Statement of Environmental Effects

Demolition of Existing Structures, Removal of 3 Trees, Lot Amalgamation, Construction of a Two-Storey 132-Place Centre Based Child Care Facility and Ancillary Works

2 Collinson Street, Tenambit

Lots 151, 152 & 153 in Deposited Plan 561830

Prepared for: Harrington Lawyers
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Disclaimer:

In preparing this document, Creative Planning Solutions has relied upon information and documents provided by the Client or prepared by other Consultants within their various areas of expertise.

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Contents

1.0 Introduction

The Statement of Environmental Effects ('SEE') accompanies a Development Application ('DA') for the demolition of existing structures, removal of three (3) trees, lot amalgamation, construction of a 132-place centre-based child care facility and ancillary works at 2 Collinson Street, Tenambit (Lots 151, 152 and 153 in Deposited Plan 561830).

This DA is being lodged for consideration by Maitland City Council ('Council') pursuant to Section 4.12 of *the Environmental Planning & Assessment Act 1979* ('the EPAA Act'). The site is zoned R1 'General Residential' under the *Maitland Local Environmental Plan 2011* ('MLEP 2011'). Development for the purpose of a centre-based child care facility is permitted with consent in the R1 General Residential zone under MLEP 2011.

This SEE describes the site, its environs and the proposed development, including an assessment of the proposal pursuant to Section 4.15 of the EPAA Act and the relevant provisions of the *Environmental Planning and Assessment Regulation 2021* ('the EPAA Regulation').

1.1 Project Team

The following project team has been formed to deliver the proposal:

Table 1 List of Project Consultants

Project Consultants	
Discipline	**Consultant**
Architect	Brad Inwood Architects
Access Consultant	Access First Consulting
Acoustic Engineering	Rodney Stevens Acoustics
Arborist	Growing My Way Tree Services
Contamination	Geo-Environmental Engineering
CPTED	Creative Planning Solutions
Engineering	ADW Johnson
Emergency Management	SPS Fire and Safety
Landscape Architect	Paul Scrivener Landscape
Plan of Management	Creative Planning Solutions
Quantity Surveyor	Mitchell Brandtman
Stormwater Management	ADW Johnson
Survey	Everitt & Everitt Consulting Surveyors
Town Planning	Creative Planning Solutions
Traffic and Parking	McLaren Traffic Engineering
Waste Management	Low Impact Development Consulting

1.2 Pre-DA Meeting

A Pre-DA Meeting was conducted on 22 August 2024 for a 151-place centre-based child care facility with a two-storey built form and ancillary works including demolition, earthworks, at-grade car parking and landscaping. The key matters raised by Council have been noted in the table below:

Table 2 Responses to Council's Pre-DA Comments

Response to Pre-DA Comments	
Council's Comment	**Response**
PLANNING ADVICE	
Matter 1 – Street Building Setbacks and External Appearance	
Sections C.8.5 & C.8.6 of the DCP are the best guide for development setbacks within a residential zone. This section of the DCP requires a minimum setback from the principal street frontage to the building line of 4.5 metres. Preference is for the development to be informed by the residential setting and respond to the current and desired future character of the street. Minimum side and rear setbacks, including detached outbuildings shall be 0.9m for walls up to 3.0m in height, 0.9m plus 0.3m for every metre of wall height over 3.0m and less than 7.2m, and for that part of a wall over 7.2m in height, the minimum setback should be increased by 1.0m for every metre of height over 7.2m.	Refer to discussions within this SEE, particularly within Section 4.2.3, regarding justifications for setbacks and building siting.
It is noted the proposed built form location is excessively setback and does not directly connect to or activate the streetscape. The proposed access, car parking and assumed fencing fronting each street is a harsh and dominant element within a residential environment and should be reviewed against the objectives and controls that are trying to be achieved within Chapter C.8.9 – External Appearance of the DCP. Concerns are raised this regard due to potential negative impacts at the interface of the site. Any application shall be supported by a context analysis to address how the proposal fits within the existing residential context, as well as address and demonstrate what alternative design outcomes (building footprints) were considered, and how you landed on the ultimate design outcome.	Refer to discussions within this report, particularly within Section 4.2.3,regarding justifications for setbacks and building siting.
Typically, car parking is not supported in the front setback area in a residential context as per C.8.15 of the DCP; if this continues to be proposed sufficient front fencing (constructed of a suitable finish informed by context analysis -masonry, picket style, etc), supported by appropriate external landscaping shall be provided to screen and soften the initial impact of hardstand as viewed from the streetscape. Given the slope of the site, the impact of the hardstand will be	Front fencing presenting to Collinson Street is 1m high open palisade fencing, which is setback 2.2m from the front boundary, allowing for screening planting to present to the street. Additional low-lying landscaping, screen plantings and canopy trees are located within the front setback and throughout the parking area in the form of intermittent and perimeter plantings (perimeter plantings are at least 1m in width). Two street trees

readily visible from the streetscape, particularly David Avenue, regardless. Therefore, it is critical the design of car parking and associated landscaping effectively responds to C.11.2.7 of the DCP to ensure parking areas are broken up by intermittent planting to achieve a satisfactory appearance, provide shade and a buffer between adjoining residential land uses. High quality landscaping shall be provided throughout the car park and on the perimeters; generally, Councils requirements outline no more than 10 spaces should be provided before a break with planting and a 1m buffer along the perimeter of long car parks/driveways – you may seek to increase this provision in order to effectively mitigate impacts.	are also proposed. All of these elements contribute to softening the appearance of the carpark from the streetscape, with canopy trees also providing shading. Refer to APPENDIX 2 – Maitland Development Control Plan 2011for further discussion.
Similarly, whilst the location and height of retaining walls and boundary fencing is not known, the location, height and material finishes will be critical in ensuring a positive contribution of amenity and appearance and should be considered in relation to C.8.14.	Fencing details, including heights and materials, are shown in the fencing elevation plans within the Architectural Plan Set. The heights of the fences and retaining walls are shown, and the fencing heights reflect the requirements within the Acoustic Report. Details of the front fence are noted on the Landscape Plan, detailing a lower open fence with landscape screening to ensure the compatibility with the streetscape.
Without the benefit of detailed supporting documents, it is difficult to comment on the suitability of the design outcome however it is suggested alternate outcomes are explored to ensure the proposal delivers the most balanced and appropriate outcome in terms of in terms of amenity, traffic impacts on surrounding residential development and road network	The chosen design has been considered as the most appropriate layout of the site, given its irregular shape and two frontages. The use of both frontages to allow for one-way traffic through the site minimises traffic and safety impacts. This design necessitates a carpark within the front setback. The at-grade carpark also allows for reduced excavation works which would be required to create a large basement parking level if the building was sited within the front portion of the site. The wider rear portion of the site is better suited to the placement of the building and the outdoor play area and results in reduced impacts on neighbouring properties, as it only closely adjoins two sites (adjoining eastern sites), noting that an alternative location would require narrower play spaces to adjoin four to five properties.
Matter 2 – Building Height, Bulk and Scale	
The overall height of the development shall be consistent with future residential setting and shall respond accordingly. Architectural design (bulk, scale, materials colours and finishes) shall be sympathetic to residential character of setting; roof design shall also have regard to the future/ developing characteristics of the area. The bulk, scale and built form design shall be appropriately informed by the context analysis.	The bulk and scale of the development responds effectively to the existing and future residential context. The building presents as a one-storey structure from Collinson Street, which is reflective of neighbouring development along this frontage. The rear of the building presents as a two-storey structure to David Avenue due to the slope of the land and the visibility of the Lower Ground Floor from this frontage. This reflects neighbouring

	development on this frontage, which has a two-storey built form. The structure is well setback from the front, rear and western side boundaries, reducing the impact of the built form on neighbouring sites and allowing its footprint to be concentrated within an area of the lot. Roof forms vary throughout the locality, including hipped, gable and skillion roofs. The design includes a skillion roof design which reflects contemporary development in the locality, including north of the site at 56 David Avenue.
The development shall ensure that the amenity of surrounding properties is properly considered. Building heights shall be provided in the elevation and sections plans. Shadow diagrams shall be provided to demonstrate the development does not result in unsuitable overshadowing of adjoining residential development. Shadow diagrams shall be considerate of any required acoustic fencing and retaining.	The section and elevation plans nominate RLs of the proposed building at different points, including the floor levels, ceiling heights and roof heights. The building is of an appropriate height for the site and locality, in which surrounding residential development is subject to a building height of 8.5m in Maitland Development Control Plan 2011 ('MDCP 2011). The skillion roof is angled downward towards the adjoining eastern properties, allowing the high points to be located towards the carpark to the west and away from properties, resulting in reduced impacts from building bulk, scale and overshadowing. The Acoustic Report demonstrates that the proposal is compliant with the relevant acoustic requirements and will not result in adverse impacts on neighbouring development. Shadow diagrams demonstrate that the shadows cast by the development do not result in unacceptable solar amenity impacts on neighbouring sites.
Note: The site does not have a building height limit under the LEP however has an 8.5m maximum building height limitation under the DCP.	MDCP 2011 prescribes a maximum building height of 8.5m for residential development in the R1 zone. Despite not being a form of residential development, the proposal complies with this control, a maximum height of 7.65m, 850mm less than prescribed by the control.
Matter 3 – Child Care Planning Guidelines	
Council refers to the *State Environmental Planning Policy (Transport and Infrastructure), Education and Care Services National Regulations* and Child Care Planning Guidelines for matters relating to childcare facilities. The development shall demonstrate and	This SEE includes an assessment against the TI SEPP, including the National Regulations and the *Child Care Planning Guideline* ('CCPG').

address the matters for consideration under Section 3 – Matters for consideration of the Guidelines.	
The following are general design considerations for a childcare centres which shall be addressed:	
Staff to child ratio shall meet regulation requirements. Practically, it is noted additional staff will likely be required to support a centre of this size (Administration, Chef and Floating staff to cover lunch breaks/training). • Note: Please ensure the number of staff and children are clarified clearly.	Educator staff numbers meet regulation requirements. Additional part-time staff will be employed as required to manage additional duties, including covering educator breaks, undertaking admin tasks and preparing meals in the kitchen. Staff arrangements are outlined in this SEE and in the PoM.
Unencumbered space – both indoor and outdoor per the Guidelines and Regulations: Indoor has at least 3.25m^2 of unencumbered indoor space per child, and • Note: the amount of indoor space provided is very close to the minimum requirement in some instances; final plans shall confirm appropriate area is provided.	Unencumbered indoor spaces meet and exceed the requirements.
Outdoor has at least 7m^2 of unencumbered outdoor space per child • Note: the location of the outdoor storage shed shall prevent children from accessing the rear of the shed and being unsupervised.	Unencumbered outdoor spaces meet and exceed the requirements. The outdoor storage shed adjoins the rear northern boundary, ensuring that children cannot be concealed or unsupervised behind it.
A floor/site plan shall be provided demonstrating the indoor and outdoor unencumbered spaces • Note: Areas such as entry doors, thoroughfares, hedging cannot be included in these calculations and should be excluded on plans.	Floor plans have been provided clearly noting the area of indoor and outdoor unencumbered space. All elements that are required to be excluded from the calculations have been excluded in the figures shown.
Note: The two-storey design presents challenges in all children having direct access to an adequate outdoor unencumbered space area. It is not clear from the plans provided as to whether the 'ground floor' balcony adjacent the 0-2 and 2-3 room is intended to act as an outdoor unencumbered space (it is not a sufficient size to enable sole use by 0-2 year olds). It is also not clear how these children, especially 0–2-year-olds, would be provided with access to/transported to the larger outdoor unencumbered space area at the natural ground level. Given that older children are generally more mobile and capable of navigating stairs, consideration should be given to whether it is more appropriate to position younger children at the lower ground level with direct access to outdoor play areas. This component of the design will need careful consideration to ensure that the least mobile children are accommodated in their both access to outdoor play areas, as well as evacuation routes with the least	The indoor playrooms have been reassigned, with the 0-2 and 2-3 year old indoor playrooms located on the lower ground floor with direct access to the outdoor play area, eliminating any concerns regarding the transportation of babies and toddlers to the outdoor play area. The playrooms located on the ground floor are now for use by the 3-4 and 4-5 year old preschoolers. These older children are more mobile and able to navigate stairs to and from the outdoor play area on the lower ground floor easier. The Emergency Management Plan prepared by SPS Fire and Safety outlines that children on the lower ground floor of the facility can evacuate from the exit on David Avenue and the children on the ground floor can evacuate from the exit on

amount of resistance, risk or physical obstruction (i.e. stairs). Where the upper level balcony is proposed to operate as an outdoor unencumbered space, the application must consider and address the following as they relate to the use of this area: shade and solar access, acoustic impacts, balcony balustrade design (height and design to prevent climbing, composition in terms of any acoustic requirements as per recommendations of an acoustic report, placement of any plant/equipment and associated impacts, location and access to storage of play equipment. Selection of appropriate play equipment shall also be considered to ensure prevention climbing) • Note: The placement, height and material finish of windows shall be carefully considered with regards to privacy	Collinson Street, with both of these exit paths having no stairs. The ground level balcony does not contribute to or operate as unencumbered outdoor play space, but rather as an additional space that can be used as an extension of the indoor playrooms as required. The balcony includes 1m high glass panel fencing which is not climbable. Play equipment is not proposed or required. Window sizes, heights and locations have been carefully selected to ensure privacy within the site and for neighbours.
Direct access to outdoor play area or direct pathway to access shall be provided from each indoor play area.	Direct access to the outdoor play area is provided from the two lower ground floor indoor playrooms. Children within the two ground floor indoor playrooms can access the outdoor play area under adult supervision via the stairs or lift (when required).
Toilet and hygiene facilities: Bathrooms must have direct access from inside and outside • Note: The current location of the bathroom in the 3-4 room is not supported. The bathroom shall be positioned to provide direct access to the external outdoor play area and enable continuous supervision opportunities. • Note: If the design is amended to accommodate younger children on the lower ground floor, the design must ensure an adequate number of age appropriate bathrooms for all students utilising the outdoor play area are still available and accessible.	Lower ground floor bathrooms have direct access from inside and outside. The ground floor bathrooms do not have direct access to the outdoor area as that space is located on the level below. The previous 3-4 indoor playroom is now the 2-3 indoor playroom. The bathroom in this room has been relocated to adjoin the outside play area. There are nine (9) children's toilets located on the lower ground level, which is sufficient to cater to all students utilising the outdoor play area.
All bathrooms must incorporate adequate viewing/supervision windows into indoor play areas to enable continuous supervision within the play area by staff. • Note: This level of detail must be included on floor plans. • Note: The design of toilet rooms shall incorporate solid low height wall panels (no doors) to form cubicles, providing children with privacy whilst enabling supervision	All bathrooms have adequate viewing/supervision windows to indoor play areas. This is shown on the floor plans. The cubicles are not enclosed by doors and are separated by solid low height wall panels.
All Nappy change areas shall detail a bench with sufficient area for change table, baths for washing	Nappy change areas are provided in the children's bathrooms of the two lower ground floor playrooms and are located adjacent to windows

children when required as well as separate hand washing facilities for staff. • Note: floor plans must include detail change tables and baby baths, a space to store steps and dedicated hand washing basins. • Note: the current arrangement of the bathroom and nappy change area for the 0-2 and 2-3 rooms is not supported. Nappy change areas shall be located within the toilet area to provide children with adequate privacy and dignity. Nappy changes areas must also be separated from the bottle prep areas for health and safety reasons. It is recommended that each of these rooms are reconfigured, with nappy change areas located beneath supervision windows looking out into the play area, to enable staff continuous supervision opportunities.	into the indoor playrooms, allowing for adult supervision. The nappy change areas include change tables, baby baths and space to store steps underneath the benchtops. Each children's bathroom will also contain an adult sink. The bottle prep areas are located outside of the children's bathrooms.
Enclosed bottle prep areas shall be provided and appropriately located.	There are no specific requirements within the Regulations or the CCPG which require bottle preparation areas to be enclosed. The proposed locations of the bottle prep areas are significantly distanced from nappy change areas within the bathrooms and are within areas of the playrooms that are away from the main play area, i.e. within corners of rooms near low-use areas such as storerooms and cot rooms.
Review of cot areas & relevant sound proofing of walls shall be per the recommendations of the acoustic report. • Note: Cot rooms shall be sufficiently sized to enable cots to be spaced to prevent children from reaching one another or imposing other risks; the current layout of the cot room is not supported.	The cot room is located in a quieter location on the lower ground floor and does not adjoin any rooms other than the associated indoor playroom and its storeroom. The cot room is sufficiently sized, and the layout allows adequate space between cots.
All areas used by children (including babies) should be designed to facilitate supervision of children at all times.	All areas are able to be supervised at all times.
Solar access to the classrooms and outdoor play areas shall be provided as per the Guidelines. It is recommended that skylights are introduced in deep rooms where solar access is limited.	The indoor playrooms are located on the northern elevation of the building and benefit from solar access from the north, east and west. The design provides windows that are appropriately located to maximise solar access, whilst also taking privacy into consideration. Skylights are not deemed necessary.
Shade requirements for outdoor play areas. Any shade structures shall be detailed on the landscape plans and documentation	Shade cloths are used throughout the outdoor play area and detailed on the plans. Shade is also provided from canopy trees, the outdoor storeroom, fencing and the balcony from the building above.

Privacy and safety of the children - There should be no overlooking views into the outdoor play area from public areas.	The outdoor play area is fenced on all boundaries, including the boundaries to David Avenue, which includes 2.1m high fencing.
Landscaping showing a range of natural and varied play spaces for children • Note: Limit the use of synthetic grass to minimise exposure to micro-plastics • Note: Generous planting shall be provided around the perimeter of the outdoor play to enhance screening between adjoining residential land uses. • Note: All fencing height and material finishes shall be included on landscape plans. Fencing shall be designed in a manner which prevents climbing.	The Landscape Plan, prepared by Paul Scrivener Landscape, demonstrates a range of natural and varied play spaces for children. Synthetic grass is not relied upon for the entire outdoor play area, and is limited to portions along the northern boundary and is mixed with other surfaces. Screen plantings in conjunction with fences are used to enhance screening between adjoining sites. All fencing details are shown within the Architectural Plans and the Landscape Plans. These plans demonstrate that the fences will not be climbable.
Storage spaces shall be shown in cubic metres on all floor plans to enable ease of assessment in accordance with the Childcare Planning Guidelines. It is noted the following is required: • a minimum of $0.3m^3$ per child of external storage space shall be provided • a minimum of $0.2m^3$ per child of internal storage space shall be provided	The proposal meets and exceeds the indoor and outdoor storage requirements.
A Laundry shall be provided on-site, and the floor plan should detail that the laundry is of a sufficient size to meet the requirements of the guidelines (provision of washers capable of dealing with the capacity of the facility, a dryer, laundry sinks and adequate storage of soiled items prior to cleaning). It is suggested that the current laundry may be undersized for the size of the service. Adequate detail shall be provided on the floor plan to demonstrate compliance with the Guidelines.	A laundry is provided on the lower ground floor and provides space for washers, dryers, sinks and storage space. The laundry has been almost doubled in size from the previous design.
It is recommended that consideration is given to the inclusion of an internal waste storage room.	An internal waste storage room has been provided on the ground floor.
Accessibility requirements shall be considered, addressed and supported by the findings of the Access Report. It is strongly recommended that child appropriate handrails are installed in association with proposed stairs.	The proposal is supported by an Access Report, prepared by Access First Consulting, which demonstrates that the proposal complies with the relevant requirements. Handrails are shown on external pathways and staircases. Given that the Access Report states that the proposal in its current state is compliant, handrails on internal stairs are not understood to necessary for compliance.
An Emergency and Evacuation Plan must be submitted which addresses the mobility of children and how this will be accommodated during an evacuation, the	An Emergency Management Plan, including evacuation diagrams, has been prepared by SPS Fire and Safety to support the proposal.

location of a safe congregation/assembly area away from busy roads/hazards, and how children will be supervised during evacuation and at the congregation point. Consideration shall be given to functionality of the design in this regard (i.e. incorporating child appropriate handrails and barriers, the layout of the facility with regards to access from the building to the emergency congregation point – i.e. avoidance of least mobile children needing to use stairs, etc.	
Administrative Spaces and Staff facilities – given the scale of the facility, the design shall ensure that administrative spaces and staff areas are appropriately designed and located; please refer to Section 4.5 of the Childcare planning guidelines.	A designated administration room is provided adjoining the entry foyer. An office room for meetings is also provided, along with a staff room. All rooms are appropriately located in accordance with the CCPG.
The pedestrian pathway within the site should be wide enough to enable two prams to pass each other. Consideration should also be given to pedestrian circulation throughout the car park. It is suggested the pedestrian path needs to continue adjacent the building toward David Avenue to provide a connection to this portion of the car park.	The pedestrian pathway is 2m wide, allowing enough rooms for prams to pass one another. The pedestrian path is not required to be extended towards David Avenue due to the steep gradient between these two areas of the carpark. The pathway gradient could not be made compliant. Additionally, the car spaces within the northern portion of the carpark are to all to be designated for staff use only. Staff using these spaces will be able to enter the facility from the pathway and secure gate located near the exit driveway and bin enclosure, and will not need to enter the facility via the main entry, removing the need for a connecting pathway.
The proposed development shall comply with the requirements in *SEPP (Transport and Infrastructure) 2021* and Department of Planning, Industry and Environment's *Child Care Planning Guideline*.	The proposal has been assessed against relevant requirements of the TI SEPP.
A checklist/table demonstrating compliance shall be included in the Statement of Environmental Effects (SoEE).	Tables demonstrating compliance are shown within this SEE.
Matter 4 – Site Waste Minimisation and Management	
A demolition and construction waste management, as well as an operational waste management plan shall be prepared in support of the application. Controls pertaining to waste management shall be consistent with the matters under B6 Waste Not – Site Waste Minimisation & Management of the DCP. The relevant guidelines and Council's controls are silent on the volumes for childcare centres. However, the following is a guideline on the volumes of waste generally generated by this type of development:	A Demolition and Construction Waste Management Plan and a Waste Management Plan and Operations Guide have been prepared by Low Impact Development Consulting, detailing demolition, construction and operational waste management.

