

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA21/1000
Proposed development:	Minor Alterations to an Existing Approved Child Care Facility, Minor External Car Parking Works and Erection of a Wall Sign
Property address:	41 Cook Parade, ST CLAIR NSW 2759 37 Cook Parade, ST CLAIR NSW 2759
Property description:	Lot 672 DP 739138 Lot 68 DP 702772
Date received:	22 December 2021
Assessing officer	Donna Clarke
Zoning:	SEPP WSA - Affected by Obstacle Limitation SEPP WSA - Affected by Wildlife Buffer Zone Zone B1 Neighbourhood Centre - LEP 2010 RE1 Public Recreation - LEP 2010
Class of building:	Class 9b
Recommendations:	Approve

Executive Summary

Council is in receipt of a Development Application from Penrith City Council (the applicant) proposing alterations and additions to an existing childcare centre at 37 and 41 Cook Parade, St Clair.

The subject site is zoned RE1 Public Recreation and B1 Neighbourhood Centre under Penrith Local Environmental Plan 2010. The proposal is defined as a centre-based child care facility which is permissible with consent.

The application has been referred to the Local Planning Panel for determination in accordance with the direction given by the Minister for Planning under Section 9.1 of the Environmental Planning and Assessment Act 1979 dated 23 February 2018 as the subject site is owned by Penrith City Council, and the applicant is also Penrith City Council.

The development application was advertised in the local newspaper and notified to owners and occupiers of adjoining and nearby properties between 24 January 2022 to 7 February 2022. During this period, Council received no submissions.

Key issues identified for the proposed development include car parking, upgrade of the accessibility of the existing facility, waste management and safety and security. The applicant has confirmed that there is no increase in child numbers from 40 as already licenced, and no change to hours of operation.

The plans were amended during the assessment to confirm no tree removal and delete a proposed pathway.

As the subject site is owned and operated by Penrith City Council, the Penrith Local Planning Panel is the determining authority for the development application in accordance with Schedule 2 of the Minister's Local Planning Panels Direction.

An assessment under Section 4.15 of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval subject to conditions.

Site & Surrounds

The subject site contains an existing child care centre known as "Cook Parade Centre", which is owned and operated by the Children's Services Division of Penrith City Council. The site is identified as Lot 68 in DP 702772 which contains the existing child care centre and other open space including tennis courts and Lot 672 DP 739138 which contains car park for the centre.

The site area of Lot 68 in DP 702772 is approx. 9745m², however the centre and play area occupies only approx 1,777m². Lot 672 DP 739138 is 1,743m² and contains the car park for the centre.

The centre is located within a public reserve which includes a playground and has good separation to the adjoining residents being 44m and 83m at the closest point from the residential fences to the north and east to the centre respectively.

The centre caters for 40 children per day, as per the existing licence.

The existing hours of operation are as follows:

- 7am-6pm Monday to Friday

On-site parking facilities are available as follows:

- 19 vehicle spaces including staff parking

Proposal

The subject application proposes alterations and additions to the existing building. The proposed works include the following:

- Upgrade to existing child care centre.
- Interior alterations and additions, including upgrade to bathrooms, staff room, foyer, kitchen and office.
- Upgrade internal lighting and ducted air conditioning.
- External alterations and additions including cladding to southern and western wall and new lighting.
- Upgrade the existing car park to provide accessible car parking and access to the facility, adjacent to the entry.
- Penrith City Council's corporate colours (brown, orange and grey) will be utilised.
- New building identification sign on the eastern elevation, with 3D illuminated acrylic letters (back lit) linked to external light with wording 'Cook Parade Children's Centre Penrith City Council' and logo.
- No change to existing children numbers being 40 per day as per the existing licence.
- No changes to the existing car park numbers from 19 spaces. Re-marking of the accessible car parking spaces is proposed over a hardstand area adjacent to the building entry and the existing maneuvering and directional signage within the car park will remain.
- No changes are proposed to the existing hours of operation.
- The floor area will remain unchanged.
- The plans were amended during the assessment to confirm no tree removal and delete a proposed pathway.

