

DCP Objectives	DCP Recommendations / Controls	Response
<b>C.2 – Childcare Centres</b>		
<b>2.1 <u>Location</u></b>		
<p>a) To ensure that child care centres provide a safe and healthy environment for staff, children and visitors.</p> <p>b) To ensure that the child care centre is compatible with adjoining land uses in terms of air and noise pollution, traffic and parking.</p> <p>c) To ensure that the child care centre is consistent with the objectives of the zone within which it is located.</p>	<p><b>Recommendations:</b></p> <p>To ensure minimal impact on adjoining properties child care centres should ideally be:</p> <p>d) located in close proximity to community focal points such as shopping centres, educational establishments – particularly infants or primary schools, community facilities or recreation facilities.</p> <p>e) within easy and safe walking distance of public transport.</p> <p>f) located on corner sites or sites that are adjacent to open space.</p> <p>g) located (if within residential areas) on properties which have minimal common boundaries so as to reduce noise and privacy impacts on adjoining neighbours</p> <p>h) situated on sites with a minimum gradient. Steep sites have the potential to amplify impact on adjoining properties whilst constraining the availability of level play areas.</p> <p>i) Should it be proposed to locate a child care centre within the location of existing telecommunications infrastructure, applicants are advised to refer to the NSW Telecommunication Facilities Guideline including Broadband (NSW Department of Planning, July 2010) to ensure compliance with location requirements.</p> <p><b>Development Controls:</b></p>	<p><b>Complies.</b></p> <p>The development is suitably located on a corner site near the primary entrance to the Lochinvar Urban Release Area. The site has been developed within the Hereford Hill master-planned subdivision for the specific purpose of a child-care centre to serve future residential populations.</p> <p>The development is situated on a prominent corner site which does not require significant earthworks to provide level play areas.</p> <p>Being on a corner lot, the site has only two adjoining future residential properties and the site layout has been designed to orientated play areas away from these adjoining properties to the greatest possible extent.</p>

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	<p>j) To ensure that child care centres provide a safe and healthy environment for staff and children, Council will not consider any application that proposes the location of a child care centre:</p> <ul style="list-style-type: none"> <li>i. within 200m of a service station unless the application is supported by a preliminary hazard analysis (PHA) under State Environmental Planning Policy 33 and a risk assessment (biophysical and societal) taking into account the sensitivity of the use.</li> <li>ii. within 125m of a classified road (as defined in the MLEP 2011) without the submission of a report detailing the results of air quality and noise level testing.</li> <li>iii. within 100m of heavy industry (as defined in the MLEP 2011) without the submission of a report detailing the results of air quality and noise level testing.</li> <li>iv. within 100m of rural industries, swamps or creeks</li> <li>v. within 100m or in view of a sex services premises or restricted premises</li> <li>vi. within an aircraft noise exposure level area from the aerodrome that is 20ANEF or greater</li> <li>vii. within 100m of above ground high voltage transmission lines, unless the application is supported by a hazard risk assessment which addresses the potential impacts on human health.</li> </ul>	<p><b>Complies.</b></p> <p>The site is within 125m of a classified road (New England Highway).</p> <p>A Noise Assessment has been prepared which finds that traffic noise from the New England Highway will not affect the development and no attenuation is required. Refer to Appendix F for a copy of the Noise Assessment.</p> <p>An Air Quality Assessment has been prepared and this study “study does not consider there is an air quality constraint associated with siting and running a child care centre at the Proposal site from road traffic exhaust emissions from New England Highway”. Refer to Appendix G for a copy of the Air Quality Impact Assessment.</p>

