



Statement of Environmental Effects

Demolition of all onsite structures, clearing of some vegetation, construction of a centre-based child care facility and associated works

September 2025

29-33 Cessnock Road, Gillieston Heights NSW 2321

approved



Statement of Environmental Effects

29-33 Cessnock Road, Gillieston Heights NSW 2321

TABLE OF CONTENTS

1.0 Introduction2

2.0 Site Location and Description3

2.1 Proposed Development4

3.0 Statutory Requirements7

3.1 Commonwealth Legislation - Environment Protection and Biodiversity Conservation Act 19997

3.2 Other Acts7

3.3 State Environmental Planning Policies (SEPP).....8

4.0 Local Environmental Plans (LEP) 16

4.1 Maitland Local Environmental Plan 2011 (MLEP 2011) 16

5.0 Development Control Plan (DCP)..... 18

5.1 Maitland Development Control Plan 2011 18

6.0 Environmental Effects 23

7.0 Conclusion 27

1.0 Introduction

Approved Pty Ltd hereby certifies that this Statement of Environmental Effects (SEE) has been prepared in accordance with the requirement of the Environmental Planning and Assessment Act 1979 and its associated Regulations. It is certified that to the best of our knowledge, the information contained within this report is neither false nor misleading.

Document Details

Revision	A, September 2025
Prepared By	Elise Short Principal Planner

This SEE accompanies the Development Application (DA) to Maitland City Council for the demolition of all onsite structures, clearing of all vegetation and construction of a centre-based child care facility.

Development Application Details

Property Address	228/-/DP1096131, 1/-/DP784404, and 1/-/DP779130 29, 31 & 33 Cessnock Road, Gillieston Heights NSW 2321
Local Government Area	Maitland City
Zone	R1 General Residential
Existing Development	Nil
Calculations	Land Area: 3037.9m ² Child care centre GFA: 771.10m ²

The SEE is intended to provide further details, where necessary, on aspects covered in the drawings as well as provide additional information where required. The information following is provided to detail the merit of the proposed development in relation to the provisions set out in both the Maitland Local Environmental Plan 2011 and Maitland Development Control Plan 2011. The DA and SEE have been prepared on behalf of the applicant and addresses the matters referred to in Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the matters required to be considered by the consent authority. The purpose of this SEE is to:

- Describe the existing environment to which the DA relates and the character of the surrounding area;
- Describe the proposed development;
- Outline the statutory planning framework within which the DA is assessed and determined; and
- Assess the proposed development in considering the relevant heads of consideration.

2.0 Site Location and Description

Site and locality

The subject site (the site) is located on the western side of Cessnock Road, on the corner of Cessnock Road and Heyes Street. The land is described as Lot 228 DP1096131, Lot 1 DP784404, and Lot 1 DP779130, addressed as 29, 31 & 33 Cessnock Road, Gillieston Heights in the Maitland Council area.

The site benefits from existing access from Cessnock Road, which will be capped. The current allotments are oriented in an east to west direction, and the topography slopes from the north down to the south at an average of 1:15. The site is bound by Cessnock Road to the east, residential land to the north and west, and Heyes Street to the south.

The onsite land use and built improvements are three dwelling houses, two outbuildings and a swimming pool. There are also trees dispersed over the site, and landscaping is predominately lawn. The land has a total site area of 3037.9m², a total frontage of 60.345 metre (m) to Cessnock Road, a total of 50.29m to Heyes Street, and a depth of 50.545m on the northern boundary.

The area is predominately residential to the north, west and south. Land to the east, on the opposite side of Cessnock Road is a commercial area containing shops, food and drink premises and a childcare centre. Further to the east is more residential development.

The site and location of the proposed development is not affected by bushfire, flooding or any heritage items or areas, biodiversity, mine subsidence or other geotechnical hazard and is outside of any buffer area. Acid sulfate soils mapping and frontage to a classified road apply to the site.

All necessary services are connected to the development site, and the development will not create an unreasonable demand on utilities in the locality. The proposal is not affected by any known easements or 88b restrictions.