General waste: 19L per child per week (including with food). Recycling: 12-15 litres per child per week	
Consider how waste bins will be serviced from the bin area to street kerb – noting the grade for the driveway access. Ensure the bins can be serviced by workers or contractors in a safe and practical manner without obstructing site access/internal traffic. Consideration should also be given to any requirement for an internal waste storage room, paths of travel for staff taking waste to the bin area given the slope of the site. Ideally, the design would avoid use of the outdoor play area as a waste route, include sufficient internal storage to enable waste transfer to occur outside of operational hours/use of outdoor play, or have appropriate management plans in place to avoid waste transfer during outdoor play to maximise security of children.	A pathway adjacent to the exit driveway, and separated from it by bollards, is provided from the bin storage area to the David Avenue frontage, allowing for bins to be transported to the street in a safe manner. Waste from the internal waste storeroom can be transported to the bin storage area via the adjacent lift allowing access to the lower ground floor. From here, waste can be taken from the lower ground floor hallway to the outdoor verandah pathway and to the gate at the end of the path adjacent to the bin storage area. This is to occur outside of operation hours to ensure safety is maintained and that there is no interference with the operation of the centre.
Matter 5 – Accessibility	
An access audit is required for this proposed development to demonstrate how the proposed development complies with relevant standards and regulations to ensure non-discriminatory access and use. The audit needs to be prepared by an accredited access consultant and cover: • Dimensions of accessible car parking bay and path of travel to link to building entry; • Gradients/width of path of travel to entry; • Measurements of doorways and circulation space around doors; • Dimensions of accessible and ambulant toilet facilities; • Access to areas within the building. Note classification of building is 9b, therefore access is required to and within all areas normally used by occupants however some areas could be considered exempt due to the nature and physical requirement of staff to perform duties within these areas- nappy change, laundry etc.; • Consideration to access and a range of play equipment suitable for children with a disability; • Details of management of people with a disability in the emergency evacuation plan; • Alternatives such as intercoms and doorbells; and • Access to counter area for wheelchair users or persons of smaller stature.	The proposal is supported by an Access Report, prepared by Access First Consulting, which demonstrates the proposal complies with the requirements. This SEE also outlines compliance with the controls listed within the CCPG and MDCP 2011 that are relevant access requirements.
Due to the nature of the development and anticipated pedestrian activity, it is considered necessary for pedestrian infrastructure upgrades to be installed in the form of a concreate footpath along the full extent of the Collinson Street site frontage to encourage safe pedestrian movements to the site. A pedestrian	Pedestrian infrastructure upgrades can be conditioned by Council and implemented as required. The Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineering states that

crossing will likely be required, to connect to the existing footpath on the opposite side of Collinson Street.	the traffic volume on Collinson Street does not warrant a pedestrian crossing.
The design shall consider the above and incorporate this into the final design and guide wayfinding into the development.	Wayfinding can be conditioned by Council and implemented as required.
Matter 6 – Landscaping	
A detailed Landscape Plan prepared by a suitably qualified Landscape Consultant is required to address the streetscape, local context and the residential character. The matters for landscaping under the child care planning guidelines shall be adopted into the final design, in addition to matters within Council's DCP.	A detailed Landscape Plan has been prepared by Paul Scrivener Landscape which addresses the CCPG and MDCP 2011 requirements.
Focus shall be given to landscape treatment of the street interfaces, car park, site perimeter, waste storage areas, plant equipment, in addition to acoustic fencing treatments; this shall be investigated further to ensure these hard elements are screened within the context of the residential setting.	Sufficient landscaping is shown in all of the listed areas to minimise adverse impacts and reflect the surrounding landscape character.
Note: Landscaping shall show a range of natural and varied play spaces for children. Ensure that there are no poisonous or toxic plants included in the schedule. Refer to the Kid Safe planting guidelines for outdoor play spaces. It is noted that well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping.	The outdoor play space demonstrates a range of natural and varied play spaces for children, allowing for different learning experiences. No toxic plants are included in the schedule.
Matter 7 – Acoustic Privacy	
The site is within a residential area. Adjoining neighbours and those immediately surrounding the site may experience impacts from a proposed child care facility. It is noted the site is within an established residential context with sensitive receivers adjacent the site on both boundaries (particular attention is drawn to the seniors housing to the east).	The proposal has been supported by an Acoustic Impact Assessment, prepared by Rodney Stevens Acoustics, which outlines how the development complies with the relevant requirements.
Being a noise sensitive use and receiver, an acoustic assessment will be required for the child care centre. Attention should also be given to: • impact of car park from an acoustic point of view and the impact of car movements and doors during peak operational periods. • locations of mechanical ventilations and other elements (i.e A/C) to adjoining properties. • Location of outdoor play areas adjoining residential land	The proposal has been supported by an Acoustic Impact Assessment, prepared by Rodney Stevens Acoustics, which outlines how the development complies with the relevant requirements.
The acoustic report shall guide the design of the proposed development to ensure no noise nuisance is	The assessment has informed the design of the centre in relation to window locations and glazing

created to surrounding properties. The assessment should also include input on construction and glazing to ensure appropriate internal noise levels are achieved with regard to sleeping areas and outside sources. The proposed hours of operation shall inform the acoustic report and its findings.	treatments, whether they can be opened or closed (whilst also considering and complying with ventilation requirements), the siting of the cot room, and the fencing types and heights required to achieve compliance.
Note: The acoustic report is to ensure that it reflects all children aged 2-5 outside at one time, and minimum 50% of all 0-2 year outside, along with unlimited outside play time available. Child care play time restrictions will not be supported as a mitigation measure.	The Acoustic Report accounts for noise generated by all children to be playing outside at the same time.
Should reliance on acoustic barriers be required, consideration in adapting these barriers into good design outcomes (i.e. green walls) to improve the amenity of the future child care centre and adjoining properties shall be given.	Acoustic fencing is proposed to minimise acoustic impacts on the surrounding area. The fencing design is of high quality and includes screen planting and landscaping treatments to soften their appearance.
Details of height, location and material of fencing shall be provided. Potential issues for overshadowing into adjoining properties shall also be addressed.	All fencing details are shown within the Architectural Plans and the Landscape Plans. The fences have been considered in the assessment of solar access on neighbouring properties.
Matter 8 – Security, Site Facilities and Services	
The development must ensure and address the following Crime Prevention Through Environmental Design (CPTED) principles have informed the design of the proposed development: • Surveillance – Developments must be designed and managed to maximise the potential for passive surveillance; • Access Control – Developments must be designed so as to make them legible for users without losing the capacity for variety and interest; • Territorial Reinforcement – Developments must be designed to define clearly legitimate boundaries between private, semi private and public space; and • Space Management – Developments must be designed and detailed to minimise damage and the need for undue maintenance, without undermining the aesthetic and functional qualities of the building	The proposal is supported by a CPTED Report, prepared by Creative Planning Solutions, which addresses these principles.
Garbage or recycling areas, mail boxes and external storage facilities shall be sited and designed for functionality, attractive visual appearance and efficient and convenient use.	The bin storage area is suitably screened, and the external storeroom is designed to resemble the design of the building, whilst also being surrounded by various landscaping elements to soften its appearance.
Matter 9 – Statement of Environmental Effects	

A detailed statement of environmental effects (SoEE) is required addressing the likely environmental impacts of the development (including impacts on both the natural and built environments), the social and economic impacts in the locality, and how the environmental impacts of the development have been identified.	This SEE addresses all required elements.
The SoEE shall demonstrate how identified impacts will be mitigated. A detailed discussion is required, but not limited to the applicable: childcare planning guidelines, acoustic privacy, traffic/ vehicle access, car parking, signage, cut and fill, stormwater management, hours of operations and waste management, etc.	This SEE demonstrates how impacts of the development are mitigated and provides discussion on all relevant aspects of the proposal and design.
The SoEE must also address site suitability and demonstrate that in designing the proposal you have fully considered and responded to the applicable site constraints legislative provisions. Any departures from Council's policies and DCP should be justified with appropriate reasons for justification.	This SEE considers site constraints and demonstrates that the proposal is suitable for the site. Any non-compliances with controls have been appropriately justified.
Matter 10 – Signage	
Any proposed signage will need to meet and comply with the requirements for signage per Chapter 3 and Schedule 5 of SEPP (Industry and Employment) 2021 and Chapter C6 – Signage of the DCP.	This DA does not seek approval for any signage. This will occur within a separate DA at a later stage.
Proposed signage shall be limited and consider the residential setting in which it is located in. Locations, style and dimensions of signage will be sufficient at DA stage. It is recommended that approval for signage is sought as part of the application to enable Council to consider integration with the overall design at the initial DA stage.	This DA does not seek approval for any signage. This will occur within a separate DA at a later stage.
Matter 11 – 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 Preliminary Site Investigation ('PSI'), prepared by Geo-Environmental Engineering, has been undertaken, which concludes that the site can be made suitable for the purpose of a childcare centre.
Matter 12 – Other Matters	
Hunter Water endorsement/approval of the development will be required at lodgement.	The development has been assessed and endorsed by Hunter Water (Ref: 167759).

It is highlighted should approval of the development be determined; the two sites will be required to be consolidated into one lot.	The proposal includes the amalgamation of the three allotments (Lot 151, 152 and 153 in DP 561830.
ENGINEERING ADVICE	
Matter 13 – Stormwater and Detention	
A stormwater management plan will need to be submitted with the application in accordance with Council's Manual of Engineering Standards and Councils Development Control Plan.	A Stormwater Management Plan has been prepared by ADW Johnson in accordance with Council's requirements.
On-site detention of stormwater is required in accordance with Council's DCP Part C.18.1. As the development has a site area greater than 3000sqm, the detention basin must be supported by DRAINS modelling in accordance with Council's Manual of Engineering Standards, Part 8. Water quality treatment systems must also be provided in accordance with Part 6.8.2.	The Stormwater Management Plan includes the provision of an OSD tank beneath the northern end of the carpark in accordance with the stated requirements. DRAINS modelling has been undertaken and included in the Stormwater Management Plan.
Matter 14 – Vehicle Access, Traffic Management and Car Parking	
The proposal to include 151 children requires a total of 38 car parking spaces in accordance with the DCP. Details on loading/ unloading areas for deliveries and other services shall also be addressed in accordance with Chapter C11 – Vehicular Access & Car Parking of the DCP. Whilst the concept plan currently indicates an adequate number of parking spaces has been provided, it is expected the parking will decrease when a dedicated loading/unloading bay is incorporated within the design.	The proposal has been amended to include 132 children, requiring 33 car parking spaces in accordance with MDCP 2011. The 33 spaces have been provided, including a delivery bay. The proposal has been assessed against the relevant controls of MDCP 2011. The parking design and numbers has been assessed and supported in the Traffic and Parking Impact Assessment, prepared by McLaren Traffic Engineering.
Traffic and parking impacts of the proposal on residential amenity and road safety shall be addressed at the development application stage. A Traffic Impact Assessment prepared by a suitably qualified person shall be prepared to support the proposal to quantify potential impacts on the surrounding land uses, to address the safety and convenience of the parking area(s) and demonstrate how impacts on amenity will be minimised, if applicable. The statement should also address and demonstrate: • the amenity of the surrounding area will not be affected, • there will be no impacts on the safe operation of the surrounding road network, • Impact on the surrounding local road network of the proposed access arrangements • Proposed hours of operation and peak demands (i.e. AM and PM drop off/ pick up).	A Traffic and Parking Impact Assessment has been prepared by McLaren Traffic Engineering, and it assesses all required traffic and parking impacts of the development, and supports the proposal.
Detailed design plans shall demonstrate the development has been designed to provide adequate	The Traffic and Parking Impact Assessment, prepared by McLaren Traffic Engineering, provides

on-site manoeuvring and circulating areas to ensure that all vehicles can enter and leave the site in a forward direction. Swept paths shall be provided showing that the parking areas comply with AS2890.1. Parking gradients must be designed in accordance with AS2890.1:2004 Clause 2.4.6. Accessible parking must comply with AS2890.6:2022.	swept paths and demonstrates compliance with the requirements for on-site manoeuvring.
Driveway profile complying with AS2890.1 will need to be provided and supported by a driveway longitudinal section from kerb to kerb.	The Traffic and Parking Impact Assessment, prepared by McLaren Traffic Engineering, provides a longitudinal driveway section.
Matter 15 – Bulk Earthworks and Retaining	
A detailed bulk earthworks plan is required that responds sensitively to the topography of the land to restrict and control excessive earthworks. Any batters and/or retaining must be designed in accordance with Clause 4 of council's DCP and Part C.8 of MOES. Cut and fill should minimise land shaping outside of the building footprint and ensure that the amount of cut and fill does not concentrate surface flows onto adjoining properties.	A detailed bulk earthworks plan is provided within the Concept Engineering Plans, prepared by ADW Johnson.
The plan should indicate the total amount of cut and fill across the entire site with inclusion of existing levels of the land for such works, including the construction of building and those areas of the site external to building platforms. Any cut/fill batters or retaining along boundary lines shall be clearly indicated in regard to heights and offsets to boundaries.	Levels of cut and fill are visible on the site regrading (bulk earthworks) plan. The works include a total cut volume of 740m^3 and a total fill volume of 1,137m^3. Retaining wall details are included within the Engineering Plans which indicate locations and heights. The retaining walls are also shown on the fence elevations..
Any cut retaining walls shall be offset away from neighbouring boundaries and road reserves. In addition, provision of longitudinal section plans for retaining in relation to their relationship with boundaries and/or fencing is also required.	Cut and fill across the site has been designed to minimise the extent of earthworks, whilst also ensuring that the site grading is compatible with the stormwater strategy. Retaining walls have been used where required to manage the changes in levels and the interface with adjoining sites. The fencing elevations include retaining walls.
Any retaining wall within the front setback area or that faces the secondary street shall be constructed of masonry materials to contribute to the streetscape, where applicable. Any departures from Council's DCP in this regard should be fully justified, in particular, where retaining is not offset from boundaries and should provide good justification given potential issues with construction of walls and sub soil drainage etc.	Only a small portion of a low retaining wall is evident within the front setback, adjoining the pedestrian entry ramp. The wall will be constructed of masonry materials which complement the streetscape and will also be surrounded by trees and plantings.

2.0 Description of Site and Surrounds

2.1 Site Description

The site is identified as 2 Collinson Street, Tenambit and comprises Lots 151, 152 and 153 in Deposited Plan 561830. The site comprises of three allotments which create a total site area of 3,266.5m^2. Lot 151 comprises the majority of the site with an area of 2,760m^2, Lot 152 comprises a narrow western portion of the site and has an area of 487.9m^2, and Lot 153 has a site area of 18.6m^2, comprising a small triangular corner of the front southwestern portion of the site adjoining Collinson Street. The site is irregular in shape and includes two street frontages, with a primary southern frontage to Collinson Street of 24m and a secondary western and northwestern frontage (i.e., a staggered boundary) to David Avenue of 32.78m. The site has a depth of 100.725m and a width of 41.68m at its widest point.

Due to its irregular shape, the site has numerous boundaries and directly adjoins five (5) other allotments. The front southern portion is narrow and continues the subdivision pattern of other properties fronting Collinson Street, whereas the rear northern portion is wider, and continues the pattern associated with the seniors housing development located to the east. The secondary western frontage to David Avenue is unusual in that is perpendicular, rather than parallel, to the primary frontage. This alignment stems from the location of the site at the bend which acts as a transition point between Goodhugh Street and David Avenue.

The site experiences a cross-fall of 9.6m from the southwestern front corner to the northeastern rear corner. There is limited vegetation on the site, which includes a tree located within the southwestern front corner of the site and a second tree located along the eastern side boundary (adjoining 4 Collinson Street), approximately 25m from the front boundary.

The site presently accommodates a single-storey brick dwelling house located within the narrower front portion of the site with a frontage to Collinson Street. The site also includes a metal horse shed, a smaller metal shed and a metal shipping container within the larger rear portion of the site.

Figure 1 Aerial image, site outlined in red.
Source: Nearmap, 16 June 2025.

2.2 Adjoining Development and Surrounding Locality

The site is located within an established residential area and is surrounded by various residential developments and supporting land uses. The predominant form of development within the locality is one and two storey dwelling houses, whilst other residential developments are also located throughout the locality, including multi-dwelling housing and seniors housing developments.

The site adjoins five (5) different sites as a result of its irregular shape, size, and boundaries. Development on each of these sites is provided below:

- The adjoining site to the east (southern end) is 4 Collinson Street, which is accommodated by a part one and two-storey brick house, with the lower storey comprising of a double garage area.
- The adjoining site to the west (southern end) is 94 Thompson Street, which is accommodated by a two-storey brick dwelling house.
- The adjoining site to the rear portion of the eastern boundary is 16-22 Collinson Street, which is a large allotment comprising one-storey units within a seniors housing retirement village.

Whilst this lot is accessed from Collinson Street, it primarily sits behind other allotments also fronting Collinson Street.

- The adjoining site to the rear portion of the western boundary is 39 Goodhugh Street, which comprises a two-storey brick and clad dwelling house with split levels.
- The adjoining site to the northern rear boundary is 58 David Avenue, which is a large vacant allotment with an 80m frontage to the street. This property occupies the majority of the street frontage to the north-south portion of David Avenue that adjoins the site.

The area also contains several child care and educational establishments, including the Tenambit Public School, which is located 130m east of the site and a childcare facility, Kindy Patch Tenambit, which is located 120m southeast of the site. Various parks and reserves are located near the site, including Goodhugh Street Park, 225m west of the site, and Plantation Reserve, 385m southwest of the site. The Tenambit Oval, sports fields and tennis courts are also located 750m southeast of the site. The Tenambit shops are located 200m south of the site, offering a supermarket, cafes and other services. Additional community facilities are also located near the site, including the Tenambit Community Hall, 280m southeast of the site, and the East Maitland Aquatic Centre, 600m southwest of the site.

