

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA20/0132
Proposed development:	Alterations & Additions to Glenmore Park Child & Family Centre including Increased Child Care Capacity from 60 Place to 80 Place Centre
Property address:	31 Blue Hills Drive, GLENMORE PARK NSW 2745 31 Blue Hills Drive, GLENMORE PARK NSW 2745 31 Blue Hills Drive, GLENMORE PARK NSW 2745
Property description:	Lot 8100 DP 876748
Date received:	17 March 2020
Assessing officer	Mahbub Alam
Zoning:	Zone R2 Low Density Residential - LEP 2010
Class of building:	Class 9b
Recommendations:	Approve

Executive Summary

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

Council is in receipt of a development application that proposes alterations and additions to an existing 'Centre-Based Child Care Facility' at 31 Blue Hills Drive, Glenmore Park.

The development proposes to provide additional indoor and outdoor play area in order to provide an additional 20 child care places, increasing the capacity from 60 places to 80 places. This is achieved primarily through the removal of existing meeting rooms associated with the community facility on this site, which has arisen through lack of use of those spaces. It has been outlined within the application that the best use of this space for the benefit of the community, is via the expansion of high demand long dare care placements.

Under *Penrith Local Environmental Plan 2010 (LEP 2010)*, the proposal is defined as a *centre-based child care facility*. The subject site zoned R2 Low Density Residential and the proposal is a permissible land use in the zone with development consent. However, it is noted that the proposed child care facility modifications are made pursuant to the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

The child care facility modifications have been designed to comply with key planning requirements under the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, Penrith Local Environmental Plan 2010, Penrith Development Control Plan 2014, the Child Care Planning Guidelines and the Children's (Education and Care Services) Supplementary Care Provisions 2012.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and the development application addresses these impacts, noting the following additional consultant reports were provided:

- Acoustic Report;
- Access Report;
- Traffic Report; and
- Section J Report.

It is unlikely that the proposed increase in children numbers will create any significant increase in noise or create

any adverse impact on the amenity of the locality, given the existing number of children attending the centre. However, in accordance with the recommendations of the acoustic report, a 2.1m high solid barrier (which is only 300mm higher than the existing boundary fencing) along the eastern boundary will be installed to minimise noise impacts from the outdoor areas. The barrier can be constructed out of colourbond material or other suitable equivalent material. The proposed 2.1m acoustic fence will not unreasonably impact upon existing visual amenity. Exiting landscaping and boundary fencing will otherwise not be altered and will contribute in minimising visual impact on the streetscape appearance from Glenmore Parkway.

The proposed development is consistent with the planning principles and controls applying to the site and represents an efficient upgrade of the existing facilities.

In accordance with Appendix F4 - Notification and Advertising of the Penrith Development Control Plan 2014, the application was advertised and notified to nearby owners and occupiers of adjoining properties who were invited to inspect the proposal from 17 April to 1 May 2020. No submissions were received in response.

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 recommended conditions.

The application relates to land in the ownership of Penrith City Council. Accordingly, an independent peer review of the assessment of the development proposal has been undertaken.

Background

A development application was approved for the site by Penrith Council on 28 November 2007 (DA07/0431) for the construction of "*Community Facilities including Child Care Centre, Café and Playground Facilities*". Several minor development applications have since been approved for the site, some of them include;

- DA13/0366 - Solar Panels;
- DA13/0542 - Shade Structure.

The following hours of operation are already in place at the centre:

- Monday to Friday, 7am to 6pm.

The existing centre caters for 60 children. The number of children and their age groups are as follows:

- 0-2 years old - 15 children;
- 2-3 years old - 15 children; and
- 3-5 years old - 30 children.

Site & Surrounds

The subject site is located in the Blue Hills area of Glenmore Park, bounded by the Glenmore Parkway to the north, Blue Hills Drive to the south and Coolabah Crescent to the east.

The Surveyors Creek drainage system lies to the west with the Surveyors Creek Reserve to the north and the Blue Hills Wetland to the south of the site. The site is currently occupied by various community facilities, a cafe and a child care centre.

Proposal

The development proposes to provide additional indoor and outdoor play areas in order to provide an additional 20 child care places, increasing the capacity from 60 places to 80 places. This is achieved primarily through the removal of existing meeting rooms associated with the community facility on the site.

A brief description of the proposed changes is provided below.

- The total number of children and their age groups are to be as follows:
 - 0-2 years old: 16 children;
 - 2-3 years old: 20 children; and
 - 3-5 years old: 44 children.
- Conversion of two meeting rooms into child care rooms. A small wall between the rooms is to be removed, providing an additional 92.71 sq.m of indoor play area.
- Conversion of current chair storage into children's bathroom. The children's bathroom waste and water supply is to be gained from the adjoining cleaner's room mop sink.
- Removal of old double entry doors into room and replacement with a single entry door closer to the hallway as well as pool type fencing and gate internally.
- Addition of sink to existing kitchenette for hand washing.
- The child care facility will continue to operate 7am to 6pm, Monday to Friday.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 4.15 - Evaluation

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

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

Part 3 of this SEPP details the development standards that are applicable to early education and care facilities, including the following:

SEPP Requirements	Comment
<p><i>Clause 23 Centre-based child care facility-matters for consideration by consent authorities</i></p> <p><i>Before determining a development application for development for the purpose of a centre based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guidelines in relation to the proposed development.</i></p>	<p>Applicable provisions under the Child Care Planning Guidelines have been addressed later within this report.</p>

<p>Clause 25 Centre-based child care facility – non-discretionary development standards</p> <p><i>The following are non-discretionary development standards for the purpose of section 4.15(2) and (3) of the Act in relation to the carrying out of development for the purpose of a centre-based child care facility:</i></p> <ul style="list-style-type: none"> • <i>Indoor or outdoor space for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies.</i> • <i>The unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies.</i> • <i>The development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,</i> <ul style="list-style-type: none"> · <i>Indoor play space required = 3.25 sq.m for each child</i> · <i>Outdoor place space required = 7 sq.m for each child</i> 	<p>The proposal provides 3.74m² of unencumbered indoor play space and 11.02m² of unencumbered outdoor play space for each child which is consistent with the indoor and outdoor unencumbered space requirements of the Education and Care Service National Regulations.</p>
<p>26 Centre-based child care facility – development control plans</p> <p><i>A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to age, age ratios, grouping, numbers of the like, of children) does not apply to development for the purpose of a centre-based child care facility.</i></p> <p><i>Operational or management plans or arrangements (including hours of operation), demonstrated need or demand for child care services, proximity of facility to other early childhood education and care facilities, any matter relating to development for the purpose of a centre-based child care facility contained in:</i></p> <p><i>The design principles set out in Part 2 of the Child Care Planning Guidelines, or the matters for consideration set out in Part 2 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).</i></p>	<p>The Penrith DCP requires proposed child care facilities in excess of 40 children to demonstrate that services to be provided meet an unmet need in the community.</p> <p>Clause 26(b) of the Educational Establishment and Child Care Facility SEPP 2017 stipulates that any provision of a development control plan that needs to demonstrate need or demand for child care services does not apply to a development for the purpose of a centre-based child care facility.</p>

Child Care Planning Guideline

Under the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, the *Child Care Planning Guideline* is to be taken into consideration when undertaking a development for a centre-based child care facility. The planning guideline also takes precedence over a *Development Control Plan*, with some exceptions, where the two overlap in relation to a child care facility.

The table below provides detail on the relevant standards applicable to the proposal.

Part	Matters for Consideration	Comment
3.1 Site selection and location	<p><i>C1 – For proposed development in or adjacent to a residential zone, consider:</i></p> <ul style="list-style-type: none"><i>· The acoustic and privacy impacts of the proposed development on the residential properties.</i><i>· The setback and siting of buildings within the residential context.</i><i>· Traffic and parking impacts of the proposal on residential amenity.</i>	<ul style="list-style-type: none">· A Noise Impact Assessment has been prepared for the modified facility which concludes that the proposed child care facility is deemed to not cause “offensive noise” to neighbouring residences provided that the noise control measures recommended are implemented.· Complies with setback requirements under the DCP.· The development does not propose any changes to the approved parking arrangement, noting the 44 car spaces are sufficient to cater for demand as set out in the Traffic and Parking Report.

