



Statement of Environmental Effects

CHILD CARE FACILITY

262 ABERGLASSLYN ROAD,
ABERGLASSLYN

16 DECEMBER 2022



CONTENTS

EXECUTIVE SUMMARY	5
SITE, LOCALITY AND CONTEXT	8
BRIEF HISTORY	8
SUBJECT SITE	8
ZONING CONTROLS	10
HERITAGE	16
DESCRIPTION OF DEVELOPMENT	17
PRE-LODGEMENT MEETING	21
PLANNING CONTROLS	24
STATUTORY CONTROLS	24
POLICY CONTROLS	24
CONSIDERATION OF PLANNING CONTROLS	25
STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021	27
STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021	28
STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021	28
MAITLAND LOCAL ENVIRONMENTAL PLAN 2011	57
MAITLAND DEVELOPMENT CONTROL PLAN 2011	60
CONCLUSION	63

TABLE OF FIGURES

Photograph 1: Shows the existing subject site as viewed from Aberglasslyn Road. 8

Figure 1: Aerial Photograph of Site (Source: Near Maps). 9

Figure 2: Land Zoning Map (Source: ePlanning Spatial Viewer). 10

Figure 3: Aerial Map Extract of the Subject Area (Source: Google Maps). 11

Figure 4: Aerial Map Extract of the Subject Area (Source: Google Maps). 12

Photograph 2: Shows the single storey dwelling houses to the site’s south eastern boundary. 13

Photograph 3: Shows the recently developed residential subdivision to the north east of the parent site (Finch Crescent, Aberglasslyn). 13

Photograph 4: Shows the land parcel adjoining the parent site’s north western boundary. 14

Photograph 5: Shows the streetscape of Aberglasslyn Road, viewing north westwards. 14

Photograph 6: Shows the artists impression of the proposed multi dwelling housing complex (Aerial View) as part of the staged development of the site (Source: MHM Construction Group). 15

Photograph 7: Shows the artists impression of the proposed multi dwelling housing complex (viewed from Aberglasslyn Road) as part of the staged development of the site (Source: MHM Construction Group). 15

Figure 5: Heritage Map (Source: ePlanning Spatial Viewer). 16

Figure 6: Proposed acoustic barrier locations (Source: Day Design). 19

Figure 7: Land Zoning Map (Source: ePlanning Spatial Viewer). 57

QUALITY ASSURANCE	
PROJECT:	Statement of Environmental Effects: CCF
ADDRESS:	262 Aberglasslyn Road, Aberglasslyn
LOT/DP:	Lot 21 in DP841959
COUNCIL:	Maitland City Council
AUTHOR:	Think Planners Pty Ltd

Document Management		
<i>Prepared by:</i>	<i>Purpose of Issue:</i>	<i>Date:</i>
<i>Sean Riddell</i>	<i>Draft Issue</i>	<i>14 December 2022</i>
<i>Reviewed by:</i>	<i>Purpose of Issue:</i>	<i>Date:</i>
<i>Jonathon Wood</i>		

Integrated Development (under S4.46 of the EP&A Act). Does the development require approvals under any of the following legislation?

Coal Mines Subsidence Compensation Act 2017	No
Fisheries Management Act 1994	No
Heritage Act 1977	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No

Concurrence

SEPP (Industry and Employment) 2021	No
SEPP (Resilience and Hazards) 2021	No
SEPP (Transport and Infrastructure) 2021	No
SEPP (Planning Systems) 2021	No
SEPP (Precincts—Central River City) 2021	No
SEPP (Precincts—Eastern Harbour City) 2021	No
SEPP (Precincts—Regional) 2021	No
SEPP (Precincts—Western Parkland City) 2021	No
SEPP (Biodiversity and Conservation) 2021	No

EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a Development Application that seeks to demolish all existing structures in-order to construct a single (1) storey 'Centre-Based Child Care Facility' at 262 Aberglasslyn Road, Aberglasslyn.

It is noted that this child care centre is proposed on a new lot that is currently under assessment under DA/2022/834 that was lodged on 3 August 2022. The balance of the land holding will be subject to a separate DA for housing forms.

The child care facility is to accommodate a total of 101 child care places with parking for 26 car parking spaces within a basement level.

The key aspects of the proposal are provided below:

Centre-Based Child Care Facility:

The proposed centre-based child care facility has been designed to accord with the overarching design criteria outlines in the Child Care Planning Guidelines.

The internal areas will consist of 5 distinct indoor play rooms within a single ground floor level, sleeping rooms, administrative areas including staff rooms and offices, kitchen, laundry, storerooms and amenities. The facility will also accommodate 2 outdoor play areas on the ground floor, separated for different age groups (0-2 & 2-5).

The proposal will operate with a maximum capacity of 101 places with the following age groups:

- 0-2 years: 36 places;
- 2-3 years: 25 places; and
- 3-5 years: 40 places.

The facility provides a total of 346.25m² or at least 3.25m² of unencumbered indoor play area per child and 711m² or at least 7m² of unencumbered outdoor play area per child in accordance with the Education and Care Services National Regulations 2012.

Breakdown of unencumbered indoor play area per age group is provided below:

- 0-2 years: 129m²
- 2-3 years: 81.25m²
- 3-5 years: 136m²

Hours of operation will be 7:00am to 6:00pm Monday to Friday with the facility to provide a total of 18 educators and 1-2 support staff.

The proposed built centre-based child care facility has been designed to accord with the overarching design criteria outlined in the Child Care Planning Guidelines as follows:

- *The design responding to the context of the surrounding area by proposing an attractive single storey built form that will be consistent with the existing residential streetscape rhythm and built form pattern along Aberglasslyn Road.*
- *Appropriate landscape embellishment to ensure the landscape character of the site is respected.*
- *The proposed built form has been designed commensurate with the existing residential character of the immediate locality and in consideration of adjoining developments.*
- *The proposed learning spaces provide a good mix of inclusive learning space for all students.*
- *The development can deliver sustainable design features including natural ventilation and access to natural light to ensure artificial cooling and heating is minimised.*

Parking:

The proposal has provided a total of 26 spaces within a basement parking level, with the following breakdown:

- 15 x staff car parking spaces; and
- 11 x visitor car parking spaces including an accessible car parking space.

Vehicular access between Aberglasslyn Road and the basement parking level is proposed via a new double width vehicular crossover, combined ingress / egress driveway and ramp situated within the north-western corner of the site.

The subject site is located on the north eastern side of Aberglasslyn Road, approximately 120m south east from the intersection of Aberglasslyn Road and Warbler Avenue. The development site is located adjacent to a recently developed residential subdivision.

The development site is within close proximity to Aberglasslyn neighbourhood centre, Rutherford Public School and High School, and is within the wider vicinity of Maitland Town Centre and Rutherford Business Centre. Bus stop with services to Maitland Town Centre (182) are located within a 1.4km walking distance from the subject site.

The development site itself can be best described as a large predominantly regular shaped mid-block land parcel, with a frontage of approximately 52m to Aberglasslyn Road. The parent lot has a total area of 8233m² noting that the parent lot is subject to the DA for a 1 into 2 lot subdivision to create the child care centre lot.

The surrounding area is currently undergoing a transition from large lot residential dwellings towards smaller lot residential subdivisions. As a result, the population of the area is growing, resulting in an increased demand for child care services.

The subject site is zoned R1 General Residential under the Maitland Local Environmental Plan 2011. '*Child Care Facilities*' are permissible within the R1 zone; however, it is noted that the current application is pursuant to Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.

The child care facility has been designed to comply with key planning requirements under Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, Maitland Local Environmental Plan 2011, Maitland Development Control Plan 2011, Child Care Planning Guidelines and Children's (Education and Care Services) Supplementary Care Provisions 2012.

The design scheme has undertaken a conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing within a residential context. Acoustic measures including the incorporation of high solid fencing is provided within the ground outdoor play area to mitigate potential noise impacts to adjoining properties whilst also protecting the noise intrusion into the child care facility. The proposal has been carefully designed with screen planting between the boundary fence and taller acoustic barriers to soften the visual appearance of the barriers.

The development seeks to utilise a vacant land in accordance with its zoning whilst also taking advantage of its size and location within an emerging residential neighbourhood.

The development also aims to provide an attractive single storey building that will not only addresses its frontage but will play a positive role in increasing valuable child care places within Aberglasslyn.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

As detailed further in this statement the development concept is consistent with the planning principles and controls applying to the site and represents an efficient use of well-located land.

Therefore, having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, and that the proposal represents an appropriate use of well-located land that will contribute towards providing valuable child care services, the application is submitted to Council for assessment. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.

SITE, LOCALITY AND CONTEXT

BRIEF HISTORY

It is noted that this child care centre is proposed on a new lot that is currently under assessment under DA/2022/834 that was lodged on 3 August 2022. The balance of the land holding will be subject to a separate DA for housing forms.

SUBJECT SITE

The subject site is located on the north eastern side of Aberglasslyn Road, approximately 120m south east from the intersection of Aberglasslyn Road and Warbler Avenue. The parent site is located adjacent to a recently developed residential subdivision.

The parent allotment has a total size of approximately 8233m² that contains the existing dwelling and large open areas. The child care lot that is currently under assessment has frontage of approximately 52m to Aberglasslyn Road, with a site area of approximately 1904m².

As illustrated by a photo of the site provided below, the site currently contains a single storey dwelling with ancillary structures that are proposed to be demolished under the subdivision DA.

Photograph 1: Shows the existing subject site as viewed from Aberglasslyn Road.



The surrounding area is currently undergoing a transition from large lot residential dwellings towards smaller lot residential subdivisions. As a result, the population of the area is growing, resulting in an increased demand for child care services.

As outlined earlier in this report, the child care facility is part of a staged development, which will subdivide the parent lot and provide 24 single storey multi dwelling housing units to the north eastern and north western boundaries of the child care site.

The parent lot adjoins single storey small lot housing to its north eastern and south eastern boundaries, and residential dwellings on large lots to its north western boundary. It is noted that the land to the north west of the parent site has a minimum lot size of 450m² and can be developed for small lot housing in the future. To its south western boundary, the parent site adjoins Aberglasslyn Road, which separates the site from residential dwellings on large lots, with a minimum lot size of 5000m².

The aerial extract below of the immediate locality provide context to the development site noting comprehensive development has already occurred to the east and south of the site.

Figure 1: Aerial Photograph of Site (Source: Near Maps).