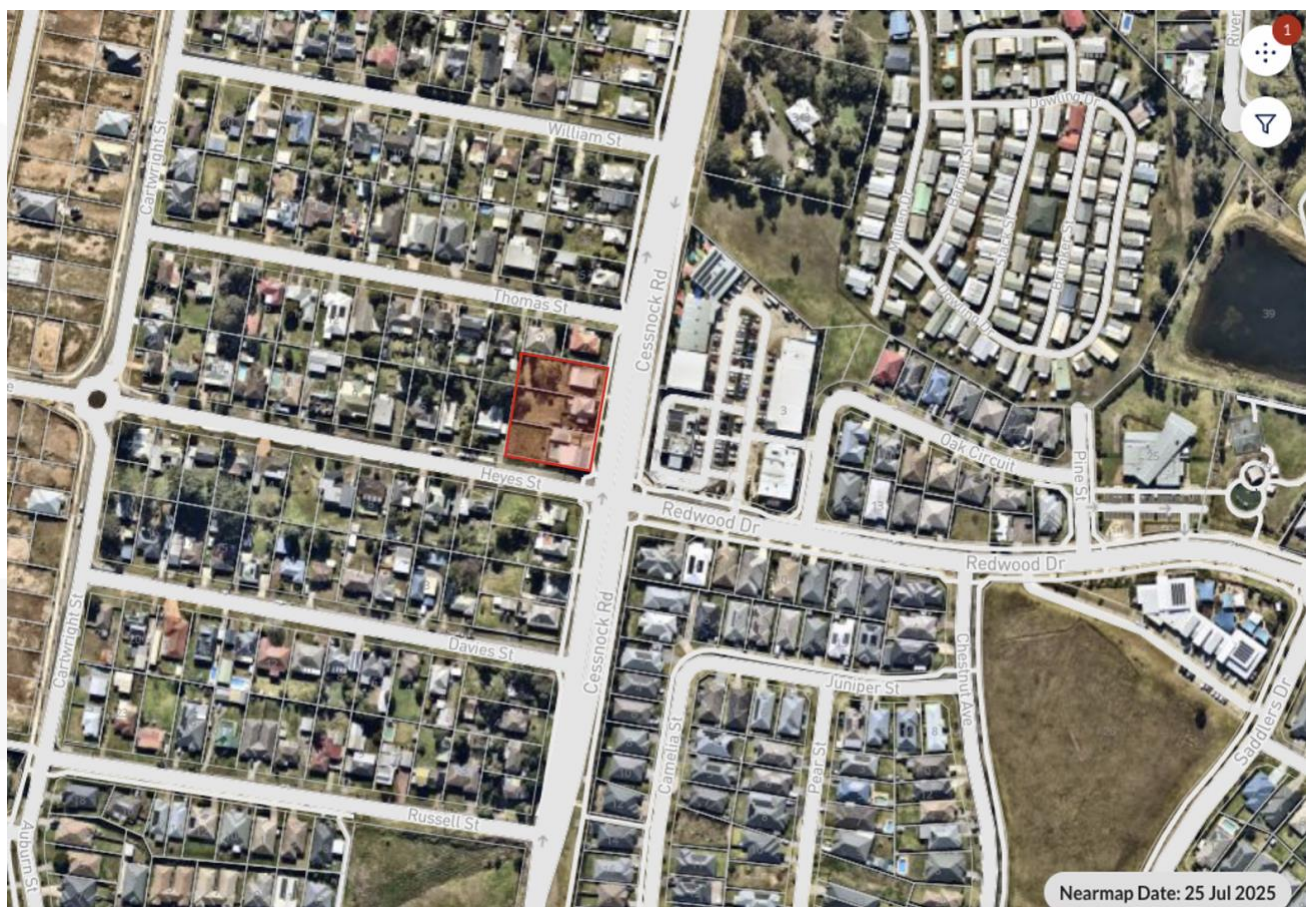


Figure 1: Aerial view, showing subject land highlighted in red (Source: Nearmap).

Development history

The following development history is known for the site:

Application reference	Description	Decision and Date
DA/2024/550	Demolition, Tree Removal, Construction of a Centre Bases Child Care Facility with 132 Children and Signage	Withdrawn 26/03/2025
DA/2019/1106	Demolition of Existing Dwellings and Construction of centre-based childcare centre	Withdrawn 01/06/2020
DA/2016/061	Subdivision – Three (3) lots into four (4) lots and Demolition of Various Structures	Determined 13/12/2017
DA/2011/2320	Two Lot Subdivision	Withdrawn 10/08/2018

2.1 Proposed Development

The applicant seeks development consent to redevelop the site for a child care centre. The proposal will result in a compatible non-residential land use to support the needs of the residents of Gillieston Heights and the Maitland and surrounding areas.

Specifically, the proposal includes the following details:

- Demolition of the following onsite structures and features:
 - 29 Cessnock Road – Single dwelling house, retaining walls and hardstand;
 - 31 Cessnock Road – Single dwelling house, carport and fencing;
 - 33 Cessnock Road – Single dwelling house, weatherboard and metal outbuilding, swimming pool decking, hardstand, and fencing.
- Only 6 onsite trees will be removed. 5 trees will be retained.
- Construction of a Centre-based child care facility including:
 - Construction of a single storey child care centre with a floor area of approximately 771.10m²;
 - Landscaping of the outdoor play space;
 - Construction of an onsite car park; and
 - Boundary fencing.
- Earthworks will be undertaken to level and retain the site under the building, batter in the rear, and level for the carparking area. The outdoor play area will require minor soil disturbance to create the play features and gardens which largely utilise the topography of the site outside the building footprint.
- A single, double-width access crossing will be required from Heyes Street for the car park ingress and egress. The access crossings from Cessnock Road will be capped.
- Proposed external materiality includes face brick work, metal roof sheeting and lightweight cladding for visual interest.
- Operation of the Child Care Centre will occur Monday to Friday between 7.00am and 6.00pm. The Centre will accommodate up to 128 children, and a maximum of 23 staff will be on site at any one time.

Consolidation of the lots into a single parcel of land will also be undertaken, if deemed necessary by Council.

Overall, the development is considered to provide a compatible non-residential development and use on the site while displaying quality design and architectural features to complement the nearby residences and commercial development. Refer to below concept designs.

The full suite of plans, including landscaping and car parking plans are contained within the accompanying plan sets.



Figure 2 : Cessnock Road elevation (Source: Architectural plans)



Figure 3 : Heyes Street elevation (Source: Architectural plans)



Figure 4 : Proposed site and landscaping plan (Source: Landscaping plans)

3.0 Statutory Requirements

This section deals with the proposal's consistency with the various statutory and non-statutory provisions. It also addresses the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).

3.1 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environmental Protection and Biodiversity Conservation Act (EPBC) 1999, in conjunction with the Commonwealth Environmental Protection and Biodiversity Conservation Regulations 2000, provide the basis for national environmental protection and conservation.

A search of the Protected Matters Search Tool revealed that there are 6 Threatened Ecological Communities, 41 Threatened Species and 13 Migratory Species which are likely to occur within the surrounding area **but not** the site. The land forms part of an existing residential area with no high value endemic flora or fauna found on the site. The proposed works pose negligible risk to any of the potential species in the area.

The subject site is not situated on or near an area of environmental significance and does not contain any national environmental significance items. By virtue of the historic use of the land and conditions of the site the proposed development is not considered to provide any adverse impact on an EPBC matters and can be supported in relation to this Act.

3.2 Other Acts

Consideration was afforded to other legislation, including legislation concerning whether the proposal is integrated development. Integrated development is development that, in order for it to be carried out, requires the following approvals:

General Acts

Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016 (BC Act)* aims to maintain a healthy, productive, and resilient environment consistent with the principles of ecologically sustainable development. The BC Act requires all types of development (including those under Part 4 and Part 5 of the EPA Act) to be assessed to determine whether the biodiversity offset scheme is to be applied.

The site is not mapped as biodiverse land, and the proposed tree clearing does not otherwise trigger the need to apply the considerations of this Act to the development.

Local Government Act 1993

In accordance with the Local Government Act 1993 (LG Act), new or altered connections to water, sewer and stormwater require approval as per Section 68 of the LG Act. The necessary approvals will be sought subject to approval of this application. The disposal of liquid trade waste also requires approval under Section 68. The kitchen facilities will be used for some food preparation activities. Hunter Water stamped plans accompany this application. Subject to DA approval, and consistent with the Section 50 issued for this development, any necessary trade waste approval to be sought as per Hunter Water requirements.

Integrated Acts

Integrated development is development that, in order for it to be carried out requires the following approvals, and/or consideration of these Acts, under Section 4.46 of the EPA Act:

Roads Act 1993

A new access crossing is proposed from Heyes Street. Approval under Section 138 of the *Roads Act 1993* will be sought prior to any works commencing on the new access and for the capping of the existing access crossings onto Cessnock Road.

3.3 State Environmental Planning Policies (SEPP)

The following State Environmental Planning Policies are considered applicable to the land and relevant to the proposal such as to warrant consideration:

State Environmental Planning Policy (Sustainable Buildings) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 (SB SEPP) came into force on 1 October 2023 and applies to a range of both residential and non-residential development types.

