

DCP COMPLIANCE TABLE AND SEPP REVIEW

**DEMOLITION OF ALL EXISTING
STRUCTURES INCLUDING VEGETATION
REMOVAL, PROPOSED LOT
CONSOLIDATION, AND PROPOSED
CENTRE-BASED CHILDCARE FACILITY**

PREPARED FOR ROHIT MAHAJAN

**36-38 MAITLAND STREET,
MUSWELLBROOK, NSW, 2333
(LOT 7, DP1098460)
(LOT 8, DP6758)**

Jordan Long Town Planner PO Box 107 Clarence Town, NSW, 2321	Phone: 0475 713 934 Email: jordan@perceptionplanning.com.au			
PP Reference	J003470			
Prepared for (client)	Rohit Mahajan			
Document Versions and Control				
DCP Compliance Table, 36-38 Maitland St, Muswellbrook, NSW, 2333				
Version	Date	PP ref	Author	Reviewed by
1 (draft)	01/02/2024	DCP Table_36-38 Maitland St, Muswellbrook, NSW, 2333_V1	JL	ED

Disclaimer:

This document may only be used for the purpose for which it was commissioned and in accordance with the contract between Perception Planning and the client. The scope of services by defined in consultation with the client by time and budgetary constraints imposed by the client, and the availability of reports and other data of the site. Changes to information, legislation and schedule are made on an ongoing basis and readers should obtain up to date information.

Perception Planning accepts no liability or responsibility whatsoever for or in respect of any use of or reliance upon this report and its supporting material by any third party. Information provided is not identified to be suitable for a site-specific assessment or legal advice in relation to any matter. Unauthorised use of this report in any form is prohibited.

CONTENTS

TABLES AND FIGURES	3
SEPP (TRANSPORT AND INFRASTRUCTURE) 2021	4
CHILDCARE PLANNING GUIDELINES	8
MUSWELLBROOK COUNCIL DCP 2009	22

TABLES AND FIGURES

Table 1: Part 3.3 Specific Development Controls Assessment	4
Table 2: Child Care Planning Guidelines Assessment	8
Table 3: Upper Hunter DCP 2023 Assessment	22

SEPP (TRANSPORT AND INFRASTRUCTURE) 2021

CHAPTER 3 – EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES

The aim of this Chapter is to facilitate the effective delivery of educational establishments and early education and care facilities across the State. Part 3.3 of this Chapter sets out the specific development controls relating to early education and childcare facilities. The proposed development must be considered against this Part:

Table 1: Part 3.3 Specific Development Controls Assessment

SEPP Control	Proposal Compliance/Comment
<p>3.22 Centre-based childcare facility—concurrence of Regulatory Authority required for certain development</p> <p>(1) This section applies to development for the purpose of a centre-based childcare facility if—</p> <ul style="list-style-type: none">(a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the <i>Education and Care Services National Regulations</i>, or(b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.	<p>The proposed development has been designed to comply with the required indoor and outdoor play areas as follows:</p> <p>Indoor space of 3.25m² per child generates the need for 325m². The development proposes 337m² and complies with this requirement.</p> <p>Outdoor space of 7m² per child generates the need for 700m². The development proposes 720m² and complies with this requirement.</p> <p>Concurrence of the Regulatory Authority for the development is therefore not required.</p>
<p>3.23 Centre-based childcare facility—matters for consideration by consent authorities.</p> <p>Before determining a development application for development for the purpose of a centre-based childcare facility, the consent authority must take into consideration any applicable provisions of the <i>Child Care Planning Guideline</i>, in relation to the proposed development.</p>	<p>An assessment of the proposed development against the <i>Child Care Planning Guideline</i> is provided below within TABLE 2 below.</p>
<p>3.24 Centre-based childcare facility in certain zones—additional matters for consideration by consent authorities</p>	<p>N/A – The subject site is located within Zone R1 General Residential and not within a prescribed zone, being:</p> <ul style="list-style-type: none">(a) Zone E4 General Industrial,

<p>(1) The object of this section is to minimise land use conflicts with existing developments on surrounding land and to ensure the safety and health of people using or visiting a centre-based childcare facility on land in a prescribed zone.</p>	<p>(b) Zone E5 Heavy Industrial, (c) Zone IN1 General Industrial, (d) Zone IN2 Heavy Industrial.</p>
<p>3.25 Centre-based childcare facility—floor space ratio</p> <p>(1) Development consent must not be granted for the purposes of a centre-based childcare 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.</p> <p>(2) This section does not apply if another environmental planning instrument or a development control plan sets a maximum floor space ratio for the centre-based childcare facility.</p>	<p>The subject site is not located within the R2 Low Density Residential Zone. The Muswellbrook LEP 2009 sets the floor space ratio to a maximum of 0.5:1 for land zoned R1 General Residential with the proposed development having a permissible ratio of 0.22:1.</p>
<p>3.26 Centre-based childcare facility—non-discretionary development standards</p> <p>(1) The object of this section is to identify development standards for particular matters relating to a centre-based childcare facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.</p> <p>(2) The following are non-discretionary development standards for the purposes of section 4.15(2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based childcare facility—</p> <p>(a) location—the development may be located at any distance from an existing or proposed early education and care facility,</p> <p>(b) indoor or outdoor space</p> <p>(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the <i>Education and Care Services National Regulations</i> applies—the</p>	<p>(1) Noted.</p> <p>(2) (a) Noted. (b) Indoor & Outdoor space provided in accordance with regulations 107 & 108 of the education and care services national regulations, as set out above. Indoor space and usable outdoor play space complies. (c) Noted. (d) Noted, the site is not identified as a State or Local Heritage Item nor is it located within a Heritage Conservation Area.</p> <p>(3) Noted.</p>

<p>unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or</p> <p>(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the <i>Children (Education and Care Services) Supplementary Provisions Regulation 2012</i> applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,</p> <p>(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,</p> <p>(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.</p> <p>(3) To remove doubt, this section does not prevent a consent authority from—</p> <p>(a) refusing a development application in relation to a matter not specified in subsection (2), or</p> <p>(b) granting development consent even though any standard specified in subsection (2) is not complied with.</p>	
<p>3.27 Centre-based child care facility—development control plans</p> <p>(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,</p>	<p>DCP controls relating to the proposed development for the listed matters have been addressed within the DCP Compliance Table below.</p>

<p>numbers or the like, of children) does not apply to development for the purpose of a centre-based childcare facility—</p> <ul style="list-style-type: none"> (a) operational or management plans or arrangements (including hours of operation), (b) demonstrated need or demand for childcare services, (c) proximity of facility to other early education and care facilities, (d) any matter relating to development for the purpose of a centre-based childcare facility contained in— <ul style="list-style-type: none"> (i) the design principles set out in Part 2 of the <i>Child Care Planning Guideline</i>, 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). <p>(2) This section applies regardless of when the development control plan was made.</p>	
<p>3.28 – 3.33</p>	<p>N/A</p>