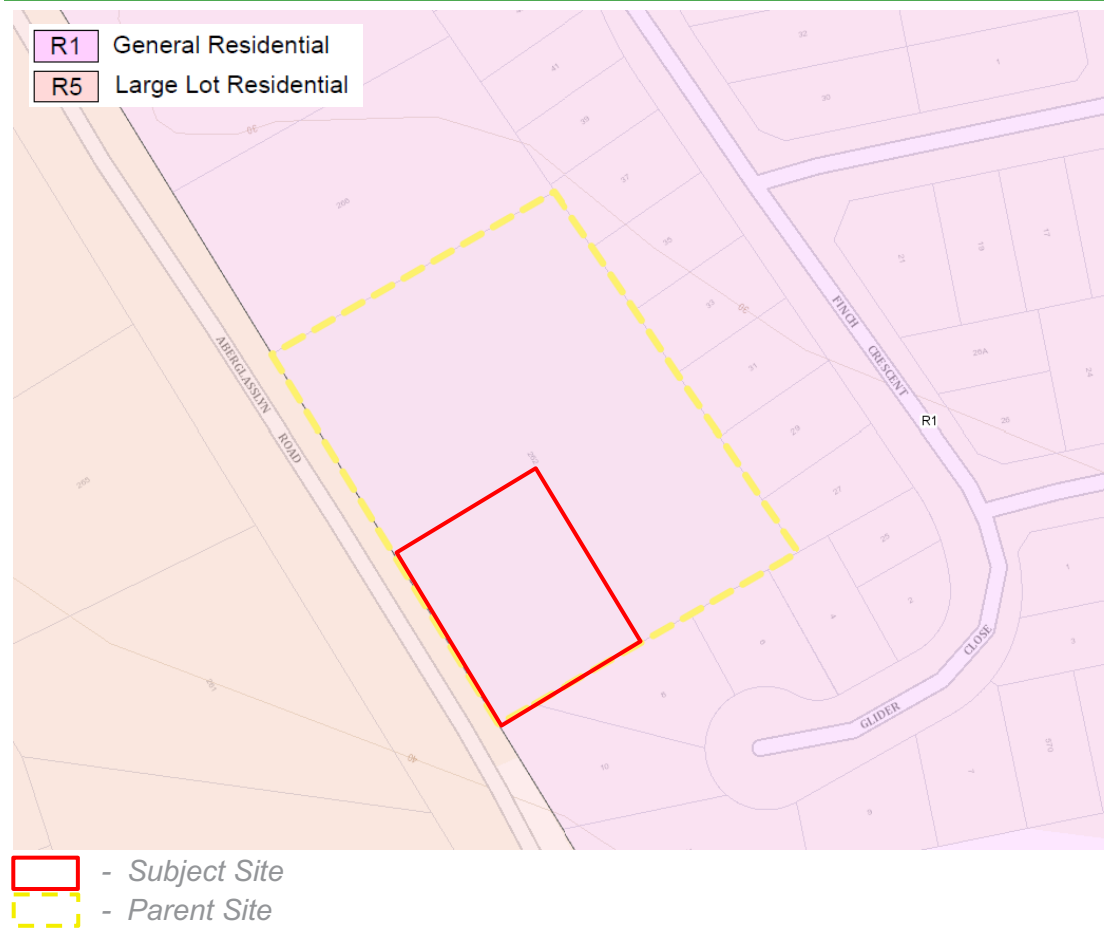


ZONING CONTROLS

As shown on the zoning map extract below, the development site is zoned R1 General Residential under the provisions of the Maitland LEP 2011.

'Centre-based Child Care Facilities' are permissible with Council consent within the R1 Zone.

Figure 2: Land Zoning Map (Source: ePlanning Spatial Viewer).



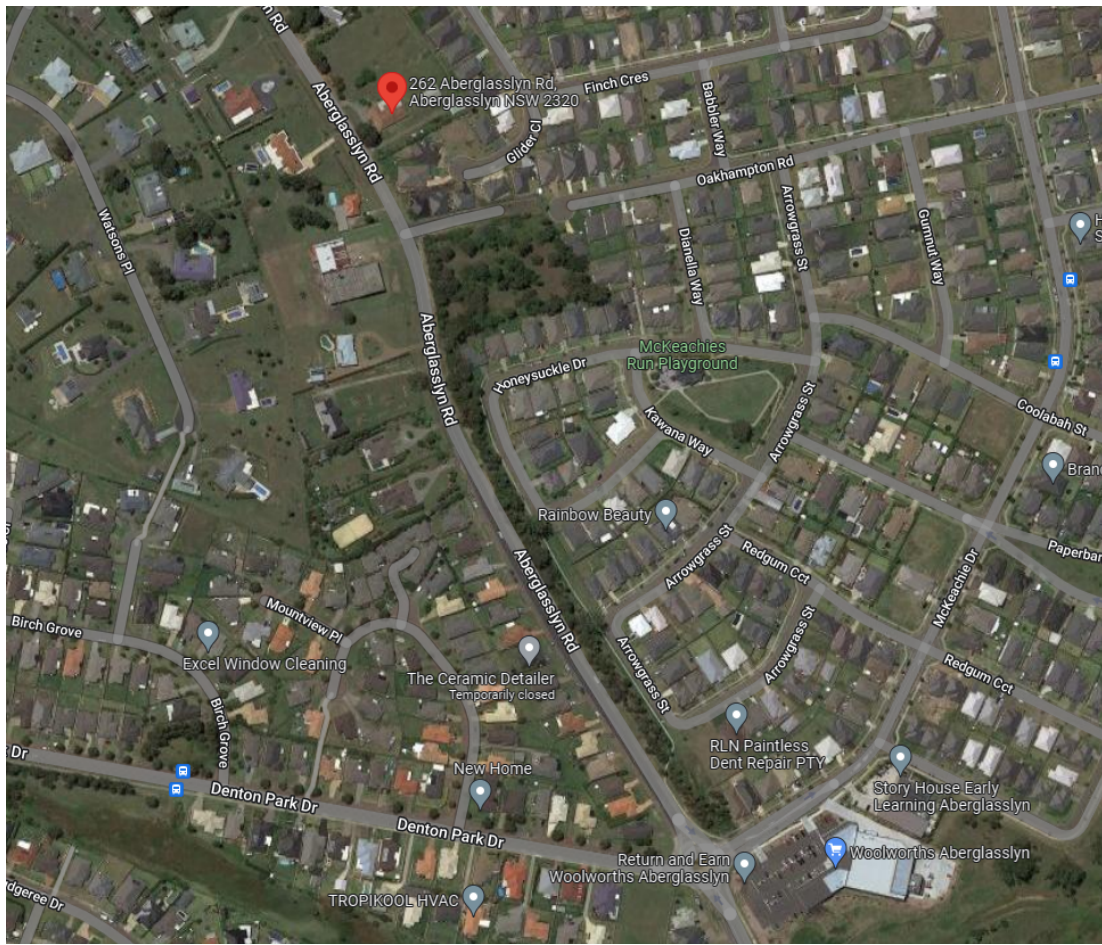
The proposed development provides a centre-based child care facility that will serve the needs of people who live and work in the local area, and also provide employment opportunities for local residents.

Subject Area Analysis

As illustrated by a broad aerial map extract below, the development site is within close proximity to Aberglasslyn neighbourhood centre, Rutherford Public School and High School.

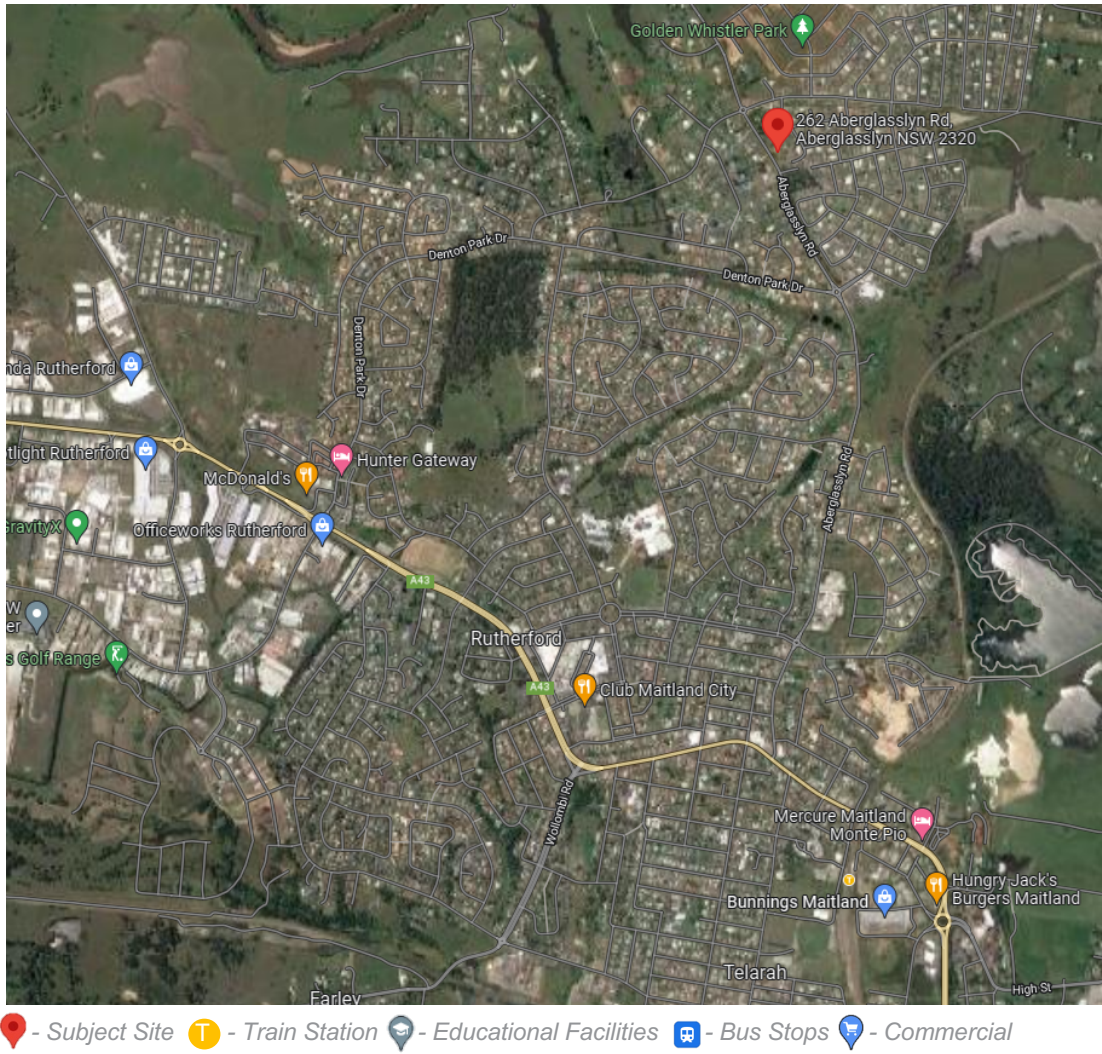
Bus stop with services to Maitland Town Centre (182) are located within a 1.4km walking distance from the subject site.

Figure 3: Aerial Map Extract of the Subject Area (Source: Google Maps).



As illustrated by a wider locality map overleaf, the site is within the wider vicinity of Maitland Town Centre and Rutherford Business Precinct.

Figure 4: Aerial Map Extract of the Subject Area (Source: Google Maps).



The development will play a positive and valuable role in increasing child care places within the Maitland LGA by 101 additional places.

Photographs provided overleaf and within the following pages provide context to the locality and also the relationship of the development site with adjoining developments.

Photograph 2: Shows the single storey dwelling houses to the site's south eastern boundary.



