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## **Statement of Environmental Effects**

**Alterations to dwelling and change of use to Out of School Hours (OOSH) care facility for 25 children to be operated in conjunction with existing adjacent child care centre and consolidation of both allotments on Lot 116 DP 262726 & Lot 200 DP 264378, 73 & 75 Regiment Road, Rutherford**

**September 2021**

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## **1.0 INTRODUCTION**

This Statement of Environmental Effects (SEE) has been prepared on behalf of Rutherford Playtime Preschool (Applicant) to accompany a development application (DA) seeking consent to the carrying out of alterations to an existing dwelling and change of use to an Out Of School Hours (OOSH) care facility for 25 children to be operated in conjunction with the existing adjacent child care centre and consolidation of both allotments on Lot 116 DP 262726, 73 Regiment Road, Rutherford.

The SEE addresses the matters for consideration under Section 415 of the Environmental Planning & Assessment Act 1979 as well as matters required to be considered by Maitland City Council.

## **2.0 SUBJECT SITE**

### **2.1 Property Description**

The subject site is legally identified as Lot 116 DP 262726 and Lot 200 DP 264378 and known respectively as 73 & 75 Regiment Road, Rutherford.

The combined site is an irregular shaped parcel of land located on the western side of Regiment Road between Brigatine Street to the north-east and Mountvale Street to the south. (refer Images 1 & 2).

### **2.2 Site Dimensions**

A Detail Survey Plan prepared by Parker Scanlon Pty Ltd accompanies the submitted DA documentation.

The site has frontage to Regiment Road of 45.127m and variable depth. Lot 116, which contains the existing dwelling, has a depth of some 31m while Lot 200, which comprises the existing child care facility, has a depth of approximately 83m. Overall the combined sites have an area of 2,568.22m<sup>2</sup>.

### **2.3 Topography**

The site has a fall of approximately 2.7 metres from the eastern, Regiment Road, frontage (RL 24.546m AHD) to the western rear boundary (RL 21.83m AHD).

### **2.4 Site Improvements/Characteristics**

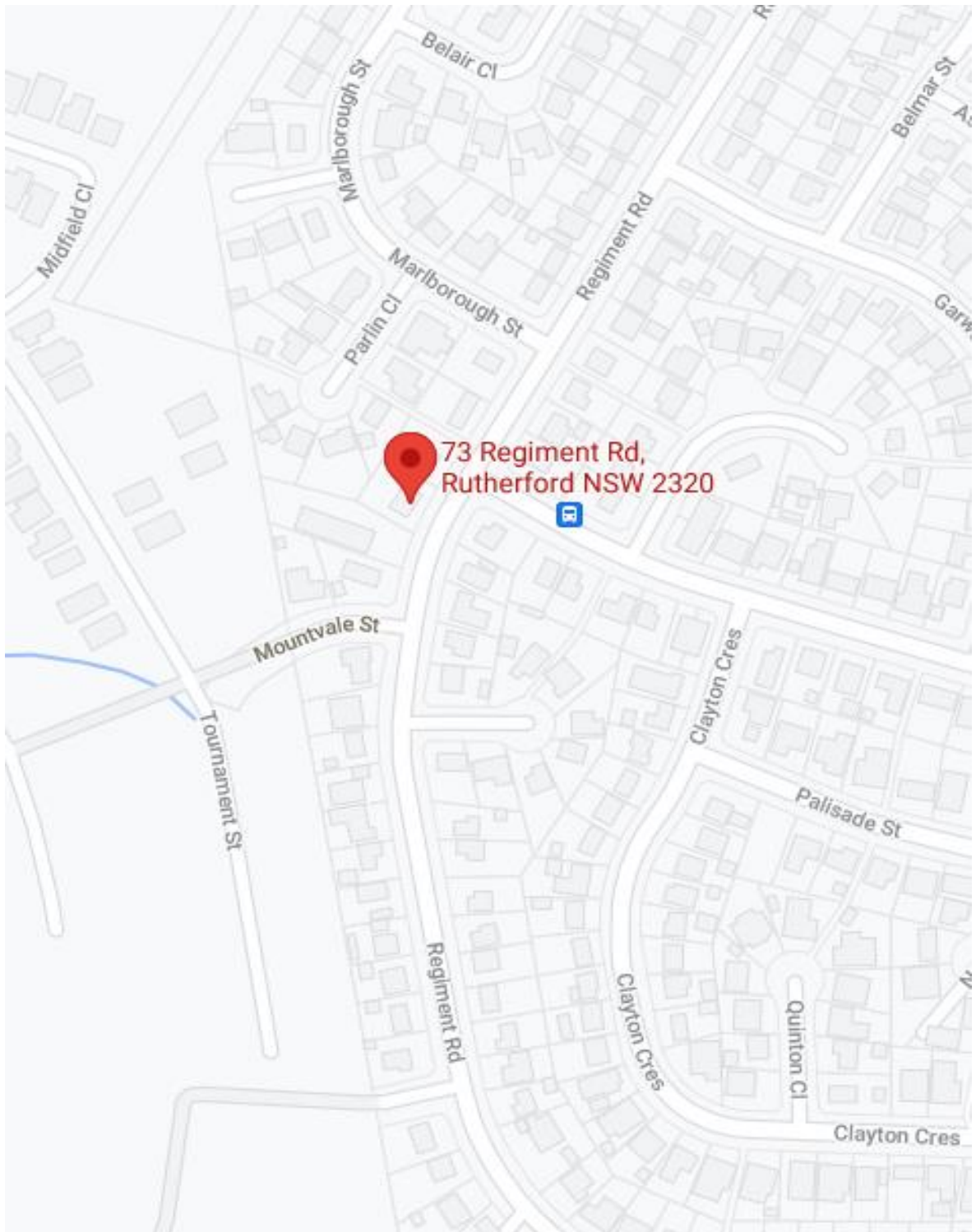
Lot 116 is occupied by a single storey brick and tile dwelling with attached double carport centrally positioned on the site frontage facing Regiment Road.

A single storey child care centre, trading as Rutherford Playtime Preschool, is located on the adjacent allotment (Lot 200) on the southern side.

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Neighbouring development is predominantly residential and comprises low density single detached dwellings of single and two storey design situated on their respective allotments fronting the public street.

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**MAP 1** – Location map of site courtesy of Google Maps.



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**MAP 2** – Extract from Nearmap 14 April 2021 showing subject site, existing improvements and immediate surrounds.

### **3.0 THE PROPOSED DEVELOPMENT**

The proposed development comprises alterations to the existing dwelling, change of use to an Out of School Hours (OOSH) facility for 25 children to be operated in conjunction with the adjacent child care centre and consolidation of both lots into 1.

Development consent is sought for the following,

- Change of use of existing dwelling to an Out of School Hours (OOSH) facility for 25 children,
- Construction of additional on-site car parking,
- Carrying out of alterations to the existing dwelling including, replacement of existing windows within front façade, replacement of tile roof with Colorbond custom orb roof, removal of internal walls and reconfiguration of layout, creation of unisex accessible toilet,
- Construction of accessible pathway linking existing centre and OOSH care facility,
- Consolidation of Lots 116 DP 262726 & Lot 200 DP 264378.

#### **3.1 Supporting Documentation**

Details of the proposed development are described in the following submitted documentation;

- Architectural plans prepared by Doug Checinski Building Design, Dated 2-9-2021,
- *Noise Assessment* prepared by Spectrum Acoustics, Report Ref: 212145-9364, September 2021,
- Detail Plan prepared by Parker Scanlon Pty Ltd, DWG: 14923DET-A.dwg, Rev A, Dated 09/04/2021,
- Traffic Report prepared by Seca solution, Ref: P2187, Dated 3 September 2021,

#### **3.2 Alterations to Existing Dwelling and Change of use to OOSH Care Facility**

The existing dwelling comprises a single storey building structure of brick veneer construction with tiled gabled roof and attached skillion roofed double carport.



