPP (Sustainable Buildings) 2022**

The proposal is supported by a Section J Report for the childcare floorspace aspects of the development, which has been provided by Kiho Building Consulting.

#### **SEPP (Resilience and Hazards) 2021**

The Resilience and Hazards SEPP 2021 requires that a consent authority must consider the contamination potential of the land, and if the land is contaminated, it is satisfied that the land is suitable for the development in its contaminated state, or that appropriate arrangements have been made to remediate the site prior to the development being carried out.

Clause 4.6(4) requires a preliminary investigation to be carried out if the land concerned is:

- + Land within an investigation area.
- + Land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been carried out.
- + To the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital - land - in relation to which there is no knowledge as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge.

A Preliminary Site Investigation has been carried out by Premise, which concludes no evidence of contamination on the site and a low likelihood that the site is contaminated.

#### **SEPP (Transport and Infrastructure) 2021**

Chapter 3 of the Transport and Infrastructure SEPP 2021 provides the relevant matters for consideration relating to educational establishments and childcare facilities. DPHI have published a Child Care Planning Guideline dated 2021 which provides clarity on the assessment framework included in the Transport and Infrastructure SEPP 2021. An assessment of Part 3.3 of the Transport and Infrastructure SEPP 2021 dealing with specific development controls for early education and care facilities is provided in Table 5.

**Table 5 Child Care Transport and Infrastructure SEPP Assessment**

Section	Matter for Consideration	Assessment Comment
3.8	Consultation with Council regarding development with impacts on council-related infrastructure or services	The proposal will not have a significant impact on stormwater, roads and traffic, reticulated water supply, sewerage, or public spaces managed by Council. Cabonne Council has provided Pre-DA advice confirming no major upgrades to truck infrastructure or services is required, other than what is recorded on the Highlands Design Architectural Plans.
3.9	Consultation with Council regarding heritage impacts	The site will not impact on any known heritage items. Cabonne Council has provided Pre-DA advice confirming no detailed heritage studies are required, other than heritage assessment findings being recorded in the SEE.

Section	Matter for Consideration	Assessment Comment
3.10	Consultation with Council and NSW SES	The site is not flood liable land, as shown in the 2024 Eugowra Flood Study. Cabonne Council and NSW SES have provided flood study information which has been referenced in the development of the Highlands Design Architectural Plans.
3.11	Consideration of Bush Fire Protection	The site is shown as being affected by Category 3 Grasslands on the NSW RFS Bushfire Hazard Map. A Bushfire Assessment Report has been prepared by Integrated Consulting, which has been referenced in the development of the Highlands Design Architectural Plans. The DA is to be processed as 'integrated development' requiring the GTAs from NSW RFS for a bush fire safety authority under Section 100B of the RF Act 1997.
3.12	Consultation with other public authorities	Crown land owner's consent will be obtained prior to the lodgement of the DA on the NSW Planning Portal. The site does not adjoin National Parks or railway land and is not within the Siding Springs dark sky region. Access to the proposed centre-based childcare facility will not be directly to a classified road. GTAs from NSW RFS are to be obtained as part of the DA process.
3.13	Exceptions	No exceptions to Sections 3.8 to 3.12 are needed to be applied as the proposal complies.
3.14	Site compatibility certificates	A site compatibility certificate is not required to be issued, given that a DA is to be lodged for consent.
3.15	Additional uses of certain State land permitted	Additional uses are not proposed, given the Cabonne LEP 2012 is being amended to permit centre-based childcare facilities on the site.
3.16	General requirements for exempt development	The proposal is not exempt development and a DA is to be lodged for consent.
3.17	Exempt for Schedule 5 purposes	The proposal is not exempt development and a DA is to be lodged for consent.
3.18	General requirements for complying development	The proposal is not complying development and a DA is to be lodged for consent.
3.19	Complying development may not be carried out—bush fire prone land	The proposal is not complying development and a DA is to be lodged for consent.
3.20	Development affecting certain trees or vegetation	The proposal is not complying development, and a DA is to be lodged for consent.
3.21	General conditions of complying development certificates	The proposal is not complying development and a DA is to be lodged for consent.
3.22	Concurrence of Regulatory Authority required for certain development	The proposed centre-based childcare facility complies with the floorspace and outdoor space requirements and does not need concurrence from the Regulatory Authority.
3.23	Centre-based child care facility matters for consideration	The proposed centre-based childcare facility has been designed to comply with the DPHI Child Care Planning Guideline 2021 with respect to design, fencing, laundry facilities, unencumbered indoor space, unencumbered outdoor space and toilet facilities.



Section	Matter for Consideration	Assessment Comment
3.24	Centre-based child care facility in certain zones	The proposed centre-based childcare facility is compatible with neighbouring land-uses and will not restrict adjoining land-uses which include residential and rural activities. There are no industrial or agricultural activities such as cropping requiring spraying that could pose a health or safety risk to children, visitors or staff at the proposed childcare facility. A Plan of Management has been prepared by Cabonne Council which details a number of uses and activities deemed suitable on the site, including the Eugowra Showground, SES depot and a centre-based childcare facility.
3.25	Floor space ratio for centre-based child care facility in certain zones	The proposal is not land zoned R2 Low Density Residential. There are no floor space ratio standards in the Cabonne LEP 2012 or any development control plan applying to the land / development.
3.26	Non-discretionary development standards	This section overrides any development control requirements that require details on operational or management plans, demonstrated need or demand for child care services, proximity of a child care facility to other early childhood education and care facilities and other building design criteria (other than building height, side and rear setbacks or car parking rates). There are no development control plan standards that specifically apply to the proposed centre-based childcare facility. The proposed centre-based childcare facility has been designed to comply with the location, height, site area dimensions, setback, car parking and indoor and outdoor space requirements of the DPHI Child Care Planning Guideline 2021.
3.27	Development control plans	There are no development control plans applying to the land / development that specify controls relating to ages, age ratios, groupings, numbers of children at the proposed childcare facility.
3.28	Mobile childcare centres - exempt development	The proposed centre-based childcare centre does not involve mobile services / temporary structure that may be exempt development.
3.29	Temporary emergency relocation of early education / childcare facilities	The proposed centre-based childcare centre does not involve emergency relocation of early education or childcare facilities.
3.30	Home-based childcare - exempt development	The proposed centre-based childcare centre does not involve home-based childcare services that may be exempt development.
3.31	Home-based childcare - complying development	The proposed centre-based childcare centre does not involve home-based childcare services that may be complying development.
3.32	Out-of-school care at existing universities	There are no universities involved with the proposed centre-based childcare centre.
3.33	Out-of-school care at existing TAFE facilities	There are no TAFE facilities involved with the proposed centre-based childcare centre.

An assessment of the relevant matters for consideration under the DPHI Child Care Planning Guideline 2021 is provided in Table 6.

**Table 6 Child Care Planning Guideline Assessment**

Requirement	Proposed Design Response	Assessment Comment
Fencing or barrier that encloses outdoor spaces	The Highlands Design Architectural Plans show minimum 1.5m high fencing to act as barriers between indoor and outdoor childcare spaces and publicly accessible areas on the site (car park and public entry areas). Proposed fencing is of a height and design that will provide acceptable barriers to preschool age children.	Complies with fencing requirements
Laundry and hygiene facilities	The Highlands Design Architectural Plans show laundry facilities to deal with soiled clothing, nappies and linen, including hygienic facilities for storage of soiled clothing, nappies and linen prior to their disposal or laundering. Laundry / hygienic facilities are located where they do not pose a risk to children.	Complies with laundry and hygiene facility requirements
Unencumbered indoor space	The Highlands Design Architectural Plans show approximately 539m <sup>2</sup> of long day care and preschool floor space that exceeds the minimum requirement for 390m <sup>2</sup> of unencumbered indoor space, based on the requirement of at least 3.25m <sup>2</sup> per child.	Complies with indoor space requirements
Unencumbered outdoor space	The Highlands Design Architectural Plans show approximately 3,933m <sup>2</sup> of outdoor playground space that exceeds the minimum requirement for 840m <sup>2</sup> of unencumbered outdoor space, based on the requirement of at least 7.0m <sup>2</sup> per child.	Complies with indoor space requirements
Toilet and hygiene facilities	The Highlands Design Architectural Plans make provision for adequate, developmentally and age-appropriate toilet, washing and drying facilities (in safe / convenient locations) for use by children being educated and cared for by the Eugowra CCC.	Complies with toilet and hygiene requirements
Ventilation and natural light	The Highlands Design Architectural Plans make provision for indoor spaces that are well ventilated, have adequate natural light and can be maintained at a temperature that ensures the safety and well-being of children.	Complies with natural light and ventilation requirements