CHILDCARE PLANNING GUIDELINES

Table 2: Child Care Planning Guidelines Assessment

2.0 Design Quality Principles		
Principle	Description	Response
1. Context	Good design responds and contributes to its context, including the key natural and built features of an area, their relationship, and the character they create when combined. It also includes social, economic, health and environmental conditions.	<p>The proposed development is designed to respond to the natural features of the site as well as the character of the natural and built area features of the locality.</p> <p>The location takes full advantage of available public transport, the capacity and connectivity of the existing road network, as well as the proximity to educational facilities. It is anticipated that the development will meet the growing demands of the community for childcare services.</p>
2. Built Form	Good design achieves a scale, bulk, and height appropriate to the existing or desired future character of the surrounding area. Good design achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation, and the manipulation of building elements.	The design of the proposed development is consistent with the design objectives and requirements of the relevant planning frameworks as well as the existing development on site. It is considered that the architecturally designed facility can respond to the heritage nature of the site and provide a functional childcare centre complimentary to the surrounding area.
3. Adaptive Learning Space	Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces fit out.	<p>The proposed development provides multiple indoor activity rooms and suitable outdoor play areas. All indoor activity rooms have easy access to outdoor play areas and amenities.</p> <p>Functionally, the design provides for storage areas, staff rooms and offices, amenity rooms, and play areas.</p>

4. Sustainability	Sustainable design combines positive environmental, social, and economic outcomes. This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs.	The design encourages a high level of sustainability with natural cross ventilation, natural light infiltration, and solar access.
5. Landscape	Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.	<p>Additional landscaping is proposed throughout the site to soften the proposed built structure and to maintain a pleasant streetscape. Refer to ATTACHMENT 12 for Landscape Plans.</p> <p>Landscaping will consist of multiple mature trees along the site boundaries with grasses areas throughout and child-friendly ground treatments at the rear outdoor play area including an obstacle course, sand pit and sensory bike path.</p>
6. Amenity	Good design positively influences internal and external amenity for children, staff, and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of students and staff. Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility.	The design has been well considered to facilitate functional and efficient practical spaces and learning environments. The combination and accessibility of indoor and outdoor spaces seeks to provide an engaging and interesting setting for children of multiple ages and degrees of mobility.
7. Safety	Well-designed childcare facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk	<p>The development is architecturally designed to provide for a welcoming, safe, and secure learning environment.</p> <p>Operation of the centre will be in accordance with relative industry standards and occupational health and safety legislation.</p>

	<p>and can be checked and maintained efficiently and appropriately.</p> <p>Well-designed childcare facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).</p>	<p>Passive surveillance will be facilitated by the unobstructed layout including office and reception spaces at the front of the building, cross utilisation of spaces and windows incorporated between the activity rooms and the outdoor play areas. The rear outdoor play area is suitably separated from the public domain.</p>
3.0 Matters for Consideration		
Consideration & Objective		Response
3.1 Site Selection and Location		
<p>C1</p> <p>To ensure that appropriate zone considerations are assessed when selecting a site.</p>		<p>The location of the proposed development is within the R1 General Residential land use zone under the Muswellbrook Council Local Environmental Plan 2009 and is a permissible development type within the zone.</p> <p>The proposed setbacks and siting of building, traffic and parking impacts have been considered within the DCP Review below.</p> <p>The proposal is compliant with these requirements, with no adverse impacts have been identified.</p>
<p>C2</p> <p>To ensure that the site selected for a proposed childcare facility is suitable for the use.</p>		<p>It is considered that the location and surrounding land uses are complimentary with the proposed development. No hazardous or restricted premises are in proximity to the site. Risks such as flooding and environmental contaminants have been examined and found to not present an adverse risk to the ongoing use of the site.</p> <p>The characteristics of the site including street frontage are suitable for the scale and type of development proposed.</p> <p>The development will not have adverse environmental impacts on the surrounding area.</p>

	<p>Vehicular access to the site is available from Wilder Street, with the site providing on-street parking on Maitland Street.</p> <p>Pedestrian access is available from Maitland and Wilder Streets.</p> <p>The road network has been found to have sufficient absorption capacity for the additional traffic as detailed within the Transport Impact Assessment provided as ATTACHMENT 14.</p> <p>The site is not located nearby any activities or uses that would be incompatible with the proposed childcare centre. Rather, the sites proximity to the central business district and Muswellbrook South Public School, making it an ideal location for the proposed development.</p>
<p>C3</p> <p>To ensure that sites for childcare facilities are appropriately located.</p>	<p>The site is located appropriately for childcare facilities, being located near the central business district and Muswellbrook South Public School, making it an ideal location for the proposed development.</p>
<p>C4</p> <p>To ensure that sites for childcare facilities do not incur risks from environmental, health or safety hazards</p>	<p>The proposed location is not considered to pose a risk to children, staff, or visitors. No adverse environmental conditions have been identified.</p>
<p>3.2 Local character, streetscape, and the public domain interface</p>	
<p>C5</p> <p>To ensure that the childcare facility is compatible with the local character and surrounding streetscape.</p>	<p>The proposed development has been found to be compatible with the character of the local area and existing streetscape qualities.</p> <p>The proposed development will reinforce the nature of the locality and is characteristic of other developments in both the local and wider community. The architectural design responds well to the existing context of the area through appropriate massing and</p>

	<p>spatial organisation, material selection, and overall architectural and civil engineering design.</p> <p>Landscaping is proposed to positively contribute to the streetscape and neighbouring amenity.</p>
<p>C6, C7 & C8</p> <p>To ensure clear delineation between the childcare facility and public spaces.</p>	<p>Boundary fencing will be provided as required in order to ensure safety for children entering and leaving the facility.</p> <p>All accesses to the building on the site are clearly differentiated.</p> <p>The building and landscaping have been designed to provide an appealing streetscape frontage with clearly defined street access, pedestrian paths and building entries.</p>
<p>C9</p> <p>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.</p>	<p>Front fences and retaining walls will respond to and complement the context and character of the area and do not dominate the public domain.</p>
<p>C10</p> <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>No high solid acoustic fencing is proposed at the front of the site.</p>
<p>3.3 Building orientation, envelope, and design</p>	
<p>C11</p> <p>To respond to the streetscape and site, while optimising solar access and opportunities for shade.</p>	<p>The development has been oriented on the site to optimise solar access, shading, functionality, and visual privacy.</p>
<p>C12</p>	<p>Building height is considered to respond to the scale and character of the locality and is below the maximum building height prescribed by the LEP.</p>

To ensure that the scale of the childcare facility is compatible with adjoining development and the impact on adjoining buildings is minimised	The proposed landscaping, setback and layout provides adequate softening of the development for the benefit of surrounding land users and children.
C13 To ensure that setbacks from the boundary of a childcare facility are consistent with the predominant development within the immediate context	Setback of the development is consistent with the existing development in the surrounding area.
C15 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	The built form of the development has been designed to contribute and respond to the natural environment, character of the local character and streetscape quality.
C16 To ensure that buildings are designed to create safe environments for all users.	<p>Access to the site will be via a dual point driveway (single access and single exit) on Wilder Street leading to the proposed 25 space on-site carpark.</p> <p>The proposed car parking will service the needs of the proposed childcare centre by providing 25 on-site carpark spaces. On-street parking and pedestrian access is also available from Wilder St and Maitland ST (New England Highway).</p>
C17 To ensure that childcare facilities are designed to be accessible by all potential users	The proposed design will be reviewed against relevant standards to ensure compliance.
3.4 Landscaping	

<p>C18 & C19</p> <p>To provide landscape design that contributes to the streetscape and amenity.</p>	<p>Additional landscaping is proposed throughout the site to soften the proposed built structure and to maintain a pleasant streetscape. Refer to ATTACHMENT 12 for Landscape Plans.</p> <p>Landscaping will consist of multiple mature trees along the site boundaries with grasses areas throughout and child-friendly ground treatments at the rear outdoor play area including an obstacle course, sand pit and sensory bike path.</p> <p>The landscape design of the site incorporates the car park, including providing for the planting of trees and low-level landscaping to soften the proposed development.</p>
<p>3.5 Visual and acoustic privacy</p>	
<p>C21</p> <p>To protect the privacy and security of children attending the facility.</p>	<p>Privacy of indoor rooms and outdoor play spaces from public areas have been considered through the site and building layout and landscape design.</p>
<p>C22</p> <p>To minimise impacts on privacy of adjoining properties</p>	<p>Privacy of adjoining properties has also been addressed through the above considerations.</p>
<p>C23</p> <p>To minimise the impact of childcare facilities on the acoustic privacy of neighbouring residential developments</p>	<p>The proposed childcare centre is permissible in the zone and has been assessed as suitable by an independent Acoustic Consultant, subject to construction recommendations. A Noise Impact Assessment is provided as ATTACHMENT 15.</p> <p>No incompatible or adverse noise impacts have been identified as unacceptable in this location. Adverse vibrational impacts are not anticipated.</p>
<p>3.6 Noise and air pollution</p>	
<p>C25</p>	<p>N/A</p>

C26	To ensure that outside noise levels on the facility are minimised to acceptable levels.	The proposed development is not located within an area subject to significant noise generation associated with traffic generation.
C27	To ensure air quality is acceptable where childcare facilities are proposed close to external sources of air pollution such as major roads and industrial development.	<p>The site is not located close to any incompatible social activities or adjoining industrial uses that would be incompatible to be located proposed childcare centre. The adjoining properties are residential properties.</p> <p>The existing traffic rates within the surrounding road network pose no significant threat of air pollution to the childcare centre.</p>
3.7 Hours of operation		
C28	To minimise the impact of the childcare facility on the amenity of neighbouring residential developments	<p>Hours of operation 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 childcare centre may be extended if it adjoins or is adjacent to non-residential.</p> <p>The proposed hours of operation are 7am – 7pm. This has been determined to be appropriate for the site location within a low-density residential area.</p>
C29		
3.8 Traffic, parking, and pedestrian circulation		
C30	To provide parking that satisfies the needs of users and demand generated by the centre.	The Muswellbrook DCP 2009 provides specific requirements for car parking per Chapter 16, detailed in TABLE 3 below.
C31	N/A – Commercial Zones only.	N/A
C32	Provision of a traffic and parking study is required to quantify potential impacts on the surrounding land uses, to optimise safety and convenience of the parking area(s) and to demonstrate how impacts on amenity will be minimises.	Access to the site will be via a dual point driveway (single access and single exit) on Wilder Street leading to the proposed 25 space on-site carpark.

		<p>The proposed car parking will service the needs of the proposed childcare centre by providing 25 on-site carpark spaces. On-street parking and pedestrian access is also available from Wilder St and Maitland ST (New England Highway).</p> <p>All vehicles will be able to move onto and off the site in a forward direction via the proposed carpark. As such the development is not anticipated to compromise road safety. Furthermore, there are sufficient sightlines available to allow safe egress from the site. A Transport Impact Assessment is provided as ATTACHMENT 14 and supports the proposed development, concluding that the traffic generation of the proposed development will be relatively minor, will not present any adverse traffic implications, and the proposed parking provision will be adequate for the needs of the development and generally consistent with the DCP criteria and AS2890 design standards.</p>
C33	To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.	<p>Access to the site will be via a dual point driveway (single access and single exit) on Wilder Street leading to the proposed 25 space on-site carpark.</p> <p>The proposed car parking will service the needs of the proposed childcare centre by providing 25 on-site carpark spaces. On-street parking and pedestrian access is also available from Wilder St and Maitland ST (New England Highway).</p> <p>All vehicles will be able to move onto and off the site in a forward direction via the proposed carpark. As such the development is not anticipated to compromise road safety. Furthermore, there are sufficient sightlines available to allow safe egress from the site. A Transport Impact Assessment is provided as</p>

		ATTACHMENT 14 and supports the proposed development, concluding that the traffic generation of the proposed development will be relatively minor, will not present any adverse traffic implications, and the proposed parking provision will be adequate for the needs of the development and generally consistent with the DCP criteria and AS2890 design standards.
C34	N/A – Cul-de-sac development only.	N/A
C35	To provide a safe and connected environment for pedestrians both on and around the site.	The existing pedestrian footpath access to the site is not anticipated to be altered because of the proposed development.
C36	N/A – Mixed use development only.	N/A
C37	Include a child safe fence to separate car parking areas from the building entrance and play areas.	Car parking design separates car parking areas from the site entrance and provides accessible parking close to the primary entrance.
	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.	

Table 3 - National Quality Framework Assessment Checklist

Regulation	Proposed	Complies
<p>104. Fencing or barrier that encloses outdoor spaces. 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>	Outdoor space will be enclosed by suitable fencing.	Yes
<p>106. Laundry and hygiene facilities</p> <p>The proposed development includes laundry facilities or access to laundry facilities OR explain the other arrangements for dealing with soiled clothing, nappies, and linen, including hygienic facilities for storage of soiled clothing, nappies and linen prior to their disposal or laundering.</p> <p>Laundry / hygienic facilities are located where they do not pose a risk to children.</p>	Off-site.	Yes
<p>107. Unencumbered indoor space</p> <p>The proposed development includes at least 3.25m² of unencumbered indoor space for each child.</p> <p>Refer to Regulation 107 of the Education and Care Services National Regulation for further information on calculating indoor space</p>	The proposed development provides in excess of 3.25m ² of unencumbered indoor space per child.	Yes
<p>108. Unencumbered outdoor space</p> <p>The proposed development includes at least 7.0m² of unencumbered outdoor space for each child.</p> <p>Refer to Regulation 108 of the Education and Care Services National Regulation for further information on calculating outdoor</p>	The proposed development provides in excess of 3.25m ² of unencumbered indoor space per child.	Yes

space, and for different requirements for out-of-school-hours care service.		
109. Toilet and hygiene facilities The proposed development includes adequate, developmentally and age-appropriate toilets, 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.	Adequate toilet and hygiene facilities are provided within the proposed developments.	Yes
110. Ventilation and natural light The proposed development includes indoor spaces to be used by children that — <ul style="list-style-type: none"> - will be well ventilated; and - will have adequate natural light; and - can be maintained at a temperature that ensures the safety and well-being of children. 	All indoor spaces are suitably ventilated, received adequate amounts of natural light, and can be maintained at variable temperatures.	Yes
111. Administrative space The proposed development includes an adequate area or areas for the purposes of conducting the administrative functions of the service; and consulting with parents of children; and conducting private conversations. Note: This space cannot be included in the calculation of unencumbered indoor space – see Regulation 107.	Suitable administrative spaces are provided at the building entrance.	Yes
112. Nappy change facilities 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.	Nappy change facilities are provided.	Yes
113. Outdoor space—natural environment	The proposed development includes outdoor spaces that	Yes

The proposed development includes outdoor spaces that will allow children to explore and experience the natural environment.	will allow children to explore and experience the natural environment.	
114. Outdoor space—shade The proposed development includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.	The proposed development includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.	Yes
115. Premises designed to facilitate supervision The proposed development (including toilets and nappy change facilities) is 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.	The proposed development (including toilets and nappy change facilities) is 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.	Yes

MUSWELLBROOK COUNCIL DCP 2009

A review of the development has been undertaken against the requirements of the Muswellbrook DCP 2009 in **TABLE 3** below to aid assessment.

Table 4: Upper Hunter DCP 2023 Assessment

Item	Requirement	Proposed	Compliance
Muswellbrook Development Control Plan 2009			
SECTION 13 – FLOODPLAIN MANAGEMENT			
13.6 Flood Controls	<p>1. Development must be consistent with the current version of the NSW Floodplain Development Manual, any relevant local flood study, floodplain management study and plan applying to the land that has been endorsed by Council, or the recommendations of a Flood Impact & Risk Assessment completed for the development.</p> <p>2. Generally, buildings and other structures, including fences, must be designed so as not to impede the flow of floodwaters or entrap debris.</p> <p>3. Filling within the floodplain must be supported by a detailed flood risk & impact assessment certified by a suitably qualified consulting engineer that can adequately demonstrate:</p> <p>a) Filling is not within a core riparian zone.</p> <p>b) Filling will not substantially impede the flow of floodwater and not contribute to</p>	<p>The site is identified as being flood prone land as per Muswellbrook Shire Council Flood Mapping and the Flood Certificate (ATTACHMENT 7).</p> <p>A Flood Assessment is provided as ATTACHMENT 11 which concludes that the proposed development achieves all objectives regarding flood storage, off-site impacts, safety and access.</p>	Complies

Item	Requirement	Proposed	Compliance
	<p>flooding or ponding of water on any other property; and</p> <p>c) For a dwelling pad in a rural area, filling is minimal and is balanced by a borrow pit on the same site, and neither are situated in high hazard floodwaters (H3 or higher in a 1% AEP flood).</p> <p>4. New structures are to meet the flood planning levels and floor heights specified in the Table 2 below.</p> <p>5. Flood planning levels and floor heights for additions or alterations to existing residential development will be assessed on the merits of the situation, having regard to meeting an acceptable level of risk to life and flood damage. In general, additions that will increase the existing floor area by more than 20% as it existed on 1 January 2022 will be required to meet the floor heights in Table 2.</p> <p>6. The construction methods and materials that form part of the development that will be below the flood planning level, including filling, must be capable of withstanding the force of flowing floodwaters, including debris and buoyancy forces and immersion for a prolonged period.</p> <p>7. Development on land below the 1% AEP will only be permitted where effective warning</p>		

Item	Requirement	Proposed	Compliance
	<p>time and reliable access is available for evacuation to an area free of risk from flooding. Evacuation should be consistent with any relevant flood evacuation strategy.</p> <p>8. Evacuation Plans, when required, are to be prepared to Council's satisfaction demonstrating the Plan provides for:</p> <p>a) Low flood hazard emergency vehicle road access (NSW SES, NSW RFS) during a 1% AEP flood event; and</p> <p>b) Failsafe, comprehensive flood-alert measures. Alternative shelter in place arrangements will need to be justified and comply with guidance issued by NSW SES, DPIE or equivalent agencies.</p> <p>9. No Torrens Title subdivision that may result in intensification of development is to occur on land wholly inundated by flooding during the PMF event, unless it is demonstrated that:</p> <p>a) The risk of flooding can be effectively and appropriately mitigated without impacting the adjacent floodplain or unnecessary risk or cost to the public or emergency services.</p> <p>b) There is adequate flood free land above the 1% AEP flood level suitable for the development, vehicle parking and effluent disposal (if applicable); and</p>		

Item	Requirement	Proposed	Compliance
	c) There is flood free access to each lot or a satisfactory Flood Evacuation Plan.		
SECTION 14 – OUTDOOR SIGNAGE			
14.2.1 Design, scale, size	<p>(i) Provide outdoor signage that is visually interesting and integrated with architecture of the building.</p> <p>(ii) Use lettering, materials and colours that complement the existing building or place.</p> <p>(iii) Avoid signage that dominates the building.</p> <p>(iv) Provide an appropriate scale, form and similar proportions to the desired character of the streetscape. (Refer to character statements above and Fig. 16.1)</p> <p>(v) Do not locate signage where it will obstruct views, vistas or cause significant overshadowing.</p> <p>(vi) Provide outdoor signage which does not dominate the building or protrude above any parapet or eaves.</p> <p>(vii) Avoid locating advertisements over a window, other openings or which covers significant architectural detail of the building.</p> <p>(viii) The proposed means of fixture to the building or any support structure for freestanding signs must be consistent with the character statement in clause 16.1.</p>	The proposed development will include signage, although details in terms of locations, sizing, and sign types are yet to be determined.	Complies

Item	Requirement	Proposed	Compliance
	(ix) Avoid freestanding signs that dominate the skyline when viewed from the ground within one kilometre.		
14.2.2 Location	<p>(i) The façade of the host building is subdivided into a series of vertical or horizontal panels on which the signage can be placed (fig. 16.2).</p> <p>(ii) Join together two smaller panels to form a more usable horizontal or vertical panel. (Fig. 16.3)</p> <p>(iii) Project lines from the adjacent buildings across the façade of the building to identify horizontal panels where signs can be located to achieve visual continuity with neighbouring buildings. (Fig. 16.4).</p> <p>(iv) The preferred location for signage is identified in the character statement in clause 16.1.</p>	The proposed development will include signage, although details in terms of locations, sizing, and sign types are yet to be determined.	Complies
14.2.3 Restrictions	<p>(i) Do not provide any more than one large building and/or business identification sign per building to be allocated to a major tenant of the building.</p> <p>(ii) Under awning signs must be located 2.6m above natural ground level, not exceed 2.5 m in length or 0.5 m in height.</p> <p>(iii) Avoid advertising products that are not sold on the premises.</p>	The proposed development will include signage, although details in terms of locations, sizing, and sign types are yet to be determined.	Complies

Item	Requirement	Proposed	Compliance
	<p>(iv) Only one directory board permitted for multiple occupancy buildings.</p> <p>(v) Provide signs that respect the viewing rights of other advertisers. No advertising structure shall be erected closer than 3 metres in a horizontal plane to any other advertising structure.</p> <p>(vi) Integrate the name or logo (max. - 0.25m²) of the person who owns or leases an advertisement into the signage display area.</p> <p>(vii) Proposed signage greater than 20 square metres and within 250 metres of and visible from a classified road will be referred to the RTA for agreement.</p> <p>(viii) Permanent advertising panels have a maximum surface area of 6m² and are limited to one per property.</p> <p>(ix) Pole or pylon signs shall have a maximum advertising area of 3m² and a maximum height of 7m to the top of the sign, measured from ground level (existing).</p>		
14.2.4 Inappropriate forms	<p>(i) Outdoor signage other than exempt development, business or building identification signs are not permitted in the following areas identified under the LEP:-</p> <ul style="list-style-type: none"> • R1 Residential zone 	<p>The proposed development will include signage, although details in terms of locations, sizing, and sign types are yet to be determined.</p>	<p>Complies</p>

Item	Requirement	Proposed	Compliance
	<ul style="list-style-type: none"> • E3 Environmental management zones • Heritage conservation areas • RE1 and RE2 Open space zones <p>(ii) The following forms of signage are generally not considered appropriate in Muswellbrook Shire:-</p> <ul style="list-style-type: none"> • Above awning signs (attached to the top surface of awning) • Horizontal projecting wall signs are not favoured and shall not be permitted except in exceptional circumstances. • Flag pole signs • Inflatable signs • Moving and flashing signs • Video Signs • Roof or sky signs • Large signs (>20m² or higher than 8m) including billboards 		
14.2.5 Content	<p>(i) Advertising alcohol products is limited to places that sell such products.</p> <p>(ii) Discriminatory advertising messages are considered to be undesirable as specified in the Anti-Discrimination Act 1977.</p> <p>(iii) Signage messages should not offend sensitive land uses (churches, schools, day care centres).</p>	The proposed development will include signage, although details in terms of locations, sizing, and sign types are yet to be determined.	Complies

Item	Requirement	Proposed	Compliance
	<p>(iv) Changes in content or message of any Council approved sign will not require development consent provided the proposal meets the controls of this clause.</p> <p>(v) The content of signage must relate to the premises or place at which the sign is displayed.</p>		
14.2.6 Pedestrian and road safety	<p>(i) Provide signage that avoids confusion with road traffic signs, signals or use the word “stop” or other directions.</p> <p>(ii) Do not obscure a road hazard, oncoming vehicles or pedestrians.</p> <p>(iii) Avoid signage messages, designs, or bright lighting that may distract motorists.</p> <p>(iv) Signs must not be located where drivers require a higher level of concentration for example, major intersections.</p>	The proposed development will include signage, although details in terms of locations, sizing, and sign types are yet to be determined.	Complies
14.2.7 Signs on heritage items and in conservation areas	<p>(i) One sign per property which is a minor element and restrained in design.</p> <p>(ii) Original signs are retained and conserved at the site.</p> <p>(iii) Avoid new signs on side walls of buildings.</p> <p>(iv) Provide a high standard of materials and graphics.</p> <p>(v) Use traditional designs, colours, lettering and construction methods.</p>	The proposed development will include signage, although details in terms of locations, sizing, and sign types are yet to be determined.	Complies

Item	Requirement	Proposed	Compliance
	(vi) Avoid placing illuminated signs on heritage items.		
14.2.8 Illuminated Signs	<p>(i) Provide levels of illumination that do not cause light spillage for nearby residential properties.</p> <p>(ii) Avoid positioning illuminated signs on properties fronting laneways between residential and commercial areas.</p>	The proposed development will include signage, although details in terms of locations, sizing, and sign types are yet to be determined.	Complies
14.2.9 Roof or sky advertisements	<p>(i) New signs must either replace one or more existing roof or sky signs and improve the visual amenity of the locality or improve the finish and appearance of the building and the streetscape.</p> <p>(ii) Avoid signs that are higher than the highest point of any part of the building including lift overruns or air conditioning plants but excluding flag poles, aerials, masts.</p> <p>(iii) Design roof or sky signs that are no wider than any part of the building and also in accordance with the desired character statement in clause 16.1.</p>	The proposed development will include signage, although details in terms of locations, sizing, and sign types are yet to be determined.	Complies
14.2.10 Wall signs	<p>(i) Allow only one wall sign per building elevation.</p> <p>(ii) Integrate wall signs into the overall design of the building.</p> <p>(iii) Avoid signs that have an area greater than:-</p> <ul style="list-style-type: none"> • 10% if the wall elevation is > 200m² 	The proposed development will include signage, although details in terms of locations, sizing, and sign types are yet to be determined.	Complies

Item	Requirement	Proposed	Compliance
	<ul style="list-style-type: none"> • 20m2 if the elevation is greater than 100 m2 but < 200 m2 • 20% for elevations of <100 m2 (iv) Protrusions from the wall should be no greater than 300 millimetres. (v) Avoid locating a wall sign on a building elevation if there is an existing building or business identification sign.		
14.2.11 Special promotional advertisements	(i) Design special promotional signage in accordance with the character statement. (ii) Special promotional advertisement must be consistent with this DCP. (iii) A limit of three months in any 12 month period applies. (iv) Avoid product images or corporate branding that exceeds 5% of the signage display area.	The proposed development will include signage, although details in terms of locations, sizing, and sign types are yet to be determined.	Complies
14.2.12 Signage to assist disabled access	(i) Display disabled access signs where they can be easily seen. Hearing loop logos should be provided if required. (ii) Include tactile communication methods in addition to visual methods to assist people with various disabilities. (iii) Provide international symbols with specifications relating to signs, symbols and size of lettering complying with AS 1428.2.	The proposed development will include signage, although details in terms of locations, sizing, and sign types are yet to be determined.	Complies

Item	Requirement	Proposed	Compliance
	<p>(iv) Use letter height that complies with CI 14 AS 1428.1.</p> <p>(v) Provide specification for visual communication systems relating to height of letters, illumination, location and background contrast in accordance with AS1428.2.</p>		
14.2.13 New technologies	<p>(i) Future signage generated by new technologies will be considered on their merits.</p> <p>(ii) Proposals involving animation, video screens and other forms of movement are considered inappropriate.</p> <p>(iii) Advertisements that cover glass facades (for example, coloured film) are generally discouraged unless they are limited in size and period of use.</p>	The proposed development will include signage, although details in terms of locations, sizing, and sign types are yet to be determined.	Complies
14.2.14 A – Frame Signs	<p>(i) Council will consider development applications for A-Frame signs within/adjoining B2 - Local Centre and Industrial zones as identified in the Muswellbrook LEP subject to compliance with the following criteria</p> <p>(ii) The applicant enters into an agreement prepared with Council and obtains public liability insurance indemnifying Council of any potential claims to a value of \$10 million or other sum as approved by Council.</p> <p>(iii) Council is satisfied that adequate pedestrian thoroughfare is maintained and</p>	The proposed development will include signage, although details in terms of locations, sizing, and sign types are yet to be determined.	Complies

Item	Requirement	Proposed	Compliance
	<p>the signage does not significantly obstruct the footpath or create a safety hazard.</p> <p>(iv) The applicant places Council's registration number on the bottom right hand side of the sign;</p> <p>(v) The signage is placed in its designated position and is removed at the close of trading each day</p> <p>(vi) The signage board is of the minimum dimensions of 500mm wide x 1m high and of a maximum size of 700mm x 1200mm, and when erected is fixed appropriately.</p>		
SECTION 15 - HERITAGE CONSERVATION			
The site is not located within a Heritage Conservation area.			
SECTION 16 – CAR PARKING AND ACCESS			
<i>Car parking and access requirements are detailed within Section 18 below specifically relating to Childcare Centres.</i>			
SECTION 18 - CHILD CARE CENTRES			
18.1 ENTRY, ACCESS, SAFETY AND SECURITY			
18.1.1 Entry	<p>(i) Where the entrance to the Centre is on the exterior of the building provide weather protection such as an awning</p> <p>(ii) Materials and design of weather protection to the entrance is compatible with the building</p> <p>(iii) Where the Centre is located within a building that accommodates other uses provide a</p>	<p>The entrance to the building is covered by a large roof overhang.</p> <p>The materials and design of weather protection are compatible with the building.</p> <p>The proposed childcare centre is not located near a shared use.</p>	Complies