The site is located in the suburb of Tenambit, which is situated approximately 4km east of the Maitland town centre and 25km northwest of the Newcastle Central Business District ('CBD'), within the Maitland City Local Government Area ('LGA'). Refer to **Figure 2** for a locality image of the subject site.

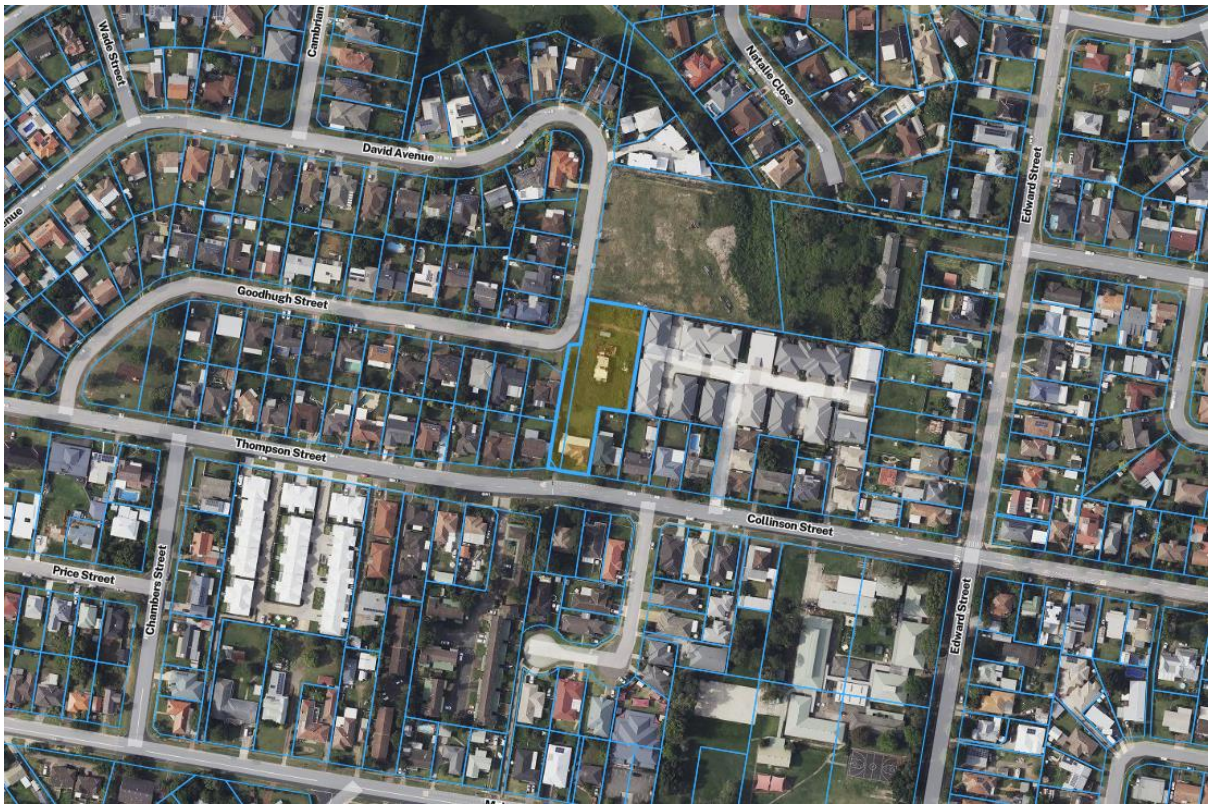


Figure 2 Aerial image of surrounding locality, site highlighted yellow.
Source: NSW Spatial Explorer.

3.0 Proposed Development

Development consent is sought for the demolition of existing structures, removal of three (3) trees, lot amalgamation, construction of a two-storey, 132-place centre-based child care facility and ancillary works. The proposed works are described in detail below:

3.1 Lot Amalgamation

The site is presently comprised of three (3) Torrens title allotments being Lots 151, 152 and 153 in Deposited Plan 561830. The proposal includes the amalgamation of the three lots into one allotment.

Presently, Lot 151 has a site area of 2,760m^2, Lot 152 has a site area of 487.9m^2 and Lot 153 has a site area of 18.6m^2. The resultant lot will encompass a total site area of 3,266.5m².

3.2 Demolition

The proposal includes the demolition of all existing structures on site, which includes a single-storey brick dwelling house, a metal horse shed, an additional metal shed and a metal shipping container. The demolition of these structures is required to facilitate the proposed development.

3.3 Tree Removal

The proposal includes the removal of three (3) trees to facilitate the proposed development. The removal has been supported in the accompanying Arboricultural Impact Assessment prepared by Growing My Way Tree Services. The removal of the trees will be offset by the planting of numerous replacement trees, providing a more prominent tree canopy within the front setback and across the site. The trees which are required to be removed are listed below.

Table 3 Tree Removal Schedule

Trees to be Removed					
Tree No.	**Name**	**Height**	**Crown**	**Retention Value**	**TPZ Encroachment**
1	*Citrinus limon* (Lemon Tree)	<5.5m	<4m	Moderate	50.03%
2	*Plumeria acutifolia* (Frangipani)	<6m	<6.5m	Moderate	59%
3	*Citharexylum spinosum* (Fiddlewood)	<14m	<13m	Moderate	52.7%

3.4 Earthworks

The proposal involves excavation within the site to accommodate footings and foundations, in addition to providing a level floor area. A maximum of approximately 2.35m of excavation is required to level

the internal areas of the building, with this maximum extent of excavation located at the southern end of the lower ground floor. An extract of the proposed eastern elevation is shown belowError! Reference source not found., demonstrating how the building has been designed to respond to the natural fall of the land. The southern elevation of the building presents to Collinson Street as a one-storey structure, whilst the rear northern elevation presents as a two-storey structure, respecting the natural ground levels ('NGL') of the site and minimising the extent of excavation. Fill has also been used across the site where required to provide compliant vehicle gradients and enable drainage processes to occur. Retaining walls have also been used across the site to manage the topography and earthworks.

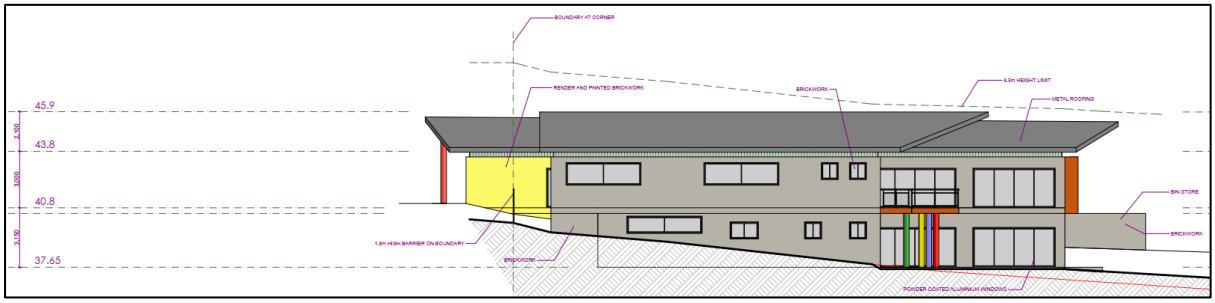


Figure 3 Extract of Eastern Elevation. Natural ground level on the far eastern side of the site shown as a bold black line, with the lower ground floor excavation extent shown as dotted black lines.
Source: Brad Inwood Architects, 20.07.2024.

Further discussion regarding the proposed earthworks and the design of the development in response to the sloped land is provided in Section 4.3.1 of this SEE.

3.5 Parking and Access

A total of thirty-three (33) car parking spaces have been provided within the on-site carpark which is located along the western side of the site. The spaces are allocated as follows:

- Eighteen (18) dedicated staff parking spaces
- Fourteen (14) visitor parking spaces for parents and guardians
    - One (1) of these spaces will be designated as an accessible parking space, being the closest car parking space to the building entrance. This space includes the required shared space adjacent to the north
- One (1) space with wider dimensions will be marked as a delivery parking bay. The space will be used for this purpose outside of peak drop-off and pick-up times only, allowing visitors to also use the space during the peak drop-off and pick-up periods.

The site benefits from two (2) street frontages, allowing for all traffic to enter the site through the primary southern frontage at Collinson Street, and travel in one direction through the site, exiting at the secondary western frontage at David Avenue.

Dedicated pedestrian access to the building is provided at its southwestern corner, with a primary footpath with ramps leading to this entrance along the eastern boundary of the site from Collinson Street. Footpaths to the building entrance are also provided from the carpark, with one including stairs

and the other including ramps for use by prams and wheelchair users. The footpath from David Avenue is to be used by staff accessing the facility from the northern car parking spaces and staff transporting bins to the David Avenue kerb for waste collection, whilst also being designated as an emergency egress route; this entry point is not for general site access by parents, children or visitors.

3.6 Child Care Facility

The child care facility comprises the following indoor areas:

Ground Floor (RL 40.80):

- Building entry foyer and waiting area, with a door providing separation between this area and the remainder of the facility.
- Administration room, including window to entry foyer with a sign in/sign out reception desk.
- Office room for meetings.
- Accessible bathroom, including shower.
- Female bathrooms.
- Male bathrooms.
- Staff room.
- Internal waste room.
- Lift and stairwell providing access to the Lower Ground Floor.
- Indoor Playroom 3-4, providing space for thirty-five (35) 3-4 year olds, located on the eastern side of the level.
    - Includes internal storeroom, children's amenities room and adult sinks and benches.
- Indoor Playroom 4-5, providing space for thirty-eight (38) 4-5 year olds, located on the western side of the level.
    - Includes internal storeroom, children's amenities room and adult sinks and benches.
- A covered balcony providing additional outdoor space, accessible from both playrooms.

Lower Ground Floor (RL 37.65):

- Kitchen.
- Accessible bathroom.
- Laundry.
- General storeroom.
- Cleaner's room.
- Ambulant bathroom.
- Standard bathroom.
- Lift and stairwell providing access to the Ground Floor.
- Indoor Playroom 0-2, providing space for twenty-eight (28) 0-2 year olds, located on the eastern side of the level.
    - Includes cot room with fourteen (14) cots, internal storeroom, children's amenities room with nappy change area, a bottle preparation area and adult sinks and benches.

- Indoor Playroom 2-3, providing space for thirty-one (31) 2-3 year olds, located on the western side of the level.
    - Includes internal storeroom, children's amenities room with nappy change area, a bottle preparation area and adult sinks and benches.
- A covered verandah area providing additional outdoor space, accessible from both playrooms and central hallway. The verandah area directly adjoins and forms part of the large Outdoor Play Area, located within the northern portion of the site.

The composition of the children and staff in the proposed facility is as below:

Table 4 Breakdown of Children and Staff

Children and Staff Numbers Composition					
Room	Indoor Play Area	Age Group	Number of Children	Ratio of Staff to Child	Proposed Staff
Room 0-2	109.4m^2	0-2 years old	28	1:4	7
Room 2-3	124.1m^2	2-3 years old	31	1:5	7
Room 3-4	130.8m^2	3-4 years old	35	1:10	4
Room 4-5	148.1m^2	4-5 years old	38	1:10	4
Total Indoor Area = 512.4m^2		**Total Children = 132**		**Total Staff = 22 + float staff**	

In addition to the required educator staff outlined above, additional part-time staff will be employed at the facility, including relief/float staff to cover educator breaks and undertake other staff responsibilities as required. Part-time management staff, administration staff and kitchen staff will also be employed as required. Part-time staff will generally be employed to frequent the site during the middle hours of the day, between peak drop off and pick up hours.

3.7 Landscaping and Open Space

The proposal includes extensive landscaping works, as shown on the Landscape Plans prepared by Paul Scrivener Landscape. The landscaping works include numerous canopy trees, screen plantings, hedges, garden beds, low-lying plantings and two (2) street trees.

3.8 External Works

The development includes the following external works:

- Construction of a large Outdoor Play Area within the rear of the northern portion of the site, comprising a total area of 1,124m^2.
    - The area includes sandpits, timber deck areas, a mixture of natural and synthetic grass areas, soft-fall mulched areas, pathways, bicycle tracks, seating areas and a variety of play and climbing equipment.
    - Shade is provided from shade cloths and canopy trees.

- External storeroom at the rear of the Outdoor Play Area (RL 35.50).
- Bin storage area located between the northwestern corner of the building and the carpark near the David Avenue frontage.
- Carpark area comprising of 33 spaces and access driveway, with single-width vehicle crossovers from Collinson Street and David Avenue.
- Pedestrian pathways, including pathways from both street frontages and from within the carpark to the building entrance.
- Retaining walls to manage changes in levels across the site, particularly within the Outdoor Play Area.
- Fencing along all site boundaries:
    - 2.1m high acoustic fencing with 45° awning atop extending to 1m (2.8m total height)
        - Eastern side boundary of outdoor play area adjoining 16-22 Collinson Street.
    - 2.1m high acoustic fencing
        - Northern side boundary of outdoor play area adjoining 58 David Avenue.
        - Western side boundary of outdoor play area adjoining the David Avenue frontage, with an irregular alignment to enable a mixture of landscaping and fencing presenting to the street.
        - Southwestern side boundary of outdoor play area adjoining pathway and driveway exit to David Avenue.
    - 1.8m high acoustic fencing
        - Eastern side boundary of carpark adjoining 4 Collinson Street
        - Western side boundary adjoining 94 Thompson Street and 39 Goodhugh Street
    - 1m high open palisade fencing
        - Southern side of site (extends along frontage other than driveway crossover and pedestrian pathway section), setback 2.2m from the front boundary to Collinson Street with screen planting in front
    - Low stone fence, allowing space for future signage for the facility
        - Southern side boundary (eastern side of frontage, in front of ramped pedestrian pathway)

3.9 Operational Details

The hours of operation include:

- Monday – Friday 7:00am to 6:00pm.
- No operation on Saturday and Sunday.

The centre will have a total capacity for 132 children, comprising:

- 0-2 years old – 28 children
- 2-3 years old – 31 children
- 3-4 years old – 35 children

- 4-5 years old – 38 children

The main sources of noise from the Centre will be from:

- Children playing both inside and outside of the centre
- Cars entering and exiting the car park; and
- Mechanical plant equipment servicing the centre.

These acoustic impacts are able to be controlled through the proposed acoustic fences, and through the closure of some windows within indoor play spaces.

A Plan of Management ('PoM') has been prepared by Creative Planning Solutions and accompanies this application. The PoM comprehensively outlines critical information for the Centre's operation, including:

- Staffing arrangements, capacity, hours of operation.
- Daily routines.
- Transport and traffic control.
- Noise Management Policy, based on the recommendations from the Noise Impact Assessment, prepared by Rodney Stevens Acoustics.
- Ongoing management procedures, including waste management and general maintenance of the facility.
- Security policies and procedures.
- Emergency procedures.
- Staff training.
- Complaint management.
- Requirements for ongoing review.

Deliveries and servicing for the facility will be undertaken by light commercial vehicles such as vans, utilities, and the like, outside of peak pick-up and drop-off periods, typically between 10am and 3pm. Maintenance of the facility to be undertaken by external contractors, including cleaners and landscapers, and will occur outside of operational hours, including during the evening after closure of the facility, or on weekends.

3.10 Waste Management

A Demolition and Construction Waste Management Plan ('WMP') and a Waste Management Plan and Operations Guide ('OWMP') have been prepared by Low Impact Development Consulting and accompanies this application. The WMP outlines:

- The generation, separation, storage, and collection of waste materials within the facility.
- Type of waste generated.
- Waste storage facilities.

- Bin types and capacities.
- Waste collection methods.
- On going waste management.

Waste is to be collected by a private waste collection vehicle from the David Avenue kerb. Landfill (red bins), co-mingled recycling (yellow bins) and food organics (green bins) will be collected twice a week, with only one of these waste streams being collected at a time. Bins are to be transported by staff to the David Avenue secondary frontage via the pathway adjacent to the exit driveway on the night prior to the designated bin collection day. Once bins are collected, staff will be responsible for transporting bins back to the bin storage area.

Other streams of waste, including hard-waste and e-waste, will also be collected by a private waste collection service, but will only be scheduled for collection as required and not on a regular basis. This waste will be stored within the internal waste room on the Ground Floor until collection.

3.11 Numerical Overview

The below table provides a numerical overview of the proposed development.

Table 5 Overview of development

Numerical Overview	
Feature	**Proposed**
Site Area	3,266.5m^2
Building Height	7.65m
Number of Children	132
Number of Carparking Spaces	33
Unencumbered Indoor Space	512.4m^2
Unencumbered Outdoor Space	1,124m^2
Indoor Storage	128.3m^3
Outdoor Storage	56.76m^3

4.0 Planning Assessment

The proposed development has been assessed against the relevant matters for consideration under Section 4.15(1) of the EPAA Act.

4.1 Environmental Planning and Assessment Act 1979

4.1.1 Section 1.3 Objects of Act

The objects of the EPAA Act are set out in Section 1.3 and are reproduced as follows:

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

The proposal achieves the objectives. The proposal provides for a centre based child care facility and would not unreasonably impact negatively on the economic welfare of the community, or the natural environment. The development is an orderly and economic development use of land that is fit for the purpose of a child care centre to respond to the growing demand for services. The proposal does not adversely affect any protected or threatened species or vegetation communities, nor does it impact any heritage items or conservation areas. The proposal has been designed to minimise the potential amenity impacts whilst maximising internal amenity consistent with the *Child Care Planning Guideline*.

4.2 State Planning Instruments

4.2.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in Non-Rural Areas

Chapter 2 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* ('BC SEPP') applies to the site. The aims of this Chapter are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The proposal includes the removal of three (3) trees and is supported by an Arboricultural Impact Assessment, prepared by Growing My Way Tree Services. The tree removal is recommended on the basis of tree locations being in conflict with the proposed at-grade car park, which results in major and unsustainable incursions within the Tree Protection Zones ('TPZ') and Structural Root Zone ('SRZ'). The trees identified for removal are of moderate retention value.

The development proposal consists of a well-considered Landscape Plan prepared by Paul Scrivener Landscape that consists of numerous new trees and plantings of various sizes at maturity located across the site. These plantings offset the loss of existing trees and provide increased tree canopy on the site.

4.2.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('RH SEPP') applies to the site. Section 4.6 requires a consent authority to consider the contamination status of the land and be satisfied the land is, or will be made, suitable for the purpose for which the development is proposed to be carried out.

A Preliminary Site Investigation ('PSI') has been undertaken and the proposal is supported by a report prepared by Geo-Environmental Engineering. The PSI states that historic uses of the site are limited to residential or rural-residential purposes, with low potential for contamination and no evidence of commercial or industrial land uses. The report concludes that the site can be made suitable for the purpose of a childcare centre.

4.2.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 3 Educational establishments and child care facilities

The proposal seeks to provide a centre-based child care facility, including long day care and preschool care in accordance with *State Environmental Planning Policy (Transport and Infrastructure) 2021* ('TI

SEPP'). This is consistent with the definition for a centre-based child care facility provided in the TI SEPP and MLEP 2011, which is reproduced below:

> ***centre-based child care facility*** *means—*
> *(a) a building or place used for the education and care of children that provides any one or more of the following—*
> *(i) long day care,*
> *(ii) occasional child care,*
> *(iii) out-of-school-hours care (including vacation care),*
> *(iv) preschool care, or*
> *(b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),*

Part 3.3 Early education and care facilities

This Part identifies the relevant standards and considerations for the proposed development which are detailed below.