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The building is situated on the front portion of the site facing the public street and maintains a front building setback of approximately 6m consistent with adjacent and neighbouring dwellings within the locality.

Alterations to the building include;

- Replacement of windows within the front façade facing Regiment Road,
- Painting of the exterior to match the existing adjacent preschool,
- Replacement of the tiled roof with Colorbond® custom orb roof sheeting,
- Internal alterations and reconfiguration.

### 3.3 Number of Child Care Places within Existing Centre

The existing child care centre, which operates as Rutherford Playtime Preschool Pty Ltd, is licensed for a total of 58 places.

The existing age breakdown of child care places

| Age          | Number of Places |
|--------------|------------------|
| 0-2          | 16               |
| 2-3          | 21               |
| 3-5          | 21               |
| <b>Total</b> | <b>58</b>        |

The existing centre operates Monday to Friday between the hours of 7.00am and 6.00pm.

### 3.4 Lot Consolidation

The subject site, which comprises two (2) allotments, is to be consolidated. The consolidation will be registered with Land & Property Information prior to issue of a Construction Certificate. It is assumed Council will confirm this arrangement with incorporation of an appropriate condition of DA consent.

### 3.5 Days & Hours of Operation

The OOSH care facility seeks approval to operate Monday to Friday between the hours of 6.00am - 9.00am and 3.00pm – 6.00pm.

The centre will be closed on Saturday and Sunday and Public Holidays.

### **3.6 Number of OOSH Facility Places**

A total of 25 children will be catered for between the ages of 6 and 12.

### **3.7 Number of OOSH Staff**

Staffing of the proposed OOSH care facility will be in accordance with Clause 123 of Part 4 of the Children (Education and Care Services) National Regulations 2011.

The staff to child ratio detailed in clause 123 of the aforementioned Regulations is shown in Table 1.

**TABLE 1 – Staff to Child Ratios**

| <b>Age</b>                                 | <b>Proposed No. of Places</b> | <b>Staff ratios req'd</b> | <b>No. of staff to be provided</b> |
|--|-------------------------------|---------------------------|------------------------------------|
| For children over pre-school age. i.e 6-12 | 25                            | 1:15                      | 2                                  |

The OOSH care facility will employ a total of two (2) staff.

The existing child care centre operates with a total of 11 staff.

## **4.0 ENVIRONMENTAL PLANNING ASSESSMENT**

The proposed development has been assessed having regard to the relevant matters for consideration under the provisions of Section 4.15 of the Environmental Planning & Assessment Act 1979, as detailed hereunder.

### **4.1 Statutory Considerations**

The Dictionary of Maitland Local Environmental Plan (MLEP), 2011 defines a centre-based child care facility as follows;

***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 \(NSW\)](#)),

**Note—**

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)) is provided.

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 service (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.

The subject property is zoned R1 General Residential under the provisions of Maitland Local Environmental Plan, 2011 and associated zoning map (LZN\_004A) within which zone a *child care centre* is permissible with development consent (refer Image 3).

The proposed development of the OOSH care facility is consistent with the zone objectives, which are reproduced below, on the basis that it is a land use that provides a facility to meet the day to day needs of residents and will operate in conjunction with the existing child care facility and provide additional care options for existing and new clients.

**Objectives of zone**

- 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.



**Image 3** – Extract from MLEP, 2011 Land Zoning Map (LZN\_004A) showing R1 General Residential zone and subject site.

### **Height of Buildings (clause 4.3 MLEP 2011)**

Clause 4.3 of the MLEP 2011 and associated Height of Buildings Map (HOB\_004A) does not specify a maximum height of building for the site.

The Dictionary of MLEP 2011 defines building height or height of building as follows;

*building height* (or *height of building*) means:

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The proposed OOSH facility will be carried out within the existing single storey dwelling which will be subject to alterations to suit the new use.

The existing tiled roof will be replaced with a Colorbond® custom orb metal roof over the existing rafters.

The height of the existing building will be unaltered.

**Floor Space Ratio (clause 4.4 MLEP 2011)**

Clause 4.4 of MLEP 2011 and associated Floor Space Ratio Map (FSR\_004A) does not specify a maximum floor space ratio (FSR) for the subject site.

The OOSH care facility will operate within the confines of the existing dwelling with no increase in GFA.

**Acid Sulfate soils (clause 7.1 MLEP 2011)**

The subject site is identified on the LEP Acid Sulfate Soils Map (ASS\_004A) as acid sulfate soils Class 5.

Clause 6.1(2) is reproduced as follows;

(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

| <b>Class of land</b> | <b>Works</b>   |
|----------------------|--|
| 1                    | Any works.   |
| 2                    | Works below the natural ground surface.<br>Works by which the watertable is likely to be lowered.  |
| 3                    | Works more than 1 metre below the natural ground surface.<br>Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.   |
| 4                    | Works more than 2 metres below the natural ground surface.<br>Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.   |
| 5                    | <b>Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</b> |

A review of the acid sulfate soils maps (ASS\_006A) indicates there is no adjacent class 1, 2 or 3 land within 500 metres of the site.

**Earthworks (clause 7.2 MLEP 2011)**

The proposed development will not involve any significant earthworks.

### **Flood Planning (clause 7.3 MLEP 2011)**

The subject site is not identified on the Flood Planning Map (FLD\_004A) as affected by flooding.

#### **4.1.1 State Environmental Planning Policy No. 55 – Remediation of Land**

The subject site is currently zoned and used for residential purposes and is not identified as contaminated land. Furthermore, there is no evidence to suggest the site has previously been utilized for any of the activities that may cause contamination listed under Table 1 of *Managing Land Contamination: Planning Guidelines SEPP 55 Remediation of Land*.

#### **4.1.2 Section 4.15 Environmental Planning & Assessment Act 1979**

The matters for consideration under section 4.15 of the EPA Act 1979 are addressed as follows;

*(a) the provisions of:*

*(i) any environmental planning instrument, and*

Maitland LEP 2011 represents the principal environmental planning instrument applicable to the proposed development. The site is zoned R1 General Residential and within which zone a child care centre is permissible with development consent.

The relevant provisions of the LEP are addressed within section 4.1.1 of the SEE.

State Environmental Planning Policy 55 – Remediation of land is applicable and has been addressed within the SEE.

*(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

There are no known such instruments affecting the subject site or proposed development.

*(iii) any development control plan, and*

Maitland DCP 2011 is applicable and the relevant provisions of the DCP have been addressed within the SEE.



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*(iia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*

No such planning agreement, has, or is proposed to be, entered into in respect of the proposed development.

*(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*

There is no specific prescribed matter within the Regulations that is required to be addressed.

*(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*

There are no coastal management plans applicable to the subject land.

*(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

The likely impacts of the proposed development including environmental, social and economic are addressed within the SEE and accompanying supporting specialist acoustic and traffic reports, and incorporate appropriate mitigation measures to minimise any adverse impact in the locality.

*(c) the suitability of the site for the development,*

The survey plan, prepared by Parker Scanlon Pty Ltd, does not identify the site as being affected by any easement, covenant and/or restriction as to use which would prevent the proposed development.

Furthermore, the site is not affected by any particular natural hazard that would render the site unsuitable for the proposed use as a child care centre.

*(d) any submissions made in accordance with this Act or the regulations,*

It is expected that Council will advise the Applicant of any particular issues that are raised as a consequence of public notification of the development application.

*(e) the public interest.*

The proposed development is considered to be in the public interest having regard to the shortage of OOSH facilities generally within the Rutherford locality.

#### **4.1.3 SEPP (Educational Establishments and Child Care Facilities) 2017**

Pursuant to clause 5 and the Standard Instrument the proposed development constitutes a *centre-based child care facility* which forms part of the definition of an *early education and care facility*.