Chapter 3 Standards for non-residential development

Section 3.1(1)(b) Application states that this chapter applies to non-residential development for alterations, enlargement, or extension of an existing building, if the development has a capital investment value of \$10 million or more. The redevelopment of the site for a child care centre does not exceed this CIV and the consent considerations of this Policy and chapter do not apply.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

This Policy seeks to protect the biodiversity values of trees, other vegetation, and amenity in non-rural areas of the State, as well as to preserve koala habitat, and protect River Murray lands and other Water catchments. The site is not mapped as Biodiverse land, nor is it located within River Murray lands or a listed water catchment.

The proposed tree removal will disturb six (6) isolated trees which will not impact on the boarder biodiversity of the area, nor will it impact on koala habitat. A supporting Arboricultural Impact Assessment accompanies this application.

State Environmental Planning Policy (Industry and Employment) 2021

This Policy includes provision for development in the Western Sydney employment area as well as the appropriate management, regulation, and effective implementation of signage and advertising.

Chapter 3 Advertising and signage

A single metal sign is proposed above the entry way of the building on the parapet. A roof sign is also proposed on the Cessnock Road roof plane towards the front of the building. In accordance with *Section 3.6 Granting of consent to signage*, we can confirm that the proposed business identification signage is consistent with the objectives of this Chapter and satisfies the assessment criteria under Schedule 5 as follows:

Schedule 5 Assessment Criteria

1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Complies A single business identification sign is proposed to each road elevation. The signage is within the built form and is in keeping with the theme of outdoor advertising in the area.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	
2 Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	Complies The site is not located in a special area.

3 View and vistas

Does the proposal obscure or compromise important views?	Complies
Does the proposal dominate the skyline and reduce the quality of vistas?	The signage will be flush mounted and will not protrude or impact on the skyline, views, or vistas in the locality.
Does the proposal respect the viewing rights of other advertisers?	

4 Streetscape, setting or landscape

Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Complies
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage is located and scaled to fit within the building articulation and dimensions. The visual interest of the street and building form will be maintained.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The signage avoids cluttering of advertising and business identification signage.
Does the proposal screen unsightliness?	There is no unsightliness to screen.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The sign is located within the confines of the building form and does not protrude.
Does the proposal require ongoing vegetation management?	Ongoing vegetation management is not required to preserve sightlines to the signage.

5 Site and building

Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Complies
Does the proposal respect important features of the site or building, or both?	The signage has been incorporated into the building entry façade and is compatible with the form, function, and proportions of the building. The roof signage is unobtrusive.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The features of the building are maintained. The location is considerate of the architecture of the building.

6 Associated devices and logos with advertisements and advertising structures

Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Complies
	No devices, etc are proposed.

7 Illumination

Would illumination result in unacceptable glare?	Complies
Would illumination affect safety for pedestrians, vehicles or aircraft?	The signage will not be illuminated.
Would illumination detract from the amenity of any residence or other form of accommodation?	
Can the intensity of the illumination be adjusted, if necessary?	
Is the illumination subject to a curfew?	

8 Safety

Would the proposal reduce the safety for any public road?

Complies

Would the proposal reduce the safety for pedestrians or bicyclists?

The signage is located to avoid impacts on the safety of the public road, pedestrians, and users of the property.

Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?

No obstruction of sightlines occurs.

State Environmental Planning Policy (Planning Systems) 2021

This SEPP sets out the thresholds for Regionally and State Significant Development. The thresholds can be activated through the Capital Investment Value (CIV) of a project relative to the type of project that it is.

Schedule 6 Regionally significantly development – general sets a CIV value of more than \$5 million for private infrastructure and community facilities, including child care centres. The proposed development has a CIV of \$2.948 million and therefore not considered regionally significant and can be lodged and determined by Maitland City Council.

State Environmental Planning Policy (Resilience and Hazards) 2021

The Resilience and Hazards SEPP contains provisions relating to land use within the coastal zone, certain hazardous and offensive developments, as well as a state-wide framework for the remediation of contaminated land. The following chapters of this Policy apply for consideration of the development.

Chapter 4 Remediation

The site is not known to be identified as potentially contaminated as confirmed in the Detailed Site Investigation (2019) and confirmation of currency (2025) which accompanies this application. Therefore, in accordance with Chapter 4, further investigations and remediation actions are not necessary for the purposes of this proposal and development application.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Amongst other things, the Transport and Infrastructure SEPP sets out the planning rules and controls in relation to infrastructure in NSW. This Policy provides controls in relation to the construction of infrastructure and also development near to major infrastructure facilities.

Of relevance to this site and development is the land having frontage to a classified road (Cessnock Road) and the development being for a child care facility.

Chapter 2 Infrastructure

Division 17 Roads and traffic | Subdivision 2 Development in or adjacent to road corridors and road reservations

The site has frontage to Cessnock Road which is a classified road. *Section 2.119, Development with frontage to classified road*, applies, and requires that the proposal will not impact on the efficiency or operation of this road. The development proposal includes a new access crossing and intensification of traffic to and from the site, although the proposal relocates the access to Heyes Street being the secondary road frontage, in accordance with this Policy.

Given the corner location and intensification of traffic, a Traffic Impact Assessment (TIA) has been prepared to assess the proposal in relation to maintaining the safety, efficiency, and ongoing operation of the classified road. The TIA report accompanies the application and demonstrates the suitability of the proposed development.

Section 2.122 Traffic-generating development specifies that if the development were to generate 200 or more motor vehicle movements per hour on a road (generally), or 50 or more motor vehicle movements per hour on a classified road it would be deemed to be traffic generating development. The TIA has confirmed that the use will not generate 200 or more movements per hour, and the proposal is not integrated traffic generating development under this Policy.

Chapter 3 Educational establishments and child care facilities

The following Sections of this chapter apply to the development.