Item	Requirement	Proposed	Compliance
	separate and clearly marked entrance for the Child Care Centre.		
18.1.2 Access and mobility	(i) Design in accordance with Australian Standard 1428.1 and 1428.3 (Design for Access and Mobility. Part 3: Requirements for children and adolescents with physical disabilities)	The building has been design ed in accordance with Australian Standard 1428.1 and 1428.3 (Design for Access and Mobility. Part 3: Requirements for children and adolescents with physical disabilities). Refer to the BCA Assessment provided as ATTACHMENT 10 .	Complies
18.1.3 Safety and security	(i) on site parking spaces and set-down and pick-up areas are well lit (ii) locate the entry gate within sight of staff in the office (iii) install bell or alarm on the entry gate to alert staff to someone entering or leaving the Childcare Centre	The on-site parking and entry/exit points will be well lit and visible from the admin/reception room. A bell or alarm will be installed on the entry gate to alert staff to someone entering or leaving the Childcare Centre.	Complies
18.2.1 Drop off and pick up of children	(i) Provide 2 designated vehicle spaces - one for Disabled Access, and one for emergency use – on site in residential zones, and within close proximity in local centre/village zones, in accordance with the provisions of AS2890.1. (ii) Provide accessible parking spaces for the set down and pick up of children, no more than 50m from the Child Care Centre. (iii) Provide 2 set down spaces for less than 24 children, 3 spaces for more than 24 children. (iv) Car parking provisions do not substantially modify the streetscape.	One designated vehicles space each is provided for disabled and emergency use. The proposed carpark is located within 50m of the childcare building. The proposed car parking will service the needs of the proposed childcare centre by providing 25 on-site carpark spaces. On-street parking and pedestrian access is also available from Wilder St and Maitland ST (New England Highway).	Complies

Item	Requirement	Proposed	Compliance
	(v) Spaces are clearly marked to reflect that they are for the exclusive use of the child care users between the peak am and pm hours of the Centre eg 7.30-9.30 and 4.30-6.30		
18.2 AIR QUALITY			
18.2.2 Air quality	<p>(i) For Child Care Centres located on –</p> <ul style="list-style-type: none"> • on major roads (including state and regional) or within 50m of such a road • roads where there is an average daily traffic rate of more than 5000 per day • sites where the external noise level exceeds 55 dB(A) (L90 24 hours) demonstrate reduction measures such as double glazing on windows, air conditioning systems, and play areas located away from noise and pollution sources in an environmental report <p>(ii) Child care centres within 200m of a service station will not be approved unless the application is supported by a preliminary hazard analysis (PHA) under State Environmental Planning Policy No. 33 and a risk assessment (biophysical and societal) taking into account the sensitivity of the use.</p> <p>(iii) Child care centres within 100m of above ground high voltage transmission lines or mobile phone towers or the like, will not be approved unless the application is supported by a hazard</p>	<p>The site is located on a state road (Maitland St/New England Highway).</p> <p>The site is located within 200m of a service station.</p> <p>Accordingly, a Preliminary Site Investigation and HAZMAT Assessment are provided as ATTACHMENT 17 and ATTACHMENT 18.</p> <p>While the site is not identified as being contaminated, appropriate measures will need to be taken during demolition works to ensure hazardous materials are managed and disposed of carefully as outlined within the HAZMAT Assessment.</p>	Complies

Item	Requirement	Proposed	Compliance
	risk assessment which addresses the potential impacts on human health.		
18.3 INDOOR AND OUTDOOR SPACE			
18.3.1 Indoor space	<p>(i) Provide at least 3.25m² of unencumbered indoor floor space for each child.</p> <p>(ii) Provide at least 10m² of unencumbered indoor floor space for each employee, for office space, staff room, sick bay area and adult toilet and shower facilities.</p>	<p>The proposed development has been designed to comply with the required indoor play areas as follows:</p> <p>Indoor space of 3.25m² per child generates the need for 325m². The development proposes 337m² and complies with this requirement.</p> <p>The indoor space meets the requirements of these controls.</p>	Complies
18.3.2 Outdoor space	<p>(i) Provide at least 7m² open space per child.</p> <p>(ii) Ensure that exposure to external noise, pollution and winds is minimised</p> <p>(iii) Ensure that 50% of all outdoor open space is shaded during the hours of 10am to 3pm. Shading may be provided by trees, awnings, or similar structures</p> <p>(iv) Locate seating and outdoor play equipment in shaded areas</p> <p>(v) Ensure outdoor space receives a minimum of 2 hours direct sunlight per day.</p> <p>(vi) Use plant species in landscaping that are not harmful to children or the environment.</p> <p>(vii) Ensure outdoor space is adequately shaded in accordance with guidelines set out in the</p>	<p>The proposed development has been designed to comply with the required outdoor play areas as follows:</p> <p>Outdoor space of 7m² per child generates the need for 700m². The development proposes 720m² and complies with this requirement.</p> <p>Concurrence of the Regulatory Authority for the development is therefore not required.</p> <p>The outdoor space meets the requirements of these controls.</p>	Complies

Item	Requirement	Proposed	Compliance
	NSW Cancer Council's Shade For Child Care Services publication.		
18.3.3 Fences	<p>(i) Use materials and finishes for fences that complement characteristic visual elements in the surrounding physical environment and do not dominate the streetscape</p> <p>(ii) If perimeter fences of the outdoor space are close to a major road or a hazard, make them higher than the Australian Standard of 1200mm</p> <p>(iii) Provide a childproof self locking mechanism on any gates</p>	Perimeter fences will comply with these controls.	Complies
18.4 VISUAL AND ACOUSTIC PRIVACY			
18.4.1 Visual privacy	<p>(i) Provide screening by trees, fencing and window coverings to minimise overlooking and noise impacts</p> <p>(ii) Locate any play structures at least 3m from any boundary with a residential property</p>	<p>Additional landscaping is proposed throughout the site to soften the proposed built structure and to maintain a pleasant streetscape.</p> <p>All play structures are located at least 3m from the site boundaries.</p>	Complies
18.4.2 Acoustic privacy	<p>(i) Locate noisy areas such as outdoor space, vehicle access and pathways away from windows of adjoining dwellings</p> <p>(ii) Appropriate noise reduction measures are utilised</p> <p>(iii) Demonstrate compliance with operating noise levels by providing a report on noise levels prepared by a suitably qualified consultant.</p>	<p>The proposed childcare centre is permissible in the zone and has been assessed as suitable by an independent Acoustic Consultant, subject to construction recommendations. A Noise Impact Assessment is provided as ATTACHMENT 15.</p> <p>No incompatible or adverse noise impacts have been identified as unacceptable in this location. Adverse vibrational impacts are not anticipated.</p>	Complies

Item	Requirement	Proposed	Compliance
Section 20 - Erosion and Sediment Control			
OBJECTIVES & CONTROLS	<p>(i) Areas of disturbance less than 250 m² which are environmentally sensitive (ie within 100m of a water course), on steep sites (gradient greater than 20o) require the completion of an Erosion and Sediment Control Plan;</p> <p>(ii) Areas of disturbance 250 m² to 1000m² must submit an Erosion and Sediment Control Plan and a schedule of works with a development application;</p> <p>(iii) Areas of disturbance 1000 m² to 2500 m² must submit an Erosion and Sediment Control Plan and Landscape Plan with a schedule of works with development application;</p> <p>(iv) Areas of disturbance greater than 2500 m² must submit Erosion and Sediment Control Plan, a Soil and Water Management Plan and a Landscape Plan with a schedule of works;</p> <p>(v) All subdivisions which are proposed as staged developments must provide a staged Erosion and Sediment Control Strategy with an associated schedule of works;</p> <p>(vi) Completion of the Erosion and Sediment Control Plan must be undertaken by a suitably qualified person in accordance with this section of the DCP and contain all elements detailed by 22.2;</p>	<p>The proposed development will involve the disturbance of more than 250m² of area.</p> <p>It is requested that an Erosion and Sediments Control Plan be required prior to issue of a Construction Certificate.</p>	Variation requested