Table 6 TI SEPP Part 3.3 Compliance Assessment

State Environmental Planning Policy (Transport and Infrastructure) 2021 – Part 3.3		
Section	**Requirement**	**Response**
3.22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development	This section 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.	The proposal satisfies the National Regulations in relation to indoor and outdoor unencumbered space requirements.
3.23 Centre-based child care facility—matters for consideration by consent authorities	Before determining a development application for development for the purpose of a centre-based 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 *Child Care Planning Guideline* ('CCPG') establishes the assessment framework to deliver consistent planning outcomes and design quality for centre-based child care facilities in NSW. A detailed assessment of the proposal against the provisions of the CCPG is provided in Appendix A, which demonstrates that the proposal is consistent with the objectives and guidelines of the CCPG.

3.24 Centre-based child care facility in certain zones—additional matters for consideration by consent authorities	The object of this section is to minimise land use conflicts with existing developments on surrounding land and to ensure the safety and health of people using or visiting a centre-based child care facility on land in a prescribed zone. In this section— *prescribed zone* means any of the following land use zones— (a) Zone E4 General Industrial, (b) Zone E5 Heavy Industrial, (c) Zone IN1 General Industrial, (d) Zone IN2 Heavy Industrial.	The subject site is zoned R1 General Residential under MLEP 2011 and therefore this section is not applicable.
3.25 Centre-based child care facility—floor space ratio	Development consent must not be granted for the purposes of a centre-based child care facility in Zone R2 Low Density Residential if the floor space ratio for the building on the site of the facility exceeds 0.5:1. This section does not apply if another environmental planning instrument or a development control plan sets a maximum floor space ratio for the centre-based child care facility.	The subject site is zoned R1 General Residential. MLEP 2011 does not prescribe a floor space ratio requirement for the site and this section not applicable to the site, as the site is not located within the R2 Low Density Residential zone.
3.26 Centre-based child care facility—non-discretionary development standards	The following are non-discretionary development standards for the purposes of section 4.15(2) and (3) of the EPAA Act in relation to the carrying out of development for the purposes of a centre-based child care facility—	With the exception of (b), the provisions herein are intended to remove limitations that may apply under local development controls. Notwithstanding, comments are provided in relation to each provision.
	(a) location—the development may be located at any distance from an existing or proposed early education and care facility,	The closest childcare facility is Kindy Patch Tenambit, which is located 120m southeast of the site.
	(b) indoor or outdoor space – compliance with the National Regulations	A total of 512.4m^2 of unencumbered indoor space has been provided. This meets and exceeds the National Regulations, which requires 429m^2. A total of 1124m^2 of unencumbered outdoor space has been provided. This meets and exceeds the National Regulations, which requires 924m^2.
	(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,	The site has a total area of 3,266.5m^2, with a primary street frontage of 24m to Collinson Street and a secondary western and northwestern frontage to David Avenue of 32.78m. The site has a depth

		of 100.725m and a width of 41.68m at its widest point.
	(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.	The site is not a State or local heritage item or located within a heritage conservation area. The materials and finishes have been included in the Architectural Plans prepared by Brad Inwood Architects.
3.27 Centre-based child care facility—development control plans	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 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).	The Maitland Development Control Plan 2011 does not contain specific controls relating to operational or management plans or arrangements, need or demand for child care services, proximity to other facilities or matters relating to the purpose of the facility. An assessment of the CCPG and the matters for consideration in Part 3 and Part 4 of the Guideline is provided within Appendix A. The assessment demonstrates the proposal is consistent with the Design Principles in Part 2 of the CCPG.

Elaborated discussions on particular sections of the CCPG are provided below for additional justifications as necessary.

Part 3.2 Local Character, Streetscape, and the Public Domain Interface &
Part 3.3 Building Orientation, Envelope and Design

The following controls from Part 3.2 and 3.3 of the CCPG are relevant to this discussion:

- 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
- Setbacks to the street should be consistent with the existing character.
- On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.

The proposal includes a large front setback of 37m from the primary Collinson Street frontage. MDCP 2011 requires a minimum front setback of 4.5m, and the CCPG outlines that the front setback should also be determined by the average of the two adjacent lots. The adjacent dwelling to the west (94 Thompson Street) has a 7.4m front setback, and the adjacent dwelling to the east (4 Collinson Street) has a 7.7m front setback, creating an average front setback of 7.55m.

The proposal also includes a large western side setback of 13.074m, which is larger than the prevailing side setbacks of neighbouring developments. The adjacent dwelling to the west (94 Thompson Street) has a 4.2m eastern side setback from the building and a nil (0m) side setback from the carport. The second adjacent dwelling to the west (39 Goodhugh Street) has a 1.8m side setback. The adjacent dwelling to the east (4 Collinson Street) has a 1.7m western side setback.

In both cases, the provided setback is significantly larger than the prevailing setbacks of adjacent development, and significantly larger than that required by the development controls. These nearby sites have much smaller site areas in comparison to the subject site, being between 634m^2 and 696m^2, whereas the subject site has an area of 3,266.5m^2. The shapes of these sites are also regular, whilst the subject site is an irregular shape with numerous site boundaries. In addition, the site also includes two street frontages, with a primary southern frontage to Collinson Street, and a secondary frontage to David Avenue at the rear western and northwestern boundaries of the site. The secondary western frontage to David Avenue is unusual in that is perpendicular, rather than parallel, to the primary frontage. This alignment stems from the location of the site at the bend which acts as a transition point between Goodhugh Street and David Avenue. The subject site is also constrained by a steep topography, with a 9.6m fall to the northern rear of the site.

Given these inherent site characteristics and constraints, the development has been designed to maximise amenity for surrounding allotments and minimise site earthworks. The location of the carpark within the front portion of the site and along the main western boundary allows for parking to be provided at grade and conform to the general topography of the site, whilst the utilisation of the two frontages allows for a single one-way traffic aisle to be provided. The unique characteristics of the site, including its shape and dual frontages make the ideal one-way traffic arrangement possible. This siting and design of the carpark creates the need for a large southern front setback and western side setback to the building.

Justification for the Proposed Traffic and Parking Layout

The splitting of the carpark between the main area within the southern portion of the site, and an additional parking area closer to the rear, allows for minimal earthworks, with a steeper driveway between the two portions, which also allows for a large deep soil area with canopy trees and

landscaping to split up the hardstand area. The carpark hardstand area is sufficiently landscaped, with perimeter landscaping, screen plantings and numerous canopy trees to soften its appearance and greater reflect the landscaped character of the locality.

The two frontages allow for traffic to travel in a one-way direction through the site, entering from Collinson Street and exiting at David Avenue, which minimises conflict with pedestrians and on-site and off-site traffic. The one-way aisle is much safer than a two-way traffic arrangement, which would result in increased risks and potential conflicts between vehicles and pedestrians. The proposed traffic arrangement minimises the on-site area needed for traffic circulation which would be required for a two-way traffic arrangement utilising only one frontage for access.

This proposed traffic and parking arrangement is supported within the Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineering, which states the following:

> *"It should be noted that the proposed location of the building and the site having two (2) road frontages results in an ideal car parking arrangement of a one-way traffic aisle. A one-way traffic aisle improves efficiency while also improving safety of pedestrians within the parking aisle. In addition to the above, having the entry driveway on Collison Street and the exit driveway on David Avenue helps to improve the amenity of the surrounding roads by splitting the traffic between two (2) roads rather than concentrating the traffic onto a single road."*

In addition to improved vehicle movements and safety, this traffic and parking arrangement also results in numerous other benefits for the site, including reduced earthworks, reduced hardstand area required for parking and traffic circulation and increased landscaped and deep soil areas. This single aisle arrangements allows for an outdoor play space that is generously dimensioned, at-grade, well landscaped, and provided with a northern orientation. This play space will be provided with excellent solar access, in a location where minimal visual and acoustic impacts will be created on neighbouring properties. Alternative locations would require the concentration of children in narrower spaces, likely requiring earthworks to reduce the slope, and requiring larger acoustic walls to screen the concentration of noise in narrow spaces.

Alternative locations for a basement could include a basement level underneath the facility or the concentrating of parking within the central or northern part of the site. Given the southern portion of the site is both narrow and sits significantly higher than rear portions of the site, a basement would not be feasible in this location, and it could therefore not be located beneath a building sited towards the southern end of the property. In addition, were it sited in this location, then it could not be wholly concealed at the rear (northern) end, and would require some require additional earthworks, retaining walls and ramps, to provide level access from rear portions of the building.

The other alternatives of concentrating at-grade parking within the centre or northern portions of the site would likely require a two-way access point from David Avenue near the bend in the road with all traffic concentrated near this bend. This option would allow for the building to be located closer to the Collinson Street frontage but would likely result in a built form that presents as a two-storey structure in close proximity to the boundaries of the site. The building would appear particularly large from areas

to the north, given the steep fall in the land in that direction, and the design would not therefore have less opportunity to use the fall as a means of minimising the apparent scale of the building. Furthermore, the amenity of the facility itself would also be compromised, and the outdoor play area would be constrained, likely elevated, and potentially require additional acoustic screening, all of which would add to the apparent scale of the development. Finally, both alternative locations would require larger car parks, given the additional circulation areas that would be required to create multiple two-way aisles, leaving the narrower remaining portions of the site to accommodate the internal and external play areas.

Amenity Impacts

The location of the childcare building is considered appropriate in relation to these large setbacks as it allows for the provision of the at-grade carpark area, whilst also minimising impacts on adjoining properties. The irregular site adjoins five sites, and the positioning of the building within the larger rear portion and closer to the eastern side setback allows greater separation distances from the two dwellings adjoining to the west, from the dwelling on the adjoining front eastern allotment and from the northern adjoining allotment. This siting improves various amenity aspects on neighbouring sites, including privacy and visual amenity, acoustic amenity and solar access, demonstrated by the development's compliance with these requirements of the CCPG. The siting also allows for a large rear landscaped outdoor play area, which responds to the landscaped rear yards of surrounding sites within the locality and enables a generously dimensioned and north-facing outdoor play space to be provided to the proposed development.

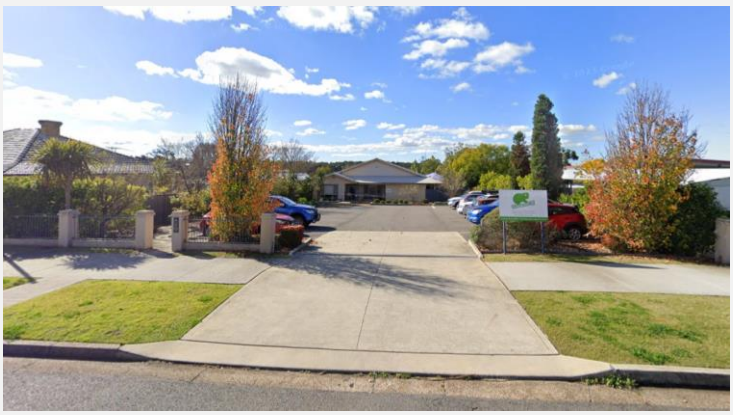
Precedent of Child Care Facility Site Design within the Locality

The provision of an at-grade hardstand carpark and driveway within the front setback of a child care facility, creating an increased front setback to the building, is a regular occurrence in the surrounding locality. This demonstrates that Council have previously approved numerous developments with large front setbacks in the R1 General Residential zone, despite the prevailing setback pattern. Examples of surrounding child care centres within the R1 zone which feature this layout are listed below:

- Kindy Patch, Tenambit
- Kindy Patch Emma's, East Maitland
- Fieldsend Early Learning Centre, East Maitland
- Tilly's Play and Development Centre, East Maitland

The table below includes aerial and street-view images which demonstrate that the carparks and driveways of these facilities are located within the front setback of the site.

Table 7 Examples of Centre-Based Child Care Facilities in the Surrounding Locality with Similar Layouts

Child Care Facilities in the Surrounding Locality	
Aerial Image	Streetview Image
Kindy Patch – 66 Maize Street, Tenambit	
	
Kindy Patch Emma's – 61A Narang Street, East Maitland	
	
Fieldsend Early Learning Centre – 34 Fieldsend Street, East Maitland	
	

Aerial Image	Streetview Image
Tilly's Play and Development Centre – 4 Brisbane Street, East Maitland	
	

This table demonstrates that the siting of an at-grade parking area within the front setback is not an uncommon feature of other child care centres within the locality. The proposed development is similar in that the hardstand area is located in front of the building; however, the proposal includes increased landscaping to screen the parking area and minimise its visibility from the primary street frontage of Collinson Street. The site also experiences a steep fall to the northern rear, which further minimises the appearance of the hardstand area, as the rear northern parking area beyond the transition ramp is not visible from Collinson Street, noting that much of the car parking areas will sit several metres below the street level.

Additionally, each of these examples either have a double-width entry driveway or two separate driveway crossovers from the one frontage to allow for vehicles to enter and exit the site in a forward direction from the same frontage. The proposed design improves upon this, providing a single-width driveway crossover on the primary frontage and on the secondary frontage to allow for one-way traffic flow through the site. This allows for increased space for landscaping and the planting of canopy trees in the road reserve and site frontage, given the reduced footprint accommodated by the driveway.

This demonstrates that the proposed layout is acceptable given the precedent of surrounding approved childcare centres, and that the proposed design improves upon these existing parking layouts, through the provision of increased landscaping, a reduced driveway crossover size; when also accounting for the fall of the land, the hardstand area will not be highly visible from the primary frontage.

This precedent is unsurprising given that Section 2.4 of C11 Vehicular Access & Car Parking of MDCP 2011 also prescribes that:

> *"Parking facilities for visitors and customers shall be provided where clearly visible from the street so their use is encouraged."*

The location of the parking area within the front setback allows for it to be visible from the street to encourage its use by visitors, including the parents and guardians of children who are enrolled at the

facility. The use of this carparking area by visitors ensures that these drivers do not rely upon street parking when visiting the facility.

Presentation to Collinson Street

The presentation of the site to Collinson Street has been highly considered in the design of the development, as shown in the architectural and landscape plans. The use of the two street frontages allows for a one-way traffic flow through the site, which in turn allows for a single-width driveway crossover at both street frontages. This reduces the hardstand area provided in front of the boundary and allows for additional landscaped and deep soil area within the road reserve. Two large street trees are proposed within this area, which further soften the impact of the development and reflect the surrounding streetscape. The pedestrian access point is provided on the eastern end of the frontage, and its 2m wide opening has minimal impact on the amount of hardstand visible from the street.

Within the site, the carparking spaces are setback 4m-4.7m from the front boundary, allowing space for canopy trees, screen plantings and low-lying plantings between this boundary and the hardstand area. In addition, the front fences are setback 2.2m from the front boundary, allowing space for screen plantings in front of the 1m high open palisade fencing to maintain the landscaped character and screen the carpark from the street.

A variety of plantings are included along the perimeter of the hardstand area, including interspersed canopy trees. The carpark is also split between two areas, the main southern parking area and the rear northern parking area. This split is required to navigate the slope of the land with minimal earthworks, with the driveway including a transition section between the two areas which is free of parking spaces. This allows for another deep soil landscaped area with canopy trees and plantings within the carpark adjacent to the steep portion of the driveway. These canopy trees will be visible from the streetscape and further soften the appearance of the carpark. Due to this downward slope towards the rear, the northern portion of the carpark is not visible from the primary Collinson Street frontage, further minimising the impact of the carpark from the street frontage.

David Avenue Streetscape

The eastern side of David Avenue presently does not have a prevailing streetscape appearance or pattern, as the neighbouring northern site at 58 David Street accommodates a majority of this side of the street and is currently vacant land. In this respect, the proposed fencing and landscaping treatments proposed to present to this frontage are not contrary to any existing streetscape character. The landscaping treatments which are integrated with the fencing design, along with the single-width driveway crossover providing the exit point from the site, allow for a design which is not contrary to any prevailing character and improves upon the existing presentation of the site to this frontage, which is currently open and unfenced, with no elements which positively address the street.

Conclusion

The combination of an irregular site size and shape, with two perpendicular street frontages and a steep landform, outline the inherent constraints of designing a child care facility on the site. The proposal seeks the most effective approach in minimising adverse impacts on neighbouring sites and the streetscape, through a well-considered design which respects the surrounding development and locality. In this instance, the proposed siting of the development, despite not providing a front building line that aligns with other developments along Collinson Street, is an appropriate response to the particular characteristics of the site and locality.

4.3 Local Planning Instruments

4.3.1 Maitland Local Environmental Plan 2011

The *Maitland Local Environmental Plan 2011* ('MLEP 2011') applies to the subject site. The proposed development has been assessed against the relevant provisions of the MLEP 2011. The subject site is located within an R1 General Residential zone (see **Figure 4**). Centre-based child care facilities are permitted with consent in the zone.

Figure 4 Extract of Land Zoning map.
Source: NSW Planning Portal Digital EPI Viewer.

The objectives of the R1 zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed development is for a centre-based childcare facility, which is permissible with consent in the R1 zone under both MLEP 2011 and the TI SEPP. The development will provide a much-needed service for the community which is consistent with the third objective. The design and scale of the proposed development have been carefully considered to ensure compatibility with the existing and desired future character of the residential area.

Clause 2.6 – Subdivision

Although subdivision is not proposed, the proposal seeks development consent for the amalgamation of the three allotments within the site, being Lots 151, 152 and 153 in Deposited Plan 561830, to create a single allotment.

Clause 2.7 – Demolition

The proposal seeks development consent for the demolition of the existing structures on site, which includes a single-storey brick dwelling house, a metal horse shed, an additional metal shed and a metal shipping container. The demolition of these structures is required to facilitate the proposed development.

Clause 4.1 – Minimum subdivision lot size

The site is subject to a minimum subdivision lot size of 450m^2 (see **Figure 5**). Although subdivision is not proposed, the proposal includes the amalgamation of the three allotments which currently have lot sizes of 2,760m^2 (Lot 151), 487.9m^2 (Lot 152) and 18.6m^2 (Lot 153). The amalgamation would create one large 3,266.5m^2 allotment which complies with the requirements of this clause.

Figure 5 Extract of Minimum Lot Size map.
Source: NSW Planning Portal.

Clause 4.1A – Exceptions to minimum lot sizes in Zone R1

The site is located within the R1 General Residential zone but does not seek to benefit from this clause which allows for reduced lot sizes for dwelling houses, attached dwellings or semi-detached dwellings.

Clause 4.3 – Height of buildings

There is no maximum height of buildings prescribed for the subject site under MLEP 2011. The building presents as a one storey building to Collinson Street and a two-storey building to David Avenue. The two-storey portion has a maximum height of 7.65m, which is consistent with surrounding two-storey developments.

Clause 4.4 – Floor space ratio

There is no maximum floor space ratio prescribed for the subject site under MLEP 2011.

Clause 5.10 – Heritage conservation

The site is not identified as a local or State heritage item, does not lie within a heritage conservation area, and is not within proximity to any heritage items or conservation areas. In addition, an AHIMS search for Aboriginal heritage items within 200m of the site did not locate any recorded items. The proposal is therefore not considered to result in any adverse impacts on heritage items or conservation areas,

Clause 7.1 – Acid sulfate soils

The site is mapped as being Class 5 Acid sulfate soils (see **Figure 6**). The site is not within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m Australian Height Datum ('AHD') and the watertable is not proposed to be lowered below 1m AHD on the adjacent Class 1, 2, 3 or 4 land. As such, no further consideration is required under this clause.

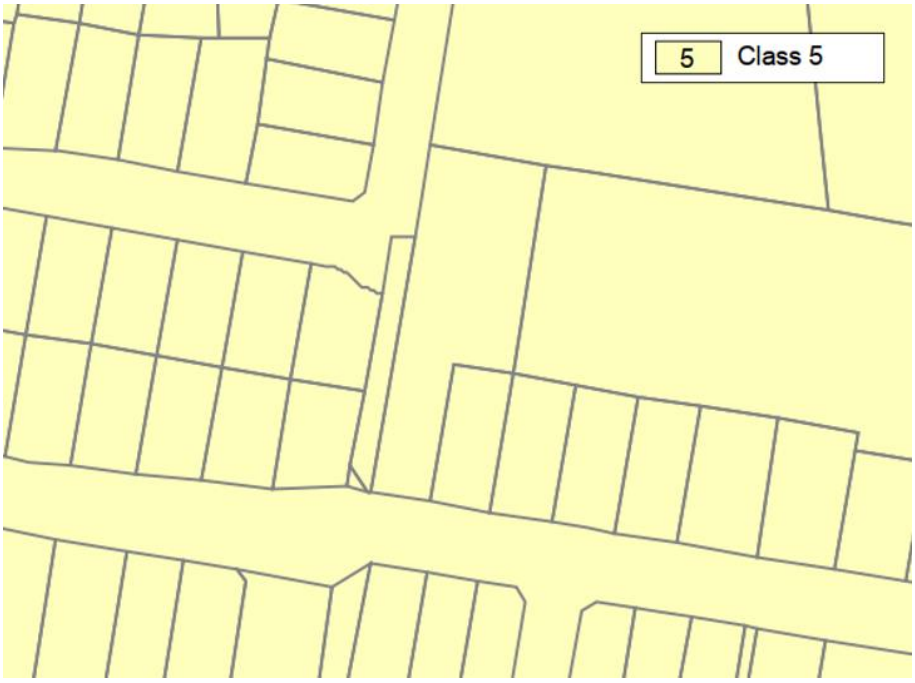


Figure 6 Extract of Acid Sulfate Soils map.
Source: NSW Planning Portal.

Clause 7.2 Earthworks

The proposal involves excavation within the site to accommodate footings and foundations, in addition to providing a level floor area on the sloped site. A maximum of approximately 2.35m of excavation is required to provide internal levels that are located partially below ground level, with this maximum extent of excavation located at the southern end of the lower ground floor. The areas which require higher amounts of fill are elements of the driveway and parking area, along with the northeastern rear corner. The driveway requires fill to ensure that compliant gradients are provided for the parking spaces. The increased fill for the portion of the driveway between the southern and northern parking areas allows for the lowering of the grade within the transition space (although this part of the car park remains its steepest part). Additional site regarding is required to formalise site runoff and provide a legal point of discharge from to David Avenue.

In order to adequately maintain and facilitate the proposed earthworks, retaining walls are required across the site. The extent of earthworks has been minimised where possible in order to keep the height and extent of retaining walls to a minimum.

The proposal utilises the slope of the land to provide a two-storey form which only appears as a two-storey structure from the northern rear, presenting to the primary southern frontage as a one-storey structure. The building acts as a transition between the external areas at the higher front areas of the site, and the external areas at the lower rear of the site.

In addition, the design of the external areas is intended to minimise earthworks. The steepest portion of the site is located along the shorter (east-west) boundary shared with 4 Collinson Street. This portion of the development incorporates the steeper portion of the driveway which does not include any parking spaces and provides the transition between the higher main southern parking area and the lower northern parking area. This design allows for the natural topography to be retained as much as possible whilst also providing parking at compliant grades. An extract of the proposed longitudinal driveway section is shown in **Figure 7**.

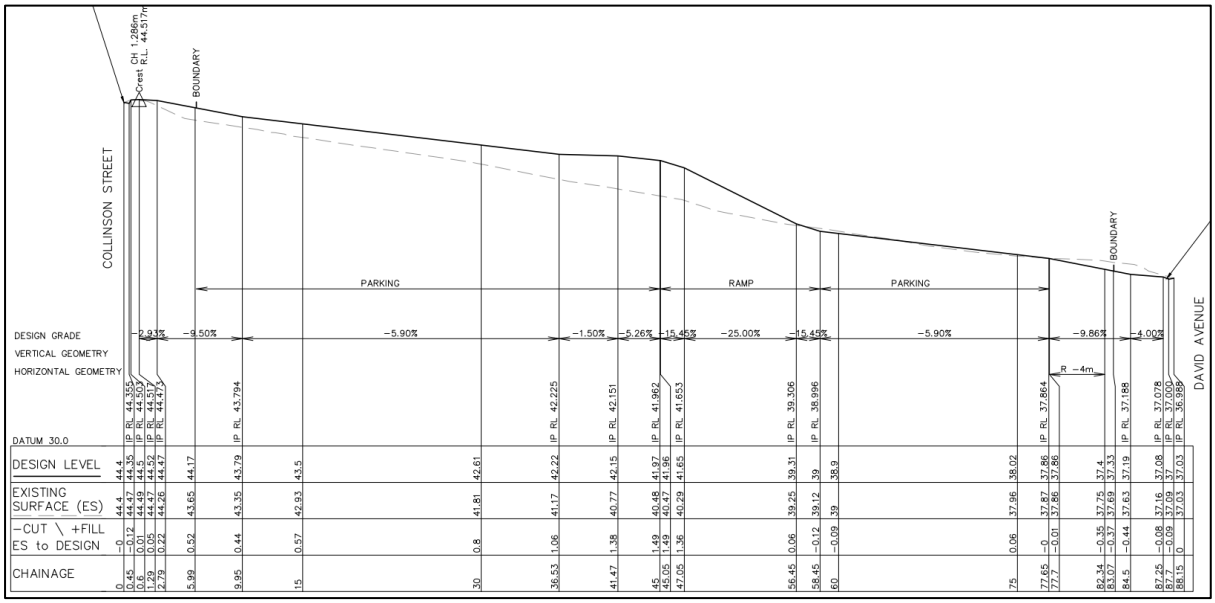


Figure 7 Extract of the Longitudinal Section of the driveway, with the dashed line demonstrating the natural ground level and the solid line demonstrating the proposed ground level.
Source: ADW Johnson, 30.07.2025.

The design and siting of the building, along with the grading of the driveway demonstrate that the development has been designed to respond to the natural topography of the site as much as possible. The design therefore is able to limit the use of retaining walls, and a less skilful design would otherwise require the extensive use of retaining walls, stairs, and ramps, in order to provide level floor areas, connections between indoor and outdoor space, and car parking.

The earthworks are ancillary to the construction of the child care facility and consistent with the objectives in that they are unlikely to result in any adverse impacts on environmental functions or processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The earthworks are unlikely to result in detrimental effects on drainage patterns, soil stability or the likely future use or redevelopment of the land. All excavated material will be lawfully disposed of by licensed contractors to recycling facilities or landfills and any imported fill will be certified from reputable sources and adhere to the relevant guidelines. The areas of excavation are sufficiently

setback from adjoining properties, with 4.509m and 2.078m setbacks from side boundaries. This ensures that the impact on the amenity of these neighbouring properties is minimised. There is a low likelihood of disturbing relics, given that there are no heritage items or known Aboriginal heritage items recorded within proximity to the site. The site is not located near any watercourses, within a drinking water catchment or within an environmentally sensitive area, and therefore no adverse impacts on these elements are anticipated.

Clause 7.9 Essential services

The proposal seeks to connect to the existing water, electricity and sewerage systems. A Stormwater Management Plan has been prepared by ADW Johnson, outlining that an on-site detention ('OSD') tank will be located under the northern end of the carpark. One way traffic through the site is proposed, with vehicles entering the site from Collinson Street and exiting the site at David Avenue.

4.3.2 Maitland Development Control Plan 2011

The development is subject to the provisions of the Maitland Development Control Plan 2011 ('MDCP 2011'). An assessment of the proposal against the relevant development controls applying to the subject site and the proposed development is provided in Appendix B.

The proposed development generally complies with MDCP 2011. Where strict compliance has not been achieved, in accordance with section 4.15 (3A)(b) of the EPAA Act, flexibility has been applied in those circumstances where a reasonable alternative solution achieves the objectives of the standard.

4.4 Draft Environmental Planning Instruments – Section 4.15(1)(a)(ii)

There are no known draft Environmental Planning Instruments that apply to the subject site that would materially alter the assessment of the proposed development.

Council is currently preparing a new Development Control Plan, called the Draft Maitland Development Control Plan 2025 ('Draft MDCP 2025'). The Draft MDCP 2025 is currently being exhibited to the public and is available for review. Draft development control plans are not required to be evaluated under Section 4.15 of the EPAA Act, and specific requirements and standards within development control plans in relation to matters included in the CCPG do not apply to child care developments as per section 3.27(1)(d) of the TI SEPP. As such, no further consideration is required to be given to this draft plan.

4.5 Planning Agreements – Section 4.15(1)(a)(iiia)

There are no existing or proposed planning agreement that apply to the subject site.

4.6 The Regulations – Section 4.15(1)(a)(iv)

Section 4.15(a)(iv) of the EPAA Act requires a consent authority to consider the regulations, to the extent that they prescribe matters for the purposes of that paragraph (i.e., paragraph (iv)). There are no provisions within clauses 61 – 66A of the EPAA Regulation that would be expected to be of particular relevance to the proposal, other than a requirement for demolition works to be carried out in accordance with Australian Standard AS 2601—2001: *The Demolition of Structures*. This can be addressed via condition of consent..

4.7 Likely Impacts of the Development – Section 4.15(1)(b)

4.7.1 Impact on the Natural Environment

The development does not result in any adverse impacts on the natural environment. The site includes limited vegetation and is not identified as containing any threatened species, populations, or ecological communities. The proposed development will not have any significant adverse impacts on local flora and fauna.

The removal of three (3) trees is proposed, which has been supported by an Arboricultural Impact Assessment prepared by Growing My Way Tree Services, which concludes that their removal is necessary and will have a minimal impact on the landscape character and local environment. The development includes extensive landscaping, including large canopy trees, which will offset this removal and increase the existing tree canopy on site.

The proposed stormwater management system, including the OSD tank, will effectively manage stormwater runoff and minimise adverse impacts on the natural environment.

The proposal is not anticipated to result in any adverse noise impacts on the natural environment (e.g., local fauna).

4.7.2 Impact on the Built Environment

The development does not result in any adverse impact on the built environment. The proposed childcare facility has been designed with finishes and materials that complement the character of the surrounding residential area. Its built form respects that of surrounding development, ensuring it integrates appropriately within the existing built environment.

The design incorporates high-quality landscaping and generous setbacks to minimise its visual impact on adjoining properties and the streetscape, softening the built form and contributing to public amenity.

4.7.3 Social Impacts

The proposed development will deliver significant social benefits to community members by the provision of the child care centre which provides social and emotional development opportunities for children. The centre provides education and care for surrounding families. The proposal will not result in any adverse impacts on the social significance of the locality for present or future generations. In this regard, the proposal is considered to contribute to a positive social impact on the surrounding locality.

The Noise Impact Assessment, prepared by Rodney Stevens Acoustics, confirms that with the proposed acoustic mitigation measures, internal and external noise levels within the childcare centre, and noise levels at adjoining residential properties, will comply with relevant noise criteria, ensuring a high level of acoustic amenity for the centre and for surrounding residents.

4.7.4 Economic Impacts

The proposed development is likely to contribute to a range of economic benefits within the Tenambit locality and wider Maitland LGA through short term construction expenditure and employment, and through additional employment opportunities through hiring suitably qualified staff to facilitate the operations. The child care facility will also enable parents and caretakers to have the opportunity to contribute to the workforce whilst their children are under the care of the facility.

4.8 Suitability of the Site for the Development – Section 4.15(1)(c)

The proposed child care facility is a permitted land use in the zone and the proposal is consistent with the objectives of the R1 General Residential zone. The site is well located for a new child care centre, being a short distance from the Tenambit Public School, local shops and community centre. The centre will provide a conveniently located essential service for local families.

The development has been designed to respond effectively to the characteristics and constraints of the site, including its topography, shape and multiple frontages, demonstrating the suitability of the irregular site for the proposed child care development. The site is located within proximity to local services, social and community infrastructure and transport links to allow child care staff and carers to utilise such services. The location, siting, and planning for the development, holds due regard to environmental constraints and is compatible in size with the desired future character of the locality.

Accordingly, it is considered that the subject site is suitable for the proposed development.

4.9 Public Submissions – Section 4.15(1)(d)

Any public submissions received in response to the development proposal are required to be considered in light of Section 4.15 of the EPAA Act, having particular regard to:

- The stated and underlying objectives of the relevant planning controls;
- The specific merits and circumstances that apply to the proposed development and the site;
- The acceptable nature of the likely impacts of the proposal;
- The suitability of the site in accommodating the proposed development; and,
- The acceptable nature of the proposal when considering the wider public interest.

4.10 Public Interest – Section 4.15(1)(e)

The proposal provides a high-quality, well designed child care centre in a location inherently suitable for the use as it is a permitted form of development. Centre-based child care facilities are permitted with consent within the R1 General Residential zone under the MLEP 2011. The development is compatible with the scale and character of the area, whilst also being in the public interest in providing well located additional child care supply for the locality. Generally, the proposal provides the following public benefits:

- The development will provide child care services which accommodates children aged between 0-5 years old.
- The proposed development will provide both short term and long term employment opportunities.
- The development has been designed to respond sensitively to its setting, resulting in minimal impacts on surrounding sites within the immediate locality.
- The proposed development provides a built form that presents as a high-quality design that is not contrary to the envisaged character of the area and responds to the site attributes.
- The development provides social infrastructure that is located within close proximity to existing amenities and public transport within an established residential locality.
- There are no significant adverse impacts on surrounding properties in relation to solar access, views, visual privacy or acoustic privacy.
- The development is able to accommodate the anticipated parking demand on site, and the acoustic impacts of the centre are able to be managed through noise attenuation measures.

5.0 Conclusion

The proposed development has been assessed against the provisions of Section 4.15 of the EPAA Act. On balance, it is concluded the development is satisfactory and warrants development consent, having regard to the following matters:

- The proposed development is permissible under MLEP 2011.
- The proposal is consistent with the relevant aims and objectives of MLEP 2011.
- The proposal is generally consistent with the relevant development controls and requirements within the CCPG and MDCP 2011.
- The proposed child care facility does not result in any unreasonable adverse acoustic or visual privacy impacts to surrounding properties, and the development is able to accommodate parking and services on site.
- It is considered there are no matters that warrant refusal of the proposal on the grounds of it being contrary to the public interest.

Accordingly, it is recommended that Maitland City Council support and approve this development application.

6.0 APPENDIX 1 – Child Care Planning Guideline

Child Care Planning Guideline Compliance Assessment			
Control	**Requirement**	**Comment**	**Complies**
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.	The development provides a high-quality design which is in accordance with the requirements of the National Regulations.	Yes
	Ensure that child care facilities are compatible with the existing streetscape, context, and neighbouring land uses.	The child care facility has been designed to be compatible with the existing streetscape, context and neighbouring land uses. The development has been designed to respond effectively to the characteristics and constraints of the site, including its topography, shape and multiple frontages.	Yes
	Minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment.	The development has been designed to respond sensitively to its setting, resulting in minimal impacts on surrounding sites within the immediate locality.	Yes
Part 3: Matters for Consideration			
3.1 Site Selection and Location	For proposed developments in or adjacent to a residential zone, consider: • The acoustic and privacy impacts of the proposed development on the residential properties;	Acoustic fencing and landscaping treatments are provided on the boundaries of the site to ensure minimal acoustic and privacy impacts to neighbouring properties. The Acoustic Report, prepared by Rodney Stevens Acoustics, outlines that the development complies in relation to the acoustic requirements.	Yes
	• the setbacks and siting of buildings within the residential context;	The proposed setbacks respond appropriately to the context. Refer to the discussion of building siting, within Section 4.2.3 of the SEE.	Yes
	• visual amenity impacts (e.g. additional building bulk and overshadowing, local character)	The building is two-storeys, however due to the slope of the site, it presents to the primary	Yes

		frontage of Collinson Street as a single-storey development. Surrounding development is one or two-storeys, demonstrating that the building reflects the surrounding built form and local character. The increased setback from the street also contributes to reducing the bulk of the building. The proposal includes extensive landscaping, including the planting of numerous canopy trees, which is reflective of the local character. The site benefits from a northern aspect to the rear which provides for ample solar access. <u>94 Thompson Street & 39 Goodhugh Street (western sites):</u> The large setback of the building from the western boundary ensures that there are no overshadowing impacts on the adjoining western sites, other than from fencing. <u>4 Collinson Street (southeastern site):</u> The building and fencing will cast shadows onto portions of the private open space of this site due to its location south of the building. The building has a one-storey built form at the southern end, which minimises shadows on this neighbouring site. <u>16-22 Collinson Street (eastern site):</u> The building and fencing will cast some minor afternoon shadows onto the southern-most units along this boundary in the retirement village, noting that a setback of more than 2m is proposed . No overshadowing will occur during the morning hours.	

	• traffic and parking impacts of the proposal on residential amenity.	The Traffic and Parking Impact Assessment, prepared by McLaren Traffic Engineering, outlines that the development complies with parking and traffic requirements and has an acceptable impact on the locality. The proposal provides 33 parking spaces in accordance with MDCP 2011 requirements. One-way traffic movements are proposed, with traffic entering through the primary frontage of Collinson Street and travelling through the carpark which extends along the western side boundary of the site. Traffic is proposed to exit via the David Avenue secondary frontage, which allows for traffic to flow through the site and minimise the chance of traffic conflict. This also allows driveway crossovers to be single width, reflective of the surrounding residential development.	Yes
	<u>When selecting a site, ensure that:</u> • the location and surrounding uses are compatible with the proposed development or use;	The site is located within a largely residential locality, and is also within close proximity to educational establishments, community facilities and a local centre with shops and commercial uses. The childcare is compatible with the locality and the surrounding uses.	Yes
	• the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards;	The site is not flood affected, bushfire prone land, or located within a coastal zone. The site is not subject to land slip risk.	Yes
	• there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed;	The site has been used for residential purposes for an extended period of time. The proposal is supported by a Preliminary Site Investigation prepared by Geo-Environmental	Yes

		Engineering which outlines that the site can be made suitable for a child care facility.	
	• the characteristics of the site are suitable for the scale and type of development proposed having regard to: ○ length of street frontage, lot configuration, dimensions, and overall size	The site offers an abnormally large site area within the locality, providing the opportunity to cater for the scale of development proposed. The site has an irregular shape, with a wider rear portion. The development has been appropriately designed to respond to the irregular shape. The site benefits from two street frontages, allowing for one-way traffic to flow through the site, with an entrance point on the primary frontage of Collinson Street (24m) and an exit point on the secondary frontage of David Avenue (32.78m). The primary frontage also provides a separated pedestrian access point and pathway leading directly to the building entrance. This frontage has sufficient room for these access points and landscaping treatments, which reflects the surrounding streetscape.	Yes
	• number of shared boundaries with residential properties	The irregular shape and size of the allotment results in the site sharing boundaries with five residential allotments, in addition to the two street frontages. The two western properties are two storey dwelling houses, whilst the neighbouring property to the southern end of the eastern boundary is a part one and two storey dwelling. The site adjoining the northern end of the eastern boundary is accommodated by retirement living units. The adjoining site to the north is a large vacant site.	Yes

		The site has been designed to respond effectively to the multiple boundaries and frontages, resulting in minimal impacts on these neighbouring properties.	
	• The development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas	The site is not located within a sensitive environmental or cultural area, and the development will not result in any adverse environmental impacts on the surrounding area.	Yes
	• there are suitable drop off and pick up areas, and off and on street parking;	The development provides the required 33 car parking spaces which allows for sufficient off-street parking. The carpark is adjacent to the building entrance foyer, providing a suitable location for dropping off and picking up children. The Traffic and Parking Impact Assessment outlines that the proposal is acceptable in relation to parking requirements and traffic generation.	Yes
	• 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	The Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineering outlines the characteristics of the surrounding road network and states that the development is appropriate for the site and the traffic network. The site does not adjoin a classified road or a road with high traffic volume. There are pedestrian pathways and crossings near the site. Traffic and Parking Impact Assessment indicates that no additional pedestrian road crossing treatments are required, due to the low traffic volume of the road network. Pedestrians can use nearby crossings or cross the road midblock without any formal crossings.	Yes