Part 3.3 Early education and care facilities – specific development controls

Clause 3.22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development	<p>Concurrence of the Regulatory Authority is not required under this clause as the indoor and outdoor unencumbered space complies with the Education and Care Services National Regulations.</p> <p>The calculations which confirm compliance are included below.</p>
Clause 3.23 Centre-based child care facility—matters for consideration by consent authorities	<p><i>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 <u>Child Care Planning Guideline</u>, in relation to the proposed development.</i></p> <p>The child care planning guideline is discussed below.</p>
Clause 3.24 Centre-based child care facility in certain zones—additional matters for consideration by consent authorities	<p>The development is not in a prescribed zone (E4, E5, IN1 or IN2). Further consideration of this clause does not apply.</p>
Clause 3.25 Centre-based child care facility—floor space ratio	<p>This clause applies to land zoned R2. The subject site is zoned R1, and consideration of this clause is not required.</p>
Clause 3.26 Centre-based child care facility—non-discretionary development standards	<p>This Section sets out the standards, which if complied with Council <u>cannot</u> require more onerous standards, including local standards in development control plans.</p> <p>The standards here reinforce the childcare guidelines requirements for indoor and outdoor space and otherwise does not restrict the size of the land or building material colour, with which the subject development complies and therefore it complies with this clause.</p>
Clause 3.27 Centre-based child care facility—development control plans	<p>This clause relates to a provision of a development control plan (DCP) which applies a requirement, standard or control in relation to operational or management plans or arrangements demonstrated need, proximity, any matter contained in Part 2 of the Child Care Planning Guideline, or the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).</p> <p>If the DCP includes these matters, they do not apply to the consideration of a child care centre application.</p> <p>The Maitland DCP 2011 is discussed below with regard to this Clause.</p>

Child Care Planning Guideline

The Child Care Planning Guideline (the Guideline) is broken up into five sections:

- 1 Introduction,
- 2 Design quality principles,
- 3 Matters for consideration,
- 4 Applying the National regulations to development proposals, and
- 5 Glossary of terms.

Of relevance to this report are sections 2, 3, and 4, discussed here.

Section 2 Design quality principles

Design quality principles relate to context, built form, adaptive learning spaces, sustainability, landscape, amenity and safety

The principles outlined in this section have been considered against the subject development

Principle 1 – Context

The proposed child care centre is responsive to its surrounding and site attributes. It maintains the single storey development of the area and utilises site topography. It is of a bulk, form and scale compatible with the context of the site on the zone interface between the residential site and zone with the commercial zone opposite on Cessnock Road.

Principle 2 – Built form

The contemporary design is of a scale, form and presentation that is appropriate for the site achieving consistency with setbacks, open space, parking needs, and accessibility. It defines the public/private interface of the site and avoids overlooking and amenity impacts through the separation of built form and the use of landscaping.

Principle 3 – Adaptive learning spaces

The internal flow of the building provides for adaptive learning spaces integrated with the outdoor areas while being responsive to the site conditions and needs of the children.

Principle 4 – Sustainability

The building employs sustainable design practice and materials which are durable and efficient. The reuse and recycling of materials in the build and day to day use enhance the sustainability of the proposal.

Principle 5 – Landscape

The landscaping of the outdoor spaces is integrated into the site topography providing amenity and well-designed spaces for play and learning. The site landscaping also enhances the design, function and appearance of the building and other site features.

Principle 6 – Amenity

Internal site amenity is achieved through the open and functional internal design of the centre as well as its integration into the outdoor spaces.

Neighbour amenity is protected through the use of appropriate setbacks, landscaping and fencing to provide privacy, positive visual outlook and noise attenuation.

Principle 7 – Safety

The design of the centre, and the site, promotes safety and security providing a centre which optimises the built and natural environment for learning and play while delineating public and private spaces with controlled access as necessary and passive surveillance throughout the site without that impacting on privacy or amenity of neighbours.

Section 3 Matters for consideration

3.1 Site selection and location

The site is consistent with this section as it is assessable, nearby to residential and commercial development and is not contaminated (as confirmed by the support site investigation) or otherwise hazardous land (it is not bushfire prone or flood prone).

3.2 Local character, streetscape and the public domain interface

The scale and design of the child care centre is compatible in the streetscape and with the character of the area.

The development achieves clear delineation between public and private spaces through boundary treatments which are compatible with the use and the area.

Retaining is setback from the boundary and accommodates levels of planting which soften the building and hardstand, and delineate the public and private space.

3.3 Building orientation, envelope, building design and accessibility	<p>The design responds to the site, it optimises solar access and mitigates impact on neighbours by being situated in the middle of the site, providing car parking and outdoor space on the boundaries of the site.</p> <p>The building and outdoor spaces are accessible and safe, and consistent with established setbacks around the site.</p> <p>The ratio of building to land area, while not controlled by the planning instruments, is consistent with site coverage in the area.</p> <p>The roof design, building form and materiality presents a contemporary building which respects the character of the area and marries a commercial use with residential compatible style, fixtures, details, and claddings.</p>
3.4 Landscaping	<p>Landscaping is a key component of child care centres as it helps to integrate the development into the locality and setting, as well as providing the opportunity to incorporate natural features of the site into the design.</p> <p>The proposed landscaping plan demonstrates that the outdoor spaces have been designed with the topography of the site and achieves accessible levels that provide adventure and experience while increasing amenity and promoting privacy and security.</p>
3.5 Visual and acoustic privacy	<p>The height of boundary fencing, and some of the proposed landscaping treatments prevent overlooking from the streets or from neighbouring land which consists of single storey dwelling houses.</p> <p>Privacy of the neighbouring dwellings are also maximised by the single storey building form and generous setbacks of the building from each boundary.</p> <p>A supportive Acoustic Impact Assessment accompanies this application.</p>
3.6 Noise and air pollution	<p>In regard to noise, an Acoustic Impact Assessment accompanies this application.</p> <p>An Air Quality Assessment has been submitted with this application and confirms that the location of the play spaces is suitable and recommends that the eastern elevation have suitable mechanical ventilation and non-openable windows to further mitigate impacts.</p>
3.7 Hours of operation	<p>The guideline recommends that hours of operation should be confined to between 7am and 7pm, weekdays.</p> <p>It is proposed to operation the centre from 7am to 6.00pm, weekdays which is in keeping with the guidelines.</p>
3.8 Traffic, parking and pedestrian circulation	<p>The recommended parking is the same as the DCP, which is compliant as discussed below. The design and location of the car park account for the access off Heyes Street, site topography, as well as delineation and safety.</p> <p>Separate vehicle and pedestrian access points are provided as recommended here.</p>

Section 4 Applying the National Regulations to development proposals

National Quality Framework Assessment Checklist	<p>The development must demonstrate compliance with the Education and Care Services National Regulations, including the submission of a completed National Quality Framework Assessment Checklist. The checklist which demonstrates compliance with the Framework is included on the following two pages.</p>
--	---

In consideration of these guidelines the site is suitable for the development as:







- It is not identified as impacted by hazards such as flooding, land slip and bushfire;
- It does not contain or adjoin identified environmental heritage or land of biodiversity value;
- The site is in an accessible location with site attributes conducive to redevelopment for this purpose; and
- The development is considered to be compatible with the surrounding area and road network.