Requirement	Proposed Design Response	Assessment Comment
Administrative space	The Highlands Design Architectural Plans make adequate provision for the administrative functions of the Eugowra CCC, including Directors Office, Staff Program Room, Staff Room, Common Areas, Entry Foyer and Reception, Administration Room and Meeting Room for consulting with parents of children and conducting private conversations.	Complies with natural light and ventilation requirements
Nappy change facilities	The Highlands Design Architectural Plans show nappy changing facilities next to the Long Day Care Room, which includes a nappy change bench and nappy storage. The design of the nappy change facilities has a door which can be closed to prevent unsupervised access by children.	Complies with nappy change facility requirements
Outdoor space–natural environment	The Highlands Design Architectural Plans shows includes large outdoor spaces that allow children to explore and experience the natural environment.	Complies with outdoor space requirements
Outdoor space–shade	The Highlands Design Architectural Plans show a 3.57m wide verandah along the northern and western sides of the building which provides adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.	Complies with shade requirements
Premises designed to facilitate supervision	The Highlands Design Architectural Plans facilities supervision of children at all times in a manner that respects the rights and dignity of children.	Complies with design to facilitate supervision requirements

As demonstrated in both Tables 5 and 6, the proposed centre-based childcare facility is consistent with the Transport and Infrastructure SEPP 2021.

There are also provisions contained within the Transport and Infrastructure SEPP 2021 which are triggers for the referral of the DA to certain authorities prior to Cabonne Council being able to grant consent. With particular regard to the nature of the development proposed by this DA, the potential triggers for referral are summarised as follows:

**Development Likely to affect an electricity transmission or distribution network**

Clause 2.48 of the Transport and Infrastructure SEPP 2021 requires Council to give written notice to the electricity supply authority (and consider any response received within 21 days) when a DA involves development that:

- + The penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
- + Development carried out within or immediately adjacent to an easement for electricity purposes or substation, or within 5m of an exposed overhead electricity power line.
- + Development involving the installation of a swimming pool within 30m of a structure supporting an overhead transmission line, or within 5m of an overhead electricity power line.
- + Development involving or requiring the placement of power lines underground.

The locations of existing electricity transmission easements and powerlines affecting the subject land have been evaluated as part of the design process. The proposal does trigger referral to the electrical supply authority.

#### Development in or adjacent to road corridors and road reservations

Clause 2.122 of the Transport and Infrastructure SEPP 2021 requires Council to give written notice to Transport for NSW (and consider any response received within 21 days) when a DA involves traffic generating development of a kind specified in Column 1 of Schedule 3 of the SEPP. The nature and scale of the proposed development does not trigger referral of the application to Transport for NSW.

#### **SEPP Biodiversity and Conservation 2021**

The site is substantially cleared of native vegetation. Tests of significance completed for the site (see Section 5 of this SEE) conclude the proposal is unlikely to cause significant impacts to any threatened species and does not trigger entry into the BOS. There is no requirement for the proponent to offset biodiversity impacts associated with this proposal or to prepare a BAR or BDAR.

## **04.4 Local Environmental Plans (LEPs)**

### **04.4.1 Cabonne Local Environmental Plan 2012**

Cabonne LEP 2012 applies to the subject land, which requires consent to be obtained for centre-based childcare facilities, which are defined as follows:

***Centre-based child care facility means a building or place used for the education and care of children that provides long day care, occasional child care, out-of-school-hours care (including vacation care), and / or preschool care, or an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)).***

The site of the proposed centre-based child care facility is zoned RE2 Private Recreation under the Cabonne LEP 2012, which currently does not permit centre-based child care facilities in the zone.

A PP has been prepared by Cabonne Council proposing a change to the Cabonne LEP 2012 to permit centre-based childcare facilities as an additional permitted use under Schedule 1 of the Cabonne LEP 2012 on Lot 150 DP 750182, 21 Noble Street, Eugowra. The PP has been substantially progressed and an amendment to the Cabonne LEP 2012 is considered to be imminent.

An assessment has been completed to determine the potential applicability of key clauses in the Cabonne LEP 2012 to the proposed development, which is presented in Table 7. Where it is identified that a clause of the Cabonne LEP 2012 applies, this assessment work is presented in Section 4.4.2.

**Table 7 Preliminary LEP Assessment**

Clause	Clause Name	Applicability
1.9A	Suspension of covenants, agreements and instruments	N/A
2.3	Zone objectives	Applicable. See Section 4.4.2
2.5	Additional permitted uses for particular land	Applicable. See Section 4.4.2
2.6	Subdivision - consent requirements	N/A
2.7	Demolition requires development consent	N/A
2.8	Temporary use of land	N/A
	Land-use Table	Applicable. See Section 4.4.2
4.1-4.1	Minimum subdivision lot size	N/A

Clause	Clause Name	Applicability
4.1D	Boundary changes between lots in certain rural, residential and environmental zones	N/A
4.2	Rural Subdivision	N/A
4.2A	Erection of a dual occupancies and dwelling houses on land in certain rural zones	N/A
4.2B	Boundary adjustments in certain rural zones	N/A
5.1	Relevant acquisition authority	N/A
5.2	Classification and reclassification of public land	N/A
5.3	Development near zone boundaries	N/A
5.4	Controls relating to miscellaneous permissible uses	N/A
5.5	Controls relating to secondary dwellings on land in a rural zone	N/A
5.8	Conversion of fire alarms	N/A
5.10	Heritage Conservation	Applicable. See Section 4.4.2
5.11	Bushfire Hazard Reduction	N/A
5.12	Infrastructure development and use of existing buildings of the Crown	N/A
5.13	Eco-tourist facilities	N/A
5.16	Subdivision of, or dwellings on, land in certain rural, residential and conservation zones	N/A
5.18	Intensive livestock agriculture	N/A
5.19	Pond-based, tank based and oyster aquaculture	N/A
5.20	Standards that cannot be used to refuse consent - playing music	N/A
5.21	Flood planning	Applicable. See Section 4.4.2
5.22	Special flood considerations	N/A
6.2	Stormwater management	N/A
6.3	Terrestrial biodiversity	N/A
6.4	Groundwater vulnerability	N/A
6.5	Drinking water catchments	N/A
6.6	Riparian land and watercourses	N/A
6.7	Land affected by Karst	N/A
6.8	Essential services	Applicable. See Section 4.4.2
6.9	Location of sex services premises	N/A

#### 04.4.2 Assessment of LEP provisions

##### Clause 2.3 - Zone Objectives

Clause 2.3 states that Council must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives of the RE2 Private Recreation zone are:

- + To enable land to be used for private open space or recreational purposes.

- + To provide a range of recreational settings and activities and compatible land uses.
- + To protect and enhance the natural environment for recreational purposes.

The proposed development is for a high quality centre-based childcare facility. The proposal is assessed to not cause adverse impacts on private recreational activities at the Eugowra Showground. A Plan of Management has been prepared for the Eugowra Showground (Reserve D590015) which makes provision for a centre-based childcare facility on Lot 150 DP 750182, Noble Street, Eugowra.

#### **Clause 2.5 - Additional Permitted Uses**

A PP has been prepared by Cabonne Council proposing a change to the Cabonne LEP 2012 to permit centre-based childcare facilities as an additional permitted use under Schedule 1 of the Cabonne LEP 2012. The PP has been substantially progressed and an amendment to the Cabonne LEP 2012 and is considered to be imminent.