Item	Requirement	Proposed	Compliance
	<p>(vii) A regular maintenance program for all erosion and sediment controls must be submitted with any plan or strategy;</p> <p>(viii) Existing vegetation must not be cleared in areas not relevant to direct impact from the development;</p> <p>(ix) Vegetation must not be cleared prior to development approval being granted or before erosion and sediment controls are fully installed;</p> <p>(x) All proposed controls must be consistent with this section of the DCP and the Managing Urban Stormwater: Soils and Construction manual prepared by Landcom.</p>		
SECTION 21 – CONTAMINATED LAND			
OBJECTIVES & CONTROLS	<p>(i) Identification of previous land uses which may have caused potential contamination risks to land</p> <p>(ii) Identification of potential pollutants which may have contaminated land</p> <p>(iii) Assessment of site specific contamination relevant to the redevelopment or rezoning of land and appropriate proposed land uses</p> <p>(iv) Investigation and assessment of contamination in accordance with appropriate legislation, regulations, guidelines and standards</p>	<p>A Preliminary Site Investigation and HAZMAT Assessment are provided as ATTACHMENT 17 and ATTACHMENT 18.</p> <p>While the site is not identified as being contaminated, appropriate measures will need to be taken during demolition works to ensure hazardous materials are managed and disposed of carefully as outlined within the HAZMAT Assessment.</p>	Complies

Item	Requirement	Proposed	Compliance
	(v) Remediation of contaminated land to a standard appropriate for the proposed land use (vi) Identification of potential off site impacts associated with land contamination (vii) Notification of significant risk of harm to the Department of Environment & Climate Change if required.		
SECTION 24 – WASTE MINIMISATION AND MANAGEMENT			
24.2 SUBMISSION/APPLICATION REQUIREMENTS	All applications for development, including demolition, construction and the ongoing use of a site/premise, must be accompanied by a Site Waste Minimisation and Management Plan. Waste management facilities proposed as part of the development shall be clearly indicated on the plan accompanying the development application.	A Site Waste Minimisation and Management Plan is provided as ATTACHMENT 19 .	Complies
Section 25 – Water Management			
25.2.1 Applications	i) Council requires that all impervious areas be designed so that overflows do not adversely affect neighbouring properties by way of intensification, concentration or inappropriate disposal across property boundaries. ii) Where the site falls away from the street and an interallotment drainage line exists, overflows	The proposed development on site will result in an impervious area of 1,190m ² or 68.62% of the site. Additional stormwater generated by the proposed development will be directed to the proposed above ground rainwater tanks located on the Northwestern side of the building, with overflow being directed to an underground OSD tank located under the proposed carpark. The outlet from the OSD tank will direct	Complies

Item	Requirement	Proposed	Compliance
	<p>are to be directed to that interallotment drainage line.</p> <p>Otherwise, the overflow may be directed to a dispersion trench subject to favourable geotechnical conditions. Design details for dispersion trenches shall be obtained from an appropriately qualified civil engineer and submitted with applications for approval.</p> <p>iii) Overflows from paved areas adjacent to the property boundary must be redirected by a kerb or formed gutter or table drain to drain into an approved piped system or away from neighbouring properties in a manner that will not cause a nuisance.</p> <p>A Development Application is to be accompanied by information and concept or preliminary plans demonstrating compliance with the relevant requirements of this section of the DCP.</p>	<p>stormwater flows to Councils existing stormwater pit located on the corner of Maitland St and Wilder St.</p> <p>Refer to the Stormwater Management Plan provided as ATTACHMENT 13.</p>	
25.2.2 Existing Drainage Systems and Easements	<p>i) Where a drainage system serving other property is located on the development site, that system is to be protected by an easement in favour of the beneficiary of the drainage system in order to permit the continued use of the drain. At the same time, a drainage easement gives the beneficiary the right to maintain the pipes contained in the easement.</p>	<p>There are no existing easements located on the site.</p>	<p>Complies</p>

Item	Requirement	Proposed	Compliance
	<p>ii) Where a drainage system that forms part of Council's urban stormwater system is located on the development site, that drainage system is to be protected by an easement, in favour of Council, in order to permit the continued use and maintenance of the system. "Council's urban stormwater system" is defined as any river, creek, drain, channel or swale channelling water within the urban areas of the Shire.</p> <p>iii) Easements shall contain terms including, but not limited to:</p> <p>I. The occupier not obstructing the river, creek, drain channel or swale;</p> <p>II. The occupier not running livestock within the area of the easement;</p> <p>III. Council having the right to enter the property to undertake rehabilitation, repairs and maintenance to the site of the easement.</p> <p>iv) Registration of the Easement shall be required prior to the issue of the occupation certificate.</p> <p>iv) New buildings are not to be constructed over or compromise the integrity of drainage lines or easements originating from outside the site.</p> <p>v) Where an existing drainage line runs under a proposed building, the drainage line and any associated easement is to be diverted around the building. Redundant easements are to be</p>		

Item	Requirement	Proposed	Compliance
	<p>extinguished and new easements are to be created.</p> <p>vi) Where an existing drainage system across the site is being retained, access to the existing system is not to be adversely impacted by the proposed development. Also, the development is to be designed so as not to degrade the structural integrity of the system. Vehicular and pedestrian access, and vehicle parking areas, may be constructed over a drainage system or easement, however the cost of maintaining or replacing these assets, particularly if damaged during a rainfall event, will be the responsibility of the landowner.</p> <p>vii) Where an existing drainage system across the site is in the form of an open channel, and the depths or velocity of water flowing through the channel in rainfall events poses a risk to life, Council may require the open channel is to be replaced by a suitably designed piped drainage system.</p>		

Item	Requirement	Proposed	Compliance
25.2.3 Flooding and Runoff Regimes	<p><u>A. Replicating Natural Conditions</u></p> <p>(i) Development is to be designed so that runoff from low intensity, common rainfall is equivalent to the runoff from a natural catchment. This can be achieved by intercepting and storing runoff in extended storage detention basins and discharging at greatly reduced rates.</p> <p>(ii) Alternatively, existing degraded downstream streams can be sympathetically engineered to re-establish a natural riparian eco system that can cope with the changed hydrological regime.</p> <p><u>B. Managing peak runoff</u></p> <p>I. Developments are to be designed in accordance with “Australian Rain Fall and Run off” and the NSW Floodplain Development Manual.</p> <p>II. Designs to be prepared in accordance with the Muswellbrook Shire Council Handbook for Drainage Design Criteria and the quality assurance requirements of AUS-SPEC are satisfied.</p>	<p>The proposed development on site will result in an impervious area of 1,190m² or 68.62% of the site. Additional stormwater generated by the proposed development will be directed to the proposed above ground rainwater tanks located on the Northwestern side of the building, with overflow being directed to an underground OSD tank located under the proposed carpark. The outlet from the OSD tank will direct stormwater flows to Councils existing stormwater pit located on the corner of Maitland St and Wilder St.</p> <p>Refer to the Stormwater Management Plan provided as ATTACHMENT 13.</p>	Complies
25.2.4 Overflow disposal	<p>(i) Development is to be designed so that overflows do not adversely affect neighbouring properties by way of intensification, concentration or inappropriate disposal across property boundaries. This can be achieved by</p>	<p>The proposed development on site will result in an impervious area of 1,190m² or 68.62% of the site. Additional stormwater generated by the proposed development will be directed to the proposed above ground rainwater tanks located on the Northwestern side of the building, with overflow being directed to an</p>	Complies

Item	Requirement	Proposed	Compliance
	<p>securing appropriate easements over downstream properties or discharging overflows directly to the street system where feasible.</p> <p>(ii) Overflows from paved areas adjacent to the property boundary are to be directed by a kerb or formed gutter to drain away from neighbouring properties.</p>	<p>underground OSD tank located under the proposed carpark. The outlet from the OSD tank will direct stormwater flows to Councils existing stormwater pit located on the corner of Maitland St and Wilder St.</p> <p>Refer to the Stormwater Management Plan provided as ATTACHMENT 13.</p>	
25.2.5 Pollutants	<p>I. Stormwater management systems are to be designed to capture and remove all litter larger than 5mm in size.</p> <p>II. Pollution reduction devices. The objective of pollution reduction devices e.g. Gross Pollutant Traps, is to remove contaminants such as oil, sediment and other pollutants before stormwater discharges into the receiving system beyond the site of the development. Pollution reduction devices must be installed for the following developments:</p> <ul style="list-style-type: none"> • residential developments with more than five dwellings or new greenfield residential subdivisions • all commercial developments that may involve the use, storage or • transportation of potential contaminants/polluting substances or have at- 	<p>The proposed stormwater has been designed to capture and remove all litter larger than 5mm in size.</p> <p>The proposed development on site will result in an impervious area of 1,190m² or 68.62% of the site. Additional stormwater generated by the proposed development will be directed to the proposed above ground rainwater tanks located on the Northwestern side of the building, with overflow being directed to an underground OSD tank located under the proposed carpark. The outlet from the OSD tank will direct stormwater flows to Councils existing stormwater pit located on the corner of Maitland St and Wilder St.</p> <p>Refer to the Stormwater Management Plan provided as ATTACHMENT 13.</p>	Complies

Item	Requirement	Proposed	Compliance												
	<p>grade car parking areas that are exposed to rainfall events.</p> <ul style="list-style-type: none">• commercial developments on allotments greater than 2,000m2 where the impervious area exceeds 50% of the area of the site• all industrial developments <p>III. The event mean concentration of specific pollutants is not to exceed that in the following table.</p> <table><tr><th>Pollutant</th><th>Maximum Event Mean Concentration</th></tr><tr><td>Sediment</td><td>100mg/L</td></tr><tr><td>Hydrocarbons</td><td>500ug/L</td></tr><tr><td>Total Nitrogen</td><td>1000ug/L</td></tr><tr><td>Ammonia</td><td>15ug/L</td></tr><tr><td>Phosphorus</td><td>100ug/L</td></tr></table> <p>IV. Pollution reduction devices are to be retrofitted to existing development where practical. Preliminary advice should be sought from Council should the applicant believe such measures are impractical.</p> <p>V. Maintenance manuals are to be provided for stormwater management systems that include pollution reduction devices, on-site retention, bioretention rain gardens, bioretention swales, porous paving and sand filters within basins. The manual is to address maintenance issues</p>	Pollutant	Maximum Event Mean Concentration	Sediment	100mg/L	Hydrocarbons	500ug/L	Total Nitrogen	1000ug/L	Ammonia	15ug/L	Phosphorus	100ug/L		
Pollutant	Maximum Event Mean Concentration														
Sediment	100mg/L														
Hydrocarbons	500ug/L														
Total Nitrogen	1000ug/L														
Ammonia	15ug/L														
Phosphorus	100ug/L														

Item	Requirement	Proposed	Compliance
	including routine monitoring and maintenance as well as any associated components (such as vegetation, subsurface drainage, filter material, flush outs, etc.) of the system that could impact on device performance. Periodic monitoring and maintenance is to occur to ensure the system functions as designed, and meets water quality and quantity targets as indicated in the DCP (see Table above) over the life cycle of the device. The manual is to be kept onsite.		
25.4 NON-RESIDENTIAL DEVELOPMENT	<p>I. Stormwater drainage complies with AS 3500.3;</p> <p>II. Development proposals for this type of development are to demonstrate compliance with AUSPEC D5 and the Muswellbrook Shire Council Drainage Design Criteria.</p> <p>III. Development applications comply with BASIX where it applies; Further information on commencement dates and details of types of development requiring a BASIX Certificate or to produce a certificate for your proposed development go to www.basix.nsw.gov.au or phone the BASIX Help Line on 1300 650 908;</p> <p>IV. Gutters and down pipes are installed to collect roof water;</p> <p>V. Pits are installed to collect water from the low points in yards;</p>	<p>The proposed development on site will result in an impervious area of 1,190m² or 68.62% of the site. Additional stormwater generated by the proposed development will be directed to the proposed above ground rainwater tanks located on the Northwestern side of the building, with overflow being directed to an underground OSD tank located under the proposed carpark. The outlet from the OSD tank will direct stormwater flows to Councils existing stormwater pit located on the corner of Maitland St and Wilder St.</p> <p>Refer to the Stormwater Management Plan provided as ATTACHMENT 13.</p>	Complies

Item	Requirement	Proposed	Compliance
	<p>VI. Down pipes and pits are to be connected to the 'discharge controls' for the site;</p> <p>VII. The site discharge indicator for the development is at least 0.5 determined under Water Smart Practice Note No. 11 – Site Discharge Indicator, and preliminary storm water design details demonstrating ability to comply with this requirement are to be submitted with the development application;</p> <p>VIII. Soil and erosion control plans are to be submitted in accordance with the provisions of section 20 of this DCP;</p> <ul style="list-style-type: none"> • For non-residential development incorporating facilities to accommodate or employ more than 50 staff, or that involve the use of more than 1 hectare of land for commercial, industrial or special use purposes, a comprehensive water cycle strategy plan that responds to relevant issues and opportunities for achieving sustainable water cycle outcomes is required to be submitted with the development application; (see end of this section for requirements) <p>IX. Soil and water management plans are required to be submitted with the development application for all non-residential development where site disturbance is greater than 1,000m². (see end of this section for requirements)</p>		

Item	Requirement	Proposed	Compliance						
	<p>X. Industrial development buildings are to be provided with an onsite stormwater retention tank in accordance with the following table:</p> <table><tr><th>Roof Area</th><th>Required Tank Size (L)</th></tr><tr><td>Equal or less than 500m2</td><td>10,000</td></tr><tr><td>More than 500m2</td><td>22,500</td></tr></table> <p>The tank is to be fitted with appropriate water purifying and hydrocarbon / pollutant separation devices to ensure that water used and entering the stormwater system is clean.</p>	Roof Area	Required Tank Size (L)	Equal or less than 500m2	10,000	More than 500m2	22,500		
Roof Area	Required Tank Size (L)								
Equal or less than 500m2	10,000								
More than 500m2	22,500								