D. National Quality Framework Assessment Checklist

Table 2 - Assessment checklist

REGULATION	PROPOSED	COMPLIES (TICK OR CROSS)
<p>104. Fencing or barrier that encloses outdoor spaces.</p> <p>Outdoor space that will be used by children will be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.</p> <p>Note: This clause does not apply to a centre-based service primarily for children over preschool age or a family day care residence or venue for over preschool age children.</p>	<p>Indicate height, materials and style on plans.</p>	<p>✓</p>
<p>106. Laundry and hygiene facilities</p> <p>The proposed development includes laundry facilities or access to laundry facilities OR explain the other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage of soiled clothing, nappies and linen prior to their disposal or laundering.</p> <p>Laundry / hygienic facilities are located where they do not pose a risk to children</p>	<p>On-site or off-site facilities</p>	<p>On-site ✓ Off-site</p>
<p>107. Unencumbered indoor space</p> <p>The proposed development includes at least 3.25m² of unencumbered indoor space for each child.</p> <p>Refer to Regulation 107 of the Education and Care Services National Regulation for further information on calculating indoor space.</p>	<p>Number of children: 128 children in total</p> <p>Required area: 30=97.5sqm; 20=65sqm; 19=61.75sqm; 15=48.75sqm; 12=39sqm</p> <p>Provided Area: 30=98.02sqm; 20=65.25sqm x2; 19=62.29sqm; 15=49.75sqm; 12=41.84sqm and 39.14sqm</p>	<p>✓</p>
<p>108. Unencumbered outdoor space</p> <p>The proposed development includes at least 7.0m² of unencumbered outdoor space for each child.</p> <p>Refer to Regulation 108 of the Education and Care Services National Regulation for further information on calculating outdoor space, and for different requirements for out-of-school-hours care services.</p>	<p>Number of children: 128 children in total</p> <p>Required area: 896 sqm</p> <p>Provided Area 902.31 sqm</p>	<p>✓</p>
<p>109. Toilet and hygiene facilities</p> <p>The proposed development includes adequate, developmentally and age-appropriate toilet, washing and drying facilities for use by children being educated and cared for by the service.</p> <p>The location and design of the toilet, washing and drying facilities enable safe and convenient use by the children.</p>	<p>Show number of toilets and hand basins on plan</p>	<p>✓</p>

Table 2 - Assessment checklist

REGULATION	PROPOSED	COMPLIES (TICK OR CROSS)
110. Ventilation and natural light The proposed development includes indoor spaces to be used by children that — <ul style="list-style-type: none"> • will be well ventilated; and • will have adequate natural light; and • can be maintained at a temperature that ensures the safety and well-being of children. 	Indicate on plans and elevations how natural ventilation and lighting is achieved.	
111. Administrative space The proposed development includes an adequate area or areas for the purposes of conducting the administrative functions of the service; and consulting with parents of children; and conducting private conversations. Note: This space cannot be included in the calculation of unencumbered indoor space – see Regulation 107.	Indicate administrative space on plans	
112. Nappy change facilities (To be completed only if the proposed development is for a service that will care for children who wear nappies) The proposed development includes an adequate area for construction of appropriate hygienic facilities for nappy changing including at least one properly constructed nappy changing bench and hand cleansing facilities for adults in the immediate vicinity of the nappy change area. The proposed nappy change facilities can be designed and located in a way that prevents unsupervised access by children.	Indicate nappy change on plans	
113. Outdoor space—natural environment The proposed development includes outdoor spaces that will allow children to explore and experience the natural environment.	Indicate on landscape plans	
114. Outdoor space—shade The proposed development includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.	Indicate shade on landscape plans	
115. Premises designed to facilitate supervision The proposed development (including toilets and nappy change facilities) are designed in a way that facilitates supervision of children at all times, having regard to the need to maintain the rights and dignity of the children.	Indicate on floor plans	

4.0 Local Environmental Plans (LEP)

4.1 Maitland Local Environmental Plan 2011 (MLEP 2011)

Consideration has been given with regards to the outcomes and prescriptive requirements of the Maitland Local Environmental Plan 2011. The following Clauses are considered applicable to the proposal:

Part 2 Permitted or Prohibited Development

Clause 2.3 Zone objectives and Land Use Table

The site is zoned R1 General Residential. The proposed development is defined as redevelopment of the site for a “Centre-based child care facility” which is a permissible land use with consent in the R1 zone.

The objectives of the R1 zone are outlined below:

- *To provide for the housing needs of the community.*
- *To provide for 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 consistent with the above objectives as it seeks to provide a non-residential land use that will provide a facility and service to meet the day to day needs of local residents in the Gillieston Heights and Maitland Council area.

The proposal can be undertaken in a way that improves the site’s capabilities without hindering the function of surrounding development, facilities, and services. The proposal is of a scale and use that will not detract from the amenity and character of the surrounding natural or built environment.

Clause 2.6 Subdivision – consent requirements

The land may be subdivided, but only with consent, in accordance with this Clause.

The land is currently held under three (3) separate titles. The proposal will be over all the lots, and it is necessary to consolidate the land into a single title. Consolidation is a type of subdivision and consent is sought under this Clause as part of this application.

Clause 2.7 Demolition requires development consent

Consent for the demolition of the onsite structures is being sought as part of this application in accordance with this Clause.

Part 3 Exempt and complying development

The development proposal cannot be undertaken as exempt or complying development and consent is sought via this LEP.

Part 4 Principal Development Standards

Clause 4.3 Height of Buildings

There is no maximum allowable height prescribed for the site under the LEP.

Clause 4.4 Floor Space Ratio

There is no floor space ratio (FSR) prescribed for the site under the LEP.

Part 5 Miscellaneous provisions

There are no Clauses under this Part which apply to the subject development or site.

Part 6 Urban release areas

There are no Clauses under this Part which apply to the subject development or site.

Part 7 Additional Local Provisions

Clause 7.1 Acid Sulfate Soils

The site of the proposed development is identified as located in Class 5 Acid Sulfate Soils zone as prescribed by MLEP 2011.

The proposal does not involve any works within 500m of Class 1-4 land that is below 5m AHD and via which the water table will be lowered more than 1m below the natural ground surface. Accordingly, neither an investigation into the presence of Acid Sulfate Soils or an Acid Sulfate Soils Management Plan is required. The proposal does not disturb, expose, or drain Acid Sulfate soils.

Clause 7.2 Earthworks

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of surrounding land.

Both cut and fill are required to facilitate the installation of concrete slab and footings and for the levelling of the site. The earthworks are not significant and suitable batter, retaining walls and sediment and erosion control measures can be implemented.

