

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA19/0146
<b>Proposed development:</b>	Alterations & Additions to an Existing Child Care Facility
<b>Property address:</b>	217 Evan Street, SOUTH PENRITH NSW 2750
<b>Property description:</b>	Lot 99 DP 727048 Lot 32 DP 739574
<b>Date received:</b>	28 February 2019
<b>Assessing officer</b>	Gemma Bennett
<b>Zoning:</b>	Zone R2 Low Density Residential - LEP 2010 RE1 Public Recreation - LEP 2010
<b>Class of building:</b>	Class 9a
<b>Recommendations:</b>	Approve

### Executive Summary

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Council is in receipt of a Development Application from Penrith City Council (the applicant) proposing alterations and additions to an existing childcare centre at 217 Evan Street, South Penrith.

The subject site is zoned RE1 Public Recreation and R2 Low Density Residential 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 8 March 2019 to 22 March 2019. During this period, Council received no submissions.

Key issues identified for the proposed development include upgrade of the accessibility of the existing facility, waste management and safety and security.

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

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The subject site contains an existing child care centre known as Tandara Children's Centre, which is owned and operated by the Children's Services Division of Penrith City Council. The site is identified as Lot 32, DP 739574 and Lot 99 DP 727048, 217 Evan Street, South Penrith and has a site area of 1.852 hectares.

Adjoining the subject site is a shopping centre is located to the north, Jamison High School to the east, York Public School to the south east, open park space (Eileen Commack Reserve) to the south and a community centre (Nepean Community and Neighbourhood Services) to the immediate west.

The existing building was constructed in 1982 and is a single storey face brick structure with a concrete tiled gable roof. The building has an east facing verandah set under the building roof leading into a central room with rooms to the north, west and south.

The centre current programs include:

- Preschool program for children aged 3-5 years
- Before and After School Care and Vacation Care for children aged 6-12 years (attending primary school)

The Centre caters for 31 preschool aged children and 14 children in either before and after school care or vacation care. The maximum number of children at the centre is 31 during the pre-school hours of 9am to 3pm. The centre operates with 6 educators and a Director (who works across two centres).

The existing hours of operation are:

- Preschool: 9am-3pm (school terms)
- Before and After School Care: 6.30am - 9am and 3.15pm-6pm (school terms)
- Vacation Care: 6.30am-6pm (school holidays)

On-site parking facilities are available as follows:

- 1 minibus parking space
- 1 accessible parking space including shared space
- 34 vehicle spaces including staff parking

## Proposal

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

- Renew finishes and fixtures.
- Update accessibility requirements to current requirements, including ramp and accessible parking spaces.
- Renew services to current requirements.
- Increase unencumbered space from 101m<sup>2</sup> to 110m<sup>2</sup>. This allows for a maximum of 33 children to be cared for at the centre at any one time based on 3.25m<sup>2</sup> unencumbered space requirement per child, either for during preschool, before and after school care or vacation care.
- Accessible pedestrian ramped and stair entrance.
- New covered entrance structure.
- Cladding to northern, part eastern and western façade.
- Minor demolition to exterior.
- Exterior alterations and additions, including new awning attached to the western elevation.
- Interior alterations and additions, including bathrooms, kitchens and laundries.
- The materials and finishes will comprise blonde coloured face brick, grey cladding panels and grey roof. Penrith City Council's corporate colours (brown, orange and grey) will also be utilised.
- New building identification sign on the eastern elevation, with 3D illuminated acrylic letters (back lit) linked to external light with wording 'Tandara Children's Centre Penrith City Council' and logo.

No changes are proposed to the existing hours of operation.

## Plans that apply

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- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- 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

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### • 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 79C(1)(a)(i) The provisions of any environmental planning instrument**

#### **State Environmental Planning Policy No 55—Remediation of Land**

As the site is currently being used for the proposed activity, there is considered to be no issues regarding land contamination for the proposed development which is for minor alterations and additions only and not a change to land use or major expansion.

## **State Environmental Planning Policy No 64—Advertising and Signage**

The application includes one proposed sign 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 'Tandara 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**

*Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No. 2 - 1997)* (SREP 20)

integrates planning with catchment management to protect the Hawkesbury-Nepean river system, requiring the impact of future land use to be considered in a regional context. The plan covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture and urban and rural-residential development. It controls development that has the potential to impact on the river environment. The plan applies to all parts of the catchment in the Sydney region (15 local government areas, including Penrith), except for land covered by *Sydney Regional Environmental Plan No. 11 - Penrith Lakes Scheme*. SREP 20 is supported by an Action Plan which includes actions necessary to improve existing conditions.

The development proposal is in accordance with the general planning considerations set out in Clause 5 of SREP 20 and the relevant specific planning policies and related recommended strategies set out in Clause 6. In particular, provision will be made for adequate erosion and sediment control measures with any Development Consent granted. Council's Development Engineers have reviewed the application and subject to recommended conditions of consent relating to stormwater, erosion and sediment controls have no

objections to the proposal.

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

Part 3 of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) (SEPP Education) 2017 details the development standards that are applicable to early education and care facilities, including the following:

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

Concurrence from the Department of Education is required should the development not meet the minimum indoor (3.25m<sup>2</sup>) and outdoor (7m<sup>2</sup>) unencumbered space per child under Clauses 107 and 108 of the Education and Care Services National Regulation. Based on the maximum number of children to be accommodated at the centre at any one time (proposed to be 33), the minimum indoor space required is 107.25m<sup>2</sup> and outdoor space 231m<sup>2</sup>.