C2 – When selecting a site, ensure that:

- The location and surrounding uses are compatible with the proposed development or use.*
- The site is environmentally safe including risk such as flooding, land slip, bushfires, coastal hazards.*
- There are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous material remediation is needed.*
- The characteristics of the site are suitable for the scale and type of development proposed having regards to:*
 - Size of street frontage, lot configuration, dimensions and overall size.*
 - Number of shared boundaries with residential properties.*
 - Will have no adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas.*
- Where the proposal is to occupy or retrofit an existing premise, the interior and exterior spaces are suitable for the proposed use.*
- There are suitable drop off and pick up areas, and off and on street parking.*
- The type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use.*
- Not located closely to incompatible social activities and uses such as restricted premises, injection rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.*

- Centre-based child care facilities are a permissible and compatible land use within the R2 – Low Residential Density zone.
- The site is not identified as being affected by flooding, land slip, bushfires, coastal hazards or other environmental hazards.
- The original DA approved for the site investigated potential environmental contaminants on the land and deemed the site acceptable.
- The site is of a sufficient size and width to accommodate the proposed centre-based child care facility.
- The development site is not located within a sensitive environmental or cultural area and will not result in adverse environmental impacts on surrounding areas.
- The development does not propose any changes to the approved parking arrangement, noting the 44 car spaces are sufficient as confirmed in the submitted Traffic and Parking Report.
- Vehicular access is provided via Blue Hills Drive which is considered appropriate.
- The subject site not located close to incompatible social activities and uses.

<p>3.2 Local character, streetscape and the public domain interface</p>	<p><i>C5 – The proposed development should:</i></p> <ul style="list-style-type: none"> · <i>Contribute to the local area by being designed in character with the locality and existing streetscape.</i> · <i>Reflect the predominant form of surrounding land uses, particularly in low density residential areas.</i> · <i>Recognise predominant streetscape qualities, such as building form, scale, materials and colours.</i> · <i>Include design and architectural treatments that responds to and integrate with the existing streetscape.</i> · <i>Use landscaping to positively contribute to the streetscape and neighbouring amenity.</i> · <i>Integrate car parking into the building and site landscaping design in residential areas.</i> 	<ul style="list-style-type: none"> · The centre-based child care facility will remain compatible with the existing low-density characteristics of the subject area, noting the development complies with prescribed height standard under the LEP.
	<p><i>C6 – Create a threshold with a clear transition between public and private realms, including:</i></p> <ul style="list-style-type: none"> · <i>Fencing to ensure safety for children entering and leaving the facility.</i> · <i>Windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community.</i> · <i>Integrating existing and proposed landscaping with fencing.</i> 	<ul style="list-style-type: none"> · The proposal incorporates built elements, fencing and landscaping that clearly distinguishes between the public and private domain. · The development incorporates an active facade that will permit casual surveillance to all frontages. · Existing landscaping softens the built form and integrates the development with the site's low density context.
	<p><i>C9 – Front fences and walls within the front setback should be constructed of visually permeable materials and treatments.</i></p>	<ul style="list-style-type: none"> · The development proposes appropriate fencing that is consistent with fencing within the precinct and with comparable child care facilities within the wider Penrith LGA.

	<p><i>C11 – Orient a development on a site and design the building layout to:</i></p> <ul style="list-style-type: none"> · <i>Ensure visual privacy and minimise potential noise and overlooking impacts on neighbours.</i> · <i>Optimise solar access to internal and external play areas.</i> · <i>Avoid overshadowing of adjoining residential properties.</i> 	<ul style="list-style-type: none"> · In accordance with the recommendations of the acoustic report, a 2.1m high solid barrier (which is only 300mm higher than the existing boundary fencing) along the eastern boundary will be installed to minimise noise impacts from the outdoor areas. The barrier can be constructed out of colourbond or other suitable equivalent material. The proposed 2.1m acoustic fence will not adversely impact upon existing visual amenity. Existing landscaping and boundary fencing will otherwise not be altered and it will contribute in minimising visual impact on the streetscape appearance from Glenmore Parkway. · The additional play areas are orientated to the north and thus will receive adequate solar access. · The proposal will not alter the existing building envelope.
3.5 Visual and acoustic privacy	<p><i>C21 – Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</i></p> <ul style="list-style-type: none"> · <i>Appropriate site and building layout.</i> · <i>Suitable locating pathways, windows and doors.</i> · <i>Permanent screening and landscape design.</i> 	<ul style="list-style-type: none"> · The proposal has been designed to minimise direct overlooking of the proposed indoor room and additional outdoor play space from public areas. It is noted that the size of the development site permits appropriate siting and building layout and separation from public areas. · Existing landscaping and fencing will also contribute in minimising overlooking.
3.8 Traffic, parking and pedestrian circulation	<p><i>C31 – Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</i></p>	<ul style="list-style-type: none"> · There is no change proposed to the 44 car spaces on the site, however the breakdown and consideration of the café and child care facility use has been considered in the Traffic and Parking Report prepared by Loka Consulting Engineers. The report outlines the following parking demand. · Café: 122m² of seated area = 21 spaces (1 space per 6m²). · Child Care Centre (80 children and 13 staff) = 23 spaces (1 space per 10 children, plus 1 space per staff member) · Total: 44 spaces. <p>Therefore, the existing 44 car spaces on the site are sufficient to cater for the proposal.</p>
4.1 Indoor space requirements	<p><i>Regulation 107</i></p> <p><i>Education and Care Services National Regulations</i></p> <p><i>Every child being educated and cared for within a facility must have a minimum of 3.25 sq.m of unencumbered indoor space.</i></p>	<ul style="list-style-type: none"> · The proposal provides 3.74 sq.m of indoor play space per child. The play space has been calculated in accordance with the unencumbered guideline requirement.

4.9 Outdoor space requirements	<p><i>Regulation 108</i></p> <p><i>Education and Care Services National Regulations</i></p> <p>Every child being educated and cared for within a facility must have a minimum of 7.0 sq.m of unencumbered outdoor space.</p>	<ul style="list-style-type: none"> The proposal provides 11.02 sq.m of unencumbered outdoor play space per child. The play space has been calculated in accordance with the unencumbered guideline requirement. Exploration and learning within the outdoor play area will be maximised with the use of facilities such as outdoor play equipment.
--------------------------------	--	---

State Environmental Planning Policy No 55—Remediation of Land

This SEPP applies to the proposed development, however the site was considered suitable pursuant to SEPP 55 as part of the original development application and therefore no further soil investigations are necessary.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the proposal against relevant criteria within Sydney Regional Environmental Plan No. 20—Hawkesbury-Nepean River (No 2—1997) and the proposal is satisfactory subject to recommended conditions of consent.

Local Environmental Plan 2010 (Amendment 4)

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 2.7 Demolition requires development consent	Complies - See discussion
Clause 4.3 Height of buildings	Complies - See discussion
Clause 5.9 Preservation of trees or vegetation	Complies
Clause 7.4 Sustainable development	Complies
Clause 7.7 Servicing	Complies

Clause 2.3 Permissibility

The subject site is zoned R2 Low Density Residential under the provisions of Penrith Local Environmental Plan 2010. The proposal is defined as a centre-based child care facility which is a permissible land use in the R2 zone subject to consent.

Clause 2.3 Zone objectives

The development proposal is consistent with the prescribed zone objectives which are stipulated as:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To promote the desired future character by ensuring that development reflects features or qualities of traditional detached dwelling houses that are surrounded by private gardens.*
- *To enhance the essential character and identity of established residential areas.*
- *To ensure a high level of residential amenity is achieved and maintained.*

The site provides a centre-based child care facility that will provide child care services and employment opportunities to people who live and work in the local area.

Clause 2.7 Demolition requires development consent

Consent is sought for minor demolition works relating to internal walls. This aspect of the proposal is permissible with consent.

Clause 4.3 Height of buildings

The Penrith Local Environmental Plan 2010 Height of Buildings Map indicates that the maximum building height for the subject site is 8.5m. No changes to the existing building height are proposed.

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

Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	Complies - see Appendix - Development Control Plan Compliance
C2 Vegetation Management	Complies
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	Complies - see Appendix - Development Control Plan Compliance
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
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)(iv) The provisions of the regulations

In accordance with Section 143 of the Environmental Planning and Assessment Regulation 2000, an assessment of the fire protection and structural capacity of the building is necessary. In this regard, the application was referred to Council's Building Surveyor for assessment and found to be satisfactory subject to conditions.

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

Context and Setting

The proposed development is limited to minor internal alterations and an increase in the number of children attending the existing centre. In this regard, the development is considered not likely to have an adverse impact on the surrounding locality.

Noise Impacts

The application was supported by a Noise Impact Assessment prepared by Rodney Stevens Acoustics.

The report concludes that noise emissions from the outdoor area play activities to the nearest sensitive receivers have been calculated to comply with the noise criterion, where 50% of 3-5-year old children can engage in outdoor play at any given time. In addition, a 2.1m high solid barrier along the eastern boundary must be implemented to minimise noise impacts from the outdoor areas.

The applicant has submitted a proposed schedule of outdoor play. It is noted that the schedule interpreted the above requirement as being 50% of every age group. The requirement is that only 50% of children aged 3-5 years can engage in outdoor play at any time. There are no limits to the number of children for the other age groups. This will be reinforced through conditions of consent.

Traffic, Access and Parking

The application was accompanied by a Traffic and Parking Report, prepared by Loka Consulting Engineers. The report concludes that the additional traffic from the proposed development will be minimal and will not have a detrimental impact on the surrounding road network. The proposed parking provision complies with Council's Development Control Plan requirements and the design of access, car parking and servicing facilities complies with the relevant Australian Standards. As such, the proposal is not considered to have an adverse impact on the traffic and parking of the surrounding area.

Landscaping and Visual Impacts

The proposed 2.1m acoustic fence will not impact adversely upon existing visual amenity. Existing landscaping (including existing trees) and boundary fencing will not be altered, and will contribute in minimising visual impact on the streetscape appearance from Glenmore Parkway.

Accessibility

The application was supported by an Access Report, prepared by Vista Access Architects. This report concludes that through compliance with the recommendations in the report, the development will comply with the requirements of the Access to Premises Building Standards 2010 and the relevant sections of the Building Code of Australia 2016. A condition of consent is recommended, requiring that the design recommendations of the access report be incorporated into the Construction Certificate plans.

Social Impacts

The development proposes to provide additional internal floor area in order to provide an additional 20 child care places, increasing the capacity from 60 places to 80 places. This is achieved primarily through the removal of two existing meeting rooms associated with the community facility on this site.

Glenmore Park has seen significant growth and development in housing over the last 10 years. This expansion has increased the demand for child care positions at Glenmore Park Child and Family Precinct.

A review of waiting list data shows that 64 families are currently looking for care with a further 33 families leaving the Glenmore Park area to attend one of Council's services in the South Penrith area. Therefore, it is an identified need to expand the child care capacity to meet the increased demand in the Glenmore Park community.

Glenmore Park Child and Family Precinct has five meeting rooms and leases them to the general public with very little uptake. Council's Community Services Department has confirmed that several meeting rooms have been vacant for a long period.

In regard the above, as the existing meeting rooms are currently experiencing a lack of use and the best use of these spaces (two of the meeting rooms) for the benefit of the community, is via the expansion of high demand child care placements. The precinct will still have three meeting rooms available for general public use.

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

The site is suitable for the development for the following reasons:

- The site is zoned to permit the proposed use and the child care centre has operated for over 9 years without any unreasonable impacts to adjoining properties;
- The use is compatible with surrounding/adjoining land uses;
- The site will accommodate sufficient on-site parking;
- The proposal will upgrade the existing facility and support the demand for additional child care spaces.

Section 4.15(1)(d) Any Submissions

Community Consultation

In accordance with Appendix F4 - Notification and Advertising of the Penrith Development Control Plan 2014, the application was advertised and notified to nearby owners and occupiers of adjoining properties who were invited to inspect the proposal from 17 April to 1 May 2020. No submissions were received in response.

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 - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Public Health	No objections - subject to conditions
Traffic Engineer	No objection

Section 4.15(1)(e)The public interest

The proposed development will not generate any significant issues of public interest, noting the proposed increase to the available child care spaces within the centre and that the proposal is unlikely to result in any adverse impacts on the natural or built environments.

Conclusion

In assessing this proposal against the relevant environmental planning policies, primarily being State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, 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 DA20/0132 for alterations and additions to Glenmore Park Child & Family Centre including increased child care capacity from 60 places to 80 places at 31 Blue Hills Drive, Glenmore Park, be approved subject to conditions.

General

1 [A001 - Approved plans table](#)

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

Description	Reference No.	Revision	Prepared By	Date
Site Plan	2019-135, B2	B	Designcorp Architects	20/09/2019
Ground Floor Overall	2019-135, B3	B	Designcorp Architects	20/09/2019
Ground Floor General Layout	2019-135, B4	B	Designcorp Architects	20/09/2019
Demolition Plan	2019-135, B5	B	Designcorp Architects	20/09/2019
Floor Finishes Plan	2019-135, B6	B	Designcorp Architects	20/09/2019
Reflected Ceiling Plan	2019-135, B7	B	Designcorp Architects	20/09/2019
Indicative Plumbing Plan	2019-135, B8	B	Designcorp Architects	20/09/2019
Area Calculation Plan	2019-135, B9	B	Designcorp Architects	20/09/2019
Sections	2019-135, B10	B	Designcorp Architects	20/09/2019
Details 01	2019-135, B11	B	Designcorp Architects	20/09/2019
Details 02	2019-135, B12	B	Designcorp Architects	20/09/2019
K1 Interior Elevation	2019-135, B13	B	Designcorp Architects	20/09/2019
Children's Bathroom Floor Plan Detail	2019-135, B14	B	Designcorp Architects	20/09/2019
B1 Interior Elevation	2019-135, B15	B	Designcorp Architects	20/09/2019
B2 & B4 Interior Elevations	2019-135, B16	B	Designcorp Architects	20/09/2019

B3 Interior Elevation	2019-135, B17	B	Designcorp Architects	20/09/2019
Elevations	2019-135, B18	B	Designcorp Architects	20/09/2019
Noise Impact Assessment	REPORT 200010R1	1	Rodney Stevens Acoustics	27/04/2020
Access Report	20022	A	Vista Access Architects	04/02/2020
Proposed Schedule of Outdoor Play	-	-	Glenmore Park Child and Family Centre	-
BCA Section J Deemed to Satisfy Compliance Report	EC3263-2016-DTS	-	Eco Certificates Pty Ltd	11/02//2020
Traffic Management Report	20NL008-T2	-	LOKA CONSULTING ENGINEERS	18/02/2020
Waste Management Plan	-	-	Designcorp Australia Pty Ltd	26/02/2020

2 [A012 - Food Act](#)

The proprietor of the business shall ensure that the requirements of the NSW Food Act 2003, NSW Food Regulation 2010 and the Australian and New Zealand Food Standards Code are met at all times.

3 [A019 - Occupation Certificate](#)

A satisfactory inspection from an authorised officer of Council's Environmental Health Department is required prior to the issue of the **Occupation Certificate**. The occupier is to contact the Environmental Health Department to organise an appointment at least 72 hours prior to the requested inspection time.

4 [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

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

5 [A029 - HOURS OF OPERATION AND DELIVERY TIMES](#)

The development is permitted to operate from 7:00am to 6:00pm, Monday to Friday only. Delivery and service vehicles generated by the development are limited to the operating hours stipulated in this condition.

6 [A039 - Graffiti](#)

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

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

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

8 [A Special \(BLANK\)](#)

A maximum of 80 children are permitted to be accommodated within the development. The total number of children should comprise:

- a) Not more than 16 children aged 0-2 years.
- b) Not more than 20 children aged 2-3 years.
- c) Not more than 44 children aged 3-5 years.