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	k) Whilst child care centres are a permitted land use in a number of residential zones under the Maitland LEP 2011, they are also a commercial activity which in turn must not result in any adverse impacts upon the residential environment. In this regard Council will limit the size, location, operating hours and other matters as necessary to ensure that a proposed child care centre is consistent the zone objectives, that is, the proposal is compatible with the character of the area and of domestic scale and character	<p><b>Complies.</b></p> <p>As demonstrated in the Statement of Environmental Effects, the proposal is of a consistent scale to surrounding (future) residential environment and will operate successfully without imparting any adverse amenity impacts.</p>
<p><b>2.2 Parking and Accessibility</b></p>		
a) To ensure that locations of proposed child care centres enable safe and convenient access by both private and public transport. b) Ensure that the effect of traffic and parking movements generated by the child care centres does not have a significant impact on the adjoining and surrounding street(s), therefore minimising inconvenience to the movement / transportation of nearby residents or business related activity. c) To ensure that off street parking areas are designed to retain and enhance the amenity and streetscape of the location. d) To provide safe and easy access to allow for access by pedestrians (with pram or stroller) and for the mobility impaired into, around and out of the child care centres.	<p><b>Recommendations:</b></p> e) The traffic circulation system which serves the child care centre should be designed to allow safe drop off and collection of children in a clearly lit and convenient location catering for safe movement in a one-way direction for all vehicles. The design should take into account existing pedestrian and cycle routes, nearby traffic generators, subdivision layout, street design, nearby intersections and access in and out of the car park from the street. f) Adequate car parking spaces must be provided to meet the needs of visitors and staff allowing equity of access and safe movement of all children and adults to and from the child care establishment without significantly modifying the visual quality and character of the streetscape. g) Note that in general, child care centres should be located on Council's Collector or Distributor roads, and only those Local roads where it can be	<p><b>Complies.</b></p> <p>The access and parking design provides a simple layout with one-way circulation and separated ingress/egress crossovers.</p> <p>A Traffic Assessment has been undertaken by a suitably qualified consultant and finds the design of the proposed crossovers and parking area is consistent with the MDCP and AS2890 and will facilitate safe and efficient vehicle access to the site. The Traffic Assessment also finds that the proposed child care centre will have a minimal and acceptable impact upon the road network. Refer to Appendix E for details.</p>

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	demonstrated that there will not be a significant impact to neighbourhood amenity	
	<b>Development Controls:</b>	
	h) A child care centre will not be supported in any area which has significant impact on amenity within a neighbourhood area. A Statement of Environmental Effects must consider the impacts of the child care establishment on the local community. (Refer to Appendix 4.0 for details).	<b>Complies.</b> The Traffic Assessment has found that the proposed child care centre will have a minimal and acceptable impact upon the road network.
	i) Proposed child care centres located within a 500m radius of an existing child care establishment must include an assessment of the cumulative impact, including the requirement of a traffic study.	<b>Not applicable.</b> The nearest existing child care centre is St Nicholas EE, located approximately 750m north-west of the site.
	j) Minimum onsite parking shall be provided in accordance with Child Care Centre parking requirements in NSW Road & Traffic Authority's, Guide to Traffic Generating Developments current at the time (currently at the rate of one space for every four children in attendance. Note that the minimum parking requirements in the RTA guide is inclusive of client and staff parking.	<b>Complies.</b> The required parking provision for an 82 place centre is 21, at a ratio of 1 space per 4 children in attendance. The proposal provides 21 car parks. Refer to section 3.8 of the SEE and the Traffic Assessment for further details regarding car parking and vehicle access.
	k) Where requested by Council, a traffic and car park study should be provided demonstrating that the level of traffic generation by the child care centre is within the technical and environmental capacity of the existing road system. The traffic study should take into account major traffic generating developments (including other child care centres) within the affected area.	<b>Complies.</b> The Traffic Assessment has found that the proposed child care centre will have a minimal and acceptable impact upon the road network.