#### **Land-use Table RE2 Zone**

The proposed centre-based childcare facility is currently not permitted on Lot 150 DP 750182, zoned RE2 Private Recreation. A PP has been prepared by Cabonne Council proposing a change to the Cabonne LEP 2012 to permit centre-based childcare facilities as an additional permitted use under Schedule 1 of the Cabonne LEP 2012. The PP has been substantially progressed and an amendment to the Cabonne LEP 2012 and is considered to be imminent.

#### **Clause 5.10 Heritage Conservation**

Clause 5.10 seeks to conserve the environmental heritage of the Cabonne Local Government Area (LGA), including the heritage significance of Aboriginal cultural heritage, built heritage and heritage conservation areas.

Council is required to consider the effect of the proposed development on the heritage significance of the item or area concerned. Clause 5.10(5) makes provision for the Council to require a 'heritage management document' to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area.'

There are no records of Aboriginal cultural heritage sites on the site or within close proximity of the site. AHIMS search does not reveal any Aboriginal cultural heritage sites in close proximity to the site. The site has been inspected and there is no visible evidence of cultural heritage items / artefacts. The site has been significantly modified by showground activities over many years which are likely to have reduced the potential for artefacts.

The site is not listed as a heritage item under the Cabonne LEP 2012 Heritage Map. The site is not located in close proximity to heritage items. There are no heritage conservation areas applying to the site.

Site inspection confirms there are no historic buildings / relics on or around the site that are particularly rare or have significant heritage value. Heritage considerations are considered to apply to the entirety of the Eugowra Showground due to the age of the Crown Land reservation and its association with the development of Eugowra township. The proposed centre-based childcare facility been carefully designed by Highlands Design so as not to impact on existing buildings / structures at the Eugowra Showground.

Provision of an Aboriginal Due Diligence Report or a heritage management document is not considered necessary.

### **Clause 5.21 Flooding**

The site is not mapped as flood affected under the Cabonne LEP 2012 or the Eugowra Flood Study 2011. Analysis of preliminary flood data showing the extent of the Eugowra Flood that occurred on 14 November 2022 shows the development site of the proposed centre-based childcare facility to be located outside the 2022 flood. Actual observation of flood behaviour during and immediately after the November 2022 Eugowra Flood confirms no substantive flooding of the development site.

To safeguard against any potential for flood impacts, the FFL of the centre-based childcare centre building is to be located 700m above natural ground level at the western edge of the building closest to Noble Street.

### **Clause 6.8 Essential Services**

Clause 6.8 requires that development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development or available or that adequate arrangements have been made to make them available when required:

- + The supply of water.
- + The supply of electricity.
- + The disposal and management of sewage.
- + Stormwater drainage or on-site conservation.
- + Suitable vehicle access.

All in-situ infrastructure has been identified. Pre-DA advice has been obtained from Cabonne Council staff to determine their requirements for connection to water, sewer, stormwater and roads as well as waste bin collection arrangements. Consultation has also been undertaken with Essential Energy to determine the location / capacity of existing grid supply in the area.

An assessment of the essential servicing requirements of the proposal is included as follows:

- + It is proposed to connect the development to reticulated water supply mains. An assessment of water pressure and flow has been undertaken, which shows water mains and hydrants available will generally be adequate to meet the requirements for fire fighting and water supply. Some changes / upgrades to existing hydrant locations are proposed to be undertaken as part of the construction of the development. In general, the development can be readily supplied with water for all aspects of the development.
- + It is proposed to connect the development to the reticulated sewerage system, which is available in Evelyn Street.
- + It is proposed to connect the development to grid electricity supply.
- + Stormwater from buildings is proposed to be connected to on-site tanks for water storage, re-use and stormwater detention. Overflow from these tanks will be directed to the existing table drain in Noble Street. The whole system has been designed to ensure post development flows into the existing drainage system are limited to pre-development flows.
- + Vehicular access is to be provided from Noble Street via a new access crossing that will be constructed to a bitumen sealed standard. Pedestrian access will also be made available to Noble Street via a new internal concrete footpath.

The proposal is capable of being connected to all relevant essential services in accordance with the requirements of Clause 6.8.



## 04.5 Development Control Plans

### 04.5.1 Development Control Plans

An assessment has been completed in Table 8 to determine the potential applicability of each Development Control Plan in the Cabonne LGA to determine whether they are applicable to the proposed temporary use.

Table 8 DCP Assessment

DCP No.	DCP Name	Applicability
DCP 2	West Canowindra Rural Small Holdings	N/A
DCP 3	Weemeloh Rural Small Holdings	N/A
DCP 4	Long Corner Road Rural Small Holdings	N/A
DCP 5	General Rural Zones	N/A
DCP 6	Rural Small Holdings	N/A
DCP 7	North Street Canowindra Industrial	N/A
DCP 8	North Molong Industrial	N/A
DCP 9	Stathnook Lane Rural Small Holdings	N/A
DCP 10	Flood Prone Land in Molong	N/A
DCP 13	Advertising Signage in Conservation Areas (Molong & Canowindra)	N/A
DCP 5	Relocatable and Transportable Homes – Amendment 1	N/A
DCP 16	Interim Guidelines for Development of Flood Prone Land in Eugowra – Amendment 1	N/A



## 05. ENVIRONMENTAL ASSESSMENT

### 05.1 Introduction

The main environmental issues that have been raised and investigated as part of the design process for the proposed centre-based childcare centre have been documented in this section. Each issue is investigated by way of introducing the key issue(s), documenting existing conditions, assessing impacts and proposing management and mitigation measures.

### 05.2 Hazards and Risk

#### 05.2.1 Assessment of Existing Conditions

The site for a new Eugowra CCC centre-based childcare facility (Lot 150 DP 750182) at the Eugowra Showground was identified by the Eugowra CCC (and others) following the 2022 Eugowra flood. The site is located on the eastern outskirts of Eugowra. The site is Crown Land (Reserve D590015) managed by Cabonne Council for public recreation purposes.

The site is not mapped as flood affected under the Cabonne LEP 2012 or the Eugowra Flood Study 2011. Analysis of preliminary flood data showing the extent of the Eugowra Flood that occurred on 14 November 2022 shows the development site of the proposed centre-based childcare facility to be located outside the 2022 flood event. Actual observation of flood behaviour during and immediately after the November 2022 Eugowra Flood confirms no substantive flooding of the development site.

The site is shown as Category 3 Grasslands on the NSW RFS Bush Fire Prone Land Map, and a Bush Fire Assessment Report is required to accompany any new development requiring consent on the site.

#### 05.2.2 Assessment of Impacts

Risk management issues associated with the development of Lot 150 DP 750182 for a centre-based childcare facility have already undergone some level of assessment as part of the draft Plan of Management and PP. The site / project is generally supported by Federal and State government agencies, Cabonne Council, Eugowra Showground Trust, Eugowra CCC and other members of the community, subject to further assessment of the proposal against the relevant matters for consideration under the EP&A Act 1979 and other applicable standards.

The main hazards / risks identified as part of the design development phase of the proposed centre-based childcare facility are discussed as follows:

- + The site is shown as Category 3 Grasslands on the NSW RFS Bush Fire Prone Land Map, the proposed centre-based childcare facility is a SFPP, requiring the issue of a bushfire safety authority under Section 100B of the Rural Fires Act 1997. SFPP developments are required by the Rural Fires Act 1997 to meet the requirements of the RFS Guideline Planning for Bush Fire Protection 2019. A Bush Fire Assessment Report has been prepared by Integrated Consulting to guide the design of the proposed centre-based childcare facility on Lot 150 DP 750182. The Bushfire Assessment Report confirms the Highlands Design Architectural Plans comply with the RFS Guideline Planning for Bush Fire Protection 2019. Emergency evacuation procedures will be developed and implemented as part of the occupation of the facility.
- + The site is not mapped as flood affected under the Cabonne LEP 2012 or the Eugowra Flood Study 2011. Analysis of preliminary flood data shows the development site of the

- + centre-based childcare centre is not affected by the Eugowra 1950 flood or the Eugowra 2022 flood. Actual observation of flood behaviour during and immediately after the November 2022 Eugowra Flood by residents in the area and first responders confirms no substantive flooding of the development site. To safeguard against any potential for flood impacts, the FFL of the centre-based childcare centre building is to be located 700m above natural ground level at the western edge of the building closest to Noble Street.
- + A Preliminary Site Investigation has been carried out by Premise, with no evidence of contamination on the site being identified.
- + The construction site is to be fenced, and gates are locked when not in use.
- + Indoor and outdoor childcare facilities are to incorporate appropriate safety and security measures, including fencing, signage, lighting, level pathways and the like.
- + The volume of waste generated by the proposal can be managed appropriately to an acceptable level.