Both land-uses are defined as follows;

**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:
  - (a) long day care,
  - (ii) occasional child care,
  - (iii) out-of-school-hours care (including vacation care),
  - (i) preschool care, or
- (b) an approved family day care venue (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)),

Note.

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)) is provided.

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 service (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.

**early education and care facility** means a building or place used for the education and care of children, and includes any of the following:

- (a) a centre-based child care facility,
- (b) home-based child care,
- (c) school-based child care

Part 3 of the SEPP, which addresses ‘*Early learning and care facilities – specific development controls*’, is applicable to the proposed development.

### **Part 3 Early education and care facilities—specific development controls**

The specific clauses under Part 3 are addressed as follows;

#### **Clause 22 Centre-based child care facility – concurrence of Regulatory Authority required for certain development**

The architectural plans details the areas of unencumbered internal and external space.

The proposed development complies with the regulation 107 (indoor unencumbered space requirements) and regulation 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations as required within clause 22(1)(a) and (b) and consequently does not require the concurrence of the Regulatory Authority.

#### **Clause 23 Centre-based child care facility – matters for consideration by consent authorities**

The applicable provisions of the *Child Care Planning Guideline* have been addressed and a Compliance table assessment of the proposal against the matters for consideration under Part 3 of the Guideline are attached.

#### **Clause 24 Centre-based child care facility in Zone IN1 or IN2 – additional matters for consideration by consent authorities**

- (1) The object of this clause is to minimise land use conflicts with existing developments on surrounding land and to ensure the safety and health of people using or visiting a centre-based child care facility on land in Zone IN1 General Industrial or Zone IN2 Light Industrial.
- (2) The consent authority must consider the following matters before determining a development application for development for the purpose of a centre-based child care facility on land in Zone IN1 General Industrial or Zone IN2 Light Industrial—
  - (a) whether the proposed development is compatible with neighbouring land uses, including its proximity to restricted premises, sex services premises or hazardous land uses,

- (b) whether the proposed development has the potential to restrict the operation of existing industrial land uses,
- (c) whether the location of the proposed development will pose a health or safety risk to children, visitors or staff.
- (3) The matters referred to in subclause (2) are in addition to any other matter that the consent authority must consider before determining a development application for development for the purpose of a centre-based child care facility.

Not applicable as the site is zoned R1 General Residential.

### **Clause 25 Centre-based child care facility – non-discretionary development standards**

The clause outlines the following non-discretionary development standards that, if complied with, prevent the consent authority from requiring more onerous standards for those matters;

- (a) **location** – the development may be located at any distance from an existing or proposed early education and care facility.
- (b) **Indoor or outdoor space**
  - (i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the [Education and Care Services National Regulations](#) applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or
  - (ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the [Children \(Education and Care Services\) Supplementary Provisions Regulation 2012](#) applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,
- (c) **site area and site dimensions**—the development may be located on a site of any size and have any length of street frontage or any allotment depth,
- (d) **colour of building materials or shade structures**—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.

### **Clause 26 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 ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:

- (a) operational or management plans or arrangements (including hours of operation),
- (b) demonstrated need or demand for child care services,
- (c) proximity of facility to other early childhood education and care facilities,
- (d) any matter relating to development for the purpose of a centre-based child care facility contained in:
  - (i) the design principles set out in Part 2 of the Child Care Planning Guideline, or
  - (ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).

(2) This clause applies regardless of when the development control plan was made.

Part C2 of Maitland DCP 2011 contains specific development controls for Child Care Centres and is addressed within the SEE.

#### **4.1.4 SEPP 64 Advertising & Signage**

No additional signage is proposed as part of this application.

## **4.2 Merit Considerations**

### **Maitland Development Control Plan 2011**

Maitland Development Control Plan 2011 provides, among other things, detailed criteria for the assessment of development applications and is required to be considered by the Council under section 4.15 of the Environmental Planning and Assessment Act 1979 when determining development applications.

The relevant Development Provisions of DCP 2011 are addressed as follows;

### **B.6 Waste Management**

A Waste Management Plan (WMP) accompanies the submitted DA documentation.

The majority of waste generated by the child care centre is classified as general waste that predominantly includes light weight items such as nappies and food scraps. When the child care centre is operating at full capacity the weekly general waste is estimated to be a maximum of 1.1m<sup>3</sup>. The balance of the waste is classified as recyclable waste that includes light weight items such as paper scraps, cans, bottles and plastic containers. When the child care centre is operating at full capacity the weekly recyclable waste is estimated to be a maximum of 0.4m<sup>3</sup>.

## **On-Site Waste Management**

### Demolition and construction waste management

No significant demolition work is proposed as the existing dwelling is to be retained and modified to suit the proposed use as an OOSH facility.

An appropriate area within the site will be suitably fenced for the containment of building waste pending collection and removal from the site by the building contractor.

### Operational waste management

The existing child care centre at 75 Regiment Road incorporates a secure and suitably screened waste bin storage area located within the southern side boundary setback. The bin storage area accommodates a total of 4 x 240lt mobile bin (MGB), is easily accessible from the kitchen and car park for the collection of bins.

The OOSH care facility also incorporates bin storage within the side boundary setback for an additional 1 x 240Lt MGB.

The waste collection for the existing centre is currently managed by Council's regular weekly kerb-side collection service. Child care centre staff place the bins at the kerbside the evening before collection.

Yard maintenance is managed by private contractor twice weekly and a single 240Lt MGB (green bin) is retained by the centre and collected by Council's regular kerb side service.

## **C.2 Child Care Centres**

A Compliance Table Assessment of the proposed OOSH facility against the controls of Part C2 of DCP 2011 is provided at Appendix B.

## **C.6 Outdoor Advertising**

No additional signage is proposed as part of the application.

## **C.11 Vehicular Access & Car Parking**

The issue of vehicular access and provision of on-site parking have been previously addressed within the SEE.



### **C.12 Crime Prevention Through Environmental Design**

Given the location of the proposed OOSH care facility within an established residential precinct and adjacent to the existing child care centre it would be expected that during daylight hours that there will be minimal risk or harm to public safety for staff and clients accessing the child care centre due to the presence of numerous other persons in and around the centre.

The potential for anti-social behaviour, including criminal behaviour, will however increase during the late afternoon in winter and evening when the centre is closed.

Crime Prevention through Environmental Design (CPTED) acknowledges that the built environment influences the likelihood of criminal behaviour taking place and consequently encourages the application of design features, routine activities and space management practices which alter conditions that create opportunities for criminal behaviour.

The following principles, which are central to Crime Prevention through Environmental Design, Surveillance, Accessibility, Territoriality and Space Management, are addressed accordingly in respect of the proposed development of the site for a child care centre.

- Surveillance

*“The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical”.*

- The child care centre will utilise internal and external movement activated security sensor lighting.
- The external play areas will be securely fenced to facilitate supervision of children and for their personal safety and security. Access to the external play areas will only be provided from within the centre.

- Accessibility

*“Physical and symbolic barriers can be used to attract, channel or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime”.*

- The perimeter of the property is currently suitably fenced with only one primary access to the centre available via the front entry and directly accessible from the on-site car park.

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- An internal and external alarm siren and associated blue strobe light will be installed within the premises which will be activated upon unauthorised entry to the OOSH care facility.
- Children will be required to be signed in and out of the centre upon drop-off and pick-up.
- Territoriality

*“Community ownership of public space sends positive signals. People often feel comfortable in, and are more likely to visit, places which feel owned and cared for. Well used places also reduce opportunities for crime and increase risk to criminals”.*

The subject site is located within an established residential precinct with the side and rear boundaries, which will adjoin other private property, suitably fenced for security, safety and privacy.

The front property boundary, which delineates private from public property, will remain unfenced consistent with the streetscape.

- Space Management

*“Popular public space is often attractive, well maintained and well used space. Linked to the principle of territorial reinforcement, space management ensures that space is appropriately utilised and well cared for”.*

The following security measures will be installed;

- Motion activated external security lighting detectors throughout the centre,
- After-hours random private security patrols 7 days a week.

### 4.2.1 Stormwater

Sheet 6 of the submitted architectural plans indicates that stormwater drainage from the proposed OOSH facility will be directed via a 90Ø PVC pipe into the existing stormwater drainage system in the rear yard of No. 75 Regiment Road.

#### **4.3 Suitability of the Site for the Development**

- **Mine Subsidence**

The subject site is not identified as being located within a proclaimed mine subsidence area.

- **Bushfire**

The subject site is not identified as bush fire prone land.

#### **4.4 Social & Economic Impacts in the Locality**

The proposed child care centre is not anticipated to have any adverse social and/or economic impacts in the locality and will provide additional OOSH care places within the Rutherford locality.


#### **4.5 Public Interest**

The proposed child care centre is not considered to be contrary to the broader public interest as the facility is a permissible use within the zone and will cater to the demand for OOSH care places with the locality.

#### **5.0 Conclusion**

The proposed development is permissible in the R1 General Residential zone with development consent and the Statement of Environmental Effects is considered to have satisfactorily demonstrated that the proposed development is not inconsistent with the provisions of Development Control Plan 2011 or anticipated to adversely impact on the amenity of neighbouring residential development or other development in the locality.

Having regard to the foregoing it is considered appropriate that the proposed development be approved.



**Simon Pocock**  
Director

**APPENDIX A: NSW Child Care Planning guideline – Parts 3 & 4 Compliance  
Table Assessment Checklist**

## Child Care Planning Guideline – Compliance Table Assessment – Part 3 Matters for Consideration

Alterations to existing dwelling and change of use to OOSH care facility for 25 children to be operated in conjunction with existing adjacent child care centre and consolidation of both allotments.

Lot 116 DP 262726 & Part 200 in DP 264378 – 73-75 Regiment Road, Rutherford

| Matters for Consideration  | Proposed Development  | Compliance |
|--|---|------------|
| <b>3.1 Site Selection and Location</b>   |   |            |
| <b>Objective:</b> To ensure that appropriate zone considerations are assessed when selecting a site.   |   |            |
| <p><b>C1</b><br/>           For proposed developments in or adjacent to a residential zone, consider:</p> <ul style="list-style-type: none"> <li>• the acoustic and privacy impacts of the proposed development on the residential properties</li> <li>• the setbacks and siting of buildings within the residential context</li> <li>• traffic and parking impacts of the proposal on residential amenity.</li> </ul> <p>For proposed developments in commercial and industrial zones, consider:</p> <ul style="list-style-type: none"> <li>• potential impacts on the health, safety and wellbeing of children, staff and visitors with regard to local environmental or amenity issues such as air or noise pollution and local traffic conditions</li> <li>• the potential impact of the facility on the viability of existing commercial or industrial uses.</li> </ul> | <p>The subject site is zoned R1 General Residential.</p> <p>An acoustic impact assessment prepared by Spectrum Acoustic has assessed the noise impact of the proposal as discussed within the SEE.</p> <p>The building is existing and complies with front, side and rear boundary setbacks of Maitland DCP Part C8 – Residential Design.</p> <p>Not applicable</p> | <p>Yes</p> |
| <p>For proposed developments in public or private recreation zones, consider:</p> <ul style="list-style-type: none"> <li>• the compatibility of the proposal with the operations and nature of the community or private recreational facilities</li> <li>• if the existing premises is licensed for alcohol or gambling</li> <li>• if the use requires permanent or casual occupation of the premises or site</li> <li>• the availability of on site parking</li> <li>• compatibility of proposed hours of operation with surrounding uses, particularly residential uses</li> </ul>   | <p>Not Applicable. The subject site is zoned R1 General Residential</p>   | <p>NA</p>  |

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| <ul style="list-style-type: none"> <li>the availability of appropriate and dedicated sanitation facilities for the development.</li> </ul>  |  |      |
| <p>For proposed developments on school, TAFE or university sites in Special Purpose zones, consider:</p> <ul style="list-style-type: none"> <li>the compatibility of the proposal with the operation of the institution and its users</li> <li>the proximity of the proposed facility to other uses on the site, including premises licensed for alcohol or gambling</li> <li>proximity to sources of noise, such as places of entertainment or mechanical workshops</li> <li>proximity to odours, particularly at agricultural institutions</li> <li>previous uses of a premises such as scientific, medical or chemical laboratories, storage areas and the like.</li> </ul>  | Not Applicable.  | NA   |
| <p><b>Objective: To ensure that the site selected for a proposed child care facility is suitable for the use.</b></p>   |  |      |
| <p><b>C2</b></p> <p>When selecting a site, ensure that:</p> <ul style="list-style-type: none"> <li>the location and surrounding uses are compatible with the proposed development or use</li> <li>the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards</li> <li>there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed</li> <li>the characteristics of the site are suitable for the scale and type of development proposed having regard to: <ul style="list-style-type: none"> <li>size of street frontage, lot configuration, dimensions and overall size</li> <li>number of shared boundaries with residential properties</li> <li>the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas</li> </ul> </li> <li>where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use</li> <li>there are suitable drop off and pick up areas, and off and on street parking</li> </ul> <ul style="list-style-type: none"> <li>the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use</li> </ul> | <p>The site is zoned R1 General Residential and there are no hazardous or offensive industries in proximity.</p> <p>The site is not identified as being affected by any natural or technological hazards.</p> <p>The site has historically been used for residential purposes and there is no evidence that the site is contaminated.</p> <p>The proposal involves alterations and additions and change of use of the existing dwelling to an OOSH care facility to be operated in conjunction with the adjacent child care centre.</p> <p>Alterations are proposed to the existing dwelling to ensure it is fit for purpose and use as an OOSH care facility.</p> <p>Both the OOSH site and adjacent child care centre will share existing on-site parking with the existing number of parking spaces to be increased to cater for the additional demand.</p> <p>Regiment Road is a collector road with a 60Kmh signposted speed limit.</p> | Yes. |



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| <ul style="list-style-type: none"> <li>it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.</li> </ul>   | <p>The site adjoins an existing 585 place child care centre and low density residential housing. There are no identified incompatible land uses in proximity.</p>   |             |
| <p><b>Objective: To ensure that sites for child care facilities are appropriately located.</b></p>   |   |             |
| <p><b>C3</b><br/>A child care facility should be located:</p> <ul style="list-style-type: none"> <li>near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship</li> <li>near or within employment areas, town centres, business centres, shops</li> <li>with access to public transport including rail, buses, ferries</li> <li>in areas with pedestrian connectivity to the local community, businesses, shops, services and the like.</li> </ul>   | <p>The OOSH facility is located immediately adjacent to a child care centre and will operate in conjunction with this centre.</p> <p>The subject site is located within an established residential precinct.</p> <p>Limited bus services available.</p> | <p>Yes.</p> |
| <p><b>Objective: To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards.</b></p>   |   |             |
| <p><b>C4</b><br/>A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> <li>proximity to: <ul style="list-style-type: none"> <li>heavy or hazardous industry, waste transfer depots or landfill sites</li> <li>LPG tanks or service stations</li> <li>water cooling and water warming systems</li> <li>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</li> </ul> </li> </ul> | <p>The site is located within an established low density residential precinct. There are no identified incompatible land uses located in proximity to the site that would present a risk or hazard to children attending the facility.</p>              | <p>Yes.</p> |
| <p><b>3.2 Local character, streetscape and the public domain interface</b></p>   |   |             |
| <p><b>Objective: To ensure that the child care facility is compatible with the local character and surrounding streetscape.</b></p>  |   |             |
| <p><b>C5</b><br/>The proposed development should:</p> <ul style="list-style-type: none"> <li>contribute to the local area by being designed in character with the locality and existing streetscape</li> <li>reflect the predominant form of surrounding land uses, particularly in low density residential areas</li> <li>recognise predominant streetscape qualities, such as building form, scale, materials and colours</li> </ul>   | <p>The proposal comprises alterations and change of use of the existing dwelling. The domestic design and scale of the building will be retained.</p>   | <p>Yes.</p> |