The figures provided by the applicant are as follows:

- Total unencumbered indoor space - current 101.7m<sup>2</sup>; proposed 110m<sup>2</sup>
- Total outdoor unencumbered outdoor space - current 1085.7m<sup>2</sup>; proposed 1085.7m<sup>2</sup>
- Total outdoor covered area - current 72m<sup>2</sup>; proposed 72m<sup>2</sup>

The proposal achieves the minimum requirements of the Education and Care Services National Regulation.

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

The proposal has been assessed against the provisions of the *Child Care Planning Guideline* published by NSW Department of Planning and the following comments made in relation to the key aspects of the development.

<b>Part</b>	<b>Considerations</b>	<b>Comment</b>
3.1 Site selection and location	C1 To ensure that appropriate zone considerations are assessed when selecting a site	The proposed development is predominantly contained within a RE1 Public Recreation zone, specifically for public recreation and other community facilities. The centre is partly located within the R2 Low Density Residential zone, in which child care centres are permissible and it is noted that the child care centre is already in existence and is suitably located for a Council run facility. The proposal is considered to be compatible with the operation of the nature of the zones. The proposed facility is located in proximity to recreational uses, and in proximity of a shopping centre and high school, which provides an appropriate co-location of uses.
	C2 To ensure that the site selected for a proposed child care facility is suitable for the use	The noise and air quality mitigation measures have demonstrated that the development meets specific guidelines as discussed elsewhere in this report.  Access (pedestrian and vehicular) to the centre is appropriate.
	C3 To ensure that sites for child care facilities are appropriately located	The existing centre is well located and frequented. The alterations and additions allow for an additional 2 children to be accommodated at the centre and generally update the building, which is considered to appropriately improve the operation of the facility.

	C4 To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards	The proposed development is not located in proximity to heavy or hazardous industry, waste transfer depots, landfill sites, LPG tanks or service stations, or water cooling/warming systems.
3.2 Local character, streetscape and public domain interface	C5 To ensure that the child care facility is compatible with the local character and surrounding streetscape	The proposal contributes to the local area by being designed in character with the locality and the existing streetscape.  The building form as proposed to be amended remains appropriate for its location and context.
	C6 To ensure clear delineation between the child care facility and public spaces	Fencing is provided to the main entry area and the outdoor space to provide safety for children using the centre. Landscaping is integrated with this fencing to soften the impact of the fencing.
	C10 To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain.	The existing fencing and the minor amendments to facilitate the changes, in particular the new entry point, remain suitable for the site. The works are setback from the road and public domain.
3.3 Building orientation, envelope and design	C11 To respond to the streetscape and site, while optimising solar access and opportunities for shade	The existing building will remain oriented away from adjacent buildings which provides maximum privacy and limits overlooking into the proposed child care centre.  Solar access is maximised and overshadowing minimised by the orienting the building with a northern aspect.
	C12 To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised	The single storey building height proposed is consistent with the scale of buildings in the area.  The setbacks proposed allow for privacy for the children, and provide adequate access for building maintenance.
	C13 To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context	The setbacks remain essentially the same, with the works being minor. The centre is well setback from the street and does not adjoin buildings in close proximity.
	C16 To ensure that buildings are designed to create safe environments for all users	A single, main entry is proposed to provide a clear, central entry point. The entry is accessible, visible from the street and carparking area, and provides a gated 'safety zone' at the front doors to prevent children from exiting into the carpark without adult care.
	C17 To ensure that childcare facilities are designed to be accessible by all potential users	A ramp from the pedestrian footpath/carparking area is proposed to the front entry. The centre is designed with a single level and key areas of the site are accessible by wheelchairs or prams.
3.4 Landscaping	C18 To provide landscape design that contributes to the streetscape and amenity	Boundary planting is provided, particularly to screen the acoustic fence as indicated previously.
3.5 Visual and acoustic privacy	C21 To protect the privacy and security of children attending the facility	The design of the acoustic fence in combination with screen plating minimises overlooking of the indoor and outdoor spaces.

3.6 Noise and air pollution	C25, C26 To ensure that outside noise levels on the facility are minimised to acceptable levels	Documentation and modelling submitted with the proposal demonstrates that acceptable noise levels are achieved in accordance with the guidelines.
	C27, C28 to ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads or industrial development	Documentation and modelling submitted with the proposal demonstrates that acceptable air quality levels are achieved in accordance with the guidelines.
3.7 Hours of operation	C30 To minimise the impact of the child care facility on the amenity of neighbouring residential developments	The site does not adjoin residential development. Hours of operation are not proposed to be altered from existing, which is considered acceptable in relation to it's community use and shopping context.
3.8 Traffic, parking and pedestrian circulation	C31 To provide parking that satisfies the needs of users and demand generated by the centre	The proposal includes no new carparking spaces. The development has an existing carpark.

*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.

**Local Environmental Plan 2010 (Amendment 4)**

<b>Provision</b>	<b>Compliance</b>
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
Clause 4.3 Height of buildings	Complies - See discussion
Clause 4.4 Floor Space Ratio	N/A
Clause 5.10 Heritage conservation	N/A
Clause 7.2 Flood planning	Complies
Clause 7.4 Sustainable development	Complies
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 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 zone with Council consent.

A portion of land along the road (being Lot 99) is zoned R2 Low Density Residential under Penrith LEP 2010. Centre-based child care facilities are also permissible in the R2 zone.

### **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.

The objectives of the R2 Low Density Residential zone are:

- *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 zone allows other uses which provide services or facilities to meet the day to day needs of the residents. The existing child care centre, and proposed alterations and additions, are considered to still meet this objective. Amenity is not reduced to the nearby residents, who are not in immediate proximity of the centre.

### **Clause 4.3 Height of buildings**

There is no maximum height applicable to the building, which is contