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Dated: June 2026

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Child Care Facility

27 Steam Street, Maitland
Lot 1, DP 1317541

Applicant: Brown Commercial Building

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1 INTRODUCTION

This Statement of Environmental Effects (SEE) is submitted to Maitland City Council (Council) in support of a Development Application (DA) at 27 Steam Street, Maitland 2320 (the site) lot 1 DP1317541 for the following:

- Construction and use of a of a 107-place centre-based child care facility (GFA 718.65^2);
- Provision of 28 on-site car parking spaces including one (1) accessible space plus a designated loading bay;
- Construction of an entry/exit driveway via Steam Street,
- Associated earthworks, new landscaping, retaining walls, fencing and signage;
- Other minor works as illustrated on the proposed Plans included at **Appendix A**.

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

The objectives of this SEE are the following:

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

2 Pre DA consultation

Item	Council Comment	Application response
Planning advice		
1. Flood planning	The current design, as presented, is unlikely to be supported by Council due to the identification of part of the land as a floodway and the proposed sensitive use of the site as a childcare centre etc	The design was updated to avoid the floodway, additionally a flood study has been provided as a part of this application.
2. Heritage Conservation	Council's Heritage Officer offers the following advice: • Design Review: Seek input from a Conservation Architect to refine the analysis of the precinct and Statement of Heritage Impact (SOHI) submitted with the Development Application. • Archaeological Assessment: Undertake a comprehensive archaeological assessment of the site to address potential heritage considerations. • Streetscape Integration: Ensure the streetscape frontage integrates effectively with the surrounding context, including the dwelling opposite and the Grand Junction Hotel. • Landscape Design: Engage a Landscape Architect to develop a landscape plan incorporating suitable tree species within and around carpark areas. • Awning Shade Design: Consider site-specific design for the awning shade to mitigate its considerable visual and functional impact. • Building Articulation: Address the long, unarticulated building frontage by breaking it down into	A Statement of Heritage Impact accompanies this application and addresses all concerns raised.

	smaller segments to improve aesthetic and functional integration. • Boundary Landscaping: Incorporate terraced landscaping along boundaries to reduce the visual impact of retaining walls. • Heritage Features: Heritage elements currently appear superficial; further refinement is needed for authenticity and coherence. • Material Selection: Incorporate traditional materials, such as timber weatherboards, to align with the character of the locality. • Roof Design: Revise the long roof ridge to better reflect the typical proportions and massing found in the area. • Design Detailing: Openings and their placement should be part of detailed design development by the Conservation Architect. • Fence Design: The fence design should avoid long, continuous spans by incorporating breaks and variations, as guided by the Conservation Architect. • Retaining Wall Materials: Avoid using concrete blockwork for retaining walls; alternative materials should be selected to suit the character of the area. • Materials and Colours: Carefully consider materials and colours to ensure compatibility with the surrounding context and heritage values.	
3. **Acoustic/air quality**	The site is in proximity to the Maitland Train Station which provided passenger and freight services. The	An acoustic report and air quality assessment has been provided as a part of this

	Childcare Planning Guidelines (the Guidelines) requires consideration of location of childcare facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development. Any application will need to consider and provide documentation supporting the acoustic and air quality impacts will be negligible on the childcare centre	application.
4. Contamination	*State Environmental Planning Policy (Resilience and Hazards 2021)* Section 4.6 relates to contamination and remediation considerations in determining development applications and outlines that Council needs to be satisfied the development is suitable in its current state for the proposed use. This requirement is reinforced by the Child Care Planning Guidelines. To demonstrate suitability of the site, a suitably prepared Preliminary Site Investigation is required to be provided in support of any application.	A PSI has been provided.
5. **External Referrals**	• NSW Rural Fire Service pursuant to S100b *Rural Fire Act 1997* – A bushfire report will be required. • Ausgrid pursuant to Clause 2.48 of State Environmental Planning Policy (Transport and Infrastructure) • Natural Resources Access Regulator (NRAR) pursuant to Section 91 of *Water Management Act 2000* • Hunter Valley Flood Mitigation Scheme Development Consent Area (Declared Floodplain) under Section 256 of the *Water*	A bushfire report accompanies this application. Noted Noted Noted

	Management Act 2000. • New South Wales State Emergency Service (SES) – Flood Evacuation • Australian Rail Track Corporation pursuant to Section 2.98 *State Environmental Planning Policy (Transport and Infrastructure) 2021*	Noted Noted

3 SITE ANALYSIS

3.1 Site Details

The site is located within Maitland Local Government Area (LGA) at 27 Steam Street, Maitland.
The lot is irregular in shape with an area of 2364.7m² will be developed for the purpose of the childcare. The lot has a frontage to Steam Street of approximately 90m. The site levels range between 4.68m Australian Height Datum (AHD) to 9.86m AHD.

The site is currently vacant. No demolition is required to facilitate the proposal.

There are 2 trees located on the middle of the lot which are proposed to be removed under this DA. Additionally, the three trees along the street frontage, are being removed due to Ausgrid works Refer to Figures 1 and 2 for site aerial and cadastre.

Figure 1 - Site Aerial

Figure 2 - Site Cadastre

3.2 Hazards and Constraints

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

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

3.3 Surrounding Land Uses

The surrounding land is predominantly zoned Mixed use (MU1) with Primary Production (RU1) on the opposite side of Allan Walsh Drive and General Residential (R1) further afield. The site is in close proximity to Maitland Railway station and the New England Highway.

Numerous residential/commercial type developments surround the development, including Grand Junction Hotel, Cherry's Automotive repairs, Pentons Hair Salon etc.

4 PROPOSED DEVELOPMENT

This application seeks approval for use and construction of a centre-based child care facility with associated signage, landscaping and car parking. Further details are provided below.

4.1 Operator

The Operator of the site is 'Prepare'. They have multiple centres around NSW. Their Plan of management has been provided for reference.

4.2 Child Care Facility

The proposed childcare building is a single storey rectangular shaped design and extends to 647.7m² Gross Floor Area (GFA). The facility has capacity for 107 children across six rooms comprising the following breakdown:

- Pre-school room1 (3-6 years) - 20 children
- Pre-school room 2 (3-6 years) - 20 children
- Toddlers room 3 (2-3 years) - 20 children
- Toddlers room 4 (2-3 years) – 15 children
- Babies room 5 (0-2 years) -16 children
- Babies room 6 (0-2 years) -16 children

The childcare will be split level, in response to the flood advice provided. On the lower floor level will be the waste area, car parking and a lift. Above this, the remainder of the childcare will reside.

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

A large outdoor play area is provided at the rear of the building with an area of 647.7m^2 of unencumbered space. Each room will have direct access to the external play space through double-glazed doors. An awning is provided off the rear of the building providing shade to the play area. In addition shade sails are provided shading approximately 30% of the outdoor area.

The building is contemporary in form, materials and colour palette. Being purpose-built, the building incorporates adequate facilities and amenities to suit the needs of occupants and ensures compatibility with the operational requirements under the *Education and Care Services National Regulation* and the *Child Care Planning Guideline 2021*. In addition to meeting the requirements of the Heritage Conversation area that the childcare facility will reside within.

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

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

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

4.3 Operational Hours and Staff

The centre will operate for 51 weeks per year, excluding public holidays. The proposed hours of operation are 6:30am – 6:30pm Monday to Friday (closed weekends).

As the centre has been designed to cater for 0–6 year olds, the number of educators in rooms shall be dictated by the required ratios for NSW under the National Regulations (ie 1 per 4 for babies; 1 per 5 for toddlers; and 1 per 10 for pre-school aged children). In addition, there will be an onsite cook, manager and administration staff. External contractors shall routinely be required to enter the premises for cleaning and maintenance purposes, sometimes after hours.

4.4 Outdoor Play Areas and Equipment

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

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

4.5 Storage

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

Internal storage provision is outlined below:

- Babies rooms – 3.88m³ in each room
- Toddler rooms – 3.8m³ and 6.47m3 .

- Pre-school room – 5.18m³ in each room

Total internal storage – 28.4m³ (minimum required 21.4m³).

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

4.6 Safety and Security

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

4.7 Waste Management and Deliveries

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

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

4.8 Signage

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

A total of one (1) sign is proposed on the building being a round entrance sign located under the awning at the front of the building (southeastern elevation) approx. 1.8m in diameter

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

4.9 Stormwater Management

The development will capture all roof water from the building connecting to the OSD tank. It will have a storage volume of 45m³. All driveway/carpark stormwater runoff will be collected in a series of pits and pipes and conveyed to the underground OSD tank. Overflow from the OSD tank will discharge to Steam Street

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

4.10 Vehicular Access and Parking

Vehicular access to the childcare facility is proposed via a new entry/exit driveway located approximately midway along proposed along the end of Steam Street. Importantly, all vehicles will be able to enter and exit the site in a forward direction at all times.

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

The development includes 28 parking spaces including one accessible space adjacent to the entry. Parking spaces will be typically 2.6 metres wide by 5.4 metres long. The disabled parking space will be 2.4 metres wide, with a 2.4-metre-wide adjacent area for wheelchairs.

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

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

Further details on traffic, access and parking compliance are included in the TIA prepared by Seca Solutions.

4.11 Landscaping and Tree Removal

The two existing trees located on site are to be removed under this DA. An Arborist report accompanies this application.

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

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

4.12 Construction Management

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

5 ENVIRONMENTAL PLANNING INSTRUMENTS AND CONTROLS

5.1 Education and Care Services National Regulations

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

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

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

Table 1 – Child Care Area of Compliance

5.2 Environmental Planning and Assessment Act 1979

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

The proposed development does trigger Integrated Development pursuant to Section 4.46 of the EP&A Act.

5.3 State Environmental Planning Policy (Transport and Infrastructure) 2021 Chapter 2

Infrastructure

The proposal does not trigger 'traffic generating development' under Clause 2.122 and Schedule 3, therefore referral to Transport for NSW (TfNSW) is not required.

Chapter 3 Educational Establishments and Child Care Facilities

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

Part 3.3 Early Education and Care Facilities - Specific Development Controls

The following clauses are of relevance to the centre-based child care proposed at the site: **Clause 3.22 Centre-based child care—concurrence of Regulatory Authority required for certain development**

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

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

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

The Education and Care Services National Regulations checklist for compliance is provided at below.

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

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

The applicable provisions of the Child Care Planning Guideline are addressed below.

of this SEE and a detailed table of compliance is provided in this report below.

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

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

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

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

(b) indoor or outdoor space

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

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

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

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

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

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

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

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

Clause 3.27 Centre-based child care—development control plans

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

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

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

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

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

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

(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).
(2) This clause applies regardless of when the development control plan was made.

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

5.4 State Environmental Planning Policy (Resilience and Hazards) 2021 Chapter 4

Remediation of Land

Clause 4.6(1) of the SEPP states:

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

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

A Detailed Site Investigation (DSI) has been undertaken by SANKO. It noted the following,

The following sources of possible types of environmental contamination were identified onsite:

- Importation of historical fill material onto the site;
- Material created during activities associated with the demolition of former site structures including buildings and activities formerly undertaken on the eastern portion of the site including bricks and concrete footings noted on the surface under the vegetation in the area of the former building on the eastern portion of the site and also at a depth of 1.1 to 1.4m at BH1 and BH2;
- Stockpiles of material containing anthropogenic material such as bricks, concrete, timber and steel;
- Commercial activities to the north and east of the site;
- Vehicles parking on the south eastern corner of the site;
- Unknown material under the dense surface vegetation on the site at the time of assessment.

As such a Remedial Action Plan (RAP) is required to delineate and manage identified contamination. The RAP will outline the steps for post-demolition sampling, data gap investigation, and remediation strategy in order to make the site suitable for the child care development. In addition, a site specific 'Unexpected Finds Protocol' shall be made available for reference for all occupants and/or site workers in the event unanticipated contamination is discovered.

5.5 State Environmental Planning Policy (Industry and Employment) 2021 Chapter 3

Advertising and Signage

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

(a) that the signage is consistent with the objectives of this Policy as set out in clause 3.1 (1) (a), and

(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.

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

Schedule 1 Assessment criteria	
1 Character of the area	
• Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signs are compatible with the scale, proportion and characteristics of the area.
• Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is consistent with the theme of outdoor signage in the area.
2 Special areas	
• Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas,	The proposed signs will not detract from the amenity or visual quality of any environmentally sensitive area, heritage area, natural or other conservation area, open space

waterways, rural landscapes or residential areas?	area, waterway, rural landscaped or residential area. Therefore, the proposed signs will not introduce any significant new visual element to the locality.
3 Views and vistas	
• Does the proposal obscure or compromise important views?	The signage will not obscure or compromise any important views.
• Does the proposal dominate the skyline and reduce the quality of vistas?	The signs will not dominate the skyline or reduce the quality of vistas as they will be consistent with the scale of existing structures in the locality.
• Does the proposal respect the viewing rights of other advertisers?	The proposed signs will not affect the viewing rights of other advertisers in the locality.
4 Streetscape, setting or landscape	
• Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signs will not result in conflict with the nature of the existing streetscape and will complement the proposed building. The signs will be professionally designed.
• Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signs will not alter the existing visual interest of the streetscape, setting or landscape.
• Does the proposal reduce clutter by	The proposed signage is to be placed on a

rationalising and simplifying existing advertising?	new building and no existing advertising exists.
• Does the proposal screen unsightliness?	The signs do not screen unsightliness. The subject site is not considered to contain areas of unsightliness.
• Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signs will not protrude above buildings or tree canopies.
• Does the proposal require ongoing vegetation management?	The signs do not require ongoing vegetation management.
5 Site and building	
• Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signs are compatible with the scale, proportion and characteristics of the area.
• Does the proposal respect important features of the site or building, or both?	Surrounding buildings do not have any significant features that require protection from signage. The proposed sign will be substantially the same in terms of scale and area as that which exists in the locality.
• Does the proposal show innovation and	The signs represent business identification

imagination in its relationship to the site or building, or both?	signage, and while not innovative or imaginative, they are considered appropriate.
6 Associated devices and logos with advertisements and advertising structures	
• Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The signs will be designed and constructed to relevant standards. They will be located wholly within the site boundaries and will provide sufficient notification to the travelling public of the business location to assist in safe and efficient vehicle movement into the site.
7 Illumination	
• Would illumination result in unacceptable glare?	The signs are not illuminated.
• Would illumination affect safety for pedestrians, vehicles or aircraft?	The signs are not illuminated.
• Would illumination detract from the amenity of any residence or other form of accommodation?	The signs are not illuminated.
• Can the intensity of the illumination be adjusted, if necessary?	The signs are not illuminated.

• Is the illumination subject to a curfew?	The signs are not illuminated.
8 Safety	
• Would the proposal reduce the safety for any public road?	The signage will not reduce safety for any public roads.
• Would the proposal reduce the safety for pedestrians or bicyclists?	The proposed signage will not affect pedestrian or cyclist safety.
• Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage will not obstruct any sightlines.

5.6 Water Management Act 2000

A controlled activity approval is required under Section 91 of the Water Management Act 2000 as buildings or works are proposed within 40m of waterfront land, as such a referral to NRAR is required.

5.7 Maitland Local Environmental Plan (LEP) 2011

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

Land Use Table

The site is Zoned MU1 Mixed use under the provisions of LEP 2011, refer to **Figure 4.** A centre-based child care facility is a permissible use within the MU1 Zoning.

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

Zone MU1 mixed use

Objectives of zone

- ***To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.***

- ***To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.***

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

- ***To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.***

Permitted without consent

Home industries

Permitted with consent

Amusement centres; Attached dwellings; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Home-based child care; Hostels; Information and education facilities; Light industries; Local distribution premises; Medical centres; Multi dwelling housing; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Any other development not specified in item 2 or 4

Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Recreation facilities (major); Residential accommodation; Resource recovery facilities; Rural industries; Sewerage systems; Sex services premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste disposal facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies

Clause 4.1 Minimum Subdivision Lot Size

The subject site does not have specified minimum lot size for subdivision under the LEP.

Clause 4.3 Height of Buildings

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

Clause 4.4 Floor Space Ratio

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

Clause 4.6 Exceptions to Development standards

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

Clause 5.21 Flood Planning

The site is mapped as located within a flood planning area.

Clause 5.10 Heritage Conservation

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

Clause 7.1 Acid Sulphate Soils

The objective of this clause is to ensure that development does not disturb, expose, or drain acid sulphate soils and cause environmental damage. The site has been identified as Class 4 and 5 on the Acid Sulfate Soils mapping.

The DSI considered the risk of ASS being present at the site and found that there is "the possibility fo ASS material below 4m depth on the lowest western corner of the site." The proposed development is not expected to present an environmental risk in terms of disturbance of ASS, as such, it is considered to be compliant with the objectives provisioned within Clause 7.1.

Clause 7.2 Earthworks

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

5.8 Child Care Planning Guideline 2021

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

The objectives of the Guideline are as follows:

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

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

Child Care Planning Guideline 2021 Compliance Table

Control	Requirement	Comment	Compliance
Part 1 - Introduction			
1.3 Objectives	Promote high quality planning and design of child care facilities in accordance with the physical requirements of the National Regulations. Ensure that child care facilities are compatible with the existing streetscape, context and neighbouring land uses. Minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment. Deliver greater certainty to applicants, operators and the community by embedding the physical requirements for service approval into the planning requirements for child care facilities.	The proposed child care facility at Steam Street complies with all of the physical requirements of the National Regulations. A National Quality Framework (NQF) checklist is provided in the table below. The child care is a compatible land use with existing neighbouring development and the proposal will make an improvement to the existing streetscape. The proposal will not result in any adverse impacts on adjoining properties as detailed within the SEE and the various specialist studies lodged with this DA. As detailed in the NQF checklist, the proposed child care facility meets all physical requirements for service approval.	Y
Part 3 - Matters for Consideration			
3.1 Site selection and location	C1. For proposed developments in or adjacent to a residential zone, consider: • the acoustic and privacy impacts of the proposed development on the residential properties • the setbacks and siting of buildings within the residential context	The site is zoned MU1 Mixed use and not directly surrounded by residential zoning. The site is physically separated from any nearby residential zoning by approximately 200m negating potential for significant acoustic, privacy and overshadowing impacts. Notwithstanding, the building is low density, consistent with residential development nearby. Sufficient on site parking and safe vehicular access is provided.	Y

	• visual amenity impacts (e.g. additional building bulk and overshadowing, local character) • traffic and parking impacts of the proposal on residential amenity and road safety		
	For proposed developments in commercial and industrial zones, consider: • potential impacts on the health, safety and wellbeing of children, staff and visitors with regard to local environmental or amenity issues such as air or noise pollution and local traffic conditions • the potential impact of the facility on the viability of existing commercial or industrial uses.	Potential impacts on the users of the facility have been considered within the SEE including, but not limited to, noise impacts on the internal and external areas of the childcare. Refer to Section 5.3 of the SEE for full details. The childcare will not negatively impact on the viability of the neighbouring uses.	Y
	C2. When selecting a site, ensure that: • the location and surrounding uses are compatible with the proposed development or use • the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards • there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed • the characteristics of the site are suitable for the scale and type of development proposed having regard to: o length of street frontage, lot configuration, dimensions and overall size o number of shared boundaries with residential properties	The child care facility is compatible with the immediately surrounding lands, particularly the residential areas. The site has been designed to allow for risks, which is reenforced in the flood report provided. The potential for contamination at the site has been considered in the DSI with appropriate mitigation measures proposed. The characteristics of the site meet the NQF requirements for a childcare.	Y

	• the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas. • where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use • there are suitable drop off and pick up areas, and off and on street parking • the characteristics of the fronting road or roads (for example its operating speed, road classification, traffic volume, heavy vehicle volumes, presence of parking lanes) is appropriate and safe for the proposed use • the site avoids direct access to roads with high traffic volumes, high operating speeds, or with high heavy vehicle volumes, especially where there are limited pedestrian crossing facilities	There are no sensitive environmental or cultural areas within close proximity to the site and the heritage components of the area have been addressed below. N/A Drop off / pick up zones are not proposed given the nature of the proposal where parents/carers are required to enter the premises to sign in/out their child. Suitable off street parking is provided with 32 at grade parking spaces including one accessible space. Steam Street is a local road and suitable to provide access to the development. Refer to the Traffic Assessment for further details. Steam is not a high traffic volume road.	
	• it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.	The site is not in close proximity to any incompatible social activities/uses. The Grand Junction Hotel is located at the rear of the street, however given the nature of the hours of operation, this should not hinder the childcare.	Y

	C3. A child care facility should be located: • near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship • near or within employment areas, town centres, business centres, shops • with access to public transport including rail, buses, ferries • in areas with pedestrian connectivity to the local community, businesses, shops, services and the like.	The site is located: • Near St Marys – Approx 1km • In proximity to Maitland Park Bowling and Sporting Complex. • With good access to public transport; • Within a relatively flat terrain for pedestrian accessibility; and • A short drive to shops and services.	
	C4. A child care facility should be located to avoid risksto children, staff or visitors and adverse environmental conditions arising from proximity to: • heavy or hazardous industry, waste transfer depots or landfill sites • LPG tanks or service stations • water cooling and water warming systems • odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses • extractive industries, intensive agriculture, agricultural spraying activities Any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site.	The site does not adjoin any hazardous industries etc.	Y

3.2 Local character, streetscape and the public domain interface	C5. The proposed development should: • contribute to the local area by being designed in character with the locality and existing streetscape • build on the valued characteristics of the neighbourhood and draw from the physical surrounds, history and culture of place • reflect the predominant form of surrounding land uses, particularly in low density residential areas • recognise predominant streetscape qualities, such as building form, scale, materials and colours • include design and architectural treatments that respond to and integrate with the existing streetscape • use landscaping to positively contribute to the streetscape and neighbouring amenity • integrate car parking into the building and site landscaping design in residential areas.	The proposed child care facility will contribute to the character of the area and streetscape through a two storey building design and high-end finishes. Car park design is integrated into the overall site design and enhanced with quality landscaping to promote an attractive streetscape. The facility reflects the predominant height and general form of surrounding land uses.	Y
	C6. Create a threshold with a clear transition between public and private realms, including: • fencing to ensure safety for children entering and leaving the facility • windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community integrating existing and proposed landscaping with fencing.	Fencing is utilized to ensure safety for children entering and exiting the premises as well as around the outdoor play areas. The building has several large windows that will provide passive surveillance across public areas.	Y

	C7. On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.	N/A	N/A
	C8. Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions: • clearly defined street access, pedestrian paths and building entries • low fences and planting which delineate communal/ private open space from adjoining public open space • minimal use of blank walls and high fences.	Compliant.	N/A
	C9. Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.	Fencing will not dominate the public domain and will be complimented with landscaping.	Y
	C10. High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.	Compliant- in accordance with the acoustic report provided.	Y
3.3 Building orientation, envelope, building design and accessibility	C11. Orient a development on a site and design the building layout to: • ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: • Facing doors and windows away from private	Consideration has been given to the orientation and design of the building, car park and play area in an effort to maximise privacy and minimise noise impacts, however ultimately the orientation of the building way set by the flood restrictions imposed.	Y

	open space, living rooms and bedrooms in adjoining residential properties • placing play equipment away from common boundaries with residential properties • locating outdoor play areas away from residential dwellings and other sensitive uses • optimise solar access to internal and external play areas • avoid overshadowing of adjoining residential properties • minimise cut and fill • ensure buildings along the street frontage define the street by facing it • ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.	Solar access will be achieved to both the internal and external play areas. There are no surrounding residential properties that will be impacted by overshadowing. The building is articulated and addresses the street front. The outdoor play area is located at ground level, and is provided with appropriate cover for protection from sun, wind and other elements.	
	C12. The following matters may be considered to minimise the impacts of the proposal on local character: • building height should be consistent with other buildings in the locality. • building height should respond to the scale and character of the street • setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility • setbacks should provide adequate access for building maintenance • setbacks to the street should be consistent with the existing character.	The building height and setbacks are appropriate for the site's commercial zoning and consistent with surrounding development.	Y

	C13. Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.	A building setback of 1.5m has been provided.	Y
	C14. On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.	N/A	N/A
	C15. Entry to the facility should be limited to one secure point which is: • located to allow ease of access, particularly for pedestrians • directly accessible from the street where possible • directly visible from the street frontage • easily monitored through natural or camera surveillance • not accessed through an outdoor play area. • in a mixed-use development, clearly defined and separate from entrances to other uses in the building.	The childcare design is compliant with these requirements	Y

	C16. Accessible design can be achieved by: • providing accessibility to and within the building in accordance with all relevant legislation • linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry • providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible • minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.	The proposal includes an accessible path of travel from the car park to the building entry.	Y
3.4 Landscaping	C17. Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by: • reflecting and reinforcing the local context • incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping.	Suitable landscaping is provided in and around the child care facility building, selected for both aesthetic and practical reasons.	Y

	C18. Incorporate car parking into the landscape design of the site by: • planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings • taking into account streetscape, local character and context when siting car parking areas within the front setback • using low level landscaping to soften and screen parking areas.	Low level plantings around the parking areas will assist with screening from the street and are also consistent with CPTED principles.	Y
3.5 Visual and acoustic privacy	C19. Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.	N/A	N/A
	C20. Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through: • appropriate site and building layout • suitably locating pathways, windows and doors • permanent screening and landscape design.	The design of the outdoor play at the rear of the building assists with avoiding overlooking from the street.	Y
	C21. Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through: • appropriate site and building layout • suitable location of pathways, windows and doors • landscape design and screening.	The site does not immediately adjoin any residential zoned development.	N/A

	C22. A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should: • provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence). • ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure.	As above.	N/A
	C23. A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters: • identify an appropriate noise level for a child care facility located in residential and other zones • determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use determine the appropriate height of any acoustic fence to enable the noise criteria to be met.	A Noise Assessment has been undertaken by MAC who are suitably qualified acoustic consultants and experienced in child care assessment.	Y
3.6 Noise and air pollution	C24. Adopt design solutions to minimise the impacts of noise, such as: • creating physical separation between buildings and the noise source • orienting the facility perpendicular to the noise source and where possible buffered by other uses • using landscaping to reduce the perception of noise	Although not located in an area of 'high noise', aspects described in C.24 are included in the design of the proposal.	Y

	• limiting the number and size of openings facing noise sources • using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) • using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits • locating cot rooms, sleeping areas and play areas away from external noise sources.		
	C25. An acoustic report should identify appropriate noise levels for sleeping areas and other non play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations: • on industrial zoned land • where the ANEF contour is between 20 and 25, consistent with AS 2021 - 2000 • along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 • on a major or busy road • other land that is impacted by substantial external noise.	N/A	N/A
	C26. Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.	The Noise Assessment has found the proposal to meet all noise criteria including noise sources on the internal and external areas of the childcare.	Y

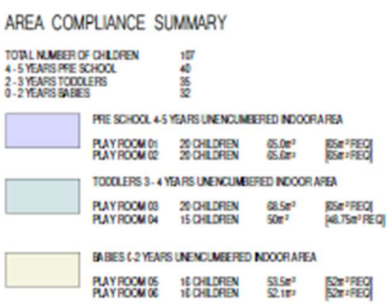
	C27. A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines.	The site is not located in an area of high air pollution. An air quality assessment has been provided.	N/A
	The air quality assessment report should evaluate design considerations to minimise air pollution such as: • creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution • using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway • incorporating ventilation design into the design of the facility.	Landscaping will help to filter air pollution caused by nearby uses.	Y
3.7 Hours of operation	C28. Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.	The proposed hours of the child care are 6:30am – 7pm Monday to Friday (closed weekends). These hours are standard for a facility of this nature. Delaying the opening time to 7am would be inhibitive for parents who rely on an early start for work and/or other commitments. A 6:30am opening time is acceptable under the guide provided it will not have unacceptable amenity impacts on adjacent land uses.	Y & N

	C29. Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.	As above, the proposed hours are considered acceptable based on the amenity impacts of the proposal (as detailed within the SEE).	Y
3.8 Traffic, parking and pedestrian circulation	C30. Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land. Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates: • 1 space per 4 children.	The proposal includes a total of 28 parking spaces which satisfies the 1 space per 4 children parking rate.	Y
	C31. In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.	Off street parking is proposed.	N/A
	C32. A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that: • the amenity of the surrounding area will not be affected • there will be no impacts on the safe operation of the surrounding road network.	A detailed Traffic Assessment has been undertaken to appropriately assess potential impacts.	Y
	C33. Alternate vehicular access should be provided where child care facilities are on sites fronting:	N/A	N/A

	• a classified road • roads which carry freight traffic or transport dangerous goods or hazardous materials. The alternate access must have regard to: • the prevailing traffic conditions • pedestrian and vehicle safety including bicycle movements • the likely impact of the development on traffic.		
	C34. Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.	A detailed Traffic Assessment has been undertaken to appropriately assess potential impacts.	Y
	C35. The following design solutions may be incorporated into a development to help provide a safe pedestrian environment: • separate pedestrian access from the car park to the facility • defined pedestrian crossings included within large car parking areas • separate pedestrian and vehicle entries from the street for parents, children and visitors • pedestrian paths that enable two prams to pass each other • delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities • minimise the number of locations where pedestrians and vehicles cross each other • in commercial or industrial zones and mixed use developments, the path of travel from the car	Safe and convenient pedestrian access is provided from the car parking area into the facility. The loading area is discretely located away from the main building entry point. All vehicles (including service trucks) are able to enter and exit the site in a forward direction. Clear sightlines are achieved at the driveway entry in both directions.	Y

	parking to the centre entrance physically separated from any truck circulation or parking areas • vehicles can enter and leave the site in a forward direction • clear sightlines are maintained for drivers to child pedestrians, particularly at crossing locations.		
	C36. Mixed use developments should include: • driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks • drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways ormaneuvering areas used by vehicles accessingother parts of the site • parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.	N/A	N/A
	C37. Car parking design should: • include a child safe fence to separate car parking areas from the building entrance and play areas • provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards • include wheelchair and pram accessible parking	A child safe fence is used near the building entrance to separate the car parking from the building entry. An accessible car parking space has been provided in close proximity to the entrance, with pram and wheelchair access available.	Y

National Quality Framework (NQF) Assessment Checklist

Regulation	Requirement	Comment	Compliance
104 Fencing	Outdoor space that will be used by children will be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.	Fencing provided around the outdoor play area will be of a minimum height and design to safely contain children.	Y
106 Laundry and hygiene facilities	The proposed development includes laundry facilities or access to laundry facilities OR explain the other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage of soiled clothing, nappies and linen prior to their disposal or laundering.	A laundry room is provided which will remain locked when not in use.	Y
107 Space requirements – indoor space	The proposed development includes at least 3.25m² of unencumbered indoor space for each child.	The required area of unencumbered indoor space is provided for the number of children within each room. An extract of the compliance table from the plans is provided below.  AREA COMPLIANCE SUMMARY TOTAL NUMBER OF CHILDREN 107 4 - 5 YEARS PRE SCHOOL 40 2 - 3 YEARS TODDLERS 35 0 - 2 YEARS BABIES 32 PRE SCHOOL 4-5 YEARS UNENCUMBERED INDOOR AREA PLAY ROOM 01 20 CHILDREN 65.0m² [65m² REQ] PLAY ROOM 02 20 CHILDREN 65.0m² [65m² REQ] TODDLERS 3 - 4 YEARS UNENCUMBERED INDOOR AREA PLAY ROOM 03 20 CHILDREN 68.5m² [65m² REQ] PLAY ROOM 04 15 CHILDREN 50m² [48.75m² REQ] BABIES 0-2 YEARS UNENCUMBERED INDOOR AREA PLAY ROOM 05 16 CHILDREN 53.5m² [52m² REQ] PLAY ROOM 06 16 CHILDREN 52.1m² [52m² REQ]	Y

108 Space requirements – outdoor space	The proposed development includes at least 7.0m² of unencumbered outdoor space for each child.	765.9m² of unencumbered outdoor space is provided in the outdoor play area, accessible from each of the internal play rooms meeting the minimum requirement.	Y
109 Toilet and hygiene facilities	The proposed development includes adequate, developmentally and age-appropriate toilet, washing and drying facilities for use by children being educated and cared for by the service. The location and design of the toilet, washing and drying facilities enable safe and convenient use by the children.	Suitable toilets and hygiene facilities are provided for each room as shown on the DA plans. Toilets are directly accessible from the outdoor play spaces.	Y
110 Ventilation and natural light	The proposed development includes indoor spaces to be used by children that — • will be well ventilated; and • will have adequate natural light; and • can be maintained at a temperature that ensuresthe safety and well-being of children.	The proposed development incorporates suitable natural light arrangements including large external windows and clear glazed doors to the outdoor play area. Air conditioning will also ensure a moderate temperature is maintained year round.	Y

111 Administrative space	The approved provider of a centre-based service must ensure that an adequate area or areas are available at the education and care servicepremises for the purposes of conducting the administrative functions of the service; consulting with parents of children; and conducting private conversations.	Suitable administrative space is provided within the building.	Y
112 Nappy change facilities	The proposed development includes an adequate area for construction of appropriate hygienicfacilities for nappy changing including at least one properly constructed nappy changing bench and hand cleansing facilities for adults in the immediatevicinity of the nappy change area. The proposed nappy change facilities can be designed and located in a way that prevents unsupervised access by children.	Nappy change facilities are provided in the babies rooms to meet these standards.	Y
113 Outdoor space – natural environment	The proposed development includes outdoor spaces that will allow children to explore and experience the natural environment.	The outdoor play area will incorporate a range of natural elements including natural logs, pebbles, veggies gardens and sand pits that are safe and suitable for a child care facility.	Y
114 Outdoor space – shade	The proposed development includes adequate shaded areas to protect children fromoverexposure to ultraviolet radiation from the sun.	The outdoor play area includes an awning off the building.	Y

115 Premises designed to facilitate supervision	The proposed development (including toilets and nappy change facilities) are designed in a way that facilitates supervision of children at all times, having regard to the need to maintain the rights anddignity of the children.	The design of the rooms supports and facilitates the active supervision of children at the premises, with regular shaped rooms with no nooks and high level viewing windows to the toilets.	Y

5.9 Maitland Development Control Plan (DCP)

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

- Part B- Environmental
  - B3 Hunter River Flood Plan
  - B5 Tree and Vegetation Management
  - B.6 Site Wate Minimisation and Management
- Part C
  - C1 Accessible living
  - C2 Childcare Centres
  - C4 Heritage Conservation
  - C6 Signage
  - C11 Vehicular Access and Car Parking
- Part E
  - Heritage Conservation Area

Clause	Requirements	Compliance
B.3 Hunter River Floodplain		
2. Flood hazards, costs, and risk to life	1. An application for development below the FPL must demonstrate: a. the proposed development will not increase the flood hazard or flood damage or adversely increase flood affectation on other properties, as assessed by a suitably qualified hydraulic engineer; b. the design of the proposed development is such that the risks of structural failure or damage in the event of flooding (including damage to other property) up to the FPL would be minimal, as assessed by a suitably qualified structural engineer; c. the proposed development has been designed to withstand the effects of inundation of floodwaters up to the FPL, with contents or fittings susceptible to flood damage being located above this level; d. if levees are proposed to protect a development, the impact of the levees on flood behaviour must be assessed	A Flood impact assessment accompanies this application, by Torrent.

	and the habitable floor level of the proposed development behind the levee must still be set at or above the FPL (assuming no levee is in place); e. the proposed measures to allow the timely, orderly and safe evacuation of people from the site (these measures should be permanent and maintenance free), and the measures proposed to safeguard goods, material, plant and equipment in a flood. These measures should be compatible with the SES' Maitland City Local Flood Plan (including vol 1 The Maitland City Flood Emergency Sub Plan); i. in rural areas, the proposals for the evacuation of any livestock in a flood; ii. the measures to reduce the risks that the development will allow the accumulation and build-up of debris being carried by floodwaters (particularly associated with fences in flood liable areas); iii. the design complies with the Table 1: Flood Aware Design Requirements for Residential Development on Flood Prone Land (in this DCP section); and iv. Details of any proposed filling to be provided. 2. Survey plans shall be dimensioned in metres with levels to Australian Height Datum (AHD), prepared and signed by a Registered Surveyor. 3. The type and extent of survey information likely to be required to support a development in a flood liable area is as follows: a. the location of the site relative to other features such as roads, bridges, etc; b. the assessed flood levels at the site (for the 1:100 ARI as a minimum and PMF where critical infrastructure is proposed), the origin of that level and how it was derived; c. the position of existing buildings (if any) and proposed buildings and works on the site; d. the existing and proposed floor levels of buildings on the site;	

	e. the existing ground levels around all existing buildings on the site, or if the site is vacant, ground levels on the site and on adjacent properties within approximately 30 metres of the boundary of the site; f. the locations should be shown of any structure of the Hunter Flood Mitigation Scheme (such as levee banks, spillways, floodgates etc.), which are inside or within 100 metres of the subject property site; and g. the position and floor and ground levels of buildings on adjacent properties, and the use of the properties within 100 metres of the subject site.	
2.2 Development in Floodway	1. No building or structure is to be erected on land identified as floodway on the Hydraulic Category Maps. 2. No fill is permitted on land identified as floodway on the Hydraulic Category Maps. 3. Minor alterations to ground levels associated with surface treatments, below ground structures, or minor landscaping are permitted provided they do not alter the flow distribution or flood behavior within the floodway. 4. New development shall be designed to avoid fences in floodways. 5. Where dividing fences across floodways are unavoidable, they are to be constructed only of open type fencing that does not restrict the flow of flood waters. The fencing design should be resistant to blockage or designed to be collapsible under heavy flood loadings. 6. Flood mitigation works are permitted with consent subject to Council being satisfied that the works meet the objectives of this DCP and the Flood Risk Management Plan. Note: Flood mitigation works are permitted without consent under the State Environmental Planning Policy (Transport and Infrastructure) 2021 if they are carried out by or on behalf of a public authority. 7. Development within the vicinity of	A Flood impact assessment accompanies this application, Torrent.

	Hunter Valley Flood Mitigation Scheme structures (including levees, floodgates, spillways and drains) operated by the NSW Office of Environment and Heritage are referred to that agency for concurrence in accordance with the Water Management Act 2000.	
2.3 Filling of flood storage and flood fringe areas	1. An application for filling within the flood storage or flood fringe areas must be supported by a fully dynamic computer flood model unless: a. There is no net importation of fill within the 1:100 ARI flood extent; or b. Filling up to 7,000m3 or 20% of the total 1:100 ARI flood storage/flood fringe volume of the lot (whichever fill volume is lower) that; i. is associated with construction of a dwelling in rural zones, and ii. where construction of a dwelling is permitted; and iii. all of other flood requirements (such as evacuation) is achieved; and/or c. Filling up to 3,500m3 or 10% of the total 1:100 ARI flood storage/flood fringe volume of the lot (whichever fill volume is lower) associated with construction of a mound to provide refuge for stock during floods.	A Flood impact assessment accompanies this application, Torrent
2.3 General Building Requirements	1. All habitable finished floors shall be no lower than the FPL. 2. Parts of buildings and structures at or below the FPL shall be constructed in accordance with Table 1: Flood Aware Design Requirements for Residential Development on Flood Prone Land. The development shall be certified by a qualified Structural Engineer that the building has been designed to withstand the depth of inundation, buoyancy and flow velocity forces (including potential for debris impact) at the development site for a 1:100 ARI event. 3. Flood-free access shall be provided from the development to an appropriate evacuation facility (as identified in the Maitland Local Flood Plan), at the 1:20 ARI flood level or	A Flood impact assessment accompanies this application, Torrent

	higher. 4. Provision shall be made for the safe evacuation of people from the development in accordance with the Maitland Local Flood Plan. 5. Sufficient storage space for household effects shall be provided above the FPL. 6. Electrical fixtures such as light fittings and switches shall be sited above the FPL unless they are on a separate circuit (with earth leakage protection) to the rest of the building. 7. Requirements 1, 3, 4 and 6 do not apply to the following development: • The extension of an existing dwelling house by no more than 50% of its internal floor area, • An addition to an existing dwelling house with an area of no more than 50% of the internal floor area of that dwelling to be used for the purpose of a dual occupancy. • Tourist and visitor accommodation.	
2.4 Multi Storey Residential Development	1. Development for a multi-storey residential building shall be designed and constructed in accordance with the requirements of Table 1: Flood Aware Design Requirements for Residential Development on Flood Prone Land.	N/A
2.5 Basement Bark parking	1. Basement garages will generally only be supported where all potential water entry points are at or above the 1:100 ARI. 2. Where this cannot be achieved the following requirements are to be met: a. The basement should be designed so that the structural integrity of the building is not compromised if the basement is either partially or fully inundated during a flood. Note: A tanked (watertight) basement may not be appropriate due to buoyancy during flood inundation. It may be necessary to allow the basement to fill with water during a flood b. All exit points below the FPL must be able to be closed and locked to prevent access during floods. c. A steel mesh gate should be used	N/A

	for the vehicle entry/exit points to allow the in-flow of floodwaters. d. All services (electricity, water, fire, air conditioning etc.) must be designed to prevent damage up to the FPL. e. At least one stair well from the basement should extend to at least the FPL. This exit should have a lockable entry but be able to be opened from the basement side (as with a fire door). f. The owner(s) of the building should consult with the SES to determine the most appropriate mechanisms for evacuation/ management of the basement car park where the projected flood level would result in its inundation.	
2.6 additions and renovations	1. All applications for renovations and additions are encouraged to comply with the General building requirements. 2. In deciding whether to support an application for additions and/or renovations of the existing floor area below the FPL, Council will consider whether the renovations, additions and alterations are likely to significantly add to the life span of the residential building and its exposure to future flood impacts. 3. Proposals for additions and renovations will be required to comply with the General building requirements in the following circumstances: a. following a flood event where there has been inundation of the dwelling necessitating the removal and replacement of external and/or internal cladding material; or b. following a flood event where there has been structural compromise to the dwelling which requires remediation; or c. there is a proposal to increase the enclosed habitable floor space of the dwelling by more than 50%; or d. there is a proposal to undertake major renovations to the dwelling	N/A

	(e.g. Re- piering, exterior re-cladding, internal re-lining); or e. the proposed works have the potential to impact on flood behavior.	
2.7 House Raising and Flood proofing	1. The development will require assessment against the residential design provisions in this DCP. 2. In assessing an application for house raising or flood proofing, Council will consider the impacts of the works on the streetscape. 3. In heritage conservation areas the proposal must address the relevant provisions relating to heritage conservation.	This has been addressed throughout this application.
2.8 Critical Infrastructure and facilities	1. The following developments are unlikely to be supported on land below the PMF: a. hospitals and ancillary services b. regional communication centres c. State Emergency Services stations d. sewage plants e. electricity plants or substations unless the plant is designed for controlled failure or shut-off when flooding occurs f. installations containing control equipment for critical infrastructure; and g. operational centres for flood emergency response.	A Flood impact assessment accompanies this application, Torrent.
2.9 Mitigating Circumstances	1. Council may consent to a development where: a. The land use is permitted in the zone; and b. Full compliance with the flood-related development controls is impossible or unreasonable. Note: Examples of circumstances where an alternative merits-based assessment may be considered include: Rural Dwellings where: a. An owner is required to live on-site in order to manage an agricultural enterprise and b. The dwelling is located on the landholding on which the major operational part of the enterprise is located; and c. A dwelling is permitted on the land	A Flood impact assessment accompanies this application, Torrent.

	2. Any application will be subject to a comprehensive merits-based assessment against the objectives of the DCP and Clause 7.3 of the LEP. 3. Any application under this clause must be supported by detailed justification including any relevant studies.	
B5 Tree and Vegetation Management		
	The amenity of the area is maintained through the preservation of trees and other vegetation.	An Arborist report accompanies this application and outlines that 5 trees are to be removed. All trees on neighbouring properties are to be retained and tree protection fencing is to be provided during construction.
	Habitat and corridor function is maintained.	n/a
	Trees are managed to minimise risk to person and property.	Compliant.
B6 Site Waste Minimisation and Management		
		A Waste management plan accompanies this application.
C1 Accessible Living		
Access report		An access report accompanies this application.
Enhanced requirements		N/A
Car parking		N/A
Car park design	a. If car parking is provided in a garage or parking station, there should be sufficient ceiling height to allow use of a hoist i.e. 2500 mm. (See AS 1428.2 clause 14.2). b. The placement of the designated parking bay/s needs to be as close as possible to the accessible entrance. c. Where parking bays are within buildings the designated bay/s should be located close to the elevators.	There is sufficient room for a hoist if required in the ground floor parking area. Additionally, two accessible car parking spaces have been provided near the access way and lift provided.
Pathways	a. Pathways refer to any external pathway or footpath which provides access to the entrance of a home or building. b. Pathways should provide a comfortable grade no steeper than 1	All pathways provided are of a suitable grade, allowing wheelchair access. All additional accessible information has been addressed in the access report and can be conditioned to CC stage.

	in 14. Ramps and pathways should have a slip-resistant surface with a texture that is traversable by a wheelchair. c. Pathways should be provided with landings except when the pathway grade is flatter than 1 in 33. d. Landings should be located at appropriate intervals and the grade of the pathway between landings should always remain constant. e. Where at least one side of a pathway is bounded by a kerb with the handrail, or a wall with a handrail, the landing intervals can be set further apart. f. Where no kerb and handrail, or wall and handrail is provided, the ground which adjoins the side of the pathway should follow the grade of the pathway and extend horizontally for 600 mm.	
Ramps		N/A
Intersection details and kerb ramps		N/A
Kerb ramp design		N/A
Handrails		See access report
Stairways		See access report
Entrances		See access report
Doorways		See access report
Signs and symbols		See access report
Planning a bathroom		See access report
Planning a kitchen		See access report
Part C Design Guidelines		
C2 Childcare Guidelines		
C.2 Childcare Centres	This chapter has been repealed. All Child Care Centre developments shall comply with the requirements and	Noted. Refer to Child Care Planning Guidelines Compliance Table provided

	matters for consideration under the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, the Education and Care Services National Regulations and Child Care Planning Guidelines	
C.4.4 General Requirements for New Buildings in Historic Areas		
4.1 Siting a New Building	a. New development should have regard to the established patterns of the locality with regard to the typical location and orientation of buildings on an allotment. b. The siting of a new residential building allowing for a generously sized front garden will usually assist in its successful integration. c. New development should be sited behind the building line of any adjoining heritage item.	As noted by Stephen Booker in the Statement of Heritage Impact, 'Adjacent development to the east on the southern side is sporadic/ fragmented, while the north facing Steam Street is more contiguous in character. The proposal follows this pattern.' There are no adjoining heritage item to the site, hence this item is not applicable and additionally, the setback is similar to that of the existing dwelling onsite.
4.2 Scale	a. The scale of a new house should be related to the size of the allotments laid out in the historical subdivision pattern of the area. This does not apply to consolidated lots. New buildings should be in scale of surrounding dwellings. Large houses on small allotments will tend to look awkward and dominate the surrounding area. b. Large houses may be better located on large allotments in less sensitive areas. c. New houses should generally remain at single storey in areas where the majority of buildings are single storey. d. Landmark buildings in Conservation Areas which may be heritage items, mansions or public buildings will generally be surrounded by single story buildings, or those of a lesser scale. These landmark buildings should not be used as a precedent for increasing the scale of new buildings. New buildings should relate to the scale of existing development around	Stephen Booker has noted the following, 'The building responds to the height of the residential buildings to the north of the site, maintaining a low ridge height and utilizing intermediate low pitched skillion roofs to enhance the roof scape modelling. The flood level has necessitated raising the working floor level of the Childcare Centre upper floor. The western end of the building where the Basement carpark is most evident presents the highest section of the development. Devices to counter the perceived height have been incorporated including tiered planter boxes against the highest Basement retaining wall to break up the height and roofing the surmounting building with a hip end as opposed to the previous gable to further counter the height.'

	the landmark and respect its prominence.	
4.3 Proportions	a. Openings in visible frontages should retain a similar ratio of solid to void as to that established by the original older buildings. b. New buildings should incorporate the typical proportions of surrounding development, even when using modern materials. c. New buildings should establish a neighbourly connection with nearby buildings by way of reference to important design elements such as verandahs, chimneys or patterns of openings.	The proposed development complies with these requirements.
4.4 Setbacks	a. Where there is a uniform historically based setback, it is generally advisable to maintain this setback in a new building. Where the new building will be obtrusive it should be set well back and heavily screened. b. If the setback varies, the new building should not be set closer to the street than an adjoining historic building (even if it is not an identified heritage item). c. Setback from side boundaries should be consistent with typical buildings in the immediate vicinity.	The proposed development complies with the requirements listed as it maintains setbacks of surrounding areas.
4.5 Form and Massing	a. New buildings should be designed in sympathy with the predominant form and massing characteristics of the area. b. Houses generally had ridges of the same height. It is therefore important in new buildings to ensure that the width of wings can maintain a consistent ridge and roof height.	A review of the area by the writer prior to modifications to the original design has informed the current iteration and improved its fit and scale in the location, by introducing compatible forms and elemental proportion.
4.6 Landscaping	a. Generous green landscaped areas should be provided in the front of new residential buildings wherever possible. This will almost always assist in maintaining the character of the streets and Conservation Areas. b. New landscaping should not interfere with the appreciation of	The landscaping plan provided demonstrates compliance with the requirements of this clause.

	significant building aspects such as shopfronts or contributory building facades. c. Important contributory landscape characteristics such as canopy cover or boundary plantings should be retained in new development.	
4.7 Detailing	a. Avoid fake or synthetic materials and detailing. These tend to give an impression of superficial historic detail. b. Avoid slavishly following past styles in new development. Simple, sympathetic but contemporary detailing is more appropriate. Original materials and details on older buildings need not be copied, but can be used as a reference point.	The proposed development complies with the requirements of this clause, with the materials being utilized sympathize with the surround heritage buildings whilst maintaining a contemporary feel.
4.8 Building Elements & Materials	4.8.1. Doors and windows a. New doors and windows should proportionally relate to typical openings in the locality. b. Simply detailed four panel doors or those with recessed panels are generally appropriate. c. Mock paneling, applied moldings and bright varnished finishes should be avoided. d. Older houses have windows which are of vertical orientation and this approach should be used in new buildings. e. Standard windows often come in modules of 900mm wide. Their use should be limited to single or double format only. The most suitable windows are generally double hung, casement, awning or fixed type. f. If a large area of glass is required, vertical mullions should be used to suggest vertical orientation. A large window could also be set out from the wall to form a simple square bay window making it a contributory design element rather than a void. g. Colored glazing, imitation glazing bars and arched tops are not encouraged. 4.8.2 Roofs	The architectural plans provided demonstrate compliance with these requirements, and the design itself was guided by Heritage Consultant, Stephen Booker.

	a. Corrugated galvanized iron (or zincalume finish) is the most appropriate roofing material for new buildings in historic areas. Itis also economical and durable. Pre finished iron in grey or other shades in some circumstances may also be suitable. b. Tiles may be appropriate in areas with buildings dating to the 1900's - 1930's. Unglazed terracotta tiles are the most appropriate. The colour and glazing of many terra cotta tiles make them inappropriate. c. Other materials to avoid include modern profile steel deck. d. Ogee profile guttering is preferable to modern quad profile. Plastic downpipes should be avoided in prominent positions. 4.8.3 Paving a. Preferred materials for driveways include wheel strips and gravel. b. It is important that the amount of hard driveway material does not dominate the front garden area. 4.8.4 Walls a. Imitation Cladding Cladding materials which set out to imitate materials such as brick, stone, and weatherboard should be avoided as they tend to detract from the authentic character of the surrounding original buildings. b. Weatherboard 150mm weatherboards are generally appropriate for historic areas. They should be square edged profile unless the surrounding buildings are post 1920's. c. Brick i. Plain, non-mottled bricks are preferable with naturally colored mortar struck flush with the brickwork, not deeply raked. ii. Bricks of mixed colours (mottled) should be avoided, as should textured 'sandstock' bricks.	

5. General Requirements for New Commercial Buildings in Historic Areas		
5.1 Building Heights and setbacks	The height of buildings should reinforce the desired scale and character of the area. Maximum building heights have been set out in Part E.3, 'Heritage Conservation Areas'.	The proposal complies while presenting as an identifiable contemporary form and arrangement.
5.2 Services	Service structures, and plant and equipment within a site should be an integral part of the development and should be suitably screened buildings and should not be built out.	The development complies with these requirements.
5.3 Onsite loading and unloading	Facilities for the loading and unloading of service vehicles should be suitably screened from public view.	Given the site constraints the loading zone is not screened from public view, however given the limited time the loading zone will be used.
5.4 Design of car park areas	Car parking areas should be located and designed to: a. provide landscaping where practicable to shade parked vehicles and screen them from public view. b. provide for access off minor streets, and for the screening from public view of such car parking areas from surrounding public spaces and areas.	The development complies with these requirements.
5.5 Car parking Structures	a. incorporate a façade designed to complement adjoining buildings in an urban context. b. be setback from the street frontage and out of view if possible.	The development complies with these requirements.
General	a. Development in the vicinity of listed heritage items should respect and complement the built form character of those items in terms of scale, setback, siting, external materials, finishes and colour. b. New development should have regard to the established siting patterns of the locality. c. New development should generally be set back from the building line of the adjoining or adjacent heritage item. d. The sensitive selection of materials, colours and finishes is important in terms of achieving compatibility with the heritage items. e. Height and scale of new buildings should not obscure or dominate an adjoining or adjacent heritage item.	The development complies with these requirements.

	f. Development in the vicinity of a heritage item may be contemporary in design.	
5.6 Roof form, parapet and silhouettes	a. In Commercial areas, it is the consistency of parapets which make a significant contribution to the architectural character of an area. b. Where the prevailing pattern of roof forms assists in establishing the character of a townscape, new roof forms should seek to be compatible with the shape, pitch, and materials of adjacent buildings. c. Parapet heights and articulation should be compatible with earlier surrounding buildings. d. Lightweight materials such as ribbed colored metals should not be used on vertical wall or parapet surfaces. e. New verandahs should be based on design principles of traditional verandahs with sloping roofs galvanized iron and regularly spaced columns.	The development complies with these requirements.
C6. Signage		
Commercial zones	Permit adequate identification and business advertising. Ensure that ALL businesses have the opportunity for reasonable exposure. Ensure that signs are in keeping with the scale and character of the building.	The proposed signage for the childcare is consistent with the objectives for signage on commercial zoned land. An assessment against the criteria contained within Schedule 5 of SEPP (Industry and Employment) 2021, Chapter 3 Advertising and Signage is provided in the table above.
C11. Vehicular Access and car parking		
1.2 Calculation of Parking Requirements	Development Generally The minimum number of parking spaces to be provided for a particular development is to be calculated in accordance with Appendix A of this policy. Childcare centre 1 space per 4 children or part thereof. Parking must be provided in a convenient location allowing safe movement of children to and from the centre.	107 children/4 =27 parking spaces required 28 parking spaces are provided to service the development meeting the minimum requirement.
2.1 Access to the site	A development should be designed to provide adequate on-site	Achieved

	manoeuvring and circulating areas to ensure that all vehicles can enter and leave the site in a forward direction.	
2.2 Site Distances	Consideration must be given to maintaining adequate sight distances for all access driveways. Any vehicle entering or leaving the driveway must be visible to approaching vehicles and pedestrians. AS 2890.1 Off Street Car Parking gives minimal and desirable sight distances for a range of road frontage speeds.	Achieved
2.3 Entry and Exit to the site	The driveway standards recommended by the Roads and Traffic Authority of NSW Guide To Traffic Generating Developments (the guide) are adopted for the purpose of this Plan.	Achieved
2.4 Location of Parking Areas	Parking facilities for visitors and customers shall be provided where clearly visible from the street so their use is encouraged. Parking spaces for employees and for longer duration parking may be located more remotely from the street.	Achieved
2.5 Parking Space and Aisle Dimensions	The following figures illustrate typical parking layouts and aisle dimensions. It should be noted that these parking space dimensions represent minimum unobstructed requirements and that greater dimensions should be provided in the following instances: a parking space which has a wall or obstruction on one side – an additional 300mm width to that shown is for the end space in a blind aisle, the width is to be increased to 3.6 metres.	Achieved
2.6 Construction Requirements	In general, all car parking areas, manoeuvring areas and unloading areas shall be constructed with a base course of adequate depth to suit design traffic, and shall be sealed with either bitumen, asphaltic concrete, concrete or interlocking pavers. The works are to be maintained to a satisfactory standard throughout the term of development and/or use of the land for which the facilities are provided.	Noted and can be conditioned.
2.7 Landscaping	Parking areas shall be appropriately landscaped to achieve a satisfactory appearance, particularly for those car parks with large areas of bitumen, to	Achieved

	provide shade and to provide a buffer between neighbouring land uses. Landscaping should be used throughout the car park and on the perimeters. In general, there should be no more than 10 parking bays before a break with planting. Species should be selected and located to avoid maintenance problems, so that they do not hinder visibility at entry or exit points and so that they do not cause damage to paved areas by root systems or create excessive leaf or branch litter. Trees with large surface roots, excessive girth, brittle limbs, fruits which drop and trees which attract large numbers of birds should be avoided in parking areas. In most cases landscaping can be integrated into parking layouts without the need for additional area or loss of car parking spaces. Wheel stops are to be provided along the front of parking bays to prevent vehicles from damaging landscaped areas, buildings and/or fencing and other vehicles.	
2.8 Directional Signs and Marking	Parking areas are to be clearly signposted and line-marked. Entry and exit points are to be clearly delineated and parking spaces for specific uses (disabled, visitors, employees etc) clearly signposted. “One way” markings must be clearly set out on the pavement in such a manner as to be easily readable and understandable to users of the car park. Council may designate areas within the car park where no stopping or no parking signposting is to be installed to facilitate the free movement of vehicles and pedestrians.	Noted and can be conditioned
2.9 Principles for Crime Prevention	Design of car parking areas should consider the principles of effective lighting. Lighting is to be provided in off-street car parks in accordance with the requirements of AS 2890.1, 2004 – Parking Facilities Off Street Parking. Lighting may also be required over the street frontage of the development, particularly at entry or exit points in accordance with AS/NZS 1158, Lighting for Roads and Public Places. a. Provision of clear sightlines between public and private places; b. Landscaping that makes the car park	Lighting will be provided in accordance with Australian Standards.

	attractive but does not provide offenders with a place to hide or entrap victims; c. In some cases restricted access to the car park, particularly after business hours through the use of physical barriers should be considered; d. Design with clear transitions and boundaries between public and private space through the provision of clear access points; e. Clear design cues on who is to use the space and what it is to be used for – care should be taken to ensure that gates and enclosures do not make public areas into private areas and consideration should be given to suitable signage (eg need to lock vehicles); f. Strategies to prevent vandalism through appropriate design, eg durable lighting materials and minimisation of exposed walls; 1. g. Management strategies for site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out lighting, the removal or refurbishment of decayed physical elements and the continued maintenance of landscaped areas.	
3. Loading/unloading requirements		
3.1 General	On-site loading and unloading facilities must be provided for all businesses, commercial, industrial, retail and storage uses and any other where regular deliveries of goods are made to or from the site	Achieved- refer to plans at **Appendix A.** All loading and unloading will occur within the bounds of the site.
3.2 Number and size of loading bays	The number and dimensions of the on-site loading bays must be designed having regard to the nature and scale of the proposed development, the estimated frequency of deliveries, the type of delivery vehicle likely to be involved and the types of goods being loaded/unloaded. Accordingly, these details are required to be submitted with the Development Application for Council's consideration. As a guide, for small and medium-sized shops or commercial premises, restaurants or small-scale industrial development likely to involve the use of vans,	A services/loading/ delivery bay is provided to meet the needs of the operator.