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| <ul style="list-style-type: none"> <li>• include design and architectural treatments that respond to and integrate with the existing streetscape</li> <li>• use landscaping to positively contribute to the streetscape and neighbouring amenity</li> <li>• integrate car parking into the building and site landscaping design in residential areas.</li> </ul>   |   |      |
| <p><b>Objective: To ensure clear delineation between the child care facility and public spaces.</b></p>  |   |      |
| <p><b>C6</b><br/>Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> <li>• fencing to ensure safety for children entering and leaving the facility</li> <li>• 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</li> <li>• integrating existing and proposed landscaping with fencing.</li> </ul> | Landscape planting within the front building setback delineates private from public property. | Yes. |
| <p><b>C7</b><br/>On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</p>   | Not applicable.   | Yes. |
| <p><b>C8</b><br/>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"> <li>• clearly defined street access, pedestrian paths and building entries</li> <li>• low fences and planting which delineate communal/private open space from adjoining public open space</li> <li>• minimal use of blank walls and high fences.</li> </ul>         | Not applicable.   | Yes. |
| <p><b>Objective: To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain.</b></p>  |   |      |
| <p><b>C9</b><br/>Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p>   | No front fences are located along the front boundary and none are proposed.                   | Yes. |
| <p><b>C10</b></p>  |   | Yes. |

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| <p>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>The acoustic report prepared by Spectrum Acoustics does not recommend any specific requirement for acoustic fencing to mitigate noise impacts.</p>  |             |
| <p><b>3.3 Building orientation, envelope and design</b></p>   |  |             |
| <p><b>Objective: To respond to the streetscape and site, while optimising solar access and opportunities for shade.</b></p>   |  |             |
| <p><b>C11</b><br/>Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> <li>• ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> <li>- facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties</li> <li>- placing play equipment away from common boundaries with residential properties</li> <li>- locating outdoor play areas away from residential dwellings and other sensitive uses</li> </ul> </li> <li>• optimise solar access to internal and external play areas</li> <li>• avoid overshadowing of adjoining residential properties</li> </ul> <p>• minimise cut and fill</p> <ul style="list-style-type: none"> <li>• ensure buildings along the street frontage define the street by facing it</li> <li>• ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.</li> </ul> | <p>The existing building is orientated to front the public street and rear yard. This orientation will be maintained with the alterations and additions to create the OOSH care facility.<br/>Existing windows are generally orientated to the street and the rear part of the site.</p> <p>The external play areas are positioned at the rear of the building.<br/>Play equipment will be located away from common boundaries with residential neighbours to the maximum extent possible.</p> <p>Solar access will be gained from the east and west facing windows.<br/>No additions beyond the envelope of the existing building are proposed so there will be no overshadowing of adjacent residential properties.<br/>No significant cut and fill is proposed other than to create a number of additional parking spaces.<br/>Building is existing and fronts the street.<br/>The facility is located at ground level.</p> | <p>Yes.</p> |
| <p><b>Objective: To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.</b></p>   |  |             |
| <p><b>C12</b><br/>The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> <li>• building height should be consistent with other buildings in the locality</li> <li>• building height should respond to the scale and character of the street</li> <li>• setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility</li> <li>• setbacks should provide adequate access for building maintenance</li> <li>• setbacks to the street should be consistent with the existing character.</li> </ul>  | <p>Building is existing and has a height to the eave of 4.36m and overall roof height of 6.66m.<br/>The proposed alterations and additions are single storey and do not increase the height of the building.<br/>The additions are contained within the envelope of the existing building and do not reduce existing boundary setbacks.<br/>The setbacks are adequate to enable access for building maintenance.</p>   | <p>Yes.</p> |

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| <p><b>Objective: To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.</b></p>   |   |             |
| <p><b>C13</b><br/>Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.</p>   | <p>The existing footprint of the building is being retained. The proposed alterations and additions do not propose any reduction in existing setbacks.</p>  | <p>Yes.</p> |
| <p><b>C14</b><br/>On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p>  | <p>Site is zoned R1 General Residential. The existing building is compliant with prevailing front, side and rear setbacks.</p>  | <p>Yes.</p> |
| <p><b>Objective: To ensure that the built form, articulation and scale of development relates to its context and buildings are well designed to contribute to an area's character.</b></p>  |   |             |
| <p><b>C15</b><br/>The built form of the development should contribute to the character of the local area, including how it:</p> <ul style="list-style-type: none"> <li>• respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage</li> <li>• contributes to the identity of the place</li> <li>• retains and reinforces existing built form and vegetation where significant</li> <li>• considers heritage within the local neighbourhood including identified heritage items and conservation areas</li> <li>• responds to its natural environment including local landscape setting and climate</li> <li>• contributes to the identity of place.</li> </ul> | <p>The proposed alterations are considered cosmetic including replacement of the tile roof with colorbond, repainting of the building exterior to better fit with the existing adjacent child care centre and replacement of the windows within the front façade. The existing streetscape appearance of the building will be largely unchanged.</p> <p>Existing vegetation will be retained and supplemented with additional landscaping.</p> <p>The site contains no heritage items, is not located within a HCA and there are no heritage items in the locality that may be impacted. The existing landform will be retained with minor change only to incorporate accessible ramps.</p> | <p>Yes.</p> |
| <p><b>Objective: To ensure that buildings are designed to create safe environments for all users.</b></p>   |   |             |
| <p><b>C16</b><br/>Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> <li>• located to allow ease of access, particularly for pedestrians</li> <li>• directly accessible from the street where possible</li> <li>• directly visible from the street frontage</li> <li>• easily monitored through natural or camera surveillance</li> <li>• not accessed through an outdoor play area.</li> </ul>   | <p>Principal entry to the facility is via the front entry facing the public street.</p> <p>Yes.<br/>Yes but also from adjacent car park within existing child care centre.<br/>Yes.<br/>Yes.<br/>Yes, (not accessible through external playground)</p>  | <p>Yes.</p> |

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| <ul style="list-style-type: none"> <li>• in a mixed-use development, clearly defined and separate from entrances to other uses in the building.</li> </ul>   | Not applicable   |      |
| <p><b>Objective: To ensure that child care facilities are designed to be accessible by all potential users.</b></p> <p><b>C17</b></p> <p>Accessible design can be achieved by:</p> <ul style="list-style-type: none"> <li>• providing accessibility to and within the building in accordance with all relevant legislation</li> <li>• 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</li> <li>• providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible</li> <li>• minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.</li> </ul> <p>NOTE: The National Construction Code, the Discrimination Disability Act 1992 and the Disability (Access to Premises – Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities.</p> | <p>The internal layout incorporates accessible toilet facilities.</p> <p>An accessible parking space is provided within the existing child care centre car park.</p> <p>Continuous path of travel provided to and within the building.</p>                                   | Yes. |
| <p><b>3.4 Landscaping</b></p>  |  |      |
| <p><b>Objective: To provide landscape design that contributes to the streetscape and amenity.</b></p> <p><b>C18</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>• reflecting and reinforcing the local context</li> <li>• incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping.</li> </ul>  | Existing landscaping is to be retained and supplemented with additional planting within the external play areas.   | Yes. |
| <p><b>C19</b></p> <p>Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> <li>• planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings</li> <li>• taking into account streetscape, local character and context when siting car parking areas within the front setback</li> <li>• using low level landscaping to soften and screen parking areas.</li> </ul>  | <p>The existing car parking area within the adjacent child care centre accommodated 10 vehicles and will be increased to provide 18 parking spaces.</p> <p>The OOSH facility includes a double carport which will accommodate a 22 seater bus and a staff parking space.</p> | Yes. |
| <p><b>3.5 Visual and acoustic privacy</b></p>  |  |      |

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| <b>Objective: To protect the privacy and security of children attending the facility.</b>  |  |      |
| <b>20</b><br>Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.   | No open balconies are proposed.  | Yes. |
| <b>C21</b><br>Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through: <ul style="list-style-type: none"> <li>• appropriate site and building layout</li> <li>• suitably locating pathways, windows and doors</li> <li>• permanent screening and landscape design.</li> </ul>  | The perimeter of the ground floor open space is fenced.  | Yes. |
| <b>Objective: To minimise impacts on privacy of adjoining properties.</b>  |  |      |
| <b>C22</b><br>Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through: <ul style="list-style-type: none"> <li>• appropriate site and building layout</li> <li>• suitable location of pathways, windows and doors</li> <li>• landscape design and screening.</li> </ul>   | The proposed OOSH facility is a single storay building and setback from the western rear boundary such that there is not expected to be any loss of visual privacy to adjacent residential properties.<br>Yes.<br>Yes.<br>Yes, |      |
| <b>Objective: To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments.</b>  |  |      |
| <b>C23</b><br>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: <ul style="list-style-type: none"> <li>• provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence).</li> <li>• ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure.</li> </ul> | The subject site is located adjacent to single detached dwellings but no additional GFA is proposed.   | Yes. |
| <b>3.6 Noise and air pollution</b>   |  |      |
| <b>Objective: To ensure that outside noise levels on the facility are minimised to acceptable levels.</b>  |  |      |
| <b>C25</b><br>Adopt design solutions to minimise the impacts of noise, such as: <ul style="list-style-type: none"> <li>• creating physical separation between buildings and the noise source</li> <li>• orienting the facility perpendicular to the noise source and where possible buffered by other uses</li> <li>• using landscaping to reduce the perception of noise</li> </ul>   | The acoustic report predicts that the proposed centre will not impact on adjacent/neighbouring properties and vice versa.  | Yes. |



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| <ul style="list-style-type: none"> <li>• limiting the number and size of openings facing noise sources</li> <li>• using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)</li> <li>• using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits</li> <li>• locating cot rooms, sleeping areas and play areas away from external noise sources.</li> </ul>  |   |      |
| <p><b>C26</b></p> <p>An acoustic report should identify appropriate noise levels for sleeping areas and other non play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> <li>• on industrial zoned land</li> <li>• where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000</li> <li>• along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007</li> <li>• on a major or busy road</li> <li>• other land that is impacted by substantial external noise.</li> </ul>                                       | Acoustic report prepared Spectrum Acoustics has been submitted with the DA.   | Yes. |
| <p><b>Objective: To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.</b></p>   |   |      |
| <p><b>C27</b></p> <p>Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p>   | The site is located within an established residential precinct. The site is not located on, or in close proximity to, a major road. | Yes. |
| <p><b>C28</b></p> <p>A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines. The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> <li>• creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution</li> </ul> | Not deemed necessary.   |      |

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| <ul style="list-style-type: none"> <li>• using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway</li> <li>• incorporating ventilation design into the design of the facility.</li> </ul>  |  |      |
| <b>3.7 Hours of operation</b>  |  |      |
| <b>Objective: To minimise the impact of the child care facility on the amenity of neighbouring residential developments.</b>   |  |      |
| <p><b>C29</b></p> <p>Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.</p>  | <p>The hours of operation as sought in the SEE for the OOSH facility are Monday to Friday 6.00am to 6.00pm.<br/>Closed Saturday and Sunday and Public Holidays.<br/>Occasional use outside of normal business hours may occur for special events/functions (i.e child graduations etc), parent/teacher meetings, guest speakers)</p> | Yes. |
| <p><b>C30</b></p> <p>Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.</p>   | Not applicable. The area is zoned R1 General Residential.  | Yes  |
| <b>3.8 Traffic, parking and pedestrian circulation</b>   |  |      |
| <b>Objective: To provide parking that satisfies the needs of users and demand generated by the centre.</b>   |  |      |
| <p><b>C31</b></p> <p>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.</p>  | Off-street car parking is provided as per DCP 2011.  | Yes. |
| <p>Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates:<br/>Within 400 metres of a metropolitan train station:</p> <ul style="list-style-type: none"> <li>• 1 space per 10 children</li> <li>• 1 space per 2 staff. Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space. In other areas:</li> <li>• 1 space per 4 children.</li> </ul> <p>A reduction in car parking rates may be considered where:</p> <ul style="list-style-type: none"> <li>• the proposal is an adaptive re-use of a heritage item</li> <li>• the site is in a B8 Metropolitan Zone or other high density business or residential zone</li> <li>• the site is in proximity to high frequency and well connected public transport</li> <li>• the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks)</li> </ul> | DCP 2011 specifies car parking for child care centres.   | Yes. |

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| <ul style="list-style-type: none"> <li>• there is sufficient on street parking available at appropriate times within proximity of the site.</li> </ul>  |  |      |
| <p><b>C32</b></p> <p>In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.</p>  | No reliance on on-street parking is proposed as all required parking is provided on-site.  | Yes. |
| <p><b>C33</b></p> <p>A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> <li>• the amenity of the surrounding area will not be affected</li> <li>• there will be no impacts on the safe operation of the surrounding road network.</li> </ul>   | A traffic and parking assessment prepared by Seca solution has been submitted with the DA. | Yes. |
| <p><b>Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.</b></p>   |  |      |
| <p><b>C34</b></p> <p>Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> <li>• a classified road</li> <li>• roads which carry freight traffic or transport dangerous goods or hazardous materials.</li> </ul> <p>The alternate access must have regard to:</p> <ul style="list-style-type: none"> <li>• the prevailing traffic conditions</li> <li>• pedestrian and vehicle safety including bicycle movements</li> <li>• the likely impact of the development on traffic.</li> </ul> | Regiment Road is a local collector road carrying predominantly light vehicular traffic.    | Yes. |
| <p><b>C35</b></p> <p>Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</p>  | Regiment Road is a through road.   | Yes. |
| <p><b>Objective: To provide a safe and connected environment for pedestrians both on and around the site.</b></p>   |  |      |
| <p><b>C36</b></p> <p>The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> <li>• separate pedestrian access from the car park to the facility</li> <li>• defined pedestrian crossings included within large car parking areas</li> </ul>  | Pedestrian and vehicular traffic is separated where possible                               | Yes. |

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| <ul style="list-style-type: none"> <li>• separate pedestrian and vehicle entries from the street for parents, children and visitors</li> <li>• pedestrian paths that enable two prams to pass each other</li> <li>• delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities</li> <li>• in commercial or industrial zones and mixed use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas</li> <li>• vehicles can enter and leave the site in a forward direction.</li> </ul>   |  |             |
| <p><b>C37</b><br/>Mixed use developments should include:</p> <ul style="list-style-type: none"> <li>• driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks</li> <li>• drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or maneuvering areas used by vehicles accessing other parts of the site</li> <li>• parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.</li> </ul> | <p>The development is not mixed use.</p>   | <p>Yes.</p> |
| <p><b>C38</b><br/>Car parking design should:</p> <ul style="list-style-type: none"> <li>• include a child safe fence to separate car parking areas from the building entrance and play areas</li> <li>• provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards</li> <li>• include wheelchair and pram accessible parking.</li> </ul>  | <p>The external play areas are considered to be sufficiently protected from the adjacent car park.</p> | <p>Yes.</p> |

# NSW Child Care Planning Guideline

## Part 4. National Quality Framework Assessment Checklist

**Proposal:** Alterations dwelling and change of use to OOSH facility for 25 children to be operated in conjunction with adjacent child care centre and consolidation of both allotments.