In consideration of subclause (3), the proposed groundworks are acceptable and warrant consent as this development is unlikely to have detrimental impact on the environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Conditions of consent can be included in any future consent to address potential sedimentation and erosion control issues.

Any excavated material that is proposed to be removed from the site will be managed in accordance with Council Guidelines and the Department of Environment and Climate Change's (DECC) 'Waste Classification Guidelines Part 1: Classifying Waste'.

Clause 7.9 Essential services

The objective of this clause is that development must be provided the necessary and available essential services, including water, electricity, sewerage disposal, stormwater and access services, as is relevant to the proposal.

The existing residential lots have water, sewer and electricity connections which will be disconnected and a single service provided to the new development and lot, subject to the requirements of the relevant authority.

Stormwater discharge and access are currently achieved via Cessnock Road. The development will cap these services and connected them to Heyes Street. Onsite stormwater detention will also be provided to the centre and site.

In accordance with this clause, the proposal can be provided with the necessary and available essential services without detriment to supply or demand.

LEP Assessment Summary

As confirmed above, the development is permissible in the zone and complies with all the relevant clauses.

5.0 Development Control Plan (DCP)

5.1 Maitland Development Control Plan 2011

Consideration has been given with regards to the outcomes and prescriptive requirements of the Maitland Development Control Plan 2011. The following Chapters are considered applicable to the proposal:

Part A – Administration

The application has been lodged in accordance with this Part.

Part B – Environmental Guidelines

B.5 Tree Management	<p>This application includes the proposal to remove some trees from the site; while retaining and protecting others. Only (6) of the 11 trees are proposed to be removed. Significant compensatory planting is proposed within the landscaping plan for the development.</p> <p>An arborist report accompanies this development application.</p>
B.6 Site waste minimisation & management	<p>Waste Management both during demolition, construction and post construction will be as per Council waste management requirements. Any waste containers used in association with the proposed demolition are to be located on the site where possible.</p> <p>A Demolition, Construction and Operational Waste Management Plan (WMP) accompany this development application.</p>

Part C – Design Guidelines

C.1 Accessible Living	
Access Reports	<p>The centre based child care facility has been designed for accessibility which is confirmed within the access report submitted with this application.</p>
C.2 Child Care Centres	
<p><i>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.</i></p> <p>See previous commentary under Section 3.3 of this report for compliance demonstrated with the current State Environmental Planning Policy (Transport and Infrastructure) 2021 which repealed and replaced the 2017 SEPP listed here.</p>	
C.6 Signage	
Sign types	<p>The sign is a Flush wall sign on the Heyes Steet elevation and Flush roof sign on the Cessnock Road facing roof plane.</p>
Guidelines for Signage	<p>In accordance with the relevant guidelines for signage, the proposed sign is a single, simple sign that fits within the structure of the building façade on Heyes Street and a simple single flush roof sign which is also orientated and scaled within the form of the Cessnock Road elevation.</p> <p>Both signs are markedly less than 25% of the visible wall surface and will be properly installed and maintained.</p>

Residential zones	The site is zoned residential, and the signs are subservient to the building form and preserves the amenity of the residential locality by minimising the visual impact of the signs.
--------------------------	---

C.8 Residential Design

2. Site Analysis & Site Context	Although this project is not for residential development, a detailed site analysis has been undertaken and include in this application.
--	---

4. Bulk earthworks and retaining walls	Bulk earthworks details are provided with the development plans.
---	--

5. Street Building setbacks	<p>The minimum setback allowed from the principal street is 4.5m. The proposed child care centre will have its primary street as Heyes Street. The building has been setback 21.6m from Heyes Street and complies with this clause.</p> <p>The development also has frontage to Cessnock Road being the secondary road for application of the controls. A secondary road setback minimum of 3m applies. The majority of the frontage is proposed at 3.025m from Cessnock Road in compliance with the control.</p> <p>A small section of the frontage is setback at 1.5m to ensure that all outdoor play space is located on the west and there is a continuation of play and covered area. It is considered that this small section of decreased setback is justifiable based on:</p> <ul style="list-style-type: none"> • The adjoining lot presents to William Street and therefore this is a side setback with high fencing on the boundary. This allows for the proposal to appear to step in from the fencing to the full 3m setback providing suitable levels of articulation. • There is onsite and proposed street planting at varying levels to minimise the appearance of the wall in this location. • It is for no more than 1/3 of the elevation. • The wall height is no more than 3m high. <p>Therefore, it is not a visually dominant element and can be supported in the context of the site, neighbours and streetscape.</p>
------------------------------------	---

6. Side and Rear Setbacks	<p>Minimum setbacks are required to the side and rear boundaries as follows:</p> <ul style="list-style-type: none"> <i>a. 0.9m for walls up to 3.0m in height (to underside of eaves);</i> <i>b. 0.9m plus 0.3m for every metre of wall height over 3.0m and less than 7.2m;</i> <i>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.</i> <p>The setback to the boundary with 27 Cessnock Road (Fronting William Street) is 5.8m.</p> <p>The setback with 1 Heyes Street is 1.55m.</p> <p>Both setbacks exceed the requirement and complies with the control.</p>
----------------------------------	---

7. Site Coverage and Unbuilt Areas	<p>The proposal is not listed with a maximum site coverage requirement.</p> <p>In consideration of the general requirements of this section, the proposal contains hardstand and built area to only the necessary areas of the built form, undercover outdoor play and car parking area. The remainder of the employs significant landscaping to balance hard and soft spaces and attempts to provide a development consistent and responsive to the site and locality.</p>
---	---

8. Building Height, Bulk and Scale	<p>The childcare centre responds to the locality in scale, bulk and form.</p> <p>The pre-DA minutes have guided this assessment to apply a maximum building height of 8.5m. The proposal is 8.066m at the highest point high and complies, reducing in height as the building recedes on the site.</p>
---	--

The design of the centre is appropriate in its context as it has an architectural style which corresponds to the surrounding built form without strict replication and incorporates a building size only large enough to cater for the necessary centre components.

Site topography has been carefully considered in the design and the building located to the centre to balance cut and fill. The outdoor play space also utilises existing site topography and vegetation.

The design of the centre also incorporates generous setbacks, substantial landscaping components over the site, and pitched roof design which demonstrate that the development can be considered to provide a sympathetic, attractive and practical use of the site. It has a supportable character, bulk, scale and form.