Photograph 3: Shows the recently developed residential subdivision to the north east of the parent site (Finch Crescent, Aberglasslyn).



Photograph 4: Shows the land parcel adjoining the parent site's north western boundary.



Photograph 5: Shows the streetscape of Aberglasslyn Road, viewing north westwards.



Photograph 6: Shows the artists impression of the proposed multi dwelling housing complex (Aerial View) as part of the staged development of the site (Source: MHM Construction Group). This is to be submitted under a separate DA.



AERIAL VIEW (ARTIST'S IMPRESSION)

Photograph 7: Shows the artists impression of the proposed multi dwelling housing complex (viewed from Aberglasslyn Road) as part of the staged development of the site (Source: MHM Construction Group). This is to be submitted under a separate DA.

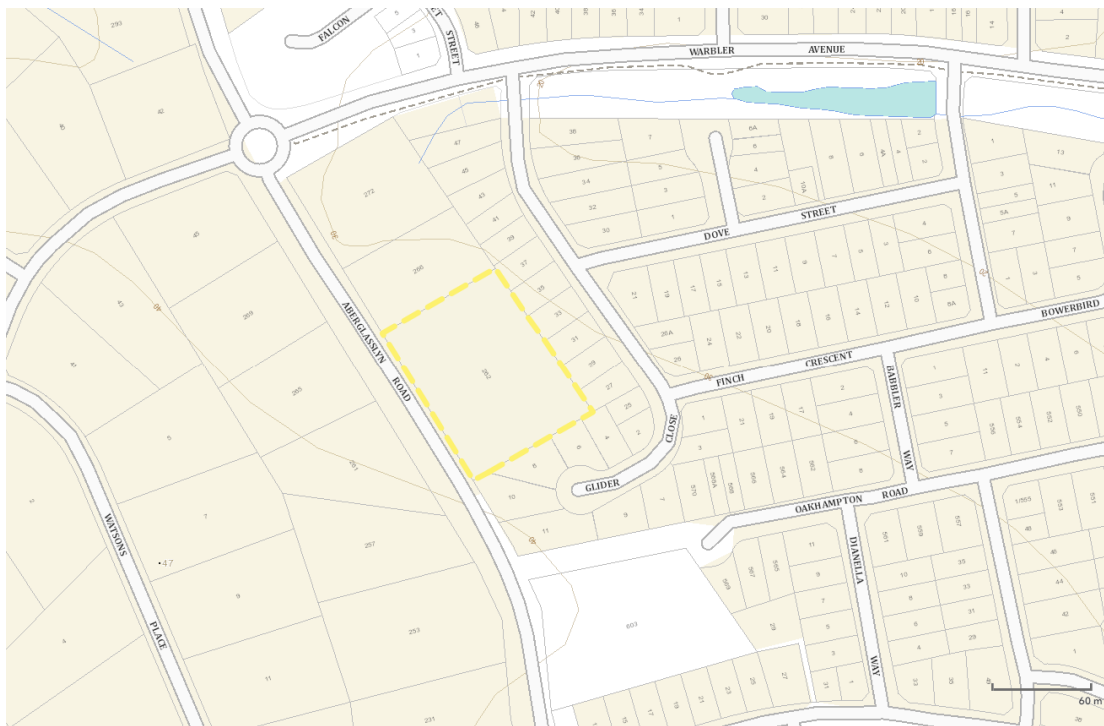


VIEW FROM ABERGLASSYN ROAD (ARTIST'S IMPRESSION)

HERITAGE

The subject site is not heritage listed nor is it located with a Heritage Conservation Area. The subject is not located in the immediate proximity to any heritage listed properties as illustrated by the extract from the heritage map below.

Figure 5: Heritage Map (Source: ePlanning Spatial Viewer).



 - Parent Site

As a result, the subject site will not unduly impact on the curtilage of heritage items in the wider vicinity of the site.

DESCRIPTION OF DEVELOPMENT

This Statement of Environmental Effects has been prepared in support of a Development Application that seeks to demolish all existing structures in-order to construct a single (1) storey 'Centre-Based Child Care Facility' at 262 Aberglasslyn Road, Aberglasslyn.

The child care facility is to accommodate a total of 101 child care places with parking for 26 car parking spaces within a basement level.

The key aspects of the proposal are provided below:

Centre-Based Child Care Facility:

Indoor Play Areas

The proposed centre-based child care facility has been designed to accord with the overarching design criteria outlined in the Child Care Planning Guidelines.

The internal areas will consist of 5 distinct indoor playrooms as follows:

- Room 1: 3-5yr indoor playroom: 20 places: 71m².
- Room 2: 3-5yr indoor playroom: 20 places: 65m².
- Room 3: 2-3yr indoor playroom: 25 places: 81m².
- Room 4: 0-2yr indoor playroom: 16 places: 63m².
- Room 5: 0-2yr indoor playroom: 20 places: 66m².

A breakdown of unencumbered indoor play area per age group is provided below:

- 0-2 years: 129m²
- 2-3 years: 81m²
- 3-5 years: 136m²

All indoor playrooms have direct access to a shared bathroom with nappy change area, and to the transition/outdoor play areas. The rooms for 0-2 year old's have direct access to a cot room. All rooms are provided with a craft sink, internal storage and lockers.

Outdoor Play Areas

The development proposes two outdoor play areas separated by a 1.2m palisade fence, with a breakdown as follows:

- 0-2yr outdoor play area: 280m².
- 2-5yr outdoor play area: 455m².

Ancillary Areas

The development proposes ancillary and staff areas as follows:

- Pedestrian entry to lobby and hallway, which includes a lift core and stairwell to the basement.
- Staff areas including; office, meeting room, WC, powder room, laundry, kitchen, and staff room.

Basement Parking/Vehicular Access:

The proposal has provided a total of 26 spaces within a basement parking level, with the following breakdown:

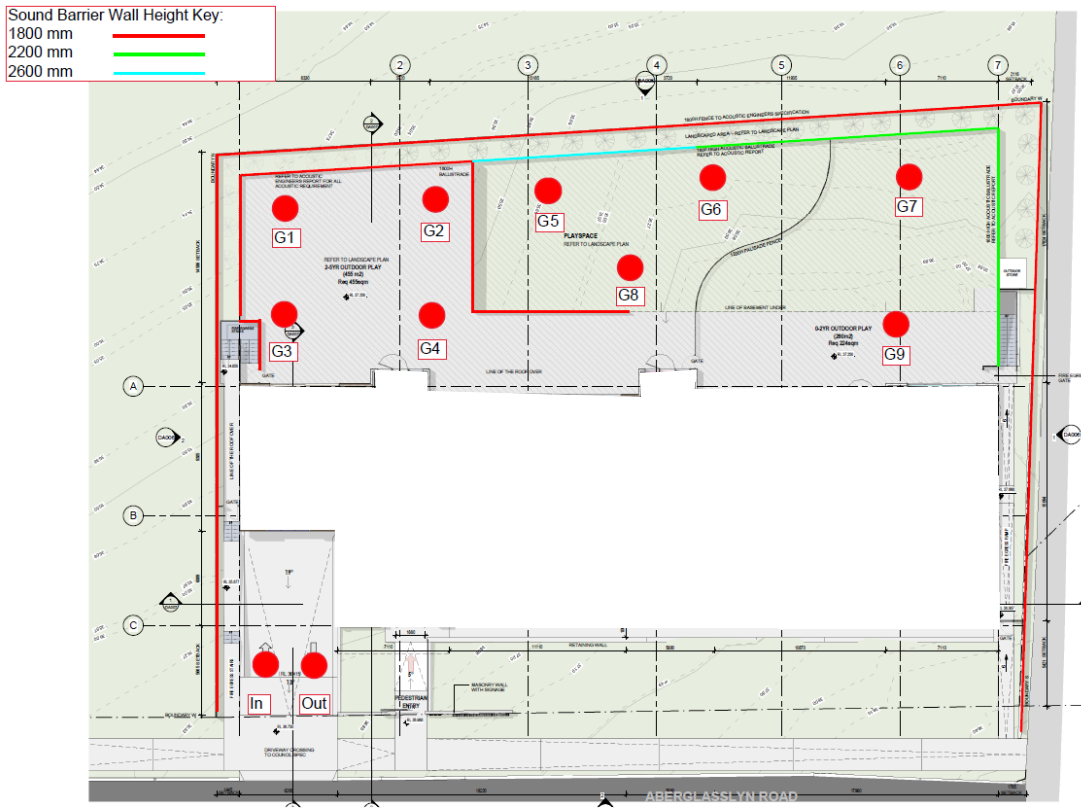
- 15 x staff car parking spaces; and
- 11 x visitor car parking spaces including an accessible car parking space.

Vehicular access between Aberglasslyn Road and the basement parking level is proposed via a new double width vehicular crossover, combined ingress / egress driveway and ramp situated within the north-western corner of the site.

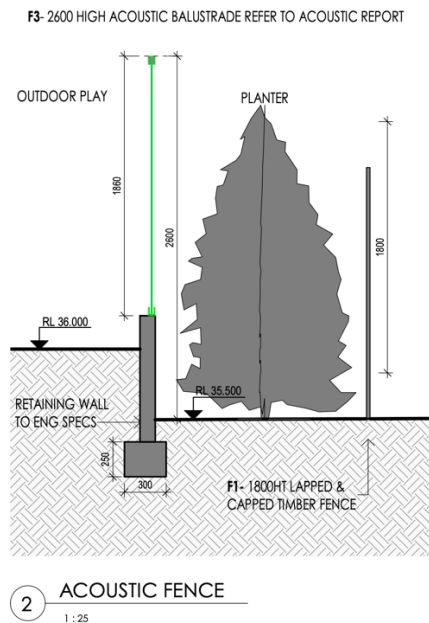
Acoustic Barriers

A Noise Impact Assessment report has been prepared for the application by Day Design, which recommends the provision of acoustic barriers around the perimeter of the facility. The proposed sound barrier heights and location are illustrated by the extract overleaf.

Figure 6: Proposed acoustic barrier locations (Source: Day Design).



To address the taller barriers it can be seen that there is a boundary fence, screen planting, and then the barrier. This is shown on the section example below and shows the considered approach to dealing with the visual impact of the acoustic barriers.



Summary

The proposal will operate with a maximum capacity of 101 places with the following age groups:

- 0-2 years: 36 places;
- 2-3 years: 25 places; and
- 3-5 years: 40 places.

The facility provides a total of 346m² or at least 3.25m² of unencumbered indoor play area per child and 711m² or at least 7m² of unencumbered outdoor play area per child in accordance with the Education and Care Services National Regulations 2012.

Hours of operation will be 7:00am to 6:00pm Monday to Friday with the facility to provide a total of 18 educators and 1-2 support staff. It is likely that there will be a 30 minute 'shoulder period' for some staff arrivals and departures for set up and pack down.