	• 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 located near any restricted premises.	Yes
	<u>A child care facility should be located:</u> • near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship;	The site is located within an established residential zone and is within proximity to numerous compatible social uses. Tenambit Public School is located 130m east of the site and another childcare facility, Kindy Patch Tenambit, is located 120m southeast of the site. Various parks and reserves are located near the site, including Goodhugh Street Park 220m west of the site, and Plantation Reserve 380m southwest of the site. The Tenambit oval, sports fields and tennis courts are also located 750m southeast of the site. Additional community facilities near the site include the Tenambit Community Hall (280m southeast) and the East Maitland Aquatic Centre (600m southwest).	Yes
	• near or within employment areas, town centres, business centres, shops;	The Tenambit shops are located 200m south of the site, offering a supermarket, cafes and other services. The Tenambit Community Hall and a park are also located within this precinct.	Yes
	• with access to public transport including rail, buses, ferries; and	The nearest bus stops are located 230m east of the site and 250m west of the site. The site is also located 1.3km from the nearest train station, being the Victoria Street station to the southwest.	Yes

	• in areas with pedestrian connectivity to the local community, businesses, shops, services, and the like.	The locality has good pedestrian connectivity, providing pedestrian pathways and crossings to allow safe access between various facilities within the community.	Yes
	A child care facility should be located to avoid environmental conditions arising from: • proximity to: o heavy or hazardous industry, waste transfer depots or landfill sites o Liquefied Petroleum Gas (LPG) tanks or service stations o water cooling and water warming systems o 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 o 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 is located within an established residential zone and is not within proximity to any hazardous land uses.	Yes
3.2 Local Character, Streetscape, and the Public Domain Interface	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 the place;	The design demonstrates an appropriately sized child care building which provides a relatively low built upon area. The design includes large outdoor areas which are extensively landscaped, including with large canopy trees. The provision of landscaping, trees and the large rear outdoor play area respects the surrounding built form which included landscaped sites with landscaped rear yards.	Yes
	• reflect the predominant form of surrounding land uses, particularly in low density residential areas;	The design of the building reflects the height and built form of surrounding development, presenting as a one and two storey building. The setbacks do not reflect the predominant form but are	Yes

		acceptable given the constraints of the site. Refer to the discussion of building siting, within Section 4.2.3 of the SEE.	
	• 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;	The proposal provides a mixture of lightweight and masonry materials, with skillion roofs and balanced window composition. These elements are not incompatible with the residential locality.	Yes
	• use landscaping to positively contribute to the streetscape and neighbouring amenity; and	The landscape plan demonstrates extensive landscaping across the site, including canopy trees, screen planting, low-level plantings, various landscape treatments in the rear outdoor play area and two (2) new street trees. The landscaping, including the street trees, is reflective of the surrounding locality and responds positively to the streetscape. The landscaping also assists in improving neighbouring amenity.	Yes
	• integrate car parking into the building and site landscaping design in residential areas.	Landscaping has been used to soften the hardstand carparking area, being provided along the perimeter of the carpark and as intermittent planter beds to break up the hardstand area. Landscaping treatments range from low-lying plantings to larger screen plantings to numerous new canopy trees.	Yes
	• in R2 Low Density Residential zones, limit outdoor play space to the ground level to reduce impacts on amenity from acoustic fences/barriers onto adjoining residence, except when good design solutions can be achieved.	The site is not located within the R2 Low Density Residential zone.	N/A
	Create a threshold with a clear transition between public and private realms, including:	Fencing is proposed to ensure safety for children and pedestrians, whilst also respecting the amenity of surrounding properties and the streetscape. Gates are used within	Yes

	• fencing to ensure safety for children entering and leaving the facility;	the entry foyer and to the secondary access pathway to David Avenue to provide additional safety for children.	
	• 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; and	Windows which face towards each street frontage allow for passive surveillance and connection between the facility and community.	Yes
	• integrating existing and proposed landscaping with fencing.	Fencing is well-integrated with the proposed landscaping. There is no existing landscaping that is to be retained. Landscaping, including the addition of street trees, canopy trees and low-level plantings, is used to soften the presence of the fences and to respect the surrounding streetscape.	Yes
	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.	The development seeks only one proposed childcare building. The pedestrian entrance point from Collinson Street is clearly separated from the vehicular entrance by 9.3m, being located at the eastern end of the frontage and delineated with different materials. The additional pedestrian path on David Avenue is separated from the vehicular exit point by bollards and uses different materials to delineate their difference.	Yes
	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.	The Collinson Street frontage is proposed to be treated with a 1m tall, visually permeable, open palisade fence for the western side of the front boundary fencing. It is to be setback from the front boundary with screen planting in front to soften its appearance. The eastern side of the front boundary is to have a stone fence and will include signage for the centre (under separate approval).	Yes

		This is located in front of the pedestrian entrance ramp which is accessible from the far eastern end of the frontage and will screen this hardstand area in conjunction with canopy trees. This part of the fence is not visually permeable; however, it only extends a small amount of the frontage and is to facilitate centre signage. David Avenue fencing primarily comprises of 2.1m high acoustic barrier fencing as it also acts as childproof fencing to the outdoor play area. The site is not a heritage item, adjacent to a heritage item or within a conservation area.	
3.3 Building Orientation, Envelope and Design	<u>Orient a development on a site and design the building layout to:</u> • ensure visual privacy and minimise potential noise and overlooking impacts on neighbours;	Acoustic fences and landscaping treatments are proposed along the site boundaries to ensure visual privacy and to minimise potential noise and overlooking impacts on neighbours.	Yes
	• optimise solar access to internal and external play areas;	The site benefits from a sunlight throughout the day due to its orientation, secondary frontage and large rear northern boundary. The development has been designed to locate the outdoor play area within the rear northern portion of the site and orientate indoor playrooms to the north to optimise solar access.	Yes
	• avoid overshadowing of adjoining residential properties;	<u>94 Thompson Street & 39 Goodhugh Street (western sites):</u> The large setback of the building from the western boundary ensures that there are no overshadowing impacts on the adjoining western sites, other than from fencing. <u>4 Collinson Street (southeastern site):</u> The building and fencing will cast shadows onto portions of the	Yes

		private open space of this site due to its location south of the building. The building has a one-storey built form at the southern end, which minimises shadows on this neighbouring site. <u>16-22 Collinson Street (eastern site):</u> The building and fencing will cast some minor afternoon shadows onto the southern-most units along this boundary in the retirement village, noting that a setback of more than 2m is proposed . No overshadowing will occur during the morning hours.	
	• minimise cut and fill;	Refer to discussion of cut and fill provided within Section 4.3.1 of the SEE.	Yes
	• ensure buildings along the street frontage define the street by facing it; and	Refer to the discussion of building siting, provided within Section 4.2.3 of the SEE.	Yes
	• ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.	The outdoor play area is located at ground level.	N/A
	<u>The following matters may be considered to minimise the impacts of the proposal on the local character</u> • building height should be consistent with other buildings in the locality;	The building height is consistent with the surrounding buildings in the locality. The building presents as a single-storey structure from Collinson Street and as a two-storey structure when viewed from the rear. Building height (highest point, northern facade) = 7.65m	Yes
	• building height should respond to the scale and character of the street;	The height of the development is compatible with the scale and character of the locality.	Yes
	• setbacks should allow for adequate privacy for neighbours	The setbacks allow for adequate separation and privacy between the facility and neighbouring sites.	Yes

	and children at the proposed child care facility;	Despite adjoining five allotments, the building only closely adjoins two lots due to its siting away from the western and northern sides. The setbacks, in conjunction with acoustic fencing and landscaping treatments, create increased privacy.	
	• setbacks should provide adequate access for building maintenance; and	Setbacks allow sufficient room for access for building maintenance. A gate is provided at the southeastern corner of the outdoor play area to allow maintenance access to these areas which are not accessible to children.	Yes
	• setbacks to the street should be consistent with the existing character. Front setback (residential zone DCP requirement = minimum of 4.5m) The average distance of the setbacks of the nearest 2 dwelling houses having the same primary road boundary and located within 40m of the lot on which the dwelling house is erected, or If 2 dwelling houses are not located within 40m of the lot – 4.5m Note: For the purpose of calculating the setbacks of the nearest 2 dwelling houses • any ancillary development is to be disregarded, and • building elements that are permitted in the articulation zone are not included	The DCP provides a minimum front setback of 4.5m. Surrounding development features larger front setbacks: <u>94 Thompson Street (west):</u> 7.4m front setback. <u>4 Collinson Street (east):</u> 7.7m front setback. The average of these front setbacks is 7.55m. <u>Subject site proposed setback:</u> 37m to building. The development complies with the minimum numerical requirements. Notwithstanding, further discussion of building siting is also provided within Section 4.2.3 of the SEE.	Yes
	Where a Local Environmental Plan or Development Control Plan do not specify a floor space ratio for the R2 Low Density Residential zone, a floor space ratio of 0.5:1 is to apply to a child care facility in the R2 zone.	The site is not located in the R2 Low Density Residential zone and MLEP 2011 and MDCP 2011 do not specify a floor space ratio for the site.	N/A

	On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.	See below for an assessment of the proposal against the DCP setback requirements.	All setbacks meet and exceed the minimum Refer to setback discussion within Section 4.2.3 of this SEE.

DCP requirement (for side and rear setbacks) =
a. 0.9m for walls up to 3.0m in height (to underside of eaves);
b. 0.9m plus 0.3m for every metre of wall height over 3.0m and less than 7.2m;
c. For that part of a wall over 7.2m in height, the minimum setback should be increased by 1.0m for every metre of height over 7.2m.

Location	Required	Provided	Complies
Eastern side (narrow front portion of site, adjoining 4 Collinson St)	0.9m	1.5m	Yes
Eastern side (larger rear portion of site, adjoining 16-22 Collinson St)	1.2m – 1.8m	2.078m	Yes
	As the landform falls, the wall height is taller, resulting in an increasing setback requirement along this side.		
Southern side (larger rear portion of site, adjoining rear boundary of 4 Collinson St)	1.2m	4.509m	Yes
Northern rear (main building setback)	2.1m	31.472	Yes
Western side (adjoining 94 Thompson St & 39 Goodhugh St)	1.2m – 1.8m	13.074m	Yes
	As the landform falls, the wall height is taller, resulting in an increasing setback requirement along this side.		

Yes

Walls of buildings within urban zones may be built to the side and/or rear boundaries only where:

a. The maximum wall height is 3.0m and there will be no significant impact on privacy, use of private open space and solar access to adjoining properties;
b. There are no openings unless such openings comply with the fire resistance requirements of the Building Code of Australia and are filled with translucent or obscured glazing; and
c. The length of the wall built to the boundary does not exceed 50% of the total length of the wall comprising that elevation.

Location	Required	Provided	Complies
Northern rear (outdoor storage building setback)	0m	0m	Yes, see below discussion

The only element that has a 0m setback is the northern setback of the outdoor storage building. The wall height of the building which adjoins the boundary is 2.4m and this northern elevation does not contain any openings. The length of the structure which is built to the boundary (0m setback) is 6m, which accommodates 17.5% of the northern boundary and 23.6% of the length of the southern elevation of the main child care building, which is setback 31.472m from this boundary.

	This proposal meets the criteria for a 0m setback due to the low wall height of the structure, that there are no openings on this elevation, and that the length of the wall that has a 0m setback is less than 50% of the built form presenting to this elevation.		
	<u>Entry to the facility should be limited to one secure point which is:</u> • located to allow ease of access, particularly for pedestrians;	Pedestrian entry into the site is located on the primary Collinson Street frontage and provides direct access to the building entrance. The entry point to the building is located at the front southern elevation of the building and is directly accessible from the car park via ramps and stairs.	Yes
	• directly accessible from the street where possible;	The building entry is directly accessible from the primary Collinson Street pedestrian entrance point via a continuous pathway which incorporates ramps and is separated from the parking area. The David Avenue entrance pathway is primarily for use as an evacuation path for the Lower Ground Floor and for staff access and does not act as a main entrance point into the facility.	Yes
	• directly visible from the street frontage;	The building entrance is located on the southern front façade of the building and presents to Collinson Street. The pedestrian access path is clearly visible from the street and leads directly to the building entrance.	Yes
	• easily monitored through natural or camera surveillance; and	The building entrance is visible from the carpark and adjoining internal areas of the building, providing natural surveillance. Additional camera surveillance to be provided for further security.	Yes
	• not accessed through an outdoor play area.	The building entrance is not accessed through the outdoor play area, which remains separate at the	Yes

		rear of the site and closed off from public access.	
	<u>Accessible Design can be achieved by:</u> • Providing accessibility to and within the building in accordance with all relevant legislation;	The Access Report, prepared by Access First Consulting, outlines that the proposal is in accordance with the relevant legislation.	Yes
	• Linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs;	All key areas of the site are accessible to prams and wheelchairs through pathways, ramps and a lift to provide access to both levels of the building.	Yes
	• Between all car parking areas and the main building entry;	The building entry is accessible from the car park from a ramp adjoining the accessible parking space. An alternate access incorporating stairs is located next to the ramp.	Yes
	• 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; and	Continuous paths of travel are provided throughout the site, including from the street entry and car parking areas to the building entry. Internal areas are level, allowing for continuous access, and to lift areas.	Yes
	• minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.	The site experiences a slope towards the rear, requiring pedestrian ramps to navigate the slope and limit the amount of cut and fill. Ramps do not exceed a gradient of 1:14 and are broken up by portions of level ground in between. The building entry is accessible from the pathway which includes these ramps.	Yes
3.4 Landscaping	Use the existing landscape where feasible to provide a high-quality landscaped area.	The site does not include any significant landscaping features. Extensive landscaping is proposed across the site to provide high-quality landscaped areas.	Yes
	<u>Incorporate car parking into the landscape design of the site by:</u> • planting shade trees in large car parking areas to create a cool outdoor environment and reduce	The edges of the carparking area are surrounded by large canopy trees, side boundary screen plantings and grassed areas to	Yes

	summer heat radiating into buildings; • taking into account streetscape, local character, and context when siting car parking areas within the front setback; and • using low level landscaping to soften and screen parking areas.	provide shade and minimise the visual impact of the hardstand area. The provision of canopy trees and low-level plantings within the front setback and two (2) new trees also allow for the development to enhance the surrounding character whilst softening the visual impact of the carpark from the streetscape. A 1m tall open palisade fence is proposed for the western side of the front boundary fencing. It is to be setback from the front boundary with screen planting in front to soften its appearance. The eastern side of the front boundary is to have a stone fence and include signage for the centre. This is located in front of the pedestrian entrance ramp which is accessible from the far eastern end of the frontage, and will screen this hardstand area in conjunction with canopy trees.	
3.5 Visual and Acoustic Privacy	<u>Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</u> • appropriate site and building layout; • suitably locating pathways, windows, and doors; and • permanent screening and landscape design.	The site has two street frontages. The primary frontage is Collinson Street to the south, and the secondary frontage is David Avenue, along the rear (northern) portion of the western boundary. <u>Collinson Street:</u> The only windows visible from this street are to the entry foyer and office room. The building is setback 37m from the street and this distance ensures that there are no privacy impacts from the public domain. <u>David Avenue:</u> This frontage primarily adjoins the outdoor play area. The boundaries of this area to the frontage include 2.1m acoustic fencing and landscaping treatments which	Yes

		ensure that the area is not visible from the public domain and provides privacy. The northern boundary of the site is also visible from the public domain of David Avenue as the site adjoining to the north is vacant. The building is setback approximately 8.5m from the boundary to David Avenue, which with the separation distance, landscaping treatments and window locations is also considered to be appropriate in minimising overlooking.	
	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; and • landscape design and screening.	Fencing and landscaping treatments along all side and rear boundaries provide screening between the site and adjoining sites. The floor plan has been arranged with low-use rooms such as bathrooms, laundries, storerooms and cot rooms located along the boundaries which closely adjoin neighbouring residential development. These rooms have smaller and a reduced number of windows to minimise overlooking and improve privacy. Larger windows are orientated towards the north and western sides which do not directly adjoin residential development – the adjoining northern site being vacant and the western edge of the building being set back 12.324m from the side boundary. Fencing (1.8m high) and landscaping is also proposed on this portion of the western boundary, providing additional screening.	Yes
	A new development, or development that includes alterations to more than 50 per cent of the existing floor area,	Acoustic fencing is proposed along all boundaries. Fencing heights are 1.8m and 2.1m, with the fencing along the rear section of the	Yes

	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); and • 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.	eastern boundary being 2.1m with a 1m long, 45° degree awning, resulting in a height of 2.8m to provide increased acoustic treatment for these closely adjoining dwellings at 16-22 Collinson St. Mechanical plant and servicing equipment will be appropriately screened and comply with acoustic requirements.	
	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.	The proposal has been supported by a Noise Impact Assessment, prepared by Rodney Stevens Acoustics, which concludes that the proposal complies with the noise criteria when the acoustic recommendations are implemented.	Yes
3.6 Noise and Air Pollution	Adopt design solutions to minimise the impacts of noise. • creating physical separation between buildings and the noise source; • orientating the facility to perpendicular to the noise source and where possible buffered by other uses; • using landscaping to reduce the perception of noise; • limiting the number and size of openings facing noise sources; • using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens); • using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens, and soffits; and • locating cot rooms, sleeping areas and play areas away from external noise sources.	The site is not located within an area subject to excessive noise. The site has been designed to minimise acoustic impacts on neighbouring dwellings. Western dwellings (94 Thompson St & 39 Goodhugh St): The carpark extends along the western boundary, allowing for a large separation between the neighbouring western dwellings and the indoor and outdoor play areas. Southeastern dwelling (4 Collinson St): No indoor or outdoor play areas directly adjoin the boundary to the southeastern dwelling due to the location of the carpark and low-noise rooms along the adjoining boundary, including bathrooms, storerooms and the cot room.	Yes

		Eastern dwellings (retirement units within 16-22 Collinson St): Approximately a third of the rear eastern boundary is accommodated by the building. It is setback 2.078m from the eastern boundary with low-noise rooms located along the boundary where possible, including the cot room, bathrooms, bottle prep area and staff room. The design includes acoustic treatments such as Rw 32 glazing on specific windows, acoustic fencing and landscaping treatments along the boundaries, to create noise barriers and improve acoustic amenity for neighbouring sites. The Acoustic Report also outlines which windows must be closed to comply with the noise requirements. Other operational acoustic measures are described within the acoustic report and plan of management, to ensure potential ongoing noise impacts are controlled.	
	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 proposed childcare centre is located in a residential area and is not within proximity to any major roads or industrial development.	Yes
3.7 Hours of Operation	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.	Hours of operation: Monday to Friday, 7.00am to 6.00pm.	Yes
3.8 Traffic, Parking and Pedestrian Circulation	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. MDCP 2011 Child Care Parking Requirements: 1 space per 4 children (rounded up) = 33 spaces required (132 children)	33 car parking spaces have been provided, inclusive of: - 1 accessible space with adjacent shared space, each sitting in close proximity to the building entrance (space no. 33) - 1 wider space (3.5m) capable of accommodating delivery	Yes

		vehicles when required (space no. 14)	
	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.	A Traffic and Parking Impact Assessment has been prepared by McLaren Traffic Engineering in accordance with the stated requirements.	Yes
	<u>The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</u> • separate pedestrian access from the car park to the facility;	Separated pedestrian access from the car park is provided from both street frontages. The primary access point is from Collinson Street and is located towards the eastern end of the frontage, distanced from the driveway entrance. The path remains separated from the car park and leads directly to the building entrance, whilst linking up with the pathway which adjoins the shared space. The pathway incorporates ramps to a maximum gradient of 1:14 to navigate the slope of the site whilst avoiding stairs. An additional pathway is available from David Avenue, and is to be used for emergency evacuation, rather than as a public entrance point. This path is separated from the carpark through bollards.	Yes
	• defined pedestrian crossings included within large car parking areas;	Pedestrian pathways provide direct access along the eastern side boundary from the street frontage to the building entrance, providing separation from the carpark. Pedestrian zebra crossings are not required due to the location of the pathway which provides direct access and does not cross through the carpark. Traffic flow is one-way only and is not considered to result in any	Yes

		conflicts that would create difficulty for pedestrians walking through the car park between their vehicles and the building entrance.	
	• separate pedestrian and vehicle entries from the street for parents, children, and visitors;	Vehicle and pedestrian access points are clearly separated on both street frontages.	Yes
	• pedestrian paths that enable two prams to pass each other;	The pedestrian paths are primarily 1.8m wide, allowing sufficient room for two prams to pass each other.	Yes
	• delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities;	A delivery parking bay (space no. 14) is located on the opposite side of the carpark to the main pedestrian access to the building. The space will include signage to show that it is designated for use as a deliveries parking bay during the hours of 10am and 3pm. All deliveries will be undertaken during these hours to avoid conflict with the increased number of pedestrians and vehicles during peak drop off and pick up times. Outside of the 10am to 3pm period, this space can be used by parents/guardians.	Yes
	• in commercial or industrial zones and mixed-use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas; and	The site is located in a residential zone.	N/A
	• vehicles can enter and leave the site in a forward direction.	The Traffic and Parking Impact Assessment, prepared by McLaren Traffic Engineering, demonstrates that all vehicles can enter and leave the site in a forward direction.	Yes
	<u>Car parking design should:</u> • include a child safe fence to separate car parking areas from the building entrance and play areas;	The entrance foyer of the facility provides separation between the building and the carpark area. An additional gate and fence accessway is provided between the entry foyer and the rest of the facility, ensuring that children	Yes

		cannot access the entry foyer or carpark area without adult supervision.	
	• provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards; and	The carpark includes 1 accessible space with an adjacent shared space as the closest space to the building entrance (space no. 33). The space meets the relevant Australian Standards. The shared space adjoins a pathway which provides direct access to the building entrance.	Yes
	• include wheelchair and pram accessible parking.	The designated accessible space provides parking for wheelchair users. Spaces adjacent to the accessible space can also use the accessible pathway for pram access to the site. Visitor (parent) parking spaces are wider than those provided for staff.	Yes

Part 4: Applying the National Regulations to Development Proposals

4.1 Indoor Space Requirements	Every child being educated and cared for within a facility must have a minimum of 3.25m^2 of unencumbered indoor space.	Each indoor playroom far exceeds the unencumbered space requirements.	Yes
	Storage: Every child must receive: • a minimum of 0.3m^3 per child of external storage space; and • a minimum of 0.2m^3 per child of internal storage space	The internal and external storage areas far exceed the requirements. External storage Required = 39.6m^3 Provided = 56.76m^3 Internal storage Required = 26.2m^3 Provided = 128.3m^2	Yes

Room	Children	Required	Provided
0-2 (0-2 years old)	28	91m^2	109.4m^2
2-3 (2-3 years old)	31	100.75m^2	124.1m^2
3-4 (3-4 years old)	35	113.75m^2	130.8m^2
4-5 (4-5 years old)	38	123.5m^2	148.1m^2
TOTAL	**132**	**429m^2**	**512.4m^2**

Internal storage space:

Room	Children	Required	Provided
0-2 (0-2 years old)	28	5.6m^3	30.9m^3

	2-3 (2-3 years old)	31	6.2m^3	23.4m^3	
	3-4 (3-4 years old)	35	7m^3	17.3m^3	
	4-5 (4-5 years old)	38	7.6m^3	27.1m^3	
	Additional storage room	-	-	29.6m^3	
	TOTAL	**132**	**26.2m^3**	**128.3m^3**	
4.2 Hygiene and Laundry Facilities	On site laundry facilities should contain: • a washer or washers capable of dealing with the heavy requirements of the facility; • a dryer; • laundry sinks; • adequate storage for soiled items prior to cleaning; and • an onsite laundry cannot be calculated as usable unencumbered play space for children.		A 7.175m^2 on-site laundry room is located on the Lower Ground Floor. Space has been designated for a washer, a dryer and a sink. The room includes sufficient bench space and storage area for soiled items. The laundry has not been included in the unencumbered play space calculations.		Yes
4.3 Toilet and Hygiene Facilities	Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants. Design considerations could include: • junior toilet pans, low level sinks and hand drying facilities for children; • a sink and handwashing facilities in all bathrooms for adults; • direct access from both activity rooms and outdoor play areas; • windows into bathrooms and cubicles without doors to allow supervision by staff; and • external windows in locations that prevent observation from neighbouring properties or from side boundaries.		Each of the four indoor playrooms have a bathroom providing the required toilet and hygiene facilities including.		Yes
4.4 Ventilation and Natural Light	Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.		Each indoor playroom has numerous windows to allow for natural light and ventilation. Playrooms are orientated towards the northern side of the building to benefit from northern sunlight.		Yes
	Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the National Construction Code. Ceiling height requirements may be affected by the capacity of the facility.		Ceiling heights: Lower Ground Floor = 3.15m Ground Floor = 3m minimum (skillion roof allows for an additional 1.5m at the highest point, creating a 4.5m height).		Yes

		The ceiling heights exceed the NCC requirements. The northern aspect allows for ample solar and daylight access. All playrooms have windows on numerous facades to benefit from solar access and achieve good cross ventilation.	
	Ventilation: Good ventilation can be achieved through a mixture of natural cross ventilation and air conditioning. It is recommended that child care facilities ensure natural ventilation is available to each indoor activity room	All playrooms have windows on numerous facades to ensure adequate natural cross ventilation. Air conditioning will also be installed as an additional means of ventilation.	Yes
	Natural Light: Solar and daylight access reduces reliance on artificial lighting and heating, improves energy efficiency and creates comfortable learning environments through pleasant conditions. When designing a child care facility consideration should be given to: • Providing windows facing different orientations; • Using skylights as appropriate; and • Ceiling heights. Designers should aim to minimise the need for artificial lighting during the day, especially in circumstances where room depth exceeds ceiling height by 2.5 times. It is recommended that ceiling heights be proportional to the room size, which can be achieved using raked ceilings and exposed trusses, creating a sense of space and visual interest.	The building has been designed to benefit from the northern aspect. Windows are provided on northern, eastern and western facades. This, in conjunction with the generous ceiling heights, allows for ample solar ad daylight access into the playrooms. Ceiling heights exceed the requirements and are proportional to the room sizes and depths. The Ground Floor includes skillion roofs allowing for raked ceilings which create additional height for an increased sense of space and visual interest.	Yes
4.5 Administrative Space	A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.	A designated administration room is located adjacent to the entry. The room includes a window into the entry foyer, allowing it to also act as a reception area.	Yes

		An additional office room is also located adjacent to this entry area which allows space for private meetings. The facility also offers a large entry foyer area with lounges, allowing additional space for more informal interactions.	
4.6 Nappy Change Facilities	Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children. In circumstances where nappy change facilities must be provided, design considerations should include: • properly constructed nappy changing bench or benches • a bench type baby bath within one metre from the nappy change bench • the provision of dedicated hand cleansing facilities for adults in the immediate vicinity of the nappy change area • a space to store steps • positioning to enable adequate supervision of the activity and play areas.	Designated nappy change spaces are provided in the bathrooms of Rooms 0-2 & 2-3 which cater for children aged 0-3 years old. The nappy change spaces include the required facilities.	Yes
4.7 Premises Designed to Facilitate Supervision	A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity.	The centre incorporates numerous windows which allow for supervision between different areas of the building, including between the indoor and outdoor play areas. Windows into bathrooms and nappy change areas are of a height which allow for adult supervision into rooms, whilst maintaining a suitable level of privacy for the children.	Yes
4.8 Emergency and Evacuation Procedures	An emergency and evacuation plan should be submitted with a DA	An Emergency Management Plan and Evacuation Diagrams have been prepared by SPS Fire and Safety.	Yes

4.9 Outdoor Space Requirements	An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m² of unencumbered outdoor space.	The outdoor play space requires an area of 924m^2 to cater to the 132 children. The space provides an area of 1,124m^2, exceeding the requirements.	Yes
4.10 Natural Environment	The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment. • provide a variety of experiences that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment • ensure adequate supervision and minimise opportunities for bullying and antisocial behaviour • enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitate interaction.	The outdoor play area includes various areas which allow children to experience the natural environment. The area includes scattered canopy trees along with additional landscaping along the northern and western boundaries. Shade cloths allow for the continued enjoyment of outdoor spaces during times of increased sunlight. Mixed boulders, rocks, timber logs and soft-fall mulch are also used for climbing activities. Sandpits, timber seating areas, open grassed areas, walking pathways and bike tracks allow for further enjoyment and socialisation, along with the development of skills in the outdoor area. The area is a large open area of a regular shape that ensures there are no concealed areas that prevent supervision. The outdoor area has been designed to facilitate various outdoor learning experiences and has been arranged to encourage interaction and socialisation.	Yes
4.11 Shade	The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun. Outdoor play areas should: • have a minimum of 2 hours of solar access between 8.00am and 4.00pm during winter months, for	The outdoor play area includes canopy trees and shade cloths to provide a mix of shaded and open areas. These shade elements are evenly distributed across the play areas. Some shade will also be provided from the outdoor storage shed located on the northern boundary. The southern end of the play area is also partially covered by	Yes

	at least 30% (or 2.1m²) of the 7.0m² of outdoor space per child required. • adequate shade for outdoor play areas is to be provided in the form of natural shade such as trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area • have evenly distributed shade structures over different activity spaces.	the overhanging balcony of the level above. The combination of these shaded areas provides for approximately 30% of the outdoor play area being shaded from direct sunlight. The outdoor area receives at least 2 hours of solar access due to its northern orientation. The adjoining lot to the north is vacant allowing for uninterrupted northern solar access. Additionally, the rear portion of the western boundary adjoins a street, allowing for further unobstructed solar access on winter afternoons.	
4.12 Fencing	Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.	The outdoor play space is fully enclosed by solid, non-climbable fencing of various heights (described below) which ensure that children cannot go through, over or under it. The solid, non-climbable fencing also ensures that people outside of the facility cannot gain access into the site. The fencing on the eastern elevations is 2.1m high with an awning extending 1m at a 45° angle atop, creating a total height of 2.8m. In addition to providing acoustic treatment and privacy, the awning also provides shade for this portion of the outdoor play area. The fencing on the northern and western elevations is 2.1m high. The elevations are all treated with landscape plantings, ranging from screen plantings to canopy trees, to ensure that the fences do not create a sense of enclosure.	Yes
	In general, fencing around outdoor spaces should: • prevent children climbing over, under or though fences • prevent people outside the facility from gaining access by climbing over, under or through the fence • not create a sense of enclosure • if the outdoor space is being fenced internally, then the fence must be at least 1.2m high.		
	Design considerations for side and rear boundary fences should include: • being made from solid prefinished metal, timber or masonry	The side and rear boundary fences are described above, being solid, at least 2.1m in height and non-climbable.	

	• having a minimum height of 1.8 metres • having no rails or elements for climbing higher than 150mm from the ground.	Additional side fencing within the carpark area along these eastern and western elevations is 1.8m in heights and use the same design and materials as the fencing within the outdoor play area.	
4.13 Soil Assessment	To ensure consistency between the development consent and the service approval application, a soil assessment should be undertaken as part of the development application process. Where children will have access to soil the regulatory authority requires a preliminary investigation of the soil. This includes sites with or without buildings and existing approved children's services where: • the application is to alter or extend the premises • the alteration or extension requires earthworks or deep excavations (exceeding a depth of one metre) • the works are going to take place in an area used for children's outdoor play or will be used for children's outdoor play after the work is completed • a soil assessment has not been undertaken at the children's service. Minor landscaping, creation of sand pits, movement of play equipment and so on do not qualify as earthworks and do not require a soil assessment.	The proposal is accompanied by a Preliminary Site Investigation Report prepared by Geo-Environmental Engineering. The report concludes that the site can be made suitable for a child care facility.	Yes

7.0 APPENDIX 2 – Maitland Development Control Plan 2011

Maitland Development Control Plan 2011 Compliance Assessment		
Control	**Proposed**	**Complies**
PART B – ENVIRONMENTAL GUIDELINES		
B.5 – TREE AND VEGETATION MANAGEMENT		
1 – Clearing of Vegetation that Requires a Council Consent		
Consent from Council is required prior to clearing or pruning the following…	Consent is sought for the removal of three (3) trees.	Yes
An application for the removal or lopping of a tree must demonstrate that the action is required because the tree: a. is dangerous; or b. has a history of branch fall; or c. is structurally unsound; or d. is diseased; or e. is causing damage to an existing structure or utility service substantiated by a qualified person.	Reasons for tree removal are outlined within the AIA, which state the trees cannot be retained due to major TPZ encroachments given their locations which restrict future development.	Yes
Council may require compensatory planting for the removal of trees.	The Landscape Plans prepared by Paul Scrivener Landscape includes numerous canopy trees across the site and street trees, along with various other landscaping treatments which provide for a significantly greater degree of tree canopy and vegetation than is currently provided on the site.	Yes
Council will require a report by a qualified Arborist to be provided confirming the condition of the tree and its reasons for removal or lopping where: a. The tree or other vegetation is listed on the significant tree register; or b. Council determines the removal of the tree may cause significant impacts on native trees or native vegetation, landscape connectivity or threatened fauna habitat; or c. inadequate justification for removal or lopping has been provided.	The proposal is supported by an Arboricultural Impact Assessment ('AIA') prepared by Growing My Way Tree Services which outlines the tree specifications and further details.	Yes
An application seeking a Council consent to clear vegetation under this Part will be considered having regard to the following Performance Criteria and industry standards: • The amenity of the area is maintained through the preservation of trees and other vegetation.	Despite the removal of trees, the amenity of the area is improved through the introduction of numerous replacement plantings and canopy trees which exceed the level of plantings currently on the site.	Yes

• Habitat and corridor function is maintained. • Trees are managed to minimise risk to person and property.	The site is not mapped as containing any biodiversity values and the removal of three (3) trees on the large site is not considered to disrupt any habitat or corridor functions. The existing trees are not viable for retention given the proposed site layout. The new plantings present an improved landscaping approach for the site which minimises risk to person and property.	
B.6 – WASTE NOT – SITE WASTE MINIMISATION & MANAGEMENT		
1.1 Documentation to be submitted		
All applications relating to residential developments, as well as commercial and industrial premises are to include a Site Waste Minimisation and Management Plan (SWMMP) as part of documentation submitted to Council. The development plans should also clearly indicate the location of waste management facilities, including recycling bins and the like.	The proposal is supported by a Demolition and Construction Waste Management Plan and a Waste Management Plan and Operations Guide, prepared by Low Impact Development Consulting. The architectural plans clearly show the location of waste facilities, including the outdoor bin storage area and the indoor waste room.	Yes
A SWMMP outlines measures to minimise and manage waste generated during demolition and construction processes, as well as the ongoing use of the site. The SWMMP is to nominate the following: • The volume and type of waste and recyclables to be generated. • The storage and treatment of waste and recyclables on site. • The disposal of residual waste and recyclables. • The operational procedures for ongoing waste management once the development is completed, including the nominated waste management service provider.	Refer to the two Waste Management Plans listed above for details relating to demolition and construction waste, along with the management of operational waste.	Yes
2 – Site Preparation Phase		
2.1 Demolition of Buildings or Structures		
a. An area shall be allocated for the storage of materials for use, recycling and disposal, giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation and access and handling requirements.	A designated area will be allocated for the storage of materials for use, recycling and disposal, giving consideration to site constraints.	Yes
b. Waste and recycling materials are to be separated.	Waste and recycling materials will be separated and clearly visible via signage.	Yes
c. Measures are to be implemented to prevent damage, minimise health and order risks, and windborne litter.	Measures will be implemented to prevent adverse effects.	Yes

3 Construction Phase		
3.1 Construction of Buildings or Structures		
a. An area shall be allocated for the storage of materials for use, recycling and disposal, giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation and access and handling requirements. Signage is to be incorporated into this area in order for the clear definition of the space.	A designated area will be allocated for the storage of materials for use, recycling and disposal, with consideration of site constraints. Signage will be implemented as required.	Yes
b. Waste and recycling materials are to be separated. Signage shall clearly indicate which bins or disposal units are for waste and those for recycling.	Waste and recycling materials will be separated and identified with signage.	Yes
c. Measures are to be implemented to prevent health and odour risks, and windborne litter.	Measures will be implemented to prevent adverse effects.	Yes
d. The use of prefabricated components and recycled materials should be considered when possible.	This will be considered during the works.	Yes
4 Operational Phase		
4.2 Commercial Developments and Change of Use		
a. The waste area should provide separate containers for the separation of general waste from recyclables.	The internal waste area will have separate areas allowing for the separation of waste types. The bin storage area will provide separate bins for different waste types.	Yes
b. If Council is not the provided waste contractor, then a valid contract with a licensed waste facility is to be kept by the premises or the body corporate managing the site for the collection of waste and recyclables.	Waste is proposed to be collected by a private waste collection service as detailed in the Waste Management Plan and Operations Guide, prepared by Low Impact Development Consulting. A valid contract with the licensed waste facility is to be kept on the premises.	Yes
PART C – DESIGN GUIDELINES		
C.1 – ACCESSIBLE LIVING		
1 – Access Reports		
Access reports shall be prepared by an accredited assess consultant for the following uses: - Centre based child care facility	An Access Report has been prepared by Access First Consulting.	Yes
4 – Car Parking Design		
b. The placement of the designated parking bay/s needs to be as close as possible to the accessible entrance.	The accessible parking bay is the closest car space to the facility entrance. The space adjoins a ramp which leads directly to the building entrance.	Yes