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	l) Access and facilities for the disabled are to be provided in accordance with the Australian Standard AS 1428 Part 1 and Chapter C.1: Accessible Living in this DCP.	<p><b>Complies.</b></p> <p>A PWD spaces is provided immediately adjacent to the building entrance.</p>
	m) One of the allotted vehicle parking spaces shall be provided for disabled parking / service vehicles close to the main entrance of the child care centre.	
	n) Design of the car park surface and borders should incorporate adequate facility for people with prams or mobility aids.	<p><b>Complies</b></p> <p>Per the Civil Works Plan, the pathway adjacent to the car park is at the same level with the adjoining car spaces.</p>
	o) Parking area dimensions and parking layout shall comply with Australian standard 2890.1 – 2004 User Class 3 (being 2.6 metres wide). A minimum aisle width of 6.5m shall be provided.	<p><b>Complies.</b></p> <p>A Traffic Assessment has been undertaken by a suitably qualified consultant and finds the design of the proposed crossovers and parking area is consistent with the MDCP and AS2890 and will facilitate safe and efficient vehicle access to the site</p>
	p) Where 90 degree on-site parking is provided adjacent to the building, pathway access between the car spaces and the building entry point. In such cases vehicle wheel stops must be provided.	
	q) Carparks should be provided with separate entrance and exit driveways (adequately signposted) and separated by a distance that ensures safe, reasonable operation of the car park.	
	r) A footpath must be provided not less than one (1) metre wide across the frontage of the child care establishment building and extend the full length of the car park where the footpath connects directly to the car park.	<p><b>Complies.</b></p> <p>Appropriate footpath connectivity to the building entrance is provided, including from the street and around the perimeter of the carpark. Refer to the Site Plan (Appendix B) for details.</p>
	s) Pedestrian access between public street frontage to the child care centre site and the building should be segregated from vehicle movement areas.	

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	t) A minimum of two (2) parallel car parking spaces should be provided adjacent to the child care centres building entrance to enhance convenience and safety for parents and children.	<b>Complies.</b> Parallel spaces are not proposed however there are 6 perpendicular spaces adjacent to the centre entrance.
	u) Parking areas shall not be located within the building line setback unless the depth of landscaping between the street boundary and the car park is a minimum of 3.0m and the landscaping effectively screens the parking areas from the street. It must be demonstrated that car parking areas will not negatively impact on the streetscape and will not compromise the domestic scale and character of residential areas.	<b>Complies.</b> A 3m wide landscape strip is provided between the street boundary and carpark. The proposed substantial landscaping in this setback will achieve the required screening and streetscape outcomes sought. Refer Appendix C.
	v) Design of site elements and access ways between site elements are to cater for the needs of all users, particularly those with disabilities.	<b>Complies.</b> DDA access is a key component of all child care centre designs and has been incorporated accordingly.
<b>2.3 Acoustic Privacy</b>		
a) To ensure that the noise pollution emanating from a proposed child care centre is acceptable for adjoining premises, particularly in residential areas. b) To ensure that surrounding premises and infrastructure does not expose children and staff to excessive noise.	<b>Recommendations:</b>	
	c) Careful planning at the design stage is necessary, particularly in a residential area, to ensure that the competing requirements of providing adequate outdoor spaces for children to enjoy their activities and the right of adjoining neighbours to a reasonable level of noise amenity are resolved.	<b>Complies.</b> Refer responses to d) – h) below.
	<b>Development Controls:</b>	
d) Where Council is of the opinion that noise has the potential to adversely affect the amenity of neighbouring premises, it may direct the applicant to	<b>Complies.</b>	