The proposed built centre-based child care facility has been designed to accord with the overarching design criteria outlined in the Child Care Planning Guidelines as follows:

- *The design responding to the context of the surrounding area by proposing an attractive single storey built form that will be consistent with the existing residential streetscape rhythm and built form pattern along Aberglasslyn Road.*
- *Appropriate landscape embellishment to ensure the landscape character of the site is respected.*
- *The proposed built form has been designed commensurate with the existing residential character of the immediate locality and in consideration of adjoining developments.*
- *The proposed learning spaces provide a good mix of inclusive learning space for all students.*
- *The development can deliver sustainable design features including natural ventilation and access to natural light to ensure artificial cooling and heating is minimised.*

The relevant architectural plans for the proposal have been prepared by Greenscape, while supporting reports and documents have been prepared by relevant sub consultants dealing with matters such as traffic and parking, acoustic, drainage and landscaping. The design scheme has undertaken a conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing within a residential context. Acoustic measures including the incorporation of high solid fencing is provided within the ground floor outdoor play area to mitigate potential noise impacts to adjoining properties whilst also protecting the noise intrusion into the child care facility.

PRE-LODGEMENT MEETING

A Pre-lodgement meeting was held with Maitland City Council on the 16th of June 2022 for the concept plans of the proposal. The key matters raised in the meeting minutes are addressed in the table below.

Council Advice	Comments
Planning Advice	
1. State Environmental Planning Policy (Transport and Infrastructure) 2021 & Childcare planning guideline	This is addressed in detail in this report.
2. Maitland Development Control Plan 2011 (MDCP 2011) The proposed development should give consideration to the MDCP, and in particular: <ul style="list-style-type: none"> a. B5 – Tree Management b. B6 – Waste Not – Site Waste Minimisation & Management c. C1 – Accessible Living d. C2 – Child Care Centres (note: this chapter is superseded by the SEPP and Child Care Planning Guidelines) e. C10 – Subdivision f. C11 – Vehicular Access & Carparking g. C12 – Crime Prevention through Environmental Design h. F3 – Aberglasslyn Urban Release Area 	All relevant sections of the Maitland DCP are addressed in this report.
3. Statement of environmental effects (SOEE)	Provided.
4. Staging <ul style="list-style-type: none"> • The applicant to clarify if development to be constructed in stages or separate DAs lodged for the childcare centre and subdivision components. o The applicant could lodge separate two lot Torrens title subdivision application first, followed by childcare centre under a 2nd application, and the multi-dwelling housing under a 3rd application. Separating the two lot subdivision would prevent the subdivision of land from being delayed by the assessment of the childcare centre and enable lodgement of the childcare centre and multi - dwelling housing DAs on the resulting allotments in due course. o The applicant may wish to lodge one DA for childcare centre and two lot subdivision, and then lodge second application for multi-dwelling housing development, at a later date. The consent could be conditioned for (as staged construction – i.e. Stage 1 - subdivision, stage 2 – childcare centre) accordingly. In this instance, the subdivision of land 	It is noted that the subdivision DA has now been lodged and has followed the advice of adopting the subdivision DA first, now this child care proposal, and then the multi-dwelling housing DA. We would request that Council imposes appropriate conditions to this consent to relate to the approved subdivision- noting the subdivision is expected to be approved in advance of this child care centre proposal.

would need to be imminent before the DA for multi-dwelling housing is lodged on the resulting allotment.

5. Bulk Earthworks Plan	Provided.
6. Landscaping	Provided.
<ul style="list-style-type: none"> • A detailed landscape plans are to be provided. Specific consideration is to be given to landscaping proposed between the car park and residential interface, and the carpark and Aberglasslyn road interface. • Acoustic and privacy mitigation (including fencing design) should be considered. • Effective use and designs of outdoor play space should be critically considered per the Child Care Planning Guidelines. 	
7. Signage	No signage is proposed at this stage and a separate application will be required for the signage in due course.
8. Traffic and Access	A Traffic Impact Assessment has been provided for the development, which addresses the matters raised in the minutes.
9. Stormwater Drainage	See stormwater plans for detail.
10. Satisfactory Arrangements	Addressed in this report.
11. Acoustic Impact Assessment	An acoustic impact assessment has been provided for the development, which addressed the matters raised in the minutes.
12. Preliminary site investigations report	Provided. See the discussion under the SEPP (Transport and Infrastructure) 2021 for detail.
13. Tree removal	An Arborist report has been prepared for the application. See the discussion under the SEPP (Biodiversity and Conservation) 2021 for detail.
Engineering Advice	
1. Road Design, Traffic & Transport	A Traffic Impact Assessment has been provided for the development, which addresses the matters raised in the minutes.
2. Parking & Vehicle Access	See Traffic Impact Assessment for detail.
3. Stormwater Management	See stormwater plans for detail.
4. Geotechnical investigations & Earthworks	See Geotechnical report for detail.
Building Advice	
1. Accessibility and fire safety standards	Complies. See BCA report for detail.
2. Removal of existing OSMS	See PSI for detail.

Environmental Health Advice

1. Acoustic impacts

An acoustic report has been prepared for the application. Acoustic impacts are addressed in detail later in this report.

2. Food preparation areas

Complies.

PLANNING CONTROLS

STATUTORY CONTROLS

The relevant Statutory Planning Controls include: -

- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Industry and Employment) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021; and
- Maitland Local Environmental Plan 2011.

POLICY CONTROLS

The applicable policy control documents are: -

- Maitland Development Control Plan 2011;
- Childcare Planning Guidelines; and
- Education and Care Service National Regulations 2012.

CONSIDERATION OF PLANNING CONTROLS

A summary of the compliance of the proposal with the relevant planning controls is provided below.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS)

This SEPP came into effect on 1 March 2022 and incorporated the provisions of three now repealed SEPP's being:

- State Environmental Planning Policy (Coastal Management) 2018;
- State Environmental Planning Policy No 33—Hazardous and Offensive Development; and
- State Environmental Planning Policy No 55—Remediation of Land.

Chapter 2 of the SEPP contains controls for coastal management and it not applicable to this development.

Chapter 3 of the SEPP contains controls for Hazardous and Offensive Development. This development is not for Hazardous and Offensive development and accordingly this chapter is not applicable to this development.

Chapter 4 of the SEPP contains a state-wide planning framework for the remediation of contaminated land and to minimise the risk of harm.

The following table considers the risk of the site being contaminated:

Matter for consideration	Yes	No
Does the application involve re-development of the site or a change of land use?	X	
Is the development going to be used for a sensitive land use (e.g. residential, educational, recreational, childcare or hospital)?	X	
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site?		X
acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries,		

oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation	
Is the site listed on Council's Contaminated land database?	X
Is the site subject to EPA clean-up order or other EPA restrictions?	X
Has the site been the subject of known pollution incidents or illegal dumping?	X
Does the site adjoin any contaminated land/previously contaminated land?	X
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	X

A PSI has been prepared by NEO Consulting that sets out as follows and confirms the suitability of the site for the proposed development.

Based on the site investigation and analytical results, NEO Consulting considers the potential for significant contamination of the soil to be low. All analytes were below the NEPM Health and Ecological Assessment Criteria for Residential (A) developments.

The consent authority may be satisfied that the required considerations of CI 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021 are satisfied for the following reasons:

- 1) Site observations did not indicate significant visible or odorous indications of contamination or contaminating sources;
- 2) Analytical results for all analytes were below the NEPM Health and Ecological Assessment Criteria for Residential (A) sites.

Therefore, NEO Consulting finds that the site is suitable for the proposed childcare facility development (Residential A), providing that the recommendations within **Section 15** of this report are undertaken.

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

This SEPP came into effect on 1 March 2022 and incorporated the provisions of eleven now repealed SEPP's being:

- SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)
- SEPP (Koala Habitat Protection) 2020 (Koala SEPP 2020)
- SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021)
- Murray Regional Environmental Plan No 2—Riverine Land (Murray REP)
- SEPP No 19—Bushland in Urban Areas (SEPP 19)
- SEPP No 50—Canal Estate Development (SEPP 50)
- SEPP (Sydney Drinking Water Catchment) 2011 (Sydney Drinking Water SEPP)
- Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No 2 – 1997) (Hawkesbury–Nepean River SREP)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SREP)
- Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (Georges River REP)
- Willandra Lakes Regional Environmental Plan No 1 – World Heritage Property (Willandra Lakes REP).

Chapter 2 of the SEPP contains planning rules and controls from the former Vegetation SEPP relating to the clearing of native vegetation in NSW on land zoned for urban and environmental purposes that is not linked to a development application. This chapter seeks 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 appropriate preservation of trees and other vegetation.

The subject site resides within an established town centre, having historically been used for urban purposes. The parent subdivision considers tree removal however this scheme provides for new canopy trees and a variety of shrubs across the site to contribute to landscape character.

The proposal is to introduce landscape embellishment works within the residential context, including landscaping within the outdoor play area. Refer to attached Landscape Plan for detail.

STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021

This SEPP came into effect on 1 March 2022 and incorporated the provisions of two now repealed SEPP's being:

- State Environmental Planning Policy (Western Sydney Employment Area) 2009; and
- State Environmental Planning Policy No 64—Advertising and Signage.

Chapter 3 – Advertising and signage' contains planning provisions from within the former SEPP 64 for advertising and signage in NSW.

Signage is not proposed as part of this application; however it is anticipated that signage will be subject to subsequent applications.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

This SEPP came into effect on 1 March 2022 and incorporated the provisions of four now repealed SEPP's being:

- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;
- State Environmental Planning Policy (Major Infrastructure Corridors) 2020; and
- State Environmental Planning Policy (Three Ports) 2013.

Chapter 2 – contains planning rules and controls from the former Infrastructure SEPP for infrastructure in NSW, such as for hospitals, roads, railways, emergency services, water supply and electricity delivery.

In accordance with this chapter, it is not anticipated that Council will refer the application to an electricity supply authority as works will not occur within 5m of an exposed overhead electricity power line.

The development site does bound Aberglasslyn Road, which performs a State Road function forming a portion of the NSW Route B56 (Oxley Highway). In the local context, Aberglasslyn Road provides an east-west alignment between Marius Street in the east and Gunnedah Road / Duri Road in the west.

The attached Parking & Traffic Impact Assessment has found that the access arrangements is projected to result in motorist being capable of entering and existing the subject site in a safe and efficient manner, whilst mitigating development impact on the surrounding road network. As such, the site access arrangements is projected to result in motorist being capable of entering and existing the subject site in a safe and efficient manner.

The Parking & Traffic Impact Assessment has also found that the surrounding road network is considered to be capable of accommodating the additional traffic projected to be generated by the subject development.

This chapter identifies a number of types of development that require concurrence from Roads and Maritime Services where development is identified as ‘traffic generating development’. The current proposal is not identified as traffic generating development as the site does not trigger the threshold requirements.

Therefore, concurrence from the RMS is not required. Accordingly, the proposal is not required to be referred to the RMS for comment.

Chapter 3 of the SEPP contains planning provisions from the former Education and Childcare SEPP for child-care centres, schools, TAFEs and Universities.

The table below provides discussions against the relevant provisions of Chapter 3 of the SEPP.