### 05.2.3 Management and Mitigation

The proposal will implement the following risk management measures to minimise the potential for bushfires, child safety, worker and public safety, waste and hazard related impacts:

- + Implement a Construction Environmental Management Plan (CEMP) during the construction phase.
- + Ensure that the site remains fenced during the construction phase, and the entrance is locked.
- + Implement evacuation procedures in the event that the site is threatened by fire or other emergency situation, with site residents, personnel and visitors evacuated to the nearest safest place.
- + Provide appropriate waste receptacles for the segregation and storage for waste and pick-up. All bins to be maintained so they are free of vermin (mice, rats, cockroaches, flies).
- + Littering not permitted, including cigarette butts.
- + No waste is to be burnt on site.
- + No hazardous materials to be stored on site.
- + Separation distances to be maintained from adjoining land-uses, including a 20m wide buffer being established between the proposed SES facility and childcare facility.
- + Implementation of fire management strategies, including asset protection zones, bushfire fuel sources, building design and operation, fire management procedures and emergency evacuation procedures.
- + The FFL of the centre-based childcare centre building is to be located 700m above natural ground level at the western edge of the building closest to Noble Street.
- + Implement security procedures, including the installation of security fencing, lighting and CCTV.

## 05.3 Design

### 05.3.1 Assessment of Existing Conditions

The site is located on the eastern outskirts of Eugowra township. The site is relatively well-separated from neighbouring land-uses and there are no major constraints affecting the site, such as flooding, high hazard bush fire areas, watercourses, perched water table, drainage channels, easements or road widening proposals.

### 05.3.2 Assessment of Potential Impact

The project has been carefully designed by an experienced project design team, with inputs from architects, building certifiers, engineers, project managers, quantity surveyors and town planners. There is a high degree of certainty that the proposed centre-based childcare facility can be constructed and operated in accordance with the Eugowra CCC project design brief and relevant legislative requirements.

The design of the centre-based childcare centre has involved careful consideration of relevant planning requirements as well as an analysis of site opportunities and constraints. The Highlands Design Architectural Plans are considered acceptable given:

- + The proposal complies with all relevant planning policies, including the Transport and Infrastructure SEPP 2021, Cabonne LEP 2012, RFS Planning for Bushfire Protection Guideline 2019 and the DPHI Child Care Planning Guideline 2021.
- + The site does not interact with any mapped environmentally sensitive areas, remnant native vegetation, identified contaminated land or flood prone land.
- + Connection to urban services, including reticulated water supply and sewerage, will minimise impacts on water resources.
- + The location of proposed buildings / structures will comply with the relevant setback requirements of the National Construction Code (NCC) of Australia 2022.
- + Building height, bulk and scale have been designed having regard to slope and topography, nearby showground and other buildings, views from nearby buildings and the public domain.
- + There has been suitable articulation in the building design and landscaping to present an attractive / active frontage to Noble Street and Nangar Road.
- + Solar access, visual privacy and acoustic privacy will be achieved throughout the development through the implementation of high-quality architectural and landscape plans.
- + Parking will be available for 39 cars, including three (3) disabled parking spaces and six (6) drop-off zone spaces, with stormwater from the carpark draining to the south via a swale drain that will discharge to the Noble Street table drain.
- + Pedestrian access will be available from Noble Street and internal parking areas via a new concrete footpath.
- + Outdoor lighting is to be designed to comply with AS/NZS 11583.1 Pedestrian Area (Category P) Lighting, AS4282 Control of Obtrusive Effects of Outdoor Lighting.
- + The FFL of the centre-based childcare centre building is to be located 700m above natural ground level at the western edge of the building closest to Noble Street.
- + Security measures will be incorporated into the design to comply with Crime Prevention Through Environmental Design (CPTED) guidelines, including lighting, fencing, security doors and CCTV.

The development is unlikely to adversely impact on the peri-urban character / amenity of the area. Landscaping within the site curtilage will further assist in softening the appearance of buildings and other activities carried out on the site, once fully established.

### 05.3.3 Management and Mitigation

No additional mitigation measures are proposed, other than implementation of the Highlands Design Architectural Plans and Preliminary Landscape Plan.

## 05.4 Visual Impacts and Amenity

### 05.4.1 Assessment of Existing Conditions

The site of the proposed centre-based childcare centre is located at the Eugowra Showground, which is Crown Land (Reserve D590015) under the trustee of Cabonne Council. The site has been reserved by the Crown for Public Recreation since 1883. The site adjoins Nangar Road to the north and Noble Street to the west. South and east of the site is the Eugowra Showground, with farmland located further afield.

The site is currently vacant of permanent buildings and used generally as open paddocks associated with the Eugowra Showground. A temporary reconstruction authority compound is established on the southern part of Lot 150 DP 750182 and northern part of Lot 71 DP 750182, which was established as part of the NSW government response to the 2022 Eugowra Flood. It would appear from aerial imagery and site inspection, the site is regularly cropped.

The main improvements and activities associated with the Eugowra Showground generally occur on Lot 71 DP 750182 to the south. The temporary reconstruction authority compound is also established on part Lot 71 DP 750182.

Land to the east of the site is generally zoned RU5 Village and comprises a mix of residential, commercial and industrial land-uses. Land to the north, east and south of the Eugowra Showground is zoned RUI Primary Production and is generally used for livestock grazing, cropping and associated dwellings and sheds. The Orange Broken Hill Railway is located approximately 500m to the south, which is no longer in service. Approximately 420m south of Lot 150 DP 750182 is Puzzle Flat Creek, which has a confluence with Mandagery Creek approximately 3.5km south-west of the site. The general area consists of a flat landscape with a slight overall slope downward to the south-west.

### 05.4.2 Assessment of Potential Impact

The proposal is for a new centre-based childcare centre comprising a single storey childcare centre building, storage sheds, shade structures, water storage tanks, new access and carpark, internal footpaths and landscaped areas. There are no natural watercourses, ridgelines or elevated areas, significant stands of native vegetation or other distinguishing natural features on the site of the proposed childcare centre. The site is relatively well-separated from neighbouring land-uses due to adjoining roads and the large areas of vacant land in and around the Eugowra Showground.

The Highlands Design Architectural Plans show the extent of the proposed development. Implementation of the Highlands Design Architectural Plans would lead to changes in the urban landscape as viewed from surrounding areas. These changes have been assessed by the project design team against the likely visual impacts of the development on the Eugowra Showground and other landowners in the vicinity of the development and key vantage points in the public domain. To ensure positive responses from proposed changes, the Highlands Design Architectural Plans propose single storey construction of the centre-based childcare centre and ancillary sheds that interface with Noble Street. A variety of materials would be used to create a contemporary design that would infill with the surrounding peri-urban setting. Landscaping of the site would also be carried out as part of the establishment of the childcare centre.

There are no overshadowing or privacy issues, based on building setbacks from adjoining properties. No significant views would be lost / impacted. The proposal would have considerable street appeal and presence, while also providing a sympathetic transition between the mix of public recreational activities carried out at the Eugowra Showground.

#### 05.4.3 Management and Mitigation

No additional mitigation measures are proposed other than implementation of Architectural Plans prepared by Highlands Design.