5 – Pathways		
b. Pathways should provide a comfortable grade no steeper than 1 in 14. Ramps and pathways should have a slip-resistant surface with a texture that is traversable by a wheelchair.	The gradient of the pathway is a maximum of 1:14, which is interspersed with flat landings. The pathways will be constructed of a slip-resistant surface with an appropriate texture that is traversable by a wheelchair.	Yes
c. Pathways should be provided with landings except when the pathway grade is flatter than 1 in 33.	Landings are provided throughout the length of the pathways, particularly at corners and intersections with other pathways.	Yes
d. Landings should be located at appropriate intervals and the grade of the pathway between landings should always remain constant.	Landings are located at appropriate intervals and the grade of the pathway between the landings is consistent at 1:14.	Yes
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.	Handrails run along both sides of the pathways in conjunction with landing intervals.	Yes
6 – Ramps		
This refers to any inclined pathway with a grade steeper than 1 in 20 but not steeper than 1 in 14.	The pathway has a gradient of 1:14	Yes
a. Where a ramp is longer than 1,200 mm (1.2m), eighty per cent (80%) of people using wheelchairs can negotiate the 1 in 14 grade independently. However, for longer ramps they need a landing every 9 metres.	The ramped pathway has landings throughout. The longest portion of a ramp between flat landings is 7.75m.	Yes
b. Ramps should also be provided with landings at the top and at the bottom and at appropriate intervals. The grade of ramps between all landings should remain constant.	Landings are provided at appropriate intervals throughout the length of the pathway, including at the top (street) and bottom (building entry) of the path. The grade of all ramps is consistent at 1:14.	Yes
c. Ramps should be provided with both kerbs and handrails on both sides. Care should also be taken to ensure that rails do not intrude into any space where they could cause obstructions.	The ramp is to have kerbs and handrails on both sides. The handrails do not intrude in any space where they could cause obstructions.	Yes
d. If you need to construct a curved access way you should ensure that it has an appropriately designed inside curve, one which matches the chosen grade and allows for safe travel on curved ramps and pathways.	The path does not include any curves.	N/A
e. Landings should also be included at the appropriate distance for the grades. Where crossfall or a sideways slope is provided, it	Landings are provided at appropriate distances. There is no crossfall in the path.	Yes

	should fall towards the centre of curvature of the ramp or pathway.		
f.	The camber and crossfall of ramps and pathways should not exceed the ratio of 1:40.	No crossfall.	N/A
g.	Wherever pathways or ramps join surfaces of a different type or grade, there should be no bumps or crevices at that point where the surfaces meet which could impede smooth forward progress. Sliding door tracks should therefore always be recessed, and special care should be taken where a carpeted surface meets a tiles surface to ensure that accidents cannot occur.	Joining points between surfaces of a different type or grade will not have any bumps or crevices that could impede smooth forward progress.	Yes
h.	A kerb ramp is an inclined pathway not longer than 1,200 mm with a grade no steeper than 1 in 8. Kerb ramps are usually located at the end of footpaths where a road crossing is required. Step ramps have the same dimensions as kerb ramps but can be located in, or instead of a step, other than a kerb.	No kerb ramps are proposed.	N/A
i.	The grade of 1 in 8 has been found to be safe so that people in wheelchairs do not tip over when travelling on the ramp. The width of 1,330 mm for the landing at the top of the ramp will allow a person travelling along the footpath to turn and be in the direction of travel of the ramp before staring the descent.	No kerb ramps are proposed.	N/A
j.	The abutment of surfaces at the top and bottom of the kerb ramp or step ramp should reflect the suggestions contained in the section "Joining of Surfaces". The sides of the ramp or step ramp should be graded at 45 degrees in the direction of travel.	No kerb ramps are proposed.	N/A
k.	Street ramps which continue the line of movement of the footpath are preferred. A corner ramp is potentially very dangerous for the visually impaired or blind and for people who use a wheelchair.	No street ramps are proposed. There is no footpath on the northern side of Collinson Street or the western side of David Avenue.	N/A
l.	Landings refer to a flat surface, with a grade not steeper than 1 in 40. The length of landings at pathways and ramps should not be less than 1,200 mm.	The landings are flat surfaces with lengths of at least 1.2m.	Yes
9 – Handrails			

a.	Wherever there are one or more steps, handrails should be installed on both sides.	Handrails are proposed on both sides of the steps from the carpark to the building entry.	Yes
b.	Full round handrails are the preferred option. They should be between 30 mm and 50 mm in diameter and any exposed edges should always be rounded off.	Handrails are to comply with the requirements.	Yes
c.	The top of the handrails should be between 865 mm and 900 mm above the stair tread of floor. The clearance between the wall and the inside edge of the handrail should be a minimum of 50 mm from any wall. There should also be at least 600 mm of clearance above the top of the handrail.	Handrail clearances are to comply with the requirements.	Yes
d.	Handrails should be securely fixed and rigid so they can easily support a person's weight, with their ends turned downwards for at least 100 mm and then returned in towards the side wall. There should not be any obstruction to the passage of a person's hand along the rail. It is also useful for handrails to be colour contrasted with the surroundings (with or light colour contrasts are preferable).	Handrails are to be securely fixed and rigid. The ends are to be turned downwards and there will be no obstruction to the passage of a person's hand along the rail. Handrails are to be of contrasting colours to the surroundings, ensuring they are clearly visible.	Yes
10 – Stairways			
a.	There should always be closed risers between the stair treads to prevent a persons' foot from catching under the upper tread when they are climbing the stairs.	Stair treads are to have closed risers between each tread.	Yes
b.	There should be a strip of contrasting colour or texture at least 25 mm wide on the tread at the nosing. It is preferable for each step to have a strip - preferably white or yellow.	A 25mm wide strip of contrasting colour will be applied to each step on the tread at the nosing.	Yes
c.	Handrails should be continuous throughout the stair flights and around landings. Wherever the handrail cannot continue without obstruction, a raised warning that the rail is coming to an end should be provided. This warning should be in the shape of a domed button for visually impaired or blind people at the top of the handrail 300 mm before that obstruction.	Handrails are continuous on the stair flights and around landings.	Yes
d.	Handrails which end at the top or bottom of a flight of stairs should extend at least 300 mm from the riser at the top of the stairs and at least 300 mm plus one tread width from the riser at the bottom of the	The external stairs leading from the carpark to the building entry include handrails on both sides which extend 450mm and 850mm from the top and bottom of the stairs, respectively. Appropriate handrails	Yes

	stairs. At no time should the top or bottom step, handrail or balustrade encroach into circulation spaces.	will also be included on the internal staircase.	
11 – Entrances			
a.	In all buildings the main entrance should be made accessible and form part of a continuous accessible path of travel. If making the main entrance accessible is not possible, the accessible entrance should be one which is customarily intended for use by the general public. The location of the entrance should be clearly and directionally signposted at all other entrances/ exits - tactile signs are preferred.	The main entrance to the building is directly accessible from the pathway which leads from Collinson Street and intersects with the pathway that leads from the carpark, adjoining the accessible space. The entrance will be clearly and directionally signposted.	Yes
b.	Where revolving doors or turnstiles are installed in a building such as in some retail outlets or libraries, an alternative hinged or sliding door should be provided.	No revolving doors or turnstiles are proposed.	N/A
c.	Doorways to all homes and buildings should have level access especially where the door has to be opened manually. If a threshold is required at the entrance, its height should not be more than 50 mm and a step ramp (inclined pathway) with a grade not greater than 1 in 8 should be provided.	The main doorway entrance into the building is level with the outdoor landing area.	Yes
12 – Doorways			
c.	The distance between doorways should not be less than 1,340 mm unless the doors open into this space i.e. in air locks, vestibules etc. in which case the distance you calculate should include the width of door leaf.	There are no major conflicts with doorways. Most doors open inwards to avoid conflicts with nearby doors.	Yes
d.	Generally, door handles should be of the type that can be easily opened and closed by one hand. Wherever possible lever action handles are preferred. They should be of the type which will not permit the hand to slip from the handle while using it.	Lever action handles are to be used where possible. The handles will be of a type that will not permit the hand to slip from the handle while using it.	Yes
e.	The clearance between the handle and the door measured at the centre of the handle should be between 35 mm and 45 mm from the door surface. Opening and locking controls for door should be placed between 900 mm and 1,100 mm above the finished floor (see AS 1428.1 Clause11).	Clearance spaces between the handle and door, including locking controls, are to comply.	Yes
f.	Switches and power points should all be consistently horizontally aligned with the door handles and other controls and not	Switches and power points are to comply with the requirements listed.	Yes

	less than 500 mm from the internal comers. Rocker action, toggle or push pad switches with a recommended width of 35 mm are the preferred types.		
13 – Signs & Symbols			
a.	The International Symbol of Access, illustrated below, should be displayed where buildings are accessible. 	The International Symbol of Access will be displayed on the building as required.	Yes
b.	The international symbol can have other pictograms, words or arrows placed beside it but should not have any other information superimposed on it. It is preferable to use graphics rather than words. Large and contrasting letters should be utilised where words are included. Preference should be given to tactile signs.	Signs will be designed in accordance with these requirements.	Yes
c.	Wherever there are changes of direction necessary to reach an accessible facility a series of signs may need to be installed. Signs need to be consistently placed wherever a decision needs to be made. This symbol can face either right or left to indicate the desire direction of travel. It should only be used to indicate a facility which meets the requirements of the Standard AS 1428.1.	A sign will indicate that the facility meets the requirements of AS 1428.1, as confirmed by the Access Report.	Yes
d.	Tactile identifiers can be either raised or recessed. A directory inside the entrance of a building is a good location for these signs and symbols and should be consistently placed at such locations.	Tactile identifiers are to be included in the directory as required.	Yes
e.	Inside a building where there are a number of rooms, it is helpful if rooms have tactile numbers located within reach at the side of the door but not on the door itself.	Tactile numbers to be located at the sides of doors as required.	Yes
f.	Signs and symbols should be situated on a wall which provides a colour contrast. Signs should also be evenly lit and non-reflecting or otherwise dazzling to the eye. It is also important that signs are not placed where they can become lost against a confusing background.	Signs and symbols to be situated so that there is a colour contrast and are to be evenly lit where required.	Yes
14 – Planning a Bathroom			
a.	A bathroom which needs to accommodate a bath, shower recess, hand basin and toilet	An accessible bathroom is provided on both levels of the facility. The main bathroom	Yes

should be 2100 mm x 2800 mm. Most average sized bathrooms can be adapted by ensuring that the shower recess has only two fixed walls and no hob (or kerb).	located on the Ground Floor is 2450mm x 2845mm and includes a shower (with two fixed walls and no hob), hand basin and toilet. The second bathroom located on the Lower Ground Floor is 2050mm x 3050mm and includes a hand basin and toilet.	
b. The door, if hinged, should open outwards so as not to interfere with floor space requirements.	The doors to both accessible bathrooms open outwards.	Yes
15 – Planning a Kitchen		
a. Try to ensure an unbroken sequence of surfaces between the food storage and food preparation areas and cooking appliances.	The kitchen has been designed to ensure an unbroken sequence of surfaces.	Yes
b. Use L or U-shaped layout with adequate circulation space	The kitchen has a U-shaped layout with connected benches along three of the four walls. Ample circulation space is provided, with the space between the benches being 1.85m wide.	Yes
c. Carefully consider the height and depth of bench tops, shelving and cupboards and the provision of knee spaces.	The height and depth of bench tops, shelving and cupboards will be carefully considered to ensure accessibility. Knee spaces will also be provided.	Yes
d. Use single or dual lever action hot and cold taps with a mixer.	Single or dual lever action hot and cold taps with a mixer will be incorporated.	Yes
Appendix A – Building Classes		
Class 9(b): A unisex toilet shall be provided for the disabled.	A unisex accessible toilet is provided on both levels of the facility.	Yes
C.2 – CHILD CARE CENTRES		
This chapter has been repealed. All Child Care Centre developments shall comply with the requirements and 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.	Noted. The proposal has been assessed against all requirements of the TI SEPP in this report, including the CCPG. The proposal satisfies these provisions.	Yes
C.11 – VEHICULAR ACCESS & CAR PARKING		
1 – General Requirements		
1.1 General Requirements		

In determining the parking and traffic requirements for a development proposal, the following principles shall be followed: • the minimum standards as set out in this plan; • the likely demand for off-street parking generated by the development; • the availability of public transport in the vicinity to service the proposed development; • the probable mode of transport to be used by employees and/or customers; • the likely peak times of usage of the proposed development; • the existing traffic volumes on the surrounding street network including, where relevant, the potential future traffic volumes; and • the equity of requiring of-street parking for individual developments within areas such as Maitland City Centre and Morpeth, where historical parking deficiencies have occurred.	The development is consistent with the standards. These matters have been addressed in the Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineering.	Yes
1.2 Calculation of Parking Requirements		
a. 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. c. Where the calculation results in a fraction of a space, the total number of parking spaces required will be the next highest whole number.	See below.	Yes
Childcare centre parking requirement: 1 space per 4 children in attendance and part thereof.	Requirement = 33 spaces Provided = 33 spaces 33 car parking spaces are inclusive of: - 1 accessible space with adjacent shared space located closest to the building entrance (space no. 33) - 1 wider space (3.5m) capable of accommodating delivery vehicles when required (space no. 14)	Yes
Parking must be provided in a convenient location allowing safe movement of children to and from the centre.	The carpark is provided in a convenient location, directly adjacent to the building entry. The site benefits from two street frontages, allowing the carpark to utilise one frontage for an entry point (Collinson Street primary frontage) and the other frontage for an exit point (David Avenue). This allows for	Yes

	traffic to flow through the site in one direction, minimising potential traffic and pedestrian conflicts. Pathways also provide separation between pedestrians and vehicles, allowing for safe movement of children to and from the centre.	
2 – Guidelines for the Design, Layout and Construction of Access of Parking Areas		
2.1 Access to the Site		
A development should be designed to provide adequate on-site manoeuvring and circulating areas to ensure that all vehicles can enter and leave the site in a forward direction.	Dedicated ingress and egress routes have been provided, utilising both frontages and ensuring that all vehicles can enter and exit the site in a forward direction.	Yes
Access to or from a site shall be located where it causes the least interference to vehicular and pedestrian traffic on the road frontage. Access will generally not be permitted in the following locations: a. close to traffic signals, intersections or roundabouts where sight distance is considered inadequate by Council; b. opposite other developments generating a large amount of traffic (unless separated by a median island); c. where there is heavy and constant pedestrian movement along the footpath; d. where right turning traffic entering the facility may obstruct through traffic; and e. where traffic using the driveways interferes with, or blocks the operations of bus stops, taxi ranks, loading zones or pedestrian crossings. f. Direct access onto a major road is to be avoided wherever possible. Auxiliary lanes, (deceleration and acceleration lanes), may need to be provided to minimise conflicts between entering/leaving traffic with through traffic. In many cases, right turn movements into a site are unlikely to be supported, unless an exclusive right turn bay is provided.	These matters have been addressed in the Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineering. The access driveways are not located on roads that experience heavy traffic volumes, and the proposal is deemed appropriate.	Yes
Council may designate areas over the street frontage of the development where no stopping or no parking sign posting is to be installed to facilitate the entry/exit of vehicles and the safe movement of cyclists and pedestrians. Any on-street signage would be required in accordance with Australian Road Rules requirements as identified by Council's Local Traffic Committee.	As per Council's discretion.	Yes
2.2 Sight 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.	Adequate sight distances are provided. This matter has been addressed in the Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineering.	Yes
2.3 Entrance / Exit to the Site		
The entry and exit requirements for parking areas may vary in relation to: • the size of vehicles likely to enter the proposed development; • the volume of traffic on the streets serving the proposed development; and • the volume of traffic generated by the development.	A single-width driveway crossover is provided on both frontages to cater to the one-way traffic through the site. These matters have been addressed in the Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineering.	Yes
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. Requirements specified within 'the guide' are summarised in Tables 1 and 2 in Appendix B, and in general the following shall apply:	These matters have been addressed in the Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineering.	Yes
• separate entrance and exit driveways should be provided for developments requiring more than 50 car parking spaces or where the development generates a high turnover of traffic such as a service station or other drive-in retail facilities;	Less than 50 car spaces are provided, however the development provides separate entrance and exit driveway due to the dual frontages and proposed one-way traffic.	Yes
• entry and exit driveways shall be clearly signposted;	Driveways will be clearly signposted.	Yes
• the number of access points from a development site to any one street frontage should be limited to one ingress and one egress; and	One driveway is provided on each frontage.	Yes
• the potential for on-street queuing should be minimised by ensuring that adequate standing areas are available for vehicles entering the car park and loading areas.	This matter has been addressed in the Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineering.	Yes
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 area is clearly visible from the street, being located in front of the building.	Yes
Parking spaces for employees and for longer duration parking may be located more remotely from the street.	Parking spaces for staff are located within the carpark.	Yes

Within the development site, the location of the parking area should be determined having regard to: a. site conditions such as slope and drainage; b. visual amenity of the proposed and adjacent development; c. the relationship of the building to the parking area; and d. the proximity of the parking area to any neighbouring residential areas.	The carpark has been appropriately located given the site constraints, including the site topography. Landscape plantings assist in improving the visual amenity of the hardstand area. The building is well-situated in relation to the parking area and the context and constraints of the site. The parking area is located near three adjoining sites (two to the west and one to the east). This is an appropriate design given the high-level of landscaping, including screen plantings and canopy trees. This also allows for the building itself and the outdoor play area to have reduced impacts, as it is located within close proximity to only two of the adjoining sites.	Yes
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 required; and, • for the end space in a blind aisle, the width is to be increased to 3.6 metres.	This matter has been addressed in the Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineering. All spaces comply with the relevant standards and swept paths are provided to show manoeuvrability.	Yes
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. In choosing the most suitable pavement type, consideration should be given to: • anticipated vehicle loads; • run-off gradients and drainage requirements; and, • construction constraints.	The parking area will be constructed of concrete which is appropriate for the vehicle loads and use of the site.	Yes
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.	Works will be maintained to satisfactory standards.	Yes
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 provide shade and to provide a buffer between neighbouring land uses.	The parking area includes extensive landscaping to soften the appearance of the hardstand area. Grassed areas, planter beds, low lying plants, screen plantings and canopy trees are used throughout the carpark along the perimeters of the hardstand area and as intermittent planting. This provides buffers between adjoining sites and the streetscape, as well as providing shade.	Yes
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.	Landscaping is used throughout the carpark and on the perimeters to break up and reduce the hardstand areas. The parking bays are within groups of 8, 11 and 14 bays. This arrangement is provided in response to the slope of the stie and the location of the two site frontages. A large deep soil area is provided between the groups of bays on the western side, which includes two canopy trees and extensive screen plantings and low-lying plantings. Extensive perimeter screen plantings are also provided. The car parking area includes numerous canopy trees and various landscaping treatments which effectively soften the presence of the hardstand area and inherently achieve the aims of this control.	Yes
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.	The Landscape Plan demonstrates the selected species, which are appropriate for the locations and site. Visibility is maintained where required.	Yes
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.	Wheel stops are indicated on all parking spaces.	Yes
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	Appropriate and required signs and markings will be implemented during construction and prior to operation.	Yes

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.	As per Council's discretion.	Yes
2.9 Principles for Crime Prevention		
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 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 (e.g. need to lock vehicles); a. Strategies to prevent vandalism through appropriate design, e.g. durable lighting materials and minimisation of exposed walls; b. 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.	The proposal is supported by a CPTED Report prepared by Creative Planning Solutions. The report addresses the principles and objectives of CPTED and provides comments which address these listed controls.	Yes
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	An onsite loading/delivery bay has been provided for small delivery vehicles to use outside of peak drop off and pick up hours.	Yes

where regular deliveries of goods are made to or from 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, utilities or small trucks only, one loading bay will usually be sufficient.	This matter has been addressed in the Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineering. The space complies with the relevant requirements.	Yes
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.	This matter has been addressed in the Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineering. All required delivery vehicles can enter and exit the site in a forward direction and make use of the delivery parking bay, without resulting in any conflicts on traffic on-site or on adjacent streets.	Yes
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.	This matter has been addressed in the Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineering.	Yes
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 bay will be clearly marked. Delivery vehicles are only to use the site outside of peak drop off and pick up hours (i.e. between 10am-3pm), allowing it to be used for visitors during the peak times.	Yes
The loading areas must be designed to ensure that vehicles stand entirely within the site during all loading and unloading operations.	The loading bay is located well within the site and will not stand outside of site boundaries.	Yes
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). Council's Planning and Environmental Group	All relevant parking and traffic matters have been addressed in the Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineering.	Yes

should be contacted if further information is required.		
4 – Car Parking for Persons with a Disability		
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.	The number of spaces required one accessible space to be provided. The accessible space has been provided with the associated shared space.	Yes
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.	The designated space is the closest space to the facility entrance and is accessible via a direct ramped pathway.	Yes
These spaces should be clearly signposted for the convenience of their users and to discourage other drivers from using such spaces.	The space will be clearly signposted.	Yes
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.	The parking space has a width of 2.6m and the shared space has a width of 2.4m to assist with movement.	Yes
5 – Bicycle 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.	The listed technical documents do not provide a specific provision of bicycle parking for child care centres, and as such, no bicycle parking has been provided.	N/A
7 – State Environmental Planning Policy (Transport and Infrastructure) 2021		
Council is required to consult with Transport for New South Wales to obtain advice on traffic and safety aspects for certain traffic-generating developments. This consultation is a statutory requirement prescribed by State Environmental Planning Policy (Transport and Infrastructure) 2021.	The development does not meet the criteria listed in Schedule 3 of the TI SEPP and therefore does not require consultation with TfNSW.	N/A
C12 – Crime Prevention Through Environmental Design (CPTED)		
The following developments shall include a detailed Crime Prevention through Environmental Design assessment that is prepared by an accredited person: • New centres	The proposal is supported by a CPTED Report prepared by Creative Planning Solutions. The report addresses the principles and objectives of CPTED.	Yes

• Mixed use residential/commercial development • Medium and high-density residential development • Subdivisions involving newly developing areas • Parks and open space or publicly accessible areas • Community uses • Sport, recreation and entertainment areas • Other high use areas or developments where crime may be an issue.		