SEPP	Comment
<p>3.1 Aims of Policy The aims of this Policy are as follows:</p> <p>(a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and</p> <p>(b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impacts as exempt development), and,</p> <p>(c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivery and to minimise impacts on surrounding areas, and</p> <p>(d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and</p>	<p>The proposal will result in an addition of valuable child care places within the Maitland LGA.</p>

- (e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and
- (f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services,
- (g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and
- (h) encouraging proponent of new development or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.

3.3 Interpretation

centre-based child care facility means:

- (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),

The proposed centre-based child care facility is consistent with the definition contained within the SEPP.

but does not include:

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care services (within the meanings of the Children (Education and Care Services) National Law (NSW), or
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with - a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or

- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

Part 3.3 Early education and care facilities – specific development controls

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 Guidelines*, in relation to the proposed development.

Applicable provisions under the Child Care Planning Guidelines have been addressed further within this statement.

3.25 Centre-based child care facility – floor space ratio

(1) Development consent must not be granted for the purpose 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.

Clause 3.23(1) does not apply to the current proposal as the development site is Zoned R1 General Residential.

3.26 Centre-based child care facility – non-discretionary development standards

Noted.

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

(2) The following are non-discretionary development standards for the purpose of section 79C (2) and (3) of the Act in relation to the carrying out of development for the purpose of a centre-based child care facility:

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

Noted.

(b) indoor or outdoor space

(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies – the unencumbered area of indoor space and the unencumbered area of outdoor

The centre-based child care facility provides 346m² or at least 3.25m² of unencumbered play space and 711m² or at least 7m² of unencumbered outdoor play space which is consistent with the indoor and outdoor unencumbered space requirements of the Education and Care Service National Regulations.

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

Indoor play space required = 3.25m² for each child

Outdoor place space required = 7m² for each child

- (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, Noted.
- (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. Noted.

3.27 Centre-based child care facility – development control plans

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

- (a) operational or management plans or arrangements (including hours of operation),
- (b) demonstrated need or demand for child care services,
- (c) proximity of facility to other early childhood education and care facilities,
- (d) any matter relating to development for the purpose of a centre-based child care facility contained in:
- (i) the design principles set out in Part 2 of the *Child Care Planning Guidelines*, or
- (ii) the matters for consideration set out in Part 2 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).

CHILD CARE PLANNING GUIDELINE

Under Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, the *Child Care Planning Guideline* is to be taken into consideration when undertaking a development for a centre-based child care facility.

The planning guideline also takes precedence over a *Development Control Plan*, with some exceptions, where the two overlap in relation to a child care facility.

The table overleaf provides detail on the relevant development standards relevant to the current proposal.

The Guideline underwent minor revisions in 2021 however the provisions are largely the same.

SEPP	Comment
Objectives	
The planning objectives of this Guidelines are to:	
<ul style="list-style-type: none"> <i>promote high quality planning and design of child care facilities in accordance with the physical requirements of the National Regulations</i> 	The development results in a high quality centre-based child care facility designed to comply with the requirements of the National Regulations.
<ul style="list-style-type: none"> <i>ensure that child care facilities are compatible with the existing streetscape, context and neighbouring land uses</i> 	The centre-based child care facility has been designed to be consistent with the existing residential built form character along Aberglasslyn Road.
<ul style="list-style-type: none"> <i>minimise any adverse impacts of development on adjoining properties and the neighbourhood, including the natural and built environment</i> 	<p>The development has been designed to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing.</p> <p>This is addressed in detail further within this table.</p>

Part 3 Early education and care facilities – specific development controls

3.1 Site selection and location

C1 – For proposed development in or adjacent to a residential zone, consider:

- **the acoustic and privacy impacts of the proposed development on the residential properties**

The design scheme has undertaken a conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing. The acoustic measures recommended by qualified acoustic consultants Day Design have been incorporated into the development, which include an operational management plan limiting the maximum number of children using the outdoor play areas, and the incorporation of high solid fencing around the perimeter of the outdoor play area. The acoustic measures will adequately mitigate potential noise impacts to adjoining properties whilst also protecting the noise intrusion into the child care facility.

The provision of acoustic fencing with landscaped boundary setbacks, in combination with the single storey design of the facility will adequately mitigate any visual privacy impacts arising from the proposal.
- **the setback and siting of buildings within the residential context**

Complies with setback requirements under the DCP.
- **visual amenity impacts (e.g. additional building bulk and overshadowing, local character)**

The child care facility has been sited, oriented and designed to comply with the height and setback provisions. The proposed single storey form will ensure adequate solar access to adjoining properties.
- **traffic and parking impacts of the proposal on residential amenity**

The parking scheme has been designed in accordance with Council.

The Traffic and Parking Impact Assessment which accompanies this application has found that the surrounding road network is considered to be capable of accommodating the additional traffic projected to be generated by the subject development.

Traffic and Parking Impact Assessment also concludes that there are no parking or traffic related issues that should prevent approval of the subject application.

C2 – When selecting a site, ensure that:

- **the location and surrounding uses are compatible with the proposed development or use**

Centre-based child care facilities are a permissible and compatible land use within the R1 General Residential zone.

<ul style="list-style-type: none"> - the site is environmentally safe including risk such as flooding, land slip, bushfires, coastal hazards 	<p>The site is not identified as being affected by flooding, land slip, bushfires, coastal hazards and other environmental hazards.</p>
<ul style="list-style-type: none"> - there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous material remediation is needed 	<p>See the discussion under the SEPP (Resilience and Hazards) 2021 for detail.</p>
<ul style="list-style-type: none"> - the characteristics of the site are suitable for the scale and type of development proposed having regards to: <ul style="list-style-type: none"> - size of street frontage, lot configuration, dimensions and overall size - Number of shared boundaries with residential properties - will have no adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas 	<p>The site can best be described as a large predominantly regular shaped land parcel that is of a sufficient size and width to accommodate the proposed centre-based child care facility.</p> <p>The development site is not located within a sensitive environmental or cultural area and will not result in adverse environmental impacts on surrounding areas.</p>
<ul style="list-style-type: none"> - where the proposal is to occupy or retrofit an existing premise, the interior and exterior spaces are suitable for the proposed use 	<p>N/A. Development proposes to undertake the development of a new centre-based child care facility.</p>
<ul style="list-style-type: none"> - there are suitable drop off and pick up areas, and off and on street parking 	<p>The development provides car parking spaces in accordance with the DCP, noting appropriate car parking spaces are provided to permit the drop off and pick up of children within the basement parking level.</p>
<ul style="list-style-type: none"> - the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use 	<p>Aberglasslyn Road performs as a State Road function forming a portion of the NSW Route B56 (Oxley Highway), however in the vicinity of the site, Aberglasslyn Road provides a dual carriageway facilitating two through traffic lanes in conjunction with a marked parallel parking lane in each.</p> <p>However, a Parking & Traffic Impact Assessment has identified that the Traffic flows within Aberglasslyn Road are notable, however, the design and access measures are envisaged to mitigate development impacts on the surrounding road network and as such the surrounding road network is considered to be capable of accommodating the additional traffic projected to be generated by the subject development</p> <p>Refer to attached Parking & Traffic Impact Assessment for detail.</p>

- **not located closely to incompatible social activities and uses such as restricted premises, injection rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises** The subject site not located closely to incompatible social activities and uses.

C3 – A child care facility should be located:

- **near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship** The development site is within close proximity to Aberglasslyn neighbourhood centre, Rutherford Public School and High School, and is within the wider vicinity of Maitland Town Centre and Rutherford Business Centre.
- **near or within employment areas, town centres, business centres, shops** Bus stop with services to Maitland Town Centre (182) are located within a 1.4km walking distance from the subject site.
- **with access to public transport including rail, buses, ferries**
- **in areas with pedestrian connectivity to the local community, businesses, shops, services and the like**

C4 – A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:

- **proximity to:**
 - **heavy or hazardous industry, waste transfer depots or landfill sites** The subject site is not located within proximity to any identified environmental hazard.
 - **LPG tanks or service stations**
 - **water cooling and water warming systems**
 - **odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses**
- **any other identified environmental hazard or risk relevant to the site and/or existing buildings within the site** See the discussion under the SEPP (Resilience and Hazards) 2021 for detail.

3.2 Local character, streetscape and the public domain interface

C5 – The proposed development should:

- contribute to the local area by being designed in character with the locality and existing streetscape
- reflect the predominant form of surrounding land uses, particularly in low density residential areas
- recognise predominant streetscape qualities, such as building form, scale, materials and colours
- include design and architectural treatments that responds to and integrate with the existing streetscape
- use landscaping to positively contribute to the streetscape and neighbouring amenity
- integrate car parking into the building and site landscaping design in residential areas

The centre-based child care facility proposes a modern single storey building that will be consistent and compatible with the existing residential built form pattern along Aberglasslyn Road, noting development complies with prescribed height control under the LEP.

C6 – Create a threshold with a clear transition between public and private realms, including:

- fencing to ensure safety for children entering and leaving the facility
- windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community
- integrating existing and proposed landscaping with fencing

The proposal incorporates built elements and landscaping that clearly distinguishes between the public and private domain.

The proposed development incorporates an active façade that will permit casual surveillance to the site's frontage to Aberglasslyn Road and to the common areas within the development site.

Appropriate landscaping is provided within the front side and rear setbacks of the development, which is appropriately integrated with the proposed fencing. See the landscape plan for detail.

C7 – On sites with multiple buildings and /or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitor and children by changes in materials, plant species and colours

The site does not contain multiple buildings or entries.

The primary entry point is designed to be clearly visible and legible from the street level.