### 05.5 Access and Traffic

#### 05.5.1 Assessment of Existing Conditions

Vehicular access to the Eugowra Showground is from Noble Street, which is a bitumen sealed road owned and managed by Cabonne Council. Active transport paths, street lighting, disabled parking and use of tactile ground surface indicators (TGSI) in this peri-urban area is currently limited. Traffic volumes along Noble Street are generally very low. Peak traffic volumes would generally occur during the Eugowra Show under traffic controlled conditions. No direct access to Nangar Road is currently available.

#### 05.5.2 Assessment of Potential Impact

The proposal is for a new centre-based childcare facility comprising a single storey buildings, on-site carpark and a new vehicular access to Noble Street. No access to Nangar Road is proposed. The proposal has been designed for up to 75 preschool places and 45 long day care places.

Carparking assessment has been calculated at the rate of one (1) on-site space per four (4) children and one (1) on-site space per two (2) staff, having regard to the matters for consideration in Section 3.8 Traffic, Parking and Circulation of the DPHI Child Care Planning Guideline 2021. Based on the maximum 120 care places and 15 staff at the Eugowra CCC, a total of 38 on-site car spaces is required.

A total of 39 car parking spaces are to be provided on the site, including three (3) disabled parking spaces and six (6) drop-off parking spaces. Deliveries are anticipated to be made by smaller sized vehicles that can gain access to the childcare facility via carpark.

The estimated traffic generated from the proposed centre-based childcare facility on local streets is as follows:

- + Noble Street via Pye Street - 63% total vehicle movements, which equates to up to 152 (in and out) vehicle movements in the morning and 152 (in and out) vehicle movements in the afternoon accessing the facility from the direction of Pye Street.
- + Noble Street via Evelyn Street - 3% total vehicle movements, which equates to up to 6 (in and out) vehicle movements in the morning and 6 (in and out) vehicle movements in the afternoon accessing the facility from the direction of Evelyn Street.
- + Noble Street via Oberon Street - 29% total vehicle movements, which equates to up to 70 (in and out) vehicle movements in the morning and 70 (in and out) vehicle movements in the afternoon accessing the facility from the direction of Oberon Street.
- + Noble Street - 3% total vehicle movements, which equates to up to 3 (in and out) vehicle movements in the morning and 3 (in and out) vehicle movements in the afternoon accessing the facility from Noble Street.

The proposed traffic, parking and loading aspects of the proposed childcare facility are assessed to be acceptable in the circumstances, and comply with the relevant parking standards. No specific transport or traffic mitigation measures have been identified as being relevant to the proposed development. Drivers in and around the site are fore-casted to experience negligible restriction on parking or road safety issues and no delays at intersections.

### 05.5.3 Management and Mitigation

The following is proposed to mitigate traffic impacts to the greatest extent possible:

- + Construction of proposed new driveways and on-site parking in accordance with the Highlands Design Architectural Plans and Calare Civil Design Drawings and any applicable Cabonne Council Engineering Specifications.
- + Obtain all relevant permits / approvals from Cabonne Council prior to any works on public roads.
- + No vehicular access onto Nangar Road.

## 05.6 Disability Access

### 05.6.1 Assessment of Existing Conditions

The site is located on the eastern outskirts of Eugowra township. Vehicular access is proposed from Noble Street, which is a bitumen sealed road owned and managed by Cabonne Council. Active transport paths, street lighting, disabled parking and use of tactile ground surface indicators (TGSi) in this peri-urban area is currently limited.

### 05.6.2 Assessment of Potential Impact

The proposal is for a new centre-based childcare facility that has been designed for 75 preschool places and 45 long day care places. A total of 39 car parking spaces are to be provided on the site, including three (3) disabled parking spaces.

Architectural Plans and Civil Design Drawings have been progressed to a point where it is possible to present the preliminary findings of an access review. Assessment of the proposal against a number of access standards has been undertaken, including:

- + Disability (Access to Premises – Buildings) Standards 2010.
- + Parts D3, E3.6 and F2.4, F2.9 and H2 of the Building Code of Australia 2019.
- + Australian Standard AS1428.1 (2009) Design for Access and Mobility Part 1: General requirements for access – new building work.
- + Australian Standard AS1428.2 (1992) Design for Access and Mobility Part 2: Enhanced and additional requirements – buildings and facilities.
- + Australian Standard AS1428.4 (2009) Design for Access and Mobility Part 4.1: Means to assist the orientation of people with vision impairment – tactile ground surface indicators.
- + Australian Standard AS1428.5 (2010) Design for Access and Mobility Part 5: Communications for people who are deaf or hearing impaired.
- + Australian Standard AS2890.5 (1993) Parking Facilities Part 5: On-street parking.
- + Australian Standard AS3745 (2009) Planning for Emergencies in Facilities.

To address the above standards and the objects of the DDA Act 1992, the following is proposed:



- + Provision of a footpath from Noble Street to the main entry of the facility and connecting all parking / drop-off areas, including three (3) disabled parking spaces.
- + Continuous accessible path of travel throughout the main foyer areas, pre-school and long day care rooms of the building and to playground areas, including doorways with minimum clear opening dimensions for wheelchair access, door handles with compliant door opening forces, as identified on Highlands Design Architectural Plans.
- + Accessible sanitary facilities, including unisex disabled WC and Shower, as identified on Highlands Design Architectural Plans.
- + Information and directional signage for sight impaired and blind persons (where necessary).

The specific design detail of the proposed construction work is intended to be further developed at Construction Certificate stage. However, in general it is assessed the proposal can comply with the NCC and other relevant access standards.

### 05.6.3 Mitigation and Management

No additional mitigation measures are proposed, other than further detailed design of the Highlands Design Architectural Plans and Calare Civil Design Drawings up to Construction Certificate stage.

## 05.7 Building Code Compliance

### 05.7.1 Assessment of Existing Conditions

The site has an area of 3.8ha and is relatively well-separated from neighbouring land-uses and roads. There are no major constraints affecting the site, such as steep slopes, flooding, high hazard bush fire areas, watercourses, perched water table, drainage channels, easements or road widening proposals.

### 05.7.2 Assessment of Potential Impact

Architectural plans have been progressed by Highlands Design, with the following building features:

- + Construction of a single storey childcare centre building, including three (3) pre-school rooms, long day care room, common areas, kitchen facilities, reception, offices and staff rooms and toilets. External building treatments to comprise Genesis pre-finished compressed FC panels in various colours and Colorbond Custom Orb roofing. Wall mounted services would also include a meter box, air-conditioning units and PVC downpipes.
- + Construction of 3 x storage shed from Custom Orb cladding materials to match proposed childcare centre building.
- + Installation of 2 x 30,000 litre water rainwater collection tanks.
- + Connection to all available services and utilities, including reticulated water supply, sewerage, electricity, telecommunications and stormwater drainage.
- + Landscaping throughout the site to create attractive external building frontages, internal playground spaces, orchard and chicken pen.
- + Earthworks necessary to establish building footings, carpark, driveways and landscaping.

The FFL of the centre-based childcare centre is to be located 700m above natural ground level at the western edge of the building closest to Noble Street, so as to safeguard against flooding.

The finalisation of Architectural Plans has been informed by a BCA review undertaken by Jensen Hughes. In general, the proposed centre-based childcare facility can comply with the NCC 2022 and the relevant parts of the Building Code of Australia (BCA).

The specific design detail of the proposed construction works is intended to be further developed prior to the lodgement of a Construction Certificate (CC). Structural engineering certification of construction drawings will be also obtained prior to the lodgement of a CC as well as more detailed design plans that demonstrate full compliance with the NCC and BCA.

### 05.7.3 Management and Mitigation

No additional mitigation measures are proposed, other than further detailed design of the Highlands Design Architectural Plans up to CC stage.

## 05.8 Soil and Water Quality

### 05.8.1 Assessment of Existing Conditions

The subject land is not mapped on the Cabonne LEP 2012 as being located in a flood planning area or affected by riparian lands, watercourses or groundwater. Soil erosion and related impacts are not observed to be causing a problem at the site. The majority of existing site stormwater would be infiltrated, however sheet flow may be generated and discharge to Puzzle Flat Creek to the south of the site. No ponded water was evident during the site inspections.