9 [A Special \(BLANK\)](#)

Prior to the issue of a Construction Certificate, the design recommendations of the Access Report, prepared by Vista Access Architects (Ref: 20022, Issue A) and dated 4 February 2020 shall be incorporated into the Construction Certificate plans. The works shall be certified accordingly by a suitably qualified access consultant **prior to the issue of an Occupation Certificate**.

10 [A Special \(BLANK\)](#)

Prior to the issue of a Construction Certificate, the recommendations of the BCA Section J Deemed to Satisfy Compliance Report, prepared by Eco Certificates Pty Ltd (Ref: EC3263-2016-DTS) and dated 11 February 2020 shall be incorporated into the Construction Certificate plans. The works shall be certified accordingly by a suitably qualified BCA consultant **prior to the issue of an Occupation Certificate**.

11 **A Special (BLANK)**

The operator is to consult with neighbouring developments prior to construction of any common boundary fencing. Any fencing and boundary retaining wall requirements as a result of this development shall be constructed at full cost to the persons benefiting from this consent.

Demolition

12 **B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE**

All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

13 **B003 - ASBESTOS**

You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" **before any demolition works commence on the site**.

Prior to commencement of demolition works on site, a portaloo with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

- Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
- The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

Any demolition works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environmental Protection Authority to receive asbestos wastes.

14 **B004 - Dust**

Dust suppression techniques are to be employed during construction and/or demolition to reduce any potential nuisances to surrounding properties.

15 **B005 - Mud/Soil**

Mud and soil from vehicular movements to and from the site must not be deposited on the road.

16 **B006 - Hours of work**

Demolition works shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm if inaudible on neighbouring residential premises, otherwise 8am to 1pm
- No demolition work is permitted on Sundays and Public Holidays.

In the event that the demolition relates to works inside the building and does not involve external walls or the roof, and does not involve the use of equipment that emits noise, then the demolition works are not restricted to the hours stated above.

The provisions of the Protection of the Environment Operations Act 1997 in regulating offensive noise also apply to all construction works.

Environmental Matters

17 **D001 - Implement approved sediment& erosion control measures**

Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

18 **D009 - Covering of waste storage area**

All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

19 **D013 - Approved noise level 1**

Noise levels from the premises shall not exceed the relevant noise criteria detailed in the Revision 1 Noise Impact Assessment prepared by Rodney Stevens Acoustics (Report 200010R1, dated 27 April 2020). The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and shall be shown on plans accompanying the Construction Certificate application. A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

20 **D014 - Plant and equipment noise**

The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

21 **D 2.1 meter high solid barrier must be implemented (eastern boundary)**

A 2.1 metre high solid barrier along the eastern boundary must be implemented as described in Section 6.2 of the approved Noise Impact Assessment prepared by Rodney Stevens Acoustics (Revision 1, dated 27 April 2020, Report 200010R1) and marked in Figure 2-2 of this report. The barrier can be constructed out of colourbond or other suitable equivalent material. The colour of the material shall match the existing boundary fence colour.

All barriers must be free of gaps and penetrations and it is particularly important to ensure that the gap at the bottom of the barrier is minimised as far practicable. The base of the barrier should be well sealed at the junction where the barrier meets the ground, but still be designed to allow proper water drainage.

The barrier is to be satisfactorily completed **prior to the issue of an Occupation Certificate.**

22 **D No music is to be played in the outdoor areas**

No music is to be played in the outdoor areas.

23 **D Ongoing noise complaints**

In the event of on-going noise complaints relating to the development being received by Council, the owner and/or occupier of the development may be required by Council to obtain the services of suitably qualified acoustic consultant to undertake a noise impact assessment on the development to address the concerns of the community.

The noise impact assessment report is to be prepared by a suitably qualified acoustic consultant and provided to Council within 45 days of being requested. The assessment report is to be approved by Council, with any recommendations being implemented in accordance with the approved assessment report.

24 **D Playground equipment that allows a child to be more than 0.5 above the ground level should not be used**

Playground equipment that allows a child to be more than 0.5 above the ground level should not be used in the new outdoor play area. This applies to playground elements like earth mounds which raise the height of the children for extended periods of time, not slides or swings which temporarily raise the height of the children.