**Property:** Lot 116 DP 262726 & Lot 200 DP 264378 – 73 & 75 Regiment Road , Rutherford

| Regulation  | Proposed  | Complies    |
|---|---|-------------|
| <p><b>104. Fencing or barrier that encloses outdoor spaces.</b></p> <p>Outdoor space that will be used by children will be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.</p> <p>Note: This clause does not apply to a centre-based service primarily for children over preschool age or a family day care residence or venue for over preschool age children.</p> | <p><i>(Indicate height, materials and style on plans)</i></p> <p>The side and rear boundaries of the external play areas are to be enclosed by a combination of 1800mm timber paling fencing and 1200mm palisade pool style fencing</p> <p>The external playgrounds are only accessible from within the centre.</p> | <p>Yes.</p> |
| <p><b>106. Laundry and hygiene facilities</b></p> <p>The proposed development includes laundry facilities or access to laundry facilities OR explain the other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage of soiled clothing, nappies and linen prior to their disposal or laundering.</p>   | <p><i>(On site or off site facilities)</i></p> <p>The OOSH facility will not incorporate a laundry but utilise the laundry facilities within the existing child care centre.</p>  | <p>Yes.</p> |

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| <p>Laundry/hygienic facilities are located where they do not pose a risk to children</p>   |   |             |
| <p><b>107. Unencumbered indoor space</b></p> <p>The proposed development includes at least 3.25 square metres of unencumbered indoor space for each child. Refer to regulation 107 of the Education and Care Services National Regulation for further information on calculating indoor space.</p>   | <p><b>Number of Children: 25</b></p> <p><b>Required Area:</b> 25 x 3.25 = 81.25m<sup>2</sup></p> <p><b>Provided Area:</b> 82.08m<sup>2</sup> (Refer DWG Sheet 9)</p>  | <p>Yes</p>  |
| <p><b>108. Unencumbered outdoor space</b></p> <p>The proposed development includes at least 7.0 square metres of unencumbered outdoor space for each child. Refer to regulation 108 of the Education and Care Services National Regulation for further information on calculating outdoor space, and for different requirements for out-of-school-hours care services.</p> | <p><b>Number of Children: 25</b></p> <p>Required Area: 25 x 7 = 175m<sup>2</sup>.</p> <p><b>Provided Area: 293.93m<sup>2</sup></b> (Refer DWG Sheet 5)</p>  | <p>Yes.</p> |
| <p><b>109. Toilet and hygiene facilities</b></p> <p>The proposed development includes adequate, developmentally and age appropriate toilet, washing and drying facilities for use by children being educated and cared for by the service. The location and design of the toilet, washing and drying facilities enable safe and convenient use by the children.</p>        | <p><i>(Show number of toilets and hand basins on plan)</i></p> <p>The OOSH facility incorporates a single unisex disabled toilet facility.</p>  | <p>Yes</p>  |
| <p><b>110. Ventilation and natural light</b></p> <p>The proposed development includes indoor spaces to be used by children that — • will be well ventilated; and • will have adequate natural light;</p>   | <p><i>(Indicate on plans and elevations how natural ventilation and lighting is achieved)</i></p> <p>The internal care space incorporates external walls along the eastern and western elevations of the building with windows/glazed doors overlooking either the external</p> | <p>Yes</p>  |

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| and • can be maintained at a temperature that ensures the safety and well-being of children.  | playground, public road or car park providing direct access to natural light and ventilation.   |      |
| <p><b>111. Administrative space</b></p> <p>The proposed development includes an adequate area or areas for the purposes of conducting the administrative functions of the service; and consulting with parents of children; and conducting private conversations. Note: This space cannot be included in the calculation of unencumbered indoor space – see regulation 107</p>  | <p><i>(Indicate administrative space on plans)</i></p> <p>Separate administrative space is not deemed necessary in this instance as the OOSH facility will be operated in conjunction with the existing adjacent child care centre which does include administrative space.</p> | Yes. |
| <p><b>112. Nappy change facilities</b></p> <p>(To be completed only if the proposed development is for a service that will care for children who wear nappies) The proposed development includes an adequate area for construction of appropriate hygienic facilities for nappy changing including at least one properly constructed nappy changing bench and hand cleansing facilities for adults in the immediate vicinity of the nappy change area. The proposed nappy change facilities can be designed and located in a way that prevents unsupervised access by children.</p> | <p><i>(Indicate nappy change on plans)</i></p> <p>The OOSH facility will cater to children 6-12 years old and does not therefore nappy change facilities.</p>   | Yes. |
| <p><b>113. Outdoor space—natural environment</b></p> <p>The proposed development includes outdoor spaces that will allow children to explore and experience the natural environment.</p>  | <p><i>(Indicate on landscape plans)</i></p> <p>The external playground will incorporate a combination of open play areas.</p>   | Yes. |
| <p><b>114. Outdoor space—shade</b></p>  | <p><i>(Indicate shade on landscape plans)</i></p>   | Yes  |

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| <p>The proposed development includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p>   | <p>A screened and roofed patio area is located along the rear western elevation of the building and provides a transition area for use by children in inclement weather.</p>  |             |
| <p><b>115. Premises designed to facilitate supervision</b></p> <p>The proposed development (including toilets and nappy change facilities) are designed in a way that facilitates supervision of children at all times, having regard to the need to maintain the rights and dignity of the children.</p> | <p><i>(Indicate on floor plans)</i></p> <p>The layout and configuration of the internal and external play areas are considered to be appropriate and include suitable design measures to facilitate casual surveillance of all areas by centre staff.</p> | <p>Yes.</p> |



**APPENDIX B: Part C2 – Child Care Centres DCP 2011 – Compliance Table  
Assessment**

## Maitland DCP 2011 - Part C.2 Design Guidelines - Child Care Centres

### Compliance Table Assessment

| Development Controls   | Proposed Development  |
|--|---|
| <p>2.1 Location</p> <p>d) located in close proximity to community focal points such as shopping centres, educational establishments – particularly infants or primary schools, community facilities or recreation facilities.</p> <p>e) within easy and safe walking distance of public transport.</p> <p>f) located on corner sites or sites that are adjacent to open space.</p> <p>g) located (if within residential areas) on properties which have minimal common boundaries so as to reduce noise and privacy impacts on adjoining neighbours</p> <p>h) situated on sites with a minimum gradient. Steep sites have the potential to amplify impact on adjoining properties whilst constraining the availability of level play areas.</p> <p>i) Should it be proposed to locate a child care centre within the location of existing telecommunications infrastructure, applicants are advised to refer to the NSW Telecommunication Facilities Guideline including Broadband (NSW Department of Planning, July 2010) to ensure compliance with location requirements.</p> <p>e) To ensure that child care centres provide a safe and healthy environment for staff and children, Council will not consider any application that proposes the location of a child care centre:</p> <p>i. within 200m of a service station unless the application is supported by a preliminary hazard analysis (PHA) under State Environmental Planning Policy 33 and a risk assessment (biophysical and societal) taking into account the sensitivity of the use.</p> <p>ii. within 125m of a classified road (as defined in the MLEP 2011) without the submission of a report detailing the results of air quality and noise level testing.</p> <p>iii. within 100m of heavy industry (as defined in the MLEP 2011) without the submission of a report detailing the results of air quality and noise level testing.</p> <p>v. within 100m of rural industries, swamps or creeks</p> <p>v. within 100m or in view of a sex services premises or restricted premises</p> | <p>The proposed OOSH facility is located within an established low density residential neighbourhood adjacent to an existing child care centre.</p> |