### 05.8.2 Assessment of Potential Impact

The site is located on the eastern outskirts of Eugowra township, and is relatively well-separated from neighbouring land-uses and roads.

The Highlands Design Architectural Plans include measures to protect adjoining premises and drainage assets from stormwater impacts. Calare Civil have also prepared a Stormwater Management Plan and an Erosion and Sediment Control Plan to minimise sediment entering adjoining sites / drainage systems.

No significant long-term impacts on water quality within managed drainage systems, watercourses, bank stability, aquatic and riparian habitats or ecological processes are assessed to apply.

Once built, the proposed centre-based childcare facility is unlikely to cause soil or water quality impacts.

### 05.8.3 Management and Mitigation

It is proposed to implement the Clare Civil Stormwater Management Plan and Erosion and Sediment Control Plan as part of the development. A CEMP is also intended to be implemented during the construction phase of the development to ensure no soil and water quality impacts during the construction phase.

## 05.9 Air Quality

### 05.9.1 Assessment of Existing Conditions

The site sits within a context of a peri-urban area on the eastern edge of the Eugowra township. The site is relatively well-separated from sensitive land-uses such as housing.



### 05.9.2 Assessment of Potential Impact

The POEO Act 1997 sets the statutory framework for managing air quality in NSW, including establishing the licensing scheme for higher intensity industrial premises and a range of air pollution offences and penalties. The POEO (Clean Air) Regulation 2022 sets standards of concentration for emissions to air from both scheduled and non-scheduled activities. For the proposal activities, the POEO (Clean Air) Regulation 2022 provides general standards of concentration for scheduled premises which are Solid particles (total) – Any activity or plan (except listed below) – 100mg m<sup>-3</sup>. Further to these requirements, Clause 20 of the POEO (Clean Air) Regulation 2022 requires that motor vehicles do not emit excessive air impurities which may be visible for a period of more than 10-seconds when determined in accordance with the relevant standard.

The assessment of air quality impacts identifies potential for emissions to air from the following sources:

- + Dust from earthmoving and construction operations.
- + Dust from wind erosion of parts of the site disturbed by earthmoving / construction operations.
- + Emissions from vehicle and generator exhaust.

Uncontrolled dust during the construction phase has been identified as the main potential issue, especially during hot and windy conditions. The specific pollutants of interest associated with the above activities are:

- + Total suspended particulate (TSP).
- + Particulate matter with an aerodynamic diameter of 10 microns (PM10).
- + Particulate matter with an aerodynamic diameter of 2.5 microns (PM2.5).

Dust emissions associated with construction phases of the development are unlikely to have a significant impact on air quality due to the small scale of operations, separation from nearby sensitive receivers and the implementation of management measures.

Emissions of noxious carbon monoxide (CO) and sulphur dioxide (SO<sub>2</sub>) related to petrol / diesel combustion are unlikely to have a significant impact on air quality (in addition to particulates considered above) given the distances between the proposal and nearest sensitive receptors and the limited volumes of motor vehicles at the site.

Once built, the proposed centre-based childcare facility is unlikely to exceed air pollution criteria due to the coverage of the site with buildings and landscaping and the distances between the proposal and nearest sensitive land-use.

### 05.9.3 Management and Mitigation

Procedures are intended to be developed in a CEMP for the project linking visible dust generation with wind conditions experienced at the site during the construction phase. A range of actions are proposed to be reduce visible dust generation, until such time as the adopted trigger levels have reduced. These proposed emissions controls are as follows:

- + Connection to the reticulated water supply system to ensure water availability to control dust generation at the site.
- + Application of water on the disturbed surfaces (if required).
- + Closure of operations in extreme hot dry windy conditions (if required).
- + Covering loads with a tarpaulin and limit load sizes to ensure material is not above the level of truck sidewalls.
- + Minimising vehicle travel speeds on-site.

## 05.10 Noise and Vibration

### 05.10.1 Assessment of Existing Conditions

The site sits within a context of a peri-urban area on the eastern edge of the Eugowra township. The site is relatively well-separated from sensitive land-uses such as housing. The background noise levels are assessed to be quite low.

### 05.10.2 Assessment of Potential Impact

The POEO Act 1997 sets the statutory framework for managing noise and vibration in NSW. The EPA Noise Policy for Industry (NPI) dated October 2017 is the primary tool used to determine compliance with the POEO Act 1997 in relation to noise and vibration in urban areas. The objectives of the NPI are to:

- + Provide noise criteria that is used to assess the change in both short term and long-term noise levels.
- + Provide a clear and consistent framework for assessing environmental noise impacts from industrial premises and industrial development proposals.
- + Promote the use of best-practice noise mitigation measures that are feasible and reasonable where potential impacts have been identified.
- + Support a process to guide the determination of achievable noise limits for planning approvals and/or licences, considering the matters that must be considered under the relevant legislation (such as the economic and social benefits and impacts of industrial development).

The policy sets out a process for noise management involving the following key steps:

- + Determine the Project Noise Trigger Levels (PNTLs) (i.e. criteria) for a development. These are the levels (criteria), above which noise management measures are required to be considered. They are derived by considering two factors: shorter-term intrusiveness due to changes in the noise environment; and maintaining the noise amenity of an area.
- + Predict or measure the noise levels produced by the development with regard to the presence of annoying noise characteristics and meteorological effects such as temperature inversions and wind.
- + Compare the predicted or measured noise level with the PNTL, assessing impacts and the need for noise mitigation and management measures.
- + Consider residual noise impacts - that is, where noise levels exceed the PNTLs after the application of feasible and reasonable noise mitigation measures. This may involve balancing economic, social and environmental costs and benefits from the proposed development against the noise impacts, including consultation with the affected community where impacts are expected to be significant.
- + Set statutory compliance levels that reflect the best achievable and agreed noise limits for the development.
- + Monitor and report environmental noise levels from the development.

Uncontrolled noise during the construction phase has been identified as a potential issue. The construction phase is intended to be implemented under a CEMP, including requirements to control noise during the construction phase.

Once built, the proposed centre-based childcare facility is unlikely to exceed noise criteria due to the background noise conditions at this part of Eugowra, most activities being conducted within the confines of the building, separation from nearby sensitive receivers and the implementation of management measures.

### 05.10.3 Management and Mitigation

Procedures are intended to be developed in a CEMP for the project during construction phase to reduce noise and vibration where possible. The proposed noise emissions controls to be employed at the site are as follows:

- + Construction operations during daylight hours only.
- + Select machinery, mobile plant and equipment to minimise noise emissions.
- + Avoid unnecessary operation of plant or revving of mobile / stationary motors.
- + Shut down equipment when not in use.

## 05.11 Heritage

### 05.11.1 Assessment of Existing Conditions

A search of the Aboriginal Heritage Information System (AHIMS) has been completed for the subject land. The search was completed to determine whether there are any items of cultural heritage significance either on the subject land or within 50m of the subject land. The search result found that:

- + There are 0 Aboriginal sites recorded in or near the subject land.
- + There are 0 Aboriginal places that have been declared in or near the above location.

The subject land is not listed as a heritage item under the Cabonne LEP 2012 or State Heritage Register. The site is not located in a heritage conservation area. There are no features of the site that are particularly rare or have significant heritage value. The proposed development site is well-separated from listed heritage items.

### 05.11.2 Assessment of Potential Impact

#### Aboriginal Cultural Heritage

Whilst a search of the AHIMS has not identified the presence of any recorded sites or places, there is a need to consider whether the proposal will impact on potential items of Aboriginal cultural heritage significance. Based on the framework in the Due Diligence Code of Practice (DDCP) for the Protection of Aboriginal Objects in NSW, the following assessment statements are true:

- + The proposal does not represent an activity that is a declared project under Part 3A of the EP&A Act 1979.
- + The proposal is not an activity that is an exempt activity listed in the NPW Act 1974 or other legislation.
- + The proposal will not involve harm to an Aboriginal object that is trivial or negligible under Section 86 of the NPW Act 1974.
- + The proposal is not on land that is known to be in an Aboriginal Place declared by the Minister under Section 84 of the NPW Act 1974.
- + The proposal is not a low impact activity for which there is a defence in the NPW Regulation 2019.