25 **D Restrictions to the number of children permitted in the outdoor play area at any one time**

Due to noise requirements, restrictions apply to the number of children permitted in the outdoor play area at any one time. A maximum of:

- 16 children aged 0-2 years,
- 20 children aged 2-3 years, and
- 22 children aged 3-5 years are permitted.

BCA Issues

26 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.

Health Matters and OSSM installations

27 F001 - General Fitout

The construction, fit out and finishes of the premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code and AS 4674-2004 *Design, Construction and Fitout of Food Premises*.

28 F027 - Hand basins

Hand washing basins must be serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation (hand washing facilities are for the sole purpose of hand washing in the kitchen and in the bottle preparation areas).

Where sensor taps are installed, the basin must not be more than 6 metres from the hot water system. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.

Construction

29 H001 - Stamped plans and erection of site notice

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details are to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

30 H002 - All forms of construction

Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by Council, or
- alternatively, any other sewage management facility approved by Council.

(b) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

31 H041 - Hours of work (other devt)

Construction works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm if inaudible on neighbouring residential premises, otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy that do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act 1997 in regulating offensive noise also apply to all construction works.

Landscaping

32 L012 - Existing landscaping (for existing development)

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

Certification

33 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 Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A 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 81A of the Environmental Planning and Assessment Act 1979.

34 Q05F - Occupation Certificate for Class10

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works.

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

Section C1.2.5 - Crime Prevention Through Environmental Design

The proposed development does not alter the physical form of the building (except minor internal alterations), therefore existing CPTED design features are not compromised by the proposal.

Section C6 - Landscape Design

The proposal retains the existing site landscaping.

C10 Transport, Access and Parking

There is no change to the car 44 spaces on the site, however the breakdown and consideration of the café and child care use has been considered in the Traffic and Parking Report prepared by Loka Consulting Engineers. The report outlines the following parking demand:

- Café: 122m² of seated area = 21 spaces (1 space per 6m²)
- Child Care Centre (80 children and 13 staff): 23 spaces (1 space per 10 children, plus 1 space per staff member)
- Total: 44 spaces

Therefore, the existing 44 car spaces on the site are sufficient to cater for the proposal.

D5 Other Land Uses

Section D5.2 - Child Care Centres

The proposal has been assessed against the applicable provisions of this section and is found to be generally acceptable.

<i>Provisions</i>	<i>Comment</i>
<i>1) Work Based Child Care Centres</i>	The development site is not located within a business or industrial area.
<i>2) Location</i>	<ul style="list-style-type: none">a) The DCP requires proposed child care facilities in excess of 40 children to demonstrate that services to be provided meet an unmet need in the community. Clause 26(b) of the Educational Establishment and Child Care Facility SEPP 2017 stipulates that any provision of a development control plan that needs to demonstrate need or demand for child care services does not apply to a development for the purpose of a centre-based child care facility.b) The development is in proximity to the existing residential population of Glenmore Park.c) No changes to vehicular access are proposed.d) The development site is not located within an 85m radius of an existing or approved service station, or on land in a specified radius of an existing/approved flammable storage area under the State Environmental Planning Policy No. 33 - Hazardous and Offensive Development.e) The subject site is not located opposite or adjacent to an existing and lawful sex service premises and/or restricted premises.f) The subject site is not adjacent to an electricity transmission easement, mobile phone tower or similar structures.g) The subject site is not identified as being flood prone land under the Penrith LEP 2010.
<i>3) Design, Scale and Site Frontage</i>	No changes are proposed.
<i>4) Built Form</i>	No changes are proposed.
<i>5) Vehicle Access, Circulation and Parking</i>	The vehicle circulation and car parking areas within the at-grade parking has been designed to allow safe drop-off and collection of children as well as the safe movement and parking of staff, parents and visitors. This is maintained by the proposal noting the overall parking provision is consistent with that required for the café and child care centre use.
<i>6) Noise</i>	An acoustic report accompanies the DA confirming the 20 additional places will comply with the noise criteria subject to a 2.1m barrier and recommendations on management of the outdoor play spaces.
<i>7) Shade</i>	Appropriate shade structures are provided within the outdoor play area.
<i>8) Landscaping</i>	No changes are proposed.