<p>C8 – Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> • clearly defined street access, pedestrian paths and building entries • low fences and planting which delineate communal/private open space from adjoining public open space • minimal use of blank walls and high fences 	<p>The development site does not adjoin public parks, open space or bushlands, however, has been designed to provide clearly defined street access, pedestrian paths and building entries.</p> <p>Appropriate landscaping is provided within a residential context.</p> <p>The development incorporates architectural features and articulation to provide an attractive single storey built form that appropriately addresses Aberglasslyn Road.</p>
<p>C9 – Front fences and walls within the front setback should be constructed of visually permeable materials and treatments.</p> <p>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.</p>	<p>The development proposes front fencing for a small portion of the front setback, surrounding the pedestrian entrance. The fencing includes visually permeable sections and is low in height.</p> <p>The site is not identified as a heritage item or located adjacent to a heritage item or within a conservation area.</p>
<p>C10 – High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.</p>	<p>N/A.</p>
<p>3.3 Building orientation, envelope and design</p>	
<p>C11 – Orient a development on a site and design the building layout to</p> <ul style="list-style-type: none"> • ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by; - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties 	<p>The proposed single storey centre-based child care facility has been designed and sited to address its frontage whilst also designed to comply with prescribed setback controls under The Maitland DCP and the Child Care Planning Guidelines.</p> <p>The design scheme has undertaken a conscious effort to minimise adverse impacts on neighbouring properties in terms of privacy, acoustic and overshadowing.</p>

<ul style="list-style-type: none"> - placing play equipment away from common boundaries within residential properties - locating outdoor play areas away from residential dwellings and other sensitive uses 	<p>The acoustic measures recommended by qualified acoustic consultants Day Design have been incorporated into the development, which include an operational management plan limiting the maximum number of children using the outdoor play areas, and the incorporation of high solid fencing around the perimeter of the outdoor play area. The acoustic measures will adequately mitigate potential noise impacts to adjoining properties whilst also protecting the noise intrusion into the child care facility.</p> <p>The provision of acoustic fencing with landscaped boundary setbacks, in combination with the single storey design of the facility will adequately mitigate any visual privacy impacts arising from the proposal.</p>
<ul style="list-style-type: none"> • optimise solar access to internal and external play areas 	<p>The proposed centre-based child care facility has been designed to reduce the potential for overshadowing of neighbouring properties, including compliance with height and setback provisions and the provision of a single storey building form.</p>
<ul style="list-style-type: none"> • avoid overshadowing of adjoining residential properties 	<p>It is considered that appropriate solar access is to be provided on site and for neighbouring properties given the single storey form of surrounding dwellings and the proposal. This is supported by the attached shadow diagrams.</p>
<ul style="list-style-type: none"> • ensure buildings along the street frontage define the street by facing it 	<p>Development proposes an attractive contemporary single storey building designed to adequately address its frontage to Aberglasslyn Road.</p>
<ul style="list-style-type: none"> • ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climate conditions 	<p>Complies.</p>

C12 – The following matters may be considered to minimise the impacts of the proposal on local character:

<ul style="list-style-type: none"> • building height should be consistent with other buildings in the locality • building height should respond to the scale and character of the street • setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility 	<p>The development proposes a single storey building that is consistent and compatible with the existing residential built form character and pattern along Aberglasslyn Road.</p> <p>The development is consistent with setback requirements under the Maitland DCP and the Child Care Planning Guidelines.</p>
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<ul style="list-style-type: none"> • setbacks should provide adequate access for building maintenance • setbacks to the street should be consistent with the existing character 	
<p>C13 – Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres.</p>	<p>The development complies with Council's setback controls.</p> <p>Refer to discussion against setback requirements under the DCP further within this statement for detail.</p>
<p>C14 – On land in a residential zone, side and rear boundary setbacks should observe the prevailing setback required for a dwelling house.</p>	<p>The development has been designed to comply with setback requirements under the Maitland DCP.</p> <p>Refer to the discussion against the Maitland DCP further within this statement for detail.</p>
<p>C15 – Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> • located to allow ease of access, particularly for pedestrians • directly accessible from the street where possible • directly visible from the street frontage • easily monitored through natural or camera surveillance • not accessible through an outdoor play area 	<p>The proposed centre-based child care facility provides a primary entry point from Aberglasslyn Road.</p> <p>The pedestrian entry point is visible from the street frontage, permits ease of access and directly accessible from the street level.</p> <p>Access to the site is in accordance with the Accessibility Compliance Report that accompanies this application.</p>
<p>C16 – Accessible design can be achieved by:</p> <ul style="list-style-type: none"> • providing accessibility to and within the building in accordance with all relevant legislation • linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry • providing a continuous path of travel to and within the building, including access between the 	<p>The development has been designed to be accessible to and within the building in accordance with all relevant legislation, with direct equitable pedestrian access provided via Aberglasslyn Road. Furthermore, a lift core provides access to and from the basement level.</p> <p>Access to the site is in accordance with the Accessibility Compliance Report that accompanies this application.</p> <p>The development provides an appropriate continuous path of travel to and within the building, including access between the street entry and main building entrance.</p>

street entry and car parking and main building entrance.

- minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.

3.4 Landscaping

C17 – Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.

Use the existing landscape where feasible to provide a high quality landscaped area by:

- reflecting and reinforcing the local context
- incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping

The proposal is to introduce appropriate landscape embellishment works within a residential context.

The landscaping plan is to incorporate planting that is indigenous to the immediate area and will be utilised as part of learning programmes within the child care facility in-order to assist with attending children understanding the benefits of utilising local native plantings.

C18 – Incorporate car parking into the landscape design of the site by:

- planting shade tree in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings
- taking into account streetscape, local character and context when siting car parking areas within the front setback
- using low level landscaping to soften and screen parking areas

Noted – appropriate landscaping is provided within a residential context.

Refer to attached Landscaping Plan for detail.

3.5 Visual and acoustic privacy

C19 – Open balconies in mixed use development should not overlook facilities nor overhang outdoor play spaces.

The proposal is not part of a mixed-use development. Not applicable

C20 – Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:

- appropriate site and building layout
- suitable locating pathways, windows and doors
- permanent screening and landscape design

The development has been designed to minimise direct overlooking of indoor rooms and outdoor play spaces from public area via appropriate site and building layout, complying setbacks, fencing and landscaping.

The development is to incorporate acoustic fencing along the site boundaries to mitigate potential noise impacts to adjoining properties.

C21 – Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:

- appropriate site and building layout
- suitable locating pathways, windows and doors
- permanent screening and landscape design

The provision of acoustic fencing with landscaped boundary setbacks, in combination with the single storey design of the facility will adequately mitigate any visual privacy impacts arising from the proposal.

C22 – A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:

- provide an acoustic fence along any boundary where the adjoining property contains a residential use (An acoustic fence is one that is a solid, gap free fencing)
- ensure that mechanical plant or equipment is screened by soil, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure

The design scheme has undertaken a conscious effort to minimise adverse acoustic impacts on neighbouring properties. The acoustic measures recommended by qualified acoustic consultants Day Design have been incorporated into the development, which include an operational management plan limiting the maximum number of children using the outdoor play areas, and the incorporation of high solid fencing around the perimeter of the outdoor play area. The acoustic measures will adequately mitigate potential noise impacts to adjoining properties whilst also protecting the noise intrusion into the child care facility.

3.6 Noise and air pollution

Child care facilities located near major roads, rail lines, and beneath flight paths are likely to be subject to noise impacts. Other noisy environments such as industrial areas and substations may impact on the amenity and well-being of the children and staff. The location of child care facilities should be selected to avoid or minimise the potential impact of external sources of significant noise.

C24 – Adopt design solution to minimise the impacts of noise, such as:

- **creating physical separation between buildings and the noise source**
- **orienting the facility perpendicular to the noise source and where possible buffered by other uses**
- **using landscaping to reduce the perception of noise**
- **limiting the number and size of opening facing noise sources**
- **using double or acoustic glazing, acoustic louvers or enclosed balconies (wintergardens)**
- **using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits**
- **locating cot rooms, sleeping areas and play areas away from external noise sources**

The subject site is not located near major roads, rail lines, beneath flight paths or other noisy environments.

The design scheme has undertaken a conscious effort to minimise adverse acoustic impacts on neighbouring properties. The acoustic measures recommended by qualified acoustic consultants Day Design have been incorporated into the development, which include an operational management plan limiting the maximum number of children using the outdoor play areas, and the incorporation of high solid fencing around the perimeter of the outdoor play area. The acoustic measures will adequately mitigate potential noise impacts to adjoining properties whilst also protecting the noise intrusion into the child care facility.

C25 – An acoustic repost should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:

- **on industrial zoned land where an ANEF contours is between 20 and 25, consistent with AS 2021 – 2000**
- **along a railway or mass transit corridor, as defined by *State Environmental Planning Policy (Infrastructure) 2007***
- **on a major or busy road**
- **other land that is impacted by substantial external noise**

The subject site is not located on industrial land, where an ANEF contours is between 20 and 25, along a railway or mass transit corridor or other land that is impacted by substantial external noise.

The design scheme has undertaken a conscious effort to minimise adverse acoustic impacts on neighbouring properties. The acoustic measures recommended by qualified acoustic consultants Day Design have been incorporated into the development, which include an operational management plan limiting the maximum number of children using the outdoor play areas, and the incorporation of high solid fencing around the perimeter of the outdoor play area. The acoustic measures will adequately mitigate potential noise impacts to adjoining properties whilst also protecting the noise intrusion into the child care facility.

Furthermore, a Noise Impact Assessment has been prepared for the application by Day Design, which concludes that given the recommendations made in the report are implemented, the noise emission will meet the requirements of the relevant policies. Refer to the report for detail.

<p>C26 – Locate child care facilities on sites which avoid or minimise the potential impact of external source of air pollution such as major roads and industrial development</p>	<p>Complies.</p>
<p>C27 – A suitable qualified air quality professional should prepare an air quality assessment report to demonstrate that the proposed child care facilities close to major roads or industrial development can meet air quality standards in accordance with relevant legislation and guidelines.</p>	<p>The subject site is not located near a major road or industrial development that warrants the preparation of an Air Quality Assessment.</p>
<p>3.7 Hours of operation</p>	
<p>C28 – Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays</p>	<p>The child care facility is to operate between 7am to 6pm Monday to Friday.</p>
<p>C29 – Within mixed use areas or predominantly commercial areas, the hours of operation of each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses</p>	<p>Subject site is not located within a mixed-use are. Not applicable.</p>
<p>3.8 Traffic, parking and pedestrian circulation</p>	
<p>C30 – Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land. Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rate:</p> <p>Within 400m of a metropolitan train station:</p> <ul style="list-style-type: none"> • 1 space per 10 children • 1 space per 2 staff. Staff parking may be stacked or tandem parking with no more than 2 spaces in each tandem space. <p>In other areas:</p> <ul style="list-style-type: none"> • 1 space per 4 children 	<p>The development has applied the car parking requirements under the Maitland Development Control Plan.</p>

<p>C31 – In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicular movement or potential conflicts with truck and large vehicles.</p>	<p>The site is not located in a commercial or industrial zone. Not applicable.</p>
<p>C32 – A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised and demonstrate that:</p> <ul style="list-style-type: none"> • the amenity of the surrounding area will not be affected • there will be no impacts on the safe operation of the surrounding road network 	<p>The Traffic and Parking Impact Assessment Report which accompanies this application has there are no parking or traffic related issues that should prevent approval of the subject application.</p> <p>Refer to the submitted Parking & Traffic Impact Assessment Report for detail.</p>
<p>C33 – Alternate vehicular access should be provided where child care facilities are on site fronting:</p> <ul style="list-style-type: none"> • a classified road • roads which carry freight traffic or transport dangerous goods or hazardous materials <p>The alternate access must have regard to the prevailing traffic conditions:</p> <ul style="list-style-type: none"> • pedestrian and vehicle safety including bicycle movements • the likely impact of the development on traffic 	<p>Aberglasslyn Road is deemed appropriate to service the proposed development based on the design of the development proposal.</p> <p>Refer to the attached Parking & Traffic Impact Assessment for detail.</p>
<p>C34 – Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the sider locality in times of emergency.</p>	<p>The development site is not within a cul-de-sac or narrow lanes or road. Not applicable.</p>
<p>C35 – The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> • separate pedestrian access from the car park to the facility 	<p>The development provides separate pedestrian and vehicular access.</p>

- **defined pedestrian crossings including within large car parking areas**
 - **separate pedestrian and vehicle entries from the street for parents, children and visitors**
 - **delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities**
 - **vehicles can enter and leave the site in a forward direction**
- Vehicles can enter and exit the site in a forward direction.