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	<p>submit with the Development Application a report prepared by an accredited acoustic consultant demonstrating that the LAeq(15 minute) noise level emitted from the site (including playground activity noise and indoor activity noise) does not exceed the Rating Background Level by more than 5dBA at the proposed site and predicted noise traffic levels are below the level set by the EPA in its Environmental Criteria for Road Traffic Noise.</p> <p>e) Where necessary, selected noise treatments such as acoustic cladding, windows and flooring or the provision of acoustic fencing or landscaping to shield nearby premises from the noise should not impact adversely upon the amenity of surrounding properties or the streetscape and character of the locality.</p> <p>f) Where feasible, appropriate noise mitigation treatments shall be implemented to minimise noise being generated by arrivals and departures, including traffic noise. These treatments could include the careful positioning of arrival and departure access points away from residential property boundaries, the appropriate placement of buildings constructed on site to shield the noise or the provision of acoustic fencing or landscaping.</p> <p>g) Outdoor playgrounds for the child care centre should not be located adjacent to the living/bedroom areas of adjoining residents and consideration should be given to noise minimisation related to hard paved areas and pathways within the children’s play area. All external pedestrian gates shall be fitted with appropriate door closers to provide a slow and regulated closing of the gate to prevent the generation of impact sound.</p>	<p>For a detailed assessment of noise impacts, refer to section 3.11 of the SEE and the Noise Assessment (Appendix F).</p> <p>The proposed site design seeks a balance of providing building/street presence at the primary SE corner of the site, per the requirements of the estate developer, and minimising exposure of future adjoining residents to noise sources (play space and carpark).</p> <p>Whilst the proposal does include play areas and carparking in proximity to future dwellings, the potential noise impacts of these areas will be mitigated by acoustic fencing as discussed in the Noise Assessment (Appendix F).</p> <p>The acoustic fence adjoining the carpark will be 1.8m high and give the appearance of a typical fence. The play area fence proposes a non-typical design with a 2m high acoustic fence and roof structure extending inward at a 45 degree angle to a maximum height of 3.8m.</p> <p>To ameliorate potential impacts to the future adjoining dwelling, the roof panels will be matt-perspex material to not cause overshadowing or glare impacts. The low side of the roof will be set in 200mm and lower than the top of the fence to allow for a gutter to prevent water runoff to the adjoining property.</p> <p>On this basis the proposal is considered to adequately mitigate noise impacts without compromising the residential amenity of the locality.</p>

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	h) For proposals that are located on or within close proximity to a main or arterial road, and/or railway line, a noise assessment must be submitted with the development application which demonstrates that the LAeq(1 hour) ambient noise level at any location within the boundary of the centre during the hours when the centre is operating shall not exceed the “Recommended Maximum” noise level indicated for “school playground” in the table “Amenity criteria” nominated in the EPA’s NSW Industrial Noise Policy”.	The Noise Assessment (Appendix F) has found that traffic noise impacts from the New England Highway will not affect the subject site.
<b>2.4 Site Layout, Building Form and Appearance</b>		
a) To ensure that the design of the building for a proposed child care centre is sympathetic to the topography and natural features of the site whilst the detailing and finishes utilised externally must reflect the character of the existing neighbourhood and streetscape.  b) To ensure that in residential areas the building is in character with the surrounding residential areas in terms of bulk, scale, size and height.	<p><b>Development Controls:</b></p> c) In established residential areas, development proposals for new buildings must have due regard to aspects such as scale, height, bulk, form, density and appearance to ensure that development is appropriate to its surroundings and will maintain and enhance the streetscape character and the general amenities of the locality.  d) A development application will need to demonstrate that the site layout would not adversely affect adjoining or opposite properties by way of noise, light, smell or general activities.	<p><b>Complies.</b></p> The site is not in established area however the proposed design and built form is consistent with the planned character of the surrounding residential estate. Refer to section 3.5 of the SEE.  <p><b>Complies.</b></p> For a detailed assessment of noise impacts, refer to section 3.11 of the SEE and the Noise Assessment (Appendix F).  The proposed centre will operate primarily during the day and will not impart any adverse light impacts.  The use comprises of organised and supervised children’s activities and such will not impart any adverse odour impacts.



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	e) A detailed site analysis plan must be provided with any development application showing the location and proximity of adjoining areas of private open space and habitable room windows to any residential properties.	A detailed site analysis plan has not been prepared as there are no existing residential uses in the surrounding residential estate, which has only recently been constructed.  The proposal provides a 3m setback to adjoining future dwellings and is a single level building. As such it is not expected to impart any adverse privacy or amenity impacts.
	f) The front setback of a child care centre in a new residential area should be 6m. In all other areas or in older residential areas the front set back should be the average of the existing setbacks of the two properties on either side of the site.	<b>Complies with DCP objective</b> Refer to section 3.5.2 of the SEE.
	g) The design and layout of the child care centre must respond to the character of the existing neighbourhood and streetscape. Existing residential character of the locality must be maintained through the use of appropriate finishes material, landscaping, fencing and plantings.	<b>Complies.</b> Refer to section 3.5 of the SEE.
	h) The child care centre must have a domestic scale and character from public view in all residential zones.	
	i) The design of buildings should relate to the slope of the land to minimise earthworks and disturbance to the land.	<b>Complies.</b> Land disturbance has been minimised however some earthworks are required to provide the required single-level building and flat play areas. Refer to Section
<b>2.5 Landscaping and Planting</b>		
	<b>Development Controls:</b>	