Plans that apply

- Local Environmental Plan 2010
- Development Control Plan 2014
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy No 64—Advertising and Signage
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 4.15 - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

• Section 7.12 - Developer Contributions

Council's Amendment 1 - Penrith City Section 7.12 Development Contributions Plan does not apply as the non-residential works will not result in an intensification or enlargement of the current land use.

Section 4.15(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

An assessment against the relevant criteria under State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 has been undertaken and a detailed discussion is provided below.

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

The proposal complies with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations. The proposal also complies with the outdoor space requirements under regulation 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations. The proposal provides 148.2m² of indoor unencumbered space (130m² is required) and provides 950m² of unencumbered outdoor space (280m² is required). Accordingly, in this instance Clause 22 does not apply to the proposal and concurrence of the Regulatory Authority is not required. Further, this application does not alter indoor or outdoor spaces.

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

Clause 23 requires that before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline. An assessment was undertaken against the provision of the Child Care Planning Guideline dated August 2017, and details are summarised below:

Child Care Planning Guideline August 2017		
Section	Objectives	Proposed
3.1 Site Selection and Location	<ul style="list-style-type: none">• To ensure that appropriate zone considerations are assessed when selecting a site;• To ensure that the site selected for a proposed child care	<ul style="list-style-type: none">• The proposed use is a permitted land use in the zone with Council consent,• The site is considered suitable for the development for the following reasons:<ul style="list-style-type: none">- The site is not identified as being affected by flooding, land slope, bushfires, coastal hazards and other environmental hazards. The existing building is located outside of the flood planning

	<p>facility is suitable for the use.</p> <ul style="list-style-type: none"> • To ensure the site for child care facilities are appropriately located; • To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards. 	<p>area and PMF.</p> <ul style="list-style-type: none"> - The site is not located along a major collector road. - Located adjacent to a playground, open space and residential dwellings further away, the proposal is near compatible social uses. - The site is of a sufficient size and width to accommodate the proposed centre-based child care facility. • The application has demonstrated that the site is suitable in respect to environmental impacts, specifically acoustic, privacy and excavation impacts, and does not incur risks from environmental hazards i.e. contamination.
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3.2 Local Character, streetscape and the public domain interface	<ul style="list-style-type: none"> • To ensure that the child care facility is compatible with the local character and surrounding streetscape; • To ensure clear delineation between the child care facility and public spaces; • To ensure front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain. 	<ul style="list-style-type: none"> • The proposal provides an appropriate design response within the RE1 Public Recreation and B1 Neighbourhood Centre zones, and contributes to the local area by being designed in character with the locality and existing streetscape. • Specifically, the proposal provides minor changes to an existing single storey building that will be consistent and compatible with the existing low density characteristics of the subject area. • The proposal complies with the prescribed height control under the LEP and provides front and rear setbacks consistent with the surrounding development. • Clear delineation between the facility and the street remains, along with a clear access path from the street to the legible entry. • The proposed landscaping within the front setback results in appropriate opportunities for landscaping. • The location and design of existing parking areas is consistent with the character of the locality.
3.3 Building Orientation, envelope and design	<ul style="list-style-type: none"> • To respond to the streetscape, while optimising solar access and opportunities for shade; • To ensure that child care facilities are designed to be accessible by all potential users; • To ensure that buildings are designed to create safe environments for all users. 	<ul style="list-style-type: none"> • As aforementioned, the existing built form and minor changes responds to the predominant built form, height and landscaped setbacks in the area to respond to the streetscape quality. • The existing play areas and internal rooms of the centre remain and the minor changes will improve the functionality of the centre.
3.4 Landscaping	<ul style="list-style-type: none"> • To provide landscape design that contributes to streetscape and amenity. 	<ul style="list-style-type: none"> • The existing streetscape and future desired character, remains suitable and will update an aging facility.
3.5 Visual and Acoustic Privacy	<ul style="list-style-type: none"> • To protect the privacy and security of children attending the facility; • To minimise impacts on privacy of adjoining properties; • To minimise the 	<ul style="list-style-type: none"> • The proposed centre and proposed changes minimise direct overlooking of indoor rooms and outdoor play spaces from public areas. • There is no additional acoustic impacts envisaged as there is no change in children numbers proposed.

	<ul style="list-style-type: none"> To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments. 	
3.6 Noise and Air Pollution	<ul style="list-style-type: none"> To adopt design solution to minimise the impacts of noise on the children; To ensure that outside noise levels on the facility are minimised to acceptable levels 	<ul style="list-style-type: none"> The subject site is not located near major roads, rail lines, beneath flight paths or other noisy environments. Appropriate design measures have been undertaken with respect to the proposed changes to minimise acoustic impacts to neighbouring properties. The site is not located closed to any major roads or industrial areas and is therefore not exposed to major sources of air pollution.
3.7 Hours of Operation	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> No change is proposed to the existing operating hours, being Monday to Friday 7:00am to 6:00pm,.
3.8 Traffic, Parking and Pedestrian Circulation	<ul style="list-style-type: none"> To provide parking that satisfies the needs of users and demand generated by the centre; To provide vehicle access from the street in a safe environment that does not disrupt traffic flows; To provide a safe and connected environment for pedestrians both on and around the site. 	<ul style="list-style-type: none"> Under Penrith Development Control Plan 2014, child care centres are required to provide 1 space per 10 children, plus 1 space per employee. The development employs 12 individuals and provide for 40 children requiring 16 car spaces be provided on site. The proposal complies with this requirement with 19 existing parking bays in place. One new accessible space will be provided in an area adjacent to the entry.

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

The non-discretionary development standards which, if complied with, prevent a consent authority from requiring more onerous standards. These matters relate to location, indoor and outdoor space, site area and dimensions and the colour of building materials and shade structures, which as previously indicated in this report are considered compliant.

Clause 26 Centre-based child care facility - development control plans

The SEPP includes provisions in development control plans that cannot be applied to development of child care centres, such as hours of operation, demonstrated need for services, proximity to other facilities, or any matter set out in the *Child Care Planning Guideline*. Council's DCP does contain specific development standards related to the matters described in Clauses 25 and 26, which are rendered obsolete by the function of the SEPP.

State Environmental Planning Policy No 55—Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) provides aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Under Clause 7 of SEPP 55, it must be considered as to whether the land is contaminated, and if so, Council must be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which development is proposed to be carried out.

In this regard, the subject site has been used as an existing child care centre for a number of years and the nature of the use will continue to be as such. It is noted that aerial observation mapping has not identified any evidence of potential land contaminating activities or imported fill material. Further, the minor works proposed are unlikely to pose any land contamination risks.

State Environmental Planning Policy No 64—Advertising and Signage

The application includes two proposed signs in association with the operation of the building comprising a new building identification sign on the eastern elevation, with 3D illuminated acrylic letters (back lit) linked to external light with wording 'Cook Parade Children's Centre Penrith City Council' and logo.

An assessment has been undertaken of the application against relevant criteria with *State Environmental Planning Policy No 64—Advertising and Signage* and the application is satisfactory as detailed below:

1 Character of the area

The proposal is considered compatible with the existing and desired future character of the area in that the signage clearly identifies the building as the proposed child care centre.

2 Special areas

The proposed development is not located within any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas.

3 Views and vistas

The proposal does not obscure or compromise important views, dominate the skyline, or reduce the quality of vistas.

4 Streetscape, setting or landscape

The scale, proportion and form of the proposal is appropriate for the setting and does not dominate the façade. The signage is clear and minimalist, and in keeping with the overall design of the child care centre.

5 Site and building

The proposal is compatible with the scale and proportion of the building and reflects the colours and materials used in the design of the development.

6 Associated devices and logos with advertisements and advertising structures

No associated devices are proposed as part of the signage due to location of the structure and nature of the use. Penrith City Council's logo is included, at a very small scale and is deemed appropriate.

7 Illumination

Illumination of the signage is proposed, with the letters backlit. Given the location of the centre and its open surrounds, there is not expected to be light spill issues from the sign.

8 Safety

The wall signage proposed is fixed to the building. As such, the signage suitably blends with the wall structure and is not considered to reduce the safety for the public road, pedestrians, cyclists or obscure sightlines.

Should the application be approved, any determination is to include a condition indicating that a separate development application for the erection of any additional signs or advertising structures, other than those listed as exempt development, is to be submitted to Penrith City Council.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the application against relevant criteria with Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) and the application is considerable capable of complying subject to conditions regarding sediment and erosion control.

Local Environmental Plan 2010

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 4.3 Height of buildings	Complies - See discussion
Clause 7.1 Earthworks	Complies
Clause 7.4 Sustainable development	Complies - See discussion
Clause 7.6 Salinity	Complies
Clause 7.7 Servicing	Complies

Clause 2.3 Permissibility

The subject portion of the land containing the child care centre subject to this application is zoned RE1 Public Recreation and the portion containing the car park is zoned B1 Neighbourhood Centre under Penrith LEP 2010.

The proposal is 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:

- (i) long day care,*
- (ii) occasional child care,*
- (iii) out-of-school-hours care (including vacation care),*
- (iv) preschool care, or*

(b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW))'

The proposal is a permissible land use in the zones with Council consent.

Clause 2.3 Zone objectives

The objectives of the RE1 Public Recreation zone are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To ensure that development is secondary and complementary to the use of land as public open space, and enhances public use, and access to, the open space.*
- *To provide land for the development of services and facilities by public authorities for the benefit of the community.*

The proposed use is considered compliant with the objectives of the RE1 zone, with the existing and modified child care centre being of benefit for the local community. Amenity is not reduced to the nearby residents, who are not in immediate proximity of the centre.

The objectives of the B1 Neighbourhood Centre zone are:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To provide retail facilities for the local community commensurate with the centre's role in the local and regional retail hierarchy.*
- *To create opportunities to improve the public domain and encourage the integration of centres with public transport and pedestrian networks.*
- *To ensure that development reflects the desired future character and dwelling densities of the area.*

The proposal continues to be in keeping with the B1 zone, providing community uses to service the people in the surrounding neighbourhood.

Clause 4.3 Height of buildings

The site on which the centre is located is not identified on the Height of Building Map as having a limit. Notwithstanding this, the proposal remains within the existing building height.

Clause 7.4 Sustainable development

The proposal satisfies the LEP in that it incorporates design elements to increase energy efficiency and reduce the consumption of natural resources through the upgrade of the aging facilities.

Section 4.15(1)(a)(ii) The provisions of any draft environmental planning instrument

The only Draft State Environmental Planning Policy that is applicable to the proposed development is the Draft Remediation of Land SEPP. The intention of this draft SEPP was to repeal SEPP 55 however the Draft EPI has not progressed since its public exhibition in 2018. The draft provisions do not alter requirements for development to demonstrate that the land is suitable or can be made suitable, and therefore the Draft Instrument has no further considerations beyond what has already been addressed within commentary against SEPP 55 in this report.

Section 4.15(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies - see Appendix - Development Control Plan Compliance
C2 Vegetation Management	Complies - see Appendix - Development Control Plan Compliance
C3 Water Management	Complies - see Appendix - Development Control Plan Compliance
C4 Land Management	Complies - see Appendix - Development Control Plan Compliance
C5 Waste Management	Complies
C6 Landscape Design	Complies - see Appendix - Development Control Plan Compliance
C7 Culture and Heritage	N/A
C8 Public Domain	Complies
C9 Advertising and Signage	Complies - see Appendix - Development Control Plan Compliance
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies - see Appendix - Development Control Plan Compliance
C13 Infrastructure and Services	Complies
D5.1. Application of Certification System	N/A
D5.2. Child Care Centres	Complies - see Appendix - Development Control Plan Compliance
D5.3. Health Consulting Rooms	N/A
D5.4. Educational Establishments	N/A
D5.5 Parent Friendly Amenities	N/A
D5.6. Places of Public Worship	N/A
D5.7. Vehicle Repair Stations	N/A
D5.8. Cemeteries, Crematoria and Funeral Homes	N/A
D5.9. Extractive Industries	N/A
D5.10 Telecommunication Facilities	N/A
D5.11 Boarding Houses	N/A

Section 4.15(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applying to this application.

Section 4.15(1)(a)(iv) The provisions of the regulations

The application has been referred to Council's Building Surveyors for assessment and the proposal complies with the requirements of the Regulations subject to conditions, including requirements for compliance with the Building Code of Australia and fire safety requirements.

Section 4.15(1)(b) The likely impacts of the development

Context and Setting

The proposed minor changes to the existing building have been designed to respect the location and siting of the surrounding residential area.

Noise Impacts

The proposal does not alter the children numbers from the current licence and as such, the development is not considered to have an adverse noise impact on the surrounding locality. No additional acoustic measures are required.

Traffic, Access and Parking

Given there is no change to children numbers, but rather the proposal involves minor changes to the existing aged centre, no additional traffic is expected to be generated by the development and is unlikely to result in any considerable impacts to the local road network.

The centre provides 19 parking spaces and proposes 1 new accessible parking space, exceeding the rates specified in Penrith Development Control Plan 2014.

No adverse traffic generation impacts are expected from the development and that the local road network has adequate capacity to cater for the traffic volumes generated by the development.

Waste

The existing waste management operations will continue on site. Construction waste and on-going operational waste can be dealt with by conditions of consent.

Water Management

A condition will be recommended regarding the provision of suitable erosion and sediment controls during the construction phase.

Crime Prevention through Environmental Design (CPTED) and Community Safety Principles

The operational hours of the centre are restricted and it is considered that the users of the centre are safe during the operation hours.

Socio-Economic Impacts

The proposal seeks to undertake minor changes to the existing building for the benefit of the local community.

Section 4.15(1)(c) The suitability of the site for the development

The site is suitable for the following reasons:

- The site is zoned to permit the proposed use.
- The upgrade of an existing facility will improve the functionality and sustainability of the existing centre.
- The use is compatible with surrounding/adjoining land uses.

Section 4.15(1)(d) Any Submissions

Community Consultation

The development application was advertised in the local newspaper and notified to owners and occupiers of adjoining and nearby properties between 24 January 2022 to 7 February 2022. During this period, Council received no submissions.

Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections
Tree Management Officer	No objections

Section 4.15(1)(e)The public interest

The proposed development will not generate any significant issues of public interest.

Conclusion

In assessing this application against the relevant environmental planning policies, being Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2014, the proposal satisfies the aims, objectives and provisions of these policies. The site is suitable for the proposed development, the proposal is in the public interest, and there is unlikely to be negative impacts arising from the proposed development. Therefore, the application is worthy of support, subject to recommended conditions.

Recommendation

That DA 21/1000 for alterations and additions to the childcare centre at 37 & 41 Cook Parade, St Clair, be approved subject to the attached conditions.

CONDITIONS

General

1 [A001](#)

The development must be implemented substantially in accordance with the following plans approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the approved plans and by the following conditions.