	utilities or small trucks only, one loading bay will usually be sufficient.	
3.3 Design and Layout of Loading Bays	The loading areas must be designed to ensure that standard design vehicles can manoeuvre into and out of all loading areas without causing conflict to the movement of traffic on-site or in the adjacent streets. It is not possible to specify dimensions for service areas which would be appropriate for all situations. The dimensions of the service bay will depend, in part, on the type of vehicle to be accommodated. The loading bay(s) should be a physically defined area (by signposting and/or pavement marking) which is not used for other purposes such as customer parking or the storage of goods and equipment. The loading areas must be designed to ensure that vehicles stand entirely within the site during all loading and unloading operations. Where existing buildings are being redeveloped, all of the above design criteria may not be achievable. However, every effort must be made to ensure that public safety is not compromised. In addition to the above requirements, the Roads and Traffic Authority's "Guide to Traffic Generating Developments" details recommended dimensions for loading areas based on the various types of service vehicles and other requirements for ramps, internal roadway etc (refer to Table 1 in Appendix B). Special parking spaces for persons with a disability are to be made available in the provision of car parking facilities, in accordance with Australian Standard AS2890.1 – 2004. In general, where 10 or more vehicle spaces are required, one designated parking space for people with disabilities is required per 100 (or part thereof) car spaces provided. Council has adopted the 'enhanced' requirements for landuses where there is a higher demand for disabled facilities. The location of spaces designated for persons with a disability should be close to an entrance to a building or facility with access from the car space by ramps and/or lifts. These spaces should be clearly signposted for the	Achieved

	convenience of their users and to discourage other drivers from using such spaces. The spaces should be a minimum of 2.4 metres wide with an adjoining shared space 2.4 metres wide to assist movement into and out of parked vehicles.	
Bike parking		
	Provision is to be made for cyclists via the installation of bicycle parking facilities in accordance with Australian Standard AS 2890.3-2015 – Bicycle Parking Facilities and Austroads Guide to Traffic Engineering, Part 14, Bicycles: Second Edition.	There is no bicycle parking provision rates provided in the AS for child care facilities. It is likely that most parents and carers will drive to the centre to drop off/pick up children. Should staff ride to work, they can store their bike safely in the store room.
Part E Special Precincts		
2. Central Maitland Heritage Area		
Character statement	General	A Statement of Heritage Impact accompanies this report.

6 ASSESSMENT OF PLANNING ISSUES

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

6.1 Traffic, Access and Parking

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

Traffic

From the site work undertaken and the review of the development proposal and associated plans against the requirements of the Guide to Transport Impact Assessments it is considered that the proposed development application should have no objections raised on traffic and access grounds. The additional traffic movements generated by the development will have an acceptable impact on the surrounding road network.

Based on the above TfNSW trip generation rates for long day childcare centres, the proposed development has a traffic generation potential of 69 vehicle trips during the weekday morning peak period.

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

Access and Internal Circulation

Vehicular access to the site is proposed from a 7m wide entry/exit driveway on Steam Street. Steam Street is a local road with a sealed carriageway width of approximately 6m and gravel edges. It carries two-way traffic movements. The car parking access and layout has been assessed to achieve the relevant clauses and objectives of *AS2890.1:2004,AS2890.2:2018 and AS2890.6:2022.*

The development provides loading and servicing facilities with swept paths provided in the architectural plans provided**.** All movements entering and exiting the site will be in a forward direction.

Parking

The parking area containing 28 parking spaces including one accessible space has been assessed against the relevant sections of *AS2890.1:2004, AS2890.2:2018, and AS2890.6:2022* and is found to

satisfy the objectives of each standard.

The proposal meets the car parking rates as outlined within Council's DCP and The Child Care Planning Guideline 2021 of 1 per 4 children (107/4 = 26.75)

6.2 Landscaping

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

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

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

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

6.3 Acoustic Impact

A Noise Assessment (NA) has been conducted by Muller Acoustic Consulting. The Assessment has been prepared in accordance with and having regard for the following documents:

- NSW Department of Environment and Climate Change (DECC), NSW Interim Construction Noise Guideline (ICNG), July 2009;
- NSW Environment Protection Authority (EPA), Noise Policy for Industry (NPI), 2017;
- NSW Environment Protection Authority (EPA's), Approved Methods for the

measurement and analysis of environmental noise in NSW, 2022;

- Standards Australia AS 1055:2018 - Acoustics - Description and measurement of environmental noise - General Procedures;
- International Organisation for Standardisation (ISO) 9613-1:1993 (ISO9613:1) - Acoustics - Attenuation of Sound During Propagation Outdoors - Part 1: Calculation of the Absorption of Sound by the Atmosphere;
- International Organisation for Standardisation (ISO) 9613-2:1996 (ISO9613:2) - Acoustics - Attenuation of Sound during Propagation Outdoors - Part 2: General Method of Calculation; and
- Association of Australian Acoustical Consultants (AAAC), Guideline for Childcare Centre Acoustic Assessment (GCCCAA).

Operational Noise

The NA quantified potential operational noise emissions from the development on the closest commercial and residential receivers (see Figure 1 in the NA), including noise associated with cars, delivery/service vehicles, children playing outdoors, and the mechanical plant required for the building. The assessment also quantified potential noise intrusion from surrounding noise sources on the internal and external areas of the proposed child care centre.

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

- construction of an impervious barriers surrounding the boundary of project playground. The barriers should be constructed to an RL of 2.0m above the relative ground level of the playground. The barriers should consist of materials with a surface density of at least 10kg/m2, and not contain any gaps (ie lapped and capped timber or equivalent); and

- the mechanical plant for the CCC is yet to be finalised. Therefore, the modelling assumes one AC unit per classroom and one for the admin spaces, totalling seven AC units. The AC units are assumed to be located in the basement area of the building

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

Assessment of maximum noise level events associated with transient event noise emissions from waste collection may have the potential to be above the maximum noise trigger levels. However, a detailed maximum level assessment demonstrated that due to the low occurrence of these events occurring during the morning shoulder period which are not predicted to be above the maximum level of 65dBA, the potential for sleep disturbance is considered negligible.

Construction

Modelled noise emissions from construction activities identify that predicted noise emissions will remain below the applicable construction management levels at all receivers taking into account the standard mitigation measures.

In summary, based on the NA results, approval for the project is justified on acoustic grounds provided the recommendations and controls outlined in the NA are implemented.

6.4 Visual Impact

The proposed development has been designed to visually complement the surrounds.

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

The design of the building and materials selected have been determined by our Heritage Consultant, Stephen Booker.

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

6.5 Odour

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

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

6.6 Overshadowing

Due to the surrounds of the building, it is not expected that the proposal will not have any unreasonable impact as a result of overshadowing neighbours.

6.7 Lighting

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

6.8 Crime Risk

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

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

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

6.9 Signage

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

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

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

(i) is compatible with the desired amenity and visual character of an area, and

(ii) provides effective communication in suitable locations, and

(iii) is of high quality design and finish,

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

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

6.10 Waste Management

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

Demolition and Construction Waste

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

Operational Waste

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

6.11 Sediment and Erosion Control

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

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

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

6.12 Water Management

The water management proposed for the development is detailed in the Civil Engineering Plans prepared by Eclipse Engineers. The stormwater drainage strategy includes a network of pipes and pits to convey the runoff from the roof and hardstand areas of the site to underground OSD (45m³) at the southern end of the car park.. The OSD tank is sized to meet Council's requirements for volume and rate of discharge.

Ocean protection ocean guard and ocean protect storm filters are used. The Ocean protection provides two filtration bag types- 200 micron bags for higher water quality filtering and a coarse bag for targeting gross pollutants.

A MUSIC model has been prepared to determine the effectiveness of SQID's at reducing pollutant loads at the site. Refer to the Civil Engineering Plans for full details.

6.13 Contamination

A DSI has been undertaken to ensure the site is suitable for the proposed childcare use. As detailed in Section 4.4 of this SEE, analytical results of soil samples indicated potential contamination. As such a Remedial Action Plan (RAP) is required to delineate and manage identified PAH contamination. The RAP will outline the steps for post-demolition sampling, data gap investigation, and remediation strategy in order to make the site suitable for the child care development. In addition, a site specific 'Unexpected Finds Protocol' shall be made available for reference for all occupants and/or site workers in the event unanticipated contamination is discovered.

6.14 Social and Economic Impacts

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

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

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

6.15 Public Interest

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

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

6.16 Building Access

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

7 CONCLUSION

The proposed childcare facility to be located at 27 Steam Street, Maitland will provide a high- quality facility for young families with minimal environmental or amenity impacts on the surrounding area.

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

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

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APPENDICES

Appendix A – Architectural Plans

Appendix B – Civil Engineering Plans

Appendix C – Traffic and Parking Assessment Report

Appendix D- Noise Impact Assessment

Appendix E – Waste Management Plan

Appendix F –Air Quality Assessment

Appendix G- Plan of Management

Appendix H – Landscaping Plans

Appendix I – Preliminary Site Investigation/ Detailed Site Investigation

Appendix J- Flood Study

Appendix K – Statement of Heritage Impact

Appendix L- Cost report

Appendix M- Owners Consent

Appendix – N Hunter Water Stamped Plans

Appendix O- Arborist report

Appendix P- Access report

Appendix Q- Bushfire Report