C37 – Car parking design should:

- **include a child safe fence to separate car parking areas from the building entrance to play areas**
 - **provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards include wheelchair and pram accessible parking**
- The car parking area is sufficiently separated from the building entrance and outdoor play area.
- An accessible car parking space designed in accordance with Australian Standards is clearly marked and situated near the entry point.

Part 4 Applying the National Regulations to development proposals

4.1 Indoor space requirements

Regulation 107

Education and Care Services National Regulations

Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space.

The proposal provides at least 3.25m² of indoor play space per child. The play space has been calculated in accordance with the unencumbered guidelines of this Guideline.

Design Guidance

Verandas as indoor space

For a veranda to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather. It can only be counted once and therefore cannot be counted as outdoor space as well as indoor space.

No veranda is to be included as unencumbered indoor space. Not applicable.

Design Guidance

Storage

It is recommended that a child care facility provide:

- a minimum of 0.3m³ per child of external storage space
- a minimum of 0.2m³ per child of internal storage space

The proposal provides appropriate internal and external storage areas.

4.2 Laundry and hygiene facilities

Regulation 106

Education and Care Services National Regulations

There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering.

On site laundry facilities are provided.

Laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children.

Designed to comply.

Child care facilities must also comply with the requirements for laundry facilities that are contained in the *National Construction Code*.

Laundry designed to comply with relevant requirements under the National Construction Code.

Design Guidance

On site laundry

On site laundry facilities should contain:

- a washer or washers capable of dealing with heavy requirements of the facility
- a dryer
- laundry sinks
- adequate storage for soiled items prior to cleaning
- an on-site laundry cannot be calculated as usable unencumbered play space for children

Designed to comply.

4.3 Toilet and hygiene facilities

Regulation 109

Education and Care Services National Regulations

Adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.

Toilet facilities for both the children and staff are provided.

Child care facilities must comply with the requirements for sanitary facilities that are contained in the *National Construction Code*.

Sanitary facilities are designed to comply with relevant requirements under the National Construction Code.

4.4 Ventilation and natural light

Regulation 110

Education and Care Services National Regulations

Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.

The proposed facility has been designed to achieve cross ventilation, receive adequate natural light and be temperature controlled to avoid extremes in temperature.

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.

Lighting, ventilation and minimum ceiling heights are designed to comply with relevant requirements under the National Construction Code.

Design Guidance

Natural light

When designing child care facilities consideration should be given to:

- providing windows facing different orientations
- using skylights as appropriate
- ceiling heights

The development provides windows facing different orientations. The proposed ceiling heights are proportional to the room size to ensure natural lighting is available to activity spaces.

4.5 Administrative space

Regulation 111

Education and Care Services National Regulations

Services must provide adequate area or areas for the purpose of conducting the administrative functions of the services, consulting with parents of children and conducting private conversations.

Adequate space for administrative tasks being conducted are provided on site.

4.6 Nappy change facilities

Regulation 112

Education and Care Services National Regulations

Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing.

Nappy change facilities are provided for the facility for kids aged between 0-2.

All nappy changing facilities should be designed and located in an area that prevents unsupervised access to children. Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the *National Construction Code*.

Complies.

Nappy changing, and bathing facilities designed to comply with relevant requirements under the National Construction Code.

Design Guidance

In circumstances where nappy change facilities must be provided, design considerations could include:

Designed to comply.

- Properly constructed nappy changing bench or benches
- A bench type baby bath within one metre from the nappy change bench
- The provision of hand cleansing facilities for adults in the immediate vicinity of the nappy change area
- A space to store steps positioning to enable supervision of the activity and play areas

4.7 Premises designed to facilitate supervision

Regulation 115

Education and Care Services National Regulations

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 regards to the needs to maintain their right and dignity.

The proposed layout ensures that hidden corners are avoided and that supervision views are maximised throughout the development.

Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the *National Construction Code*.

Complies.

4.8 Emergency and evacuation procedures

Regulations 97 and 168

Education and Care Services National Regulations

Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.

The proposed child care facility has been designed and incorporate features that provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency.

Regulation 97 sets out the detail for what those procedures must cover including:

- instructions for what must be done in the event of an emergency
- an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit
- a risk assessment to identify potential emergencies that are relevant to the service

An Emergency and Evacuation Plan will be prepared in accordance with Regulation 97 and design guidance contained within this Guideline prior to operations commencing.

Design Guidance

An emergency and evacuation plan should be submitted with a DA and should consider:

- the mobility of children and how this is to be accommodated during an evacuation
- the location of a safe congregation / assembly point, away from the evacuated building, busy road and other hazards, and away from

An Emergency and Evacuation Plan will be prepared in accordance with Regulation 97 and design guidance contained within this Guideline prior to operations commencing.

evacuation points used by other occupants or tenants of the same building or of surrounding buildings

- how children will be supervised during the evacuation and at the congregation/assembly, relative to the capacity of the facility and governing child-to-staff ratios

4.9 Outdoor space requirements

Regulations 108

Education and Care Services National Regulations

Every child being educated and cared for within a facility must have a minimum of 7.0m² of unencumbered outdoor space.

The proposal provides at least 7m² of unencumbered outdoor play space per child. The play space has been calculated in accordance with the requirements of this Guideline. Exploration and learning within the outdoor play area will be maximised with the use of facilities such as the outdoor play equipment.

A veranda that is included within indoor space cannot be included when calculating outdoor space and vice versa.

Not applicable.

Design Guidance

Calculating unencumbered space for outdoor areas should not include areas of dense hedges or planting along boundaries designed for landscaping purpose and not for children's play.

Complies, no areas of dense hedges or planting along boundaries are used to calculate unencumbered space for outdoor areas.

4.10 Natural environment

Regulations 113

Education and Care Services National Regulations

The approved provider of a centre-based service must ensure that the outdoor space allow children to explore and experience the natural environment

Exploration and learning within the outdoor play areas will be maximised through the provision of landscaped areas replicating the natural environmental.

Design Guidance

Shrubs and trees selected for the play space must be safe for children. Avoid plant species that risk the health, safety and welfare of the facility's occupants, such as those which:

Noted, refer to the attached landscape plan for detail.

- are known to be poisonous, produce toxins or have toxic leave or berries

- have seed pods or stone fruit, attract bees, have thrones, spikes or prickly foliage or drop branches

The outdoor space should be designed to:

- provide a variety of experience that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment
- Assist 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 facilitates interaction
- sand pits and water play areas
- furniture made of logs and stepped logs
- dense indoor planting and green vegetated walls
- climbing frames, walking and/or bike tracks
- vegetable gardens and gardening tubs.

The outdoor space has been designed to provide a variety of experiences, which facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment.

4.11 Shade

*Regulations 114
Education and Care Services National
Regulations*

Outdoor play areas should:

- have a minimum of 2 hours of solar access between 8.00am and 4.00pm during winter months, for 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

Complies. Refer to the attached Architectural Plans for detail.

Appropriate natural and built shade structures are incorporated into the design of the child care facility, which will contribute towards protecting children from overexposure to ultraviolet radiation from the sun.

A large covered outdoor shade area is illustrated on the plans.

- have evenly distributed shade structures over different activity spaces.

4.12 Fencing

Regulations 104

Education and Care Services National Regulations

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. Designed to comply.

Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the *National Construction Code*. Designed to comply.

Design Guidance

Fencing at child care facilities must provide a secure, safe environment for children and minimise access to dangerous areas. Fencing also needs to positively contribute to the visual amenity of the streetscape and surrounding areas. In general, fencing around outdoor play areas should: Designed to comply.

- prevent children climbing over, under or through fencing
- prevent people outside the facility from gaining access by climbing over, under or through the fencing
- not create a sense of enclosure.

Design consideration for side and rear boundary fences could include:

- being made from solid prefinished metal, timber or masonry
- Having a minimum height of 1.8m
- having no rails or elements for climbing higher than 150mm from the ground

Fencing and gates should be designed to ensure adequate sightlines for vehicles and pedestrian safety in accordance with Australian Standards and Roads and Maritime Services Traffic Management Guidelines. Fencing and gates are designed to comply with relevant requirements under the Australian Standards and Roads and Maritime Services Traffic Management Guidelines.

Gates should be designed to prevent children leaving/entering unsupervised by use of childproof locking systems. Designed to comply.

4.13 Soil assessment

Regulations 25

Education and Care Services National Regulations

Subclause(d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purpose as part of an application for serviced approval. See the discussion under the SEPP (Resilience and Hazards) 2021 for detail.

EDUCATION AND CARE SERVICES NATIONAL REGULATIONS 2012 (NATIONAL REGULATIONS)

In preparing this development application and in the design development of the proposal, regard has been had to not only the Maitland Council controls and guidelines, but also to the Education and Care Services National Regulations 2012 (National Regulations).

It is noted that the National Regulations provide exhaustive controls and requirements in addition to that of local government and includes: -

- licensing and approvals processes, including documentation requirements;
- facilities and equipment requirements;
- staffing requirements;
- child number requirements;
- operational requirements;
- administrative requirements;
- probity check requirements; and
- various miscellaneous requirements.

It is noted that a large portion of the controls have been addressed in Chapter 3 Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 and the Child Care Guidelines, and therefore, only the relevant controls will be addressed in the table below:

Clause	Controls	Comment	Complies
Part 4.3 Physical Environment			
Division 1 Centre-Based Services and Family Day Care Services			
104	Fencing	Appropriate outdoor play area fencing will be provided by the proposed centre-based child care facility.	Yes
106	Laundry and facilities	hygiene A laundry facility is available on the premises of the proposed centre-based child care facility.	Yes
107	Space requirements indoor space	– The proposed centre-based child care facility provides at least 3.25m ² of unencumbered indoor play space per child as shown on the submitted architectural plans.	Yes
108	Space requirements outdoor space	– The proposed centre-based child care facility provides at least 7m ² of unencumbered outdoor play space per child as shown on the submitted architectural plans.	Yes
109	Toilet and facilities	hygiene Age-appropriate toilet and washing facilities are provided.	Yes
110	Ventilation and light	and natural The facility will receive adequate ventilation and natural light, as addressed in the SEPP and Child Care Guidelines previously within this statement.	Yes
Division 2 Additional Requirements for Centre-Based Services			
111	Administrative space	An administration room is located within the proposed Child Care Facility.	Yes
112	Nappy change facilities	A nappy change facility is provided by the proposed centre-based child care facility.	Yes
113	Outdoor space – environment	– natural As addressed earlier in this statement, the development provides outdoor spaces that permit children to explore and experience the natural environment.	Yes
114	Outdoor space – shade	The proposed centre-based child care facility has provided adequate shading. Refer to attached architectural plans for detail.	Yes