Description	Drawing No	Rev	Prepared by	Dated
Location Plan & Drawing List	A000	C	Barbara Tarnawski Architects Pty Ltd	19/1/22
Site Survey & External Works	A001	C	Barbara Tarnawski Architects Pty Ltd	19/1/22
Site Plan Details	A002	C	Barbara Tarnawski Architects Pty Ltd	19/1/22
Specifications	A003	B	Barbara Tarnawski Architects Pty Ltd	11/8/21
Demolition Plan	A101	B	Barbara Tarnawski Architects Pty Ltd	11/8/21
Ground Floor Plan	A102	B	Barbara Tarnawski Architects Pty Ltd	11/8/21
Roof	A103	B	Barbara Tarnawski Architects Pty Ltd	11/8/21
Ground Floor RCP	A200	B	Barbara Tarnawski Architects Pty Ltd	11/8/21
Section S-01	A300	B	Barbara Tarnawski Architects Pty Ltd	11/8/21
Elevation - 01	A400	B	Barbara Tarnawski Architects Pty Ltd	11/8/21
Elevation - 02	A401	B	Barbara Tarnawski Architects Pty Ltd	11/8/21
Door Schedule	A500	B	Barbara Tarnawski Architects Pty Ltd	11/8/21
Window Schedule	A501	B	Barbara Tarnawski Architects Pty Ltd	11/8/21
Details - Accessible Bathroom / Kitchen	A600	B	Barbara Tarnawski Architects Pty Ltd	11/8/21
Details - Staff Kitchen / Store	A601	B	Barbara Tarnawski Architects Pty Ltd	11/8/21
Details - Office / Joinery / Laundry	A602	B	Barbara Tarnawski Architects Pty Ltd	11/8/21

2 [A019 - OCCUPATION CERTIFICATE](#)

The development shall not be used or occupied until an Occupation Certificate has been issued.

3 [A026 - Advertising sign \(not for residential\)](#)

A separate development application for the erection of a sign or advertising structure, other than signage or advertising approved by this consent or listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan 2014.

4 [A038 - LIGHTING LOCATIONS](#)

Any lighting system shall be installed for the development is to provide uniform lighting across common areas and driveways.

Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).

5 [A039 - Graffiti](#)

The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

6 [A046 - Obtain Construction Certificate before commencement of works](#)

A **Construction Certificate** shall be obtained prior to commencement of any building works.

7 [A Special BLANK](#)

A smoke detection and alarm system complying with AS1670.1-2018 is to be installed throughout the existing building and configured to shut down any air conditioning system in accordance with NSW Table E2.2b of the Building Code of Australia. Details of the proposed system are to be provided **prior to the issue of the Construction Certificate**.

Certification for the installation is to be provided **prior to the issue of an Occupation Certificate**.

BCA Issues

8 [E001 - BCA compliance](#)

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

- (a) complying with the deemed to satisfy provisions, or
- (b) formulating an alternative solution which:
 - complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) a combination of (a) and (b).

9 [E01A - BCA compliance for Class 2-9](#)

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

- (a) complying with the deemed to satisfy provisions, or
- (b) formulating an alternative solution which:
 - complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) a combination of (a) and (b).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.

Engineering

10 [K201 - Infrastructure Bond](#)

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site or prior to the issue of any Construction Certificate or Subdivision Works Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

11 [K301 - Sediment & Erosion Control](#)

Prior to commencement of any works associated with the development, sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Managing Urban Stormwater series from the Office of Environment and Heritage.

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

Landscaping

12 [L008 - Tree Preservation Order](#)

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

13 [L012 - Existing landscaping \(for existing development\)](#)

Existing landscaping is to be retained and maintained at all times.

14 [L Special \(BLANK\)](#)

Prior to the issue of a Construction Certificate, the landscape and architectural plans are to be amended to include a minimum of two (2) additional trees to be planted within or adjacent to the carpark hardstand area. Trees are to be native, a minimum of 40L pot size at the time of planting and are to be staked and mulched. Selected tree species are to be those that will reach a height of no less than 6m at maturity. Works are to occur **prior to the issue of an Occupation Certificate**.