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a) To utilise landscaping and planting for its qualities of shading, screening and decorating outdoor areas. b) To provide an attractive natural environment for the users of the site, particularly in the playground area. c) To provide a high visual quality to the site. d) To preserve and enhance amenity and streetscape of the neighbourhood by providing adequate tree retention and tree planting on the site.	e) Development Applications for child care centres must include a detailed landscaping and planting scheme showing existing and proposed planting (including a schedule of species). Appropriate landscaping / planting is to be used to provide screening and privacy to dwellings and private open space areas on adjoining sites; to soften car parking areas and to enhance the visual amenity of the development in the streetscape.	<p><b>Complies.</b>                      The proposed landscaping serves to enhance the visual amenity of the development with native vegetation and screening of potential carpark and fencing built form impacts.</p> <p>Refer to the Landscape Plans at Appendix C for full details</p>
	f) Existing vegetation and other natural features, particularly mature trees shall be preserved on the site wherever possible.	<p>The site contains no existing vegetation.</p>
	g) Appropriate use of planting along the street frontage is encouraged to complement the neighbourhood streetscape.	<p><b>Complies.</b>                      The proposed landscaping serves to enhance the visual amenity of the development with native vegetation and screening of potential carpark and fencing built form impacts.</p> <p>Refer to the Landscape Plans at Appendix C for full details</p>

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<b>C.12 – Crime Prevention through Environmental Design</b>		
<b>1.1 Development requirements</b>		
<ol style="list-style-type: none"> <li>1. The security of buildings and public spaces is achieved through the application of Crime Prevention through Environmental Design principles.</li> <li>2. Territorial reinforcement is achieved through good quality, well maintained buildings and spaces and the delineation of public and private areas.</li> <li>3. Good natural surveillance is achieved by the position of buildings and the orientation of uses toward public areas.</li> <li>4. Landscaping and lighting contribute to the safety of an area.</li> <li>5. Mechanical surveillance (e.g. CCTV) is only used where passive surveillance cannot be achieved or in isolated, high risk areas.</li> <li>6. Way-finding, desire lines and formal/informal routes are reinforced by physical and symbolic barriers that channel and group pedestrians into areas.</li> <li>7. Activity in public spaces is promoted by providing and maintaining high-quality public areas and promoting a diversity of uses that encourage activity throughout the day and night.</li> <li>8. Perception of crime is minimised by maintenance of public areas and the rapid response to vandalism and graffiti.</li> </ol>	<p>The following developments shall include a detailed Crime Prevention through Environmental Design assessment that is prepared by an accredited person.</p> <ul style="list-style-type: none"> <li>• New centres</li> <li>• Mixed use residential/commercial development</li> <li>• Medium and high density residential development</li> <li>• Subdivisions involving newly developing areas</li> <li>• Parks and open space or publicly accessible areas</li> <li>• Community uses</li> <li>• Sport, recreation and entertainment areas</li> <li>• Other high use areas or developments where crime may be an issue.</li> </ul>	<p><b>Complies.</b></p> <p>The type of development proposed is not identified as required a detailed assessment however the following is noted with regard to the design:</p> <ul style="list-style-type: none"> <li>• Territorial reinforcement is achieved via fencing and building placement. The safety of children is of key concern to the proposed use.</li> <li>• Casual surveillance is achieved via the building entrance placement at the street corner.</li> <li>• Building access from the street and also from within the car park is clear and legible.</li> <li>• A high quality streetscape outcome is proposed through built form and landscape design.</li> </ul>

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