9. External Appearance	<p>The centre has been designed to be of a respectful scale that is also in keeping with the appearance of the surrounding residences and commercial development opposite the site on Cessnock Road.</p> <p>It combines an architectural style, materials and finishes that create a modern interpretation of the mixed architecture in the area. It is compatible, although it might not be the same. The blending of materials and articulation of the facades provides an aesthetically pleasing proposal that is respectful of the setting.</p> <p>The use of landscaping, colour and materials work together to blend the building into the site topography and the residential character of the area.</p>
-------------------------------	---

13. Landscape design	<p>The detailed landscape plan which accompanies this application demonstrates how landscaping treatments on the boundary, to the parking area and within the outdoor play space has been designed to complement the use, integrate the proposal into the streetscape and meet the controls.</p>
-----------------------------	--

14. Fencing and Walls	<p>The proposed boundary fencing is both consistent with the area and compatible with the controls.</p> <p>Acoustic fencing is provided on the side boundaries with residential neighbours in accordance with the acoustic assessment recommendations. A section of the western boundary will incorporate a retaining wall to ensure level access/egress without impacting privacy.</p> <p>Fencing around the carparking utilises a mixed brick and open panel fence to delineate the area, screen the hardstand but ensure passive surveillance and landscaping can be achieved.</p>
------------------------------	---

18. Stormwater Management	<p>The development will provide onsite stormwater detention with gravity and controlled overflow to the street system as confirmed on the detailed stormwater management plan accompanying this application.</p>
----------------------------------	--

C.11 Vehicular Access and Car Parking

1. 2 Calculation of Parking Requirements	<p>The DCP sets the following parking rates relevant to the development:</p> <p><i>Childcare centre – 1 space per 4 children in attendance or part thereof.</i></p> <p>The proposal is for a 128-place centre. This equates to a requirement for 32 onsite parking spaces.</p> <p>The plans demonstrate 32 parking spaces and is compliant with the control.</p>
---	--

2. Guidelines for the design, layout and construction of access and parking areas	<p>The design of the car parking area and access have been designed in accordance with the controls of this section as well as the relevant Australian Standard requirements.</p> <p>The development separates the vehicular and pedestrian access to the site and incorporates a turning bay.</p> <p>To accommodate the required onsite parking, landscaping has been contained to the perimeter of the parking area. The proposal includes 8 trees and screening shrubs to minimise the visual impact of the hardstand areas. Although the parking is not broken up every 10 spaces by the planting of the tree, it is considered that the proposal achieves the intent of the control to break up the space with planting. It would result in the loss of a parking space if the proposal were to introduce a tree into the section of parking along the building façade where the run of spaces exceeds 10. This is not</p>
--	---

considered necessary as the planting scheme is otherwise consistent with the control as demonstrated in the perspective and elevation plans.

3. Loading/Unloading Requirements

The car parking area includes a waste collection area. This can be accessed in a suitable manner by collection contractors, as reinforced in the TIA.

Deliveries, loading and unloading will otherwise be very limited to the site and can be accommodated within the car parking area as required. Waste collection will occur outside the operating hours of the development to avoid conflict with the use of the car park.

4. Car parking for persons with a disability

The car park includes the provision of accessible parking.

5. Bicycle parking

If required, bicycle parking can be accommodated on the site.

6. Major Traffic Generating Development

The proposal is not a type of traffic generating development.

7. State Environmental Planning Policy (Transport and Infrastructure) 2021

Compliance with the State Policy has been detailed under section 3.3 of this report.

C.12 Crime Prevention through Environmental Design

Objectives

Careful consideration has been undertaken within the design to avoid the opportunity for concealment. The fencing, landscaping and building design reinforce territorial spatiality on the site so that access, entrance and open space are clearly defined. Passive surveillance from the centre outwards further demonstrates the principles of Crime Prevention through Environmental Design.

It is assessed that the proposal optimises safety for staff and children while preserving the street to prevent any potential adverse safety or security impacts off the site. Lines of site into and through the site are provided at the corner and to reinforce this.

DCP Assessment Summary

As confirmed above, the development complies with all the relevant controls of the DCP, with the exception of the secondary street requirements. This non-compliance is only partial and is considered reasonable and supportable as the location of the variation is in proximity to the side boundary of the adjoining lot with a tall fence. Additionally, the proposal incorporates significant landscaping to minimise the visual appearance of the encroachment and is also located on the shortest section of the building. Notwithstanding the secondary frontage partial encroachment, it otherwise achieves the objectives of this control and can be supported.

Draft Maitland Development Control Plan 2025

Draft Maitland DCP 2025 is in the process of finalisation and as such consideration is given to it as part of this application. Having reviewed the Draft DCP, there were no Childcare specific controls, other than for parking, and the most relevant sections included:

- Chapter 2 Environmental Constraints – 2.3 Vegetation Management, 2.5.3 Contamination, 2.5.5 Noise and Vibration, 2.5.6 Air Quality.

The controls of these sections do not differ greatly from the existing DCP, and compliance is achievable or achieved.

- Chapter 3 Site Requirements – 3.2 Earthworks and Retaining Walls, 3.3 Stormwater Management, 3.4 Parking and Vehicle Access, 3.5 Waste Management, 3.6 Sustainability, 3.7 Crime Prevention Through Environmental Design.

The controls of these sections do not differ greatly from the corresponding DCP sections and compliance is achievable or achieved, including with the sustainability considerations.

- Chapter 6 Residential Uses – 6.2 General housing controls.

While the child care centre is not a residential use, this Chapter applies to land where residential development is permitted. Accordingly, and as per the application of the current DCP, consideration has been given to the controls of this section relevant to this proposal.

The controls are largely the same, with the exception of the secondary side setback control which can be as small as 2m. As such, the minor setback encroachment of 1.5m to the secondary side setback is even more consistent with this control and reinforces that it is a supportable variation on merit.

Draft DCP Assessment Summary

As confirmed above, the development complies with all the relevant controls of the Draft DCP, with the exception of the secondary street requirements; however, the encroachment is even more minor than under the current DCP and supportable.

6.0 Environmental Effects

The proposed development has been evaluated with regard to the matters for consideration of section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act) that have not been addressed elsewhere within this statement.

The Provisions of any Environmental Planning Instrument – 4.15(1)(a)(i)

Consideration has been given to relevant Environmental Planning Instruments (EPI) above. The proposed development is not inconsistent with any EPI.

The Provisions of any Draft Environmental Planning Instrument – 4.15(1)(a)(ii)

We are not aware of any Draft Instruments relating to the site or the proposed development.

The Provisions of any Development Control Plan – 4.15(1)(a)(iii)

Consideration has been given to the provisions of the relevant Development Control Plan. The proposed development is not inconsistent with the objectives or controls within any DCP.