Part 4.4 Staffing Requirements

123	Staff to child ratio	<p>Clause 123 provides minimum staff requirements for child care facilities in <u>Australia</u>:</p> <p>0-2 Years – 1 employee per 4 children 2-3 Years – 1 employee per 5 children 3-5 Years – 1 employee per 11 children</p> <p>It is noted that Clause 271 overrides the ratio for the 3-5 age group for facilities in <u>New South Wales</u>. Therefore the ratios for the proposed facility are as follows:</p> <p>0-2 Years – 1 employee per 4 children 2-3 Years – 1 employee per 5 children 3-5 Years – 1 employee per 10 children</p> <p>The breakdown of children ratio within the proposed centre-based child care facility is as follows:</p> <p>0-2 Years – 36 children (9 staff) 2-3 Years – 25 children (5 staff) 3-5 Years – 40 children (4 staff)</p> <p>Total: 18 staff educators. The development provides a total of 18 educators. Complies.</p>	Yes
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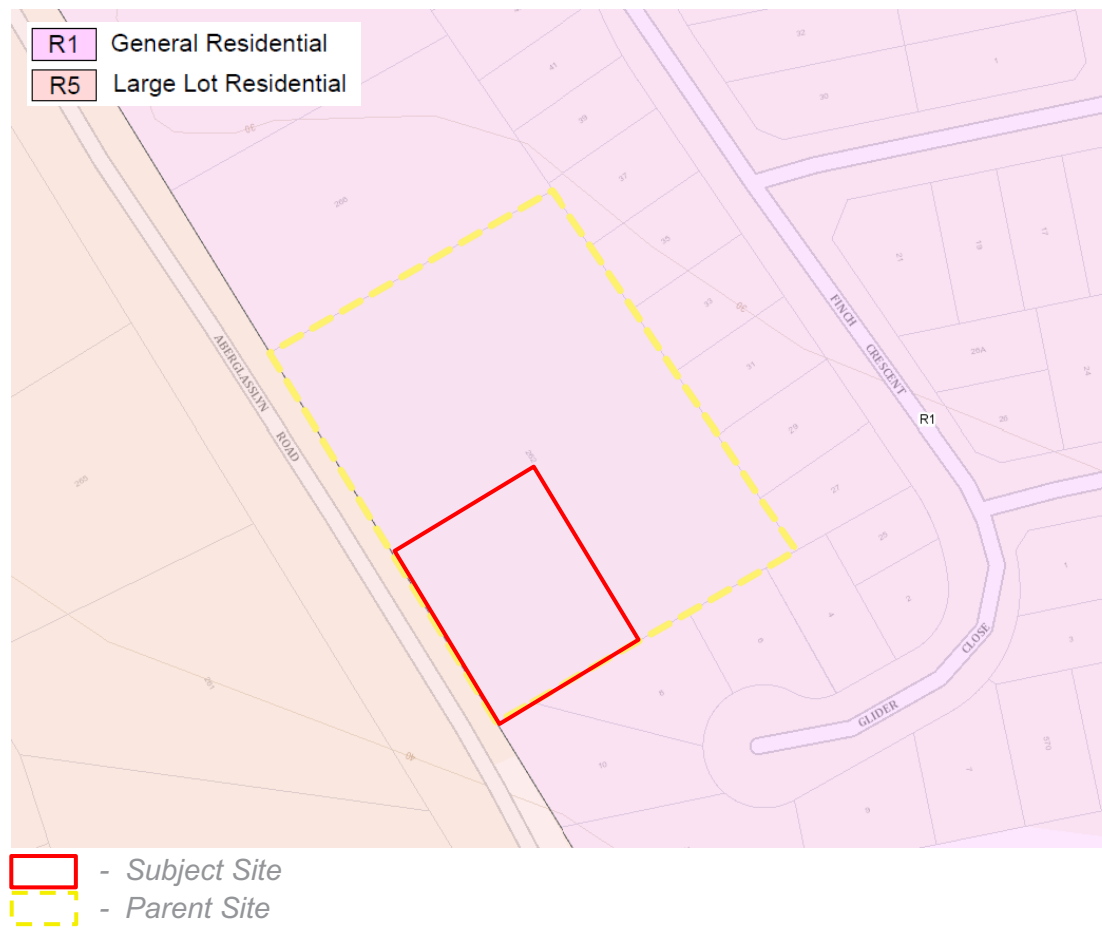
Part 7.3 New South Wales – Special Provisions

271	<p>Educators to child ratios – (1) children aged 36 months or more but less than 6 years</p>	<p>(1) Regulation 123 (1)(c) applies as modified by this section. (2) The educator to child ratio for children aged 36 months or more but less than 6 years of age is 1 educator to 10 children.</p> <p>This is addressed in the section above.</p>	Yes
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MAITLAND LOCAL ENVIRONMENTAL PLAN 2011

As shown on the zoning map extract below, the development site is zoned R1 General Residential under the provisions of the Maitland LEP 2011.

Figure 7: Land Zoning Map (Source: ePlanning Spatial Viewer).



'Centre-based Child Care Facilities' are permissible with Council consent within the R1 Zone.

The development is consistent with the definition of a 'Centre-based Child Care Facility' which is provided 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)),

The development is also consistent with the R1 General Residential zone objectives, which 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 provides a centre-based child care facility that will serve the needs of people who live and work in the local area, and also provide employment opportunities for local residents.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Maitland Local Environmental Plan 2011					
Clause	Controls		Comment	Complies	
Zoning	R1 General Residential		'Centre Based Child Care Facilities' are permissible with Council consent in the R1 Zone.	Yes	
Part 2 Permitted or Prohibited Development					
2.3	Zone objectives and land use table		The proposal is consistent with the zone objectives of the R1 General Residential Zone and will provide valuable child care services to meet the day to day needs of local residents.	Yes	
2.6	Subdivision requirements	– consent	No subdivision is proposed.	Yes	
2.7	Demolition requires consent		Demolition is proposed as part of a separate application for the subdivision of the parent site.	N/A	
Part 4 Principal Development Standards					
4.3	Height of buildings		The development site is not subject to the building height control.	N/A	
4.4	Floor space ratio		The development site is not subject to the FSR control.	N/A	

Part 5 Miscellaneous Provisions

5.10	Heritage Conservation	The subject site is not heritage listed nor is it located with a Heritage Conservation Area. The site is not located within proximity to any identified heritage items. Accordingly, the development will not impact on the curtilage of any heritage items within the wider vicinity of the site.	Yes
5.21	Flood Planning	The site was not identified as flood prone in the Pre-lodgement meeting minutes.	Yes

Part 6 Urban release areas

6.2	Public utility infrastructure	This is to be addressed via the subdivision DA for the parent site and can be reinforced by way of conditions of consent.	Yes
6.3	Development control plan	The development has been designed to comply with the site specific DCP. See the discussion later in this report for detail.	Yes

Part 7 Additional Local provisions

7.1	Acid sulfate soils	The development is identified as containing class 5 acid sulfate soils. The site is not within proximity to any other class of acid sulfate soils, and the development is unlikely to impact on the water table.	N/A
7.2	Earthworks	<p>This application seeks Council consent for excavation of the site as per the attached plans.</p> <p>It is considered that the proposed excavation will have minimal adverse environmental or amenity impact.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.</p>	Yes

The proposed excavation work is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.

MAITLAND DEVELOPMENT CONTROL PLAN 2011

All relevant Council controls have been identified and considered in the following compliance table, noting that the majority of the ‘big picture’ issues in terms of subdivision are considered in the parent subdivision DA.

Maitland Development Control Plan 2011 – Compliance Table			
Clause	Controls	Comment	Complies
Part B – Environmental Guidelines			
B.5	Tree management	Tree management has been addressed under State Environmental Planning Policy (Biodiversity and Conservation) 2021 and under the parent subdivision. However the proposal provides for a series of canopy trees including 3 canopy trees in the front setback to contribute to the landscape setting of the site.	Yes
B.6	Waste Management	A Waste Management plan for the construction and ongoing use of the proposal is provided as part of this application.	Yes
Part C – Design Guidelines			
C.1	Accessible Living	Development has been designed to be accessible to and within the building in accordance with all relevant legislation, with direct equitable pedestrian access provided via Aberglasslyn Road. An accessible parking space is provided adjacent to the lift core, which provides access to and from the basement level. Access to the site is in accordance with the Accessibility Compliance Report that accompanies this application.	Yes

		Development provides appropriate continuous path of travel to and within the building, including access between the street entry and main building entrance.	
C.2	Child Care Centres	This chapter is superseded by the SEPP and Child Care Planning Guidelines, which are addressed in detail in this report.	
C.10	Subdivision	A separate application is proposed for the subdivision of the parent site.	N/A
C.11	Vehicular Access & Car Parking Parking rate: 1 space per 4 children in attendance or part thereof.	<p>The development proposes a maximum capacity of 101 child care places, and therefore, is required to provide a total of 26 car parking spaces.</p> <p>The development proposes 26 car parking spaces within a basement level, and therefore, complies with this requirement.</p> <p>A Traffic and Parking Impact Assessment has been prepared for the proposal by McLaren Traffic Engineering.</p> <p>The report concludes that the development is suitable in terms of traffic and parking matters.</p> <p>Refer to the report for detail.</p>	Yes
C.12	Crime Prevention through Environmental Design	<p>The development proposes a design which incorporates the CPTED principles to optimise safety for children.</p> <p>Fencing and gates designed to comply with relevant requirements under the Australian Standards and Roads and Maritime Services Traffic Management Guidelines.</p> <p>The proposal incorporates built elements, fencing and landscaping that clearly distinguishes between the public and private domain.</p>	Yes

		The proposed development incorporates an active façade that will permit casual surveillance to the common areas within the development site.	
Part F – Urban Release Area – F.3 Aberglasslyn Urban Release Area			
		<p>It is noted that given the proposal is for the construction of a child care facility, and that the subdivision of the parent site is to be approved via a separate DA.</p> <p>Therefore, the majority of the DCP provisions have been considered in the prior parent DA for the site. Hence a number of the ‘big picture’ issues on road networks, stormwater and the like have been dealt with under previous DAs. Hence only those parts of the DCP that remain relevant are addressed below.</p>	
1.1	Staging Plan	The development is not to be constructed in stages given the nature of the proposal. The broader release area has already been ‘rolled out’ in terms of infrastructure staging and the like.	N/A
1.3	Transport Movement Hierarchy	<p>No new roads are proposed as part of the application.</p> <p>It is noted that a traffic and parking assessment report is provided as part of the application, which deals with traffic matters. The vehicular access also must be to Aberglasslyn Road given no alternate access arrangements are feasible given the redevelopment of surrounding sites prevents alternative road access. Notwithstanding the traffic and parking assessment considers the suitability of the traffic impacts and access arrangements.</p>	Yes
1.6	Stormwater and water quality management	A stormwater consultant has been engaged for this application. Refer to the stormwater engineer report for details on this matter.	Yes

CONCLUSION

Following a review of the relevant planning controls, it is concluded that the proposed application for the subdivision of the residue lots is an appropriate outcome on the site and remains consistent with the design intent of the original proposal.

Having regard to the benefits of the proposal and considering the absence of adverse environmental, social or economic impacts, the development application is submitted to Council for assessment and granting of consent.

Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.