Having regard to the above, the correct procedure is to follow the Generic Due Diligence Process as per Section 7 of the DDCP, which is presented in Table 9.

Table 9 The Generic Due Diligence Process

Step	Question	Statement
1	Will the activity disturb the ground surface or any culturally modified trees?	Yes. Proceed to Step 2.
2	Are there any: a) relevant confirmed site records or other associated landscape feature information on AHIMS? b) any other sources of information of which a person is already aware? c) landscape features that are likely to indicate presence of Aboriginal objects?	No. According to the DDCP, an AHIP application is not necessary and it is possible to proceed with caution. If any Aboriginal objects are found, stop work and notify DECCW. If human remains are found, stop work, secure the site and notify the NSW Police and DECCW.  Consideration of Steps 3, 4 and 5 (below) not necessary.
3	Can harm to Aboriginal objects listed on AHIMS or identified by other sources of information and/or can the carrying out of the activity at the relevant landscape features be avoided?	N/A
4	Does a desktop assessment and visual inspection confirm that there are Aboriginal objects or that they are likely?	N/A
5.	Further investigation and impact assessment	N/A

**Built Heritage**

Assessment of historic and built heritage is open for assessment based on the matters for consideration under Section 4.15 of the EP&A Act 1979. This assessment reveals no impacts on heritage items and heritage conservation areas. No heritage items / issues are particularly relevant and a Heritage Impact Assessment is not required.

**05.11.3 Management and Mitigation**

No additional mitigation measures are proposed, other than implementation of the unexpected finds procedure under the DDCP for the Protection of Aboriginal Objects in NSW.

**05.12 Services and Utilities****05.12.1 Assessment of Existing Conditions**

The site is connected to reticulated water supply mains, electricity supply and telecommunications. Pre-DA advice has been received from Cabonne Council staff to determine their requirements for connection to water, sewer, stormwater and roads as well as waste bin collection arrangements. Consultation has also been undertaken with Essential Energy on the location / capacity of existing grid supply in the area.

### 05.12.2 Assessment of Potential Impacts

An assessment of the essential servicing requirements of the proposal is as follows:

- + It is proposed to connect the development to reticulated water supply mains. An assessment of water pressure and flow has been undertaken, which shows water mains and hydrants are available in adjoining streets. Some changes / upgrades to existing hydrant locations may be required to be undertaken as part of the construction of the development. In general, the development can be readily supplied with water for all aspects of the proposed development.
- + It is proposed to connect the proposed centre-based childcare facility to reticulated sewerage, via a new connection to Evelyn Street.
- + It is proposed to connect the proposed centre-based childcare facility to grid electricity supply.
- + Stormwater from buildings is proposed to be connected to on-site tanks for water storage, re-use and stormwater detention, with overflow to the existing table drain in Noble Street under controlled conditions to meet pre-developed flows.
- + Vehicular access is to be provided from Noble Street, which is an existing bitumen sealed road.
- + Telecommunications are available to the land.

### 05.12.3 Mitigation and Management

It is proposed to connect to all available utility services and infrastructure as part of the construction phase. All new connections to services and utilities are to be completed in accordance with the requirements and specifications of the relevant service providers. No physical works would be commenced without a CC being issued and any other relevant permits / approvals from relevant servicing authorities.

## 05.13 Social and Economic Impacts

### 05.13.1 Assessment of Existing Conditions

The proposed centre-based childcare facility is needed to replace the Eugowra CCC childcare facility at 41 Nanima Street, Eugowra that suffered irreparable damage in the 2022 Eugowra Flood.

### 05.13.2 Assessment of Potential Impact

An assessment of potential impacts of the proposed development has been undertaken with regards to the scoping methodology outlined in the Social Impact Assessment Guideline 2017 (SIA Guideline), published by the Department of Planning and Environment. Table 10 provides an assessment of the proposed development against the criteria in the SIA Guideline.

Table 10 Social Impact Assessment

Matters	Key Links to Social Impacts	Risk of Impact without mitigation	Nature of impact	Assessment findings
<b>Amenity</b>				
Acoustic	Way of life;	Unlikely	Nil	Noise emissions are unlikely to impact on nearby sensitive receptors.
Visual	Surroundings	Unlikely	Low	The proposal has been designed to avoid visual amenity impacts to the greatest extent possible. No significant impacts on neighbouring views are assessed to apply.
Odour	Surroundings	Unlikely	Low	The proposal will not produce any strong odours.
Microclimate	Surroundings	N/A	Low	The proposal will not significantly impact microclimate.
<b>Access</b>				
Access to property	Way of life;	N/A	Nil	The proposal will not impact on access to neighbouring properties.
Utilities and public transport	Access to infrastructure, services and facilities;	Unlikely	Neutral	The proposal will be connected to available urban infrastructure and facilities in accordance with service authority requirements.
Road and rail	Personal and property rights.	Unlikely	Neutral	The proposal will not negatively impact on public roads and railways.
<b>Built Environmental</b>				
Public domain	Community;	N/A	Nil	The proposal will not impact existing public spaces as it will be located on private land.
Public infrastructure	Access to infrastructure, services and facilities;	N/A	Nil	The proposal will not preclude access to public infrastructure. The proposal will be connected to available urban infrastructure and facilities in accordance with service authority requirements.
Other built assets	Surroundings; Personal and property rights	N/A	Nil	The proposal will not preclude access to built assets.
<b>Heritage</b>				
Natural	Way of life;	N/A	Nil	Natural heritage of the site is not compromised by the proposal.
Cultural	Community;	Likely	Low	The proposal will not impact on cultural values in the public domain.
Aboriginal culture	Culture;	Aboriginal culture	Low	AHIMS search has not identified any Aboriginal cultural heritage sites in close proximity to the development site. The site is highly disturbed. The unexpected finds procedure will be implemented in the unlikely event artifacts / sites are found.



Matters	Key Links to Social Impacts	Risk of Impact without mitigation	Nature of impact	Assessment findings
Built	Surroundings.	Unlikely	Nil	There are no built heritage items registered on the site.
<b>Community</b>				
Health	Health and wellbeing;	Likely	Low	Dust and noise emissions are expected to be below NSW guidelines at the nearby sensitive receptors therefore minimising the possibility of any health impacts to occupants or adjoining landowners.
Safety	Surroundings	Likely	Low	The proposal has been assessed as not increasing a known safety risk.
Services and facilities	Way of life, Access to infrastructure, services and facilities;	N/A	Low	The proposal does not negatively impact access to public services or facilities.
Cohesion, capital and resilience	Way of life; Community; Culture	Likely	Positive	The proposal will provide much needed childcare facilities in Eugowra.
Housing	Way of life, Personal and property rights.	N/A	Positive	The proposal will not adversely impact residential zoned properties.
<b>Economic</b>				
Natural resource area	Way of life;	Likely	Neutral	The proposal will utilise available natural resources (earthen material for building foundations) in a sustainable manner.
Livelihood	Surroundings;	Likely	Positive	The proposal will provide employment opportunities.
Opportunity cost	Personal and property rights	N/A	Positive	The net benefit of the proposal outweighs the utilisation of construction and environmental management resources and associated costs.
<b>Air</b>				
Air emissions	Surroundings	Likely	Low	The proposal is unlikely to exceed the NSW EPA air quality criteria. Air quality mitigation measures will be implemented under a CEMP during the construction phase.
<b>Biodiversity</b>				
Native vegetation and fauna	Surroundings	Likely	Nil	The proposal does not propose vegetation clearing.
<b>Land</b>				

Matters	Key Links to Social Impacts	Risk of Impact without mitigation	Nature of impact	Assessment findings
Structural stability, land capability, topography	Surroundings	Likely	Low	While the proposal will result in land disturbance, controls will be in place to overcome these impacts, predominantly through the implementation of a CEMP.
<b>Water</b>				
Quality, availability, hydrological flows	Surroundings	Unlikely	Low	Soil and water management measures will be implemented to ensure the proposal has minimal impact to surrounding drainage systems, water bodies and hydrological flows.