Certification

15 [Q01F - Notice of Commencement & Appointment of PCA2 \(use for Fast Light only\)](#)

Prior to the commencement of any earthworks or construction works on site, the proponent is to:

- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- (b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifier shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 6.6 of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 6.6 of the Environmental Planning and Assessment Act 1979.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

The proposal has been assessed against the applicable provisions of Part C of the *Penrith Development Control Plan 2014*, relevantly as follows:

C1 Site Planning and Design Principles

The proposed alterations and additions to an existing centre is considered generally desirable as they will have minimal physical and visual impacts on the surrounding development. The proposed alterations will result in a modification of the existing external façade of the childcare centre, however, the proposed external colours and finishes are considered harmonious with the residential dwellings within the locality. The proposal will not alter the height of the existing building. As such, the alterations and additions will not conflict or visually dominate surrounding development.

C2 Vegetation Management

The proposal does not include the removal of any trees or vegetation.

C4 Land Management

The proposed external works are minor and are unlikely to negatively impact upon the natural landform or result in contamination of land. A condition of consent will be imposed to ensure that appropriate erosion and sedimentation controls measures are installed during all external works.

By viewing Council records and aerial photography of the site, it is unlikely that the land is contaminated. Council's records indicate that the site has been operating as a long term childcare centre in an established community open space area.

The alterations and additions will not result in significant cut or fill and is generally regarded to satisfy the objectives of Part C4 of the Penrith DCP 2014.

C6 Landscape Design

The proposal will maintain the existing vegetation within/adjacent to the childcare centre and adjacent to the car parking area.

C7 Culture and Heritage

The site is not identified as and is not in the vicinity of any site that is a heritage item, heritage conservation area or archaeological site under the provisions of Penrith LEP 2010.

C8 Public Domain

The proposed alterations continues to provide for opportunities for natural surveillance of the public domain.

C9 Advertising and signage

The proposal includes a new building identification sign on the eastern elevation, with 3D illuminated acrylic letters (back lit) linked to external light with wording 'Cook Parade Children's Centre Penrith City Council' and logo. An assessment has been undertaken against SEPP 64 and deemed acceptable. Given the location of the centre and distance to surrounding buildings and residences being substantial, no impacts are envisaged from the proposed signage.

C10 Transport, access and parking

The proposed development is for internal renovations with minor access works on the edge of the existing car park near the building entry including line marking of an accessible parking space.

The proposal has been assessed against the provisions of this Section below.

Clause 10.2 Car Parking Rates

There are currently a total of 19 car parking spots servicing the subject childcare centre. The proposal will not alter this. The following parking requirements apply to Childcare Centres under the provisions of Penrith DCP 2014:

'1 space per 10 children plus 1 per employee plus provision for any dwelling.'

In this instance, the maximum number of children is proposed to be 40 at any one time, with 12 staff, resulting in 16 spaces required to satisfy the DCP standard. The car park contains 19 spaces.

Council's Traffic Engineer reviewed the application and concurs with the comments made in the parking assessment.

C12 Noise and vibration

The proposal does not seek to alternate the maximum number of children attending the centre at any one time as per the issued Licence and does not alter the current operating hours.

It is also noted that the application was publicly notified to nearby and adjacent property owners with no submissions received.

C13 Infrastructure Services

Not applicable, as the site is within an established area with adequate access to infrastructure and services.

D5 Other Land Uses

Part 5.2 the DCP describes a number of development controls that apply to child care centres, however the operation of SEPP (Educational Establishments and Child Care Facilities) 2017, which include the application of the Child Care Planning Guidelines, effectively mitigates the application of a number of these controls.

The Child Care Planning Guidelines include reference to local character, streetscape and the public domain interface, building form and scale which have been previously addressed.

The proposed alterations and additions to the existing childcare centre will not alter the services provided by the centre.

The scale and character of the development will remain consistent with the surrounding development. The DCP controls require that external façade of childcare centres shall incorporate building materials and colours that complement the surrounding development and that the use of bright or garish colours are discouraged. In this regard, the proposal seeks to modernise the external façade and the use of a variety of materials, colours and textures to enhance visual interest. The centre will predominantly complement the surrounding land uses. The proposal also include the installation of business identification signage in Council's corporate logo, which will better define the public domain.

The proposal incorporates CPTED design principals and the entry is limited to one secure point.