The Provisions of any Planning Agreement – 4.15(1)(a) (iiia)

There are no Planning Agreements applicable to this application.

The Provisions of the Regulations – 4.15(1)(a)(iv)

There are no Regulations applicable to this application.

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

Likely Impacts

Context and Setting

The redevelopment of the site from residential allotments to a centre-based child care facility is considered to be compatible in its context and setting. It remains commensurate with the bulk and scale of the area and proposes materials, finishes, landscaping, and amenity treatments to contribute to the streetscape.

The development is not considered to result in a significant adverse land use conflict with surrounding uses as discussed below.

Neighbouring residences

The proposed child care centre provides internal play spaces with suitable separation from side boundaries. External play areas will be fenced with acoustic fencing as per the acoustic report provided with this application.

General

Parking, traffic, and general operation of the centre are not expected to present unreasonable impacts to the broader area dominated by residential development. In addition, the proposal

	has been designed with consideration of the relevant child care guidelines and is a permitted non-residential land use in the zone.
Access, Transport and Traffic	The proposed access, parking and traffic arrangements are demonstrated to be acceptable, as supported by the Traffic Impact Assessment, and expected to have minimal environmental impact.
Public Domain	The proposal would not result in any adverse impacts to the public domain.
Utilities	The proposal will be connected to the mains power, reticulated sewer, and water to the relevant authority requirements.
Heritage	The site is not identified as a heritage item and due to historic disturbance is unlikely to contain any aboriginal heritage.
Other Land Resources	The development is not considered to have a significant adverse impact on land resources (e.g. agriculture).
Water Quality	The development is not in close proximity to any watercourses and stormwater can be stored onsite and drained to a legal point of discharge. The development is not considered to have an adverse water impact.
Soils	Soil profile considered and site topography suitably accounted for in the design of the development. Sediment and erosions control measures to be implemented.
Air and Microclimate	The development is not considered to result in any emissions (e.g. dust, smoke, odour, etc.), which would impact air quality.
Ecological	The site contains no significant protected vegetation, and a Biodiversity Development Assessment Report under the Biodiversity Conservation Act 2016 is not required. The accompanying arboricultural report supports the proposal.
Waste	Demolition and construction waste will be minimised and managed through the relevant management plans. Ongoing waste generation will be stored appropriately on the site and handled through commercial waste collection and recycling services.
Energy	The proposed development incorporates applicable energy efficient design features.
Noise and Vibration	The development is in close proximity to sensitive receivers (residences). The acoustic report and proposed treatments confirm that the centre can operate with suitable measures and will not have a significant adverse noise impact. Noise and vibration during construction to be subject to Council conditions.
Natural Hazards	The site is not identified to be at risk from any natural hazards.
Technological Hazards	None exist in respect to this type of development.

Safety, Security and Crime Prevention	The development is not considered to have a significant adverse impact in relation to safety, security, or crime prevention. Fencing and passive surveillance are provided to enhance site security while also contributing to the streetscape.
Social Impact in Locality	The development is not considered to have an adverse social impact. The proposal provides additional child care spaces supporting the community in a positive manner.
Economic Impact in Locality	The development is considered to have a positive economic impact with the creation of new jobs and provision of a child care service for the broader workforce. No adverse economic impact is expected, and the proposal would not impact future economic viability of the locality.
Site Design and Internal Design	The development has been designed with consideration for the onsite attributes, and neighbouring land. It is a practical layout that utilises passive solar design and is capable of meeting BCA requirements. Landscaping, parking, and redevelopment of the site is practical and user friendly.
Construction	The potential for construction impacts relate to access, traffic, noise, vibration, waste and sediment and erosion. These will all be appropriately managed and regulated to Council and BCA requirements.
Cumulative Impacts	None are likely to result from this scale of development.

Ecologically Sustainable Development

Clause 193 of the Environmental Planning and Assessment Regulation 2021 note that Ecologically Sustainable Development (ESD) requires the effective integration of economic and environmental considerations in decision-making processes. The proposed development is considered to be able to comply with the ESD objectives for the site.

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

The subject site is considered suitable for the proposed development in this location. The SEE has demonstrated in detail that the site is suitable for the proposed development and the proposed works to the dwelling has the following merits:

- The proposed development is permissible development and will be consistent with the R2 zone objectives of the Maitland LEP 2011;
- The works are well proportioned and will fit in with the surrounding built form, appropriate for the site;
- Cohesion with the streetscape, zone interface, site topography and controls has been prioritised to result in a development that is contextually appropriate and maximises the usability of the site for the intended permitted, non-residential purpose.
- Principal planning controls are complied with, or suitable in relation to the minor secondary road setback variation;
- The development does not adversely impact on the location or landscape;
- Efficient and well-considered design solutions are proposed, consistent with Childcare Guidelines;
- The amenity of neighbouring properties is not adversely affected by the proposal. In particular the proposal is designed to minimise impacts side and rear neighbours, with solar access, visual and acoustic privacy, and views not unreasonably impacted; and
- There are no prohibitive constraints posed by the site or those adjacent.

Submissions – 4.15 (1)(d)

The proposal will be notified in accordance with the requirements of Council's consultation policy, providing opportunity for the public to comment on the development.

All reasonable and concerns raised in any submissions will be considered if deemed substantiated by Council.

Public Interest – 4.15 (1)(e)

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

7.0 Conclusion

The Development Application submitted for council assessment is for the demolition of all onsite structures, tree removal, and construction of a centre-based child care facility including ancillary works at 29-33 Cessnock Road, Gillieston Heights in the Maitland City Council area.

The application for development seeks assessment and consent under the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979. The site is zoned R1 General Density Residential under the Maitland Local Environmental Plan 2011, and the development is a type of permissible non-residential development in the zone with consent.

Notwithstanding the non-compliance with the minimum secondary setback specified in the Maitland DCP 2011, the proposed development is considered appropriate and supportable on planning merit. The partial non-compliance occurs on less than 1/3 of the building elevation to Cessnock Road, is required to achieve compliant internal and outdoor unencumbered space that maximises separation to the classified road, is located adjacent to a side setback with high fencing, employs substantial landscaping treatments to minimise the appearance of this section of the elevation, and is on the shortest wall section of the elevation. As such, the proposal reflects a practical response to site constraints and user needs.

This SEE and accompanying documentation have demonstrated the permissibility of the proposal and its compliance with the relevant Acts, environmental planning instruments, local development objectives and controls, and general suitability of the project.

Accordingly, subject to any necessary and reasonable conditions, it is considered that the development will have minimal impact on the amenity of the immediate or surrounding natural or built environment and this application is therefore submitted to Council for favourable consideration.