Considering the proposal in the context of surrounding land-use as well as the previously addressed issues related to soils and water, air quality, noise, traffic, heritage, hazards, servicing and utilities, the proposal would be unlikely to have an unacceptable impact on the environment within or surrounding the site. The social and economic impacts of the proposal are expected to be positive in the majority.

### 05.13.3 Management and Mitigation

Management and mitigation measures are proposed for each of the elements comprising a potential social and economic impact (e.g. noise, traffic, visual amenity and air quality) as detailed in this report.

## 05.14 Biodiversity

### 05.14.1 Assessment of Existing Conditions

The site sits within a context of a peri-urban area on the eastern edge of Eugowra. The site is not mapped in the Cabonne LEP 2012 as containing Terrestrial Biodiversity. The historical use of the site has resulted in a landscape that is highly disturbed. Inspection confirms the site is cleared of native vegetation, with only grass cover over the site that is regularly managed. No threatened species were detected.

### 05.14.2 Assessment of Potential Impact

A significance assessment under Section 1.7 of the EP&A Act 1979 that takes into consideration Part 7 of the BC Act 2016 has been undertaken to determine whether the proposal is likely to significantly affect threatened species or trigger the BOS. This assessment is provided in Table 11.

**Table 11 BC Significance Assessment**

Test	Assessment
Section 7.3(1)(a) - likely adverse effect on the life cycle of threatened species	The site is located towards the eastern edge of Eugowra township. The site is generally cleared of native vegetation. The potential for the site to significantly affect threatened species is assessed to be low, due to the absence of required habitat. The proposal is unlikely to have an adverse effect on the life cycle of these species such that a viable local population of the species is likely to be placed at risk of extinction.

Test	Assessment
Section 7.3(l)(b) - likely adverse effect on the extent or composition of an endangered ecological community	The potential for the site to significantly affect an endangered ecological community is assessed to be low. The site is not observed to contain the necessary habitat for endangered ecological communities.
Section 7.3(l)(c) - likely adverse affects on habitat of threatened species or ecological community	As above.
Section 7.3(l)(d) - likely adverse affect on declared area of outstanding biodiversity value	The site is not a declared area of outstanding biodiversity value.
Section 7.3(l)(e) - potential for the development to be part of a key threatening / impact process	The proposal would not significantly increase the prevalence or risk of key threatening process. The site is not observed to contain the necessary habitat for endangered ecological communities. The potential for foraging over the site is already severely restricted given the peri-urban context and setting of the site.

### 05.14.3 Management and Mitigation

No additional mitigation measures are proposed, other than implementation of the design drawings and CEMP.

## 06. EVALUATION AND JUSTIFICATION FOR THE PROPOSAL

This section presents the evaluation and justification of the proposal in light of the objects of the EP&A Act 1979. It also assesses the proposal against the principles of Ecologically Sustainable Development (ESD) and other key policy guidelines in order to provide further guidance as to the acceptability of the proposal, as presented in the SEE. An assessment of the consequences of not proceeding with the proposal and site suitability is also undertaken in this section.

### 06.1 Objectives of the EP&A Act 1979

Development Consent is being sought under Section 4.16 of the EP&A Act 1979 and must therefore satisfy the objectives of the Act. The objectives of the Act are listed below:

- + To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources.
- + To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment.
- + To promote the orderly and economic use and development of land.
- + To promote the delivery and maintenance of affordable housing.
- + To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats.
- + To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage).
- + To promote good design and amenity of the built environment.
- + To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants.
- + To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State.
- + To provide increased opportunity for community participation in environmental planning and assessment.

The proposal is considered to be consistent with the above objectives. An objective of the EP&A Act 1979 is for the encouragement of ESD, which is assessed in the next section.

### 06.2 Ecological Sustainable Development

ESD is a long-standing and internationally recognised concept. The concept has been affirmed by the 2002 World Summit for Sustainable Development and has been included in multiple pieces of Federal and State legislation. Australia's National Strategy for Ecologically Sustainable Development (1992) defines ecologically sustainable development as:

*'Development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends.'*

The proposal aims to address long established ESD principles, as follows:

- + The precautionary principle - No serious environmental threats have been identified.
- + Inter-generational (social) equity - Social equity provides a notion of preservation of environmental aspects that cannot be replaced for the enjoyment of future generations. Generally, such aspects relate to biodiversity, cultural heritage, land-use and the transformation of the locality as a result of the development. The proposal has considered such aspects and the SEE assessment concludes that environmental impacts will be within acceptable limits.
- + Conservation of biological and ecological integrity - The proposal avoids impacts to flora and fauna.
- + Improved valuation, pricing and incentive mechanisms - Any waste generated from the proposal will be appropriately managed to minimise impacts on common public areas, the appropriate pricing mechanism are used to reflect the user pays approach to environmental management.

## 06.3 Other Relevant Considerations

### 06.3.1 Safety, Security and Crime Prevention

The design of the development is acceptable having regard to the location of the land and the characteristics of the existing natural and built features of the surrounding environment. The design of the premises has focused on the safety and well-being of all users, including children, staff, contractors and visitors. The design is generally consistent with the principles of Crime Prevention Through Environmental Design (CPTED) and the DPHI Child Care Planning Guideline 2021, with good public surveillance in and around the proposed development, installation of security lighting and CCTV at building entrances and at the carpark.

### 06.3.2 Cumulative Impacts

The potential environmental impacts of the proposal have been detailed in the relevant sections of the SEE. The proposal will not result in a net impact to biodiversity, water quality, air pollution, noise, safety, loss of views, traffic or parking. Overall, the proposal makes a neutral / positive contribution to the environment. The proposal is considered compatible with the site and its surrounds and does not contribute to having a significant cumulative impact.

### 06.3.3 Suitability of the Site for the Development

The suitability of the site for the proposed development has been examined in detail. The design is appropriate having regard to identified constraints posed by the built and natural environments. The site has the capacity to support the proposed development without creating adverse impacts on the site or adjoining land. The proposal is considered suitable on the site.

### 06.3.4 Public Interest

Due to the nature and scale of the proposed development, no significant public interest matters have been identified. A PP is being progressed by Cabonne Council to support the proposal. There are no specific policy statements from either Federal or State Government that are relevant to the proposal, nor any planning studies or strategies that need to be taken into account. There are no covenants, easements or agreements that affect the proposal in the long term. The proposal is assessed to pose no significant detrimental impacts on the public interest.

## 07. CONCLUSION

This Statement of Environmental Effects has been prepared by Currajong Pty Ltd on behalf of the Eugowra Community Children's Centre for a proposed centre-based childcare facility on Lot 150 DP 750182, 21 Noble Street, Eugowra.

The site is located at the Eugowra Showground, which is Crown land under the trustee of Cabonne Council as public recreation for the Eugowra Showground. The subject land is zoned RE2 Private Recreation under the Cabonne Local Environmental Plan 2012, which is currently being amended under a Planning Proposal to permit centre-based childcare facilities with consent on Lot 150 DP 750182.

The site is considered ideal for the proposed development, due to its proximity to residential neighbourhoods in Eugowra, the flood free nature of the site and bushfire hazards being assessed to be manageable through the design development and operational phases of the project. Preliminary site investigations also reveal no contamination issues at the site.

The assessment of the proposed development has been documented in this Statement of Environmental Effects to visualise all aspects of the relevant matters for consideration under the NSW Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021.

The assessment concludes the proposed centre-based childcare facility is to be consistent with the Cabonne Local Environmental Plan 2012, subject to an amendment to the Plan to allow centre-based childcare facilities on Lot 150 DP 750182 as an additional permitted use.

It is recommended that sufficient information has been submitted with the Development Application to allow the Cabonne Council to make an informed decision on the proposal.

It is the findings of this Statement of Environmental Effects that the proposed development is capable of being supported by Council.