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| <p>vi. within an aircraft noise exposure level area from the aerodrome that is 20ANEF or greater</p> <p>ii. within 100m of above ground high voltage transmission lines, unless the application is supported by a hazard risk assessment which addresses the potential impacts on human health.</p>   |   |
| <p><b>2.2 Parking and Accessibility</b></p>   |   |
| <p>h) A child care centre will not be supported in any area which has significant impact on amenity within a neighbourhood area. A Statement of Environmental Effects must consider the impacts of the child care establishment on the local community. (Refer to Appendix 4.0 for details)</p> <p>i) Proposed child care centres located within a 500m radius of an existing child care establishment must include an assessment of the cumulative impact, including the requirement of a traffic study.</p> <p>j) Minimum onsite parking shall be provided in accordance with Child Care Centre parking requirements in NSW Road &amp; Traffic Authority's, Guide to Traffic Generating Developments current at the time (currently at the rate of one space for every four children in attendance. Note that the minimum parking requirements in the RTA guide is inclusive of client and staff parking.</p> <p>k) Where requested by Council, a traffic and car park study should be provided demonstrating that the level of traffic generation by the child care centre is within the technical and environmental capacity of the existing road system. The traffic study should take into account major traffic generating developments (including other child care centres) within the affected area.</p> <p>l) Access and facilities for the disabled are to be provided in accordance with the Australian Standard AS 1428 Part 1 and Chapter C.1: Accessible Living in this DCP.</p> <p>m) One of the allotted vehicle parking spaces shall be provided for disabled parking / service vehicles close to the main entrance of the child care centre.</p> <p>n) Design of the car park surface and borders should incorporate adequate facility for people with prams or mobility aids.</p> <p>o) Parking area dimensions and parking layout shall comply with Australian standard 2890.1 – 2004 User Class 3 (being 2.6 metres wide). A minimum aisle width of 6.5m shall be provided.</p> <p>p) Where 90 degree on-site parking is provided adjacent to the building, pathway access between the car spaces and the building entry point. In such cases vehicle wheel stops must be provided.</p> | <p>The OOSH facility is to be operated in conjunction with an existing approved child care centre which currently has on-site parking for 10 vehicles. The existing car parking is to be increased to provide an additional 8 car spaces.</p> <p>The OOSH facility incorporates two on-site parking spaces which will provide a staff parking space and parking for a 22-seater shuttle bus.</p> <p>The traffic and parking report prepared by Seca solution addresses traffic and parking matters.</p> |

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| <p>q) Carparks should be provided with separate entrance and exit driveways (adequately signposted) and separated by a distance that ensures safe, reasonable operation of the car park.</p> <p>r) A footpath must be provided not less than one (1) metre wide across the frontage of the child care establishment building and extend the full length of the car park where the footpath connects directly to the car park.</p> <p>s) Pedestrian access between public street frontage to the child care centre site and the building should be segregated from vehicle movement areas.</p> <p>t) A minimum of two (2) parallel car parking spaces should be provided adjacent to the child care centres building entrance to enhance convenience and safety for parents and children.</p> <p>u) Parking areas shall not be located within the building line setback unless the depth of landscaping between the street boundary and the car park is a minimum of 3.0m and the landscaping effectively screens the parking areas from the street. It must be demonstrated that car parking areas will not negatively impact on the streetscape and will not compromise the domestic scale and character of residential areas.</p> <p>v) Design of site elements and access ways between site elements are to cater for the needs of all users, particularly those with disabilities.</p> |  |
| <p><b>2.3 Acoustic Privacy</b></p> <p>d) Where Council is of the opinion that noise has the potential to adversely affect the amenity of neighbouring premises, it may direct the applicant to submit with the Development Application a report prepared by an accredited acoustic consultant demonstrating that the LAeq(15 minute) noise level emitted from the site (including playground activity noise and indoor activity noise) does not exceed the Rating Background Level by more than 5dBA at the proposed site and predicted noise traffic levels are below the level set by the EPA in its Environmental Criteria for Road Traffic Noise.</p> <p>e) Where necessary, selected noise treatments such as acoustic cladding, windows and flooring or the provision of acoustic fencing or landscaping to shield nearby premises from the noise should not impact adversely upon the amenity of surrounding properties or the streetscape and character of the locality.</p> <p>f) Where feasible, appropriate noise mitigation treatments shall be implemented to minimise noise being generated by arrivals and departures, including traffic noise. These treatments could include the</p>  | <p>An acoustic report prepared by Spectrum Acoustics accompanies the submitted DA documentation.</p> |

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| <p>careful positioning of arrival and departure access points away from residential property boundaries, the appropriate placement of buildings constructed on site to shield the noise or the provision of acoustic fencing or landscaping.</p> <p>g) Outdoor playgrounds for the child care centre should not be located adjacent to the living/bedroom areas of adjoining residents and consideration should be given to noise minimisation related to hard- paved areas and pathways within the children’s play area. All external pedestrian gates shall be fitted with appropriate door closers to provide a slow and regulated closing of the gate to prevent the generation of impact sound.</p> <p>h) For proposals that are located on or within close proximity to a main or arterial road, and/or railway line, a noise assessment must be submitted with the development application which demonstrates that the LAeq(1 hour) ambient noise level at any location within the boundary of the centre during the hours when the centre is operating shall not exceed the “Recommended Maximum” noise level indicated for “school playground” in the table “Amenity criteria” nominated in the EPA’s NSW Industrial Noise Policy”.</p>   |  |
| <p><b>2.4 Site Layout, Building Form and Appearance</b></p> <p>In established residential areas, development proposals for new buildings must have due regard to aspects such as scale, height, bulk, form, density and appearance to ensure that development is appropriate to its surroundings and will maintain and enhance the streetscape character and the general amenities of the locality.</p> <p>d) A development application will need to demonstrate that the site layout would not adversely affect adjoining or opposite properties by way of noise, light, smell or general activities.</p> <p>e) A detailed site analysis plan must be provided with any development application showing the location and proximity of adjoining areas of private open space and habitable room windows to any residential properties.</p> <p>f) The front setback of a child care centre in a new residential area should be 6m. In all other areas or in older residential areas the front set back should be the average of the existing setbacks of the two properties on either side of the site.</p> <p>g) The design and layout of the child care centre must respond to the character of the existing neighbourhood and streetscape. Existing residential character of the locality must be maintained through the use of appropriate finishes material, landscaping, fencing and plantings.</p> | <p>The proposed OOSH facility will occupy an existing single storey dwelling with no increase in GFA.</p> <p>Minor alterations are proposed to the dwelling to ensure it is fit for purpose and to modernise the building to match the existing child care centre.</p> |

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| <p>h) The child care centre must have a domestic scale and character from public view in all residential zones.</p> <p>i) The design of buildings should relate to the slope of the land to minimise earthworks and disturbance to the land.</p>  |  |
| <p><b>2.5 Landscaping and Planting</b></p>  |  |
| <p>e) Development Applications for child care centres must include a detailed landscaping and planting scheme showing existing and proposed planting (including a schedule of species). Appropriate landscaping / planting is to be used to provide screening and privacy to dwellings and private open space areas on adjoining sites; to soften car parking areas and to enhance the visual amenity of the development in the streetscape.</p> <p>f) Existing vegetation and other natural features, particularly mature trees shall be preserved on the site wherever possible.</p> <p>g) Appropriate use of planting along the street frontage is encouraged to complement the neighbourhood streetscape.</p> | <p>The site is currently landscaped with a combination of ground covers, shrubs and trees which will be largely unaffected by the proposed works other than the enlargement of the car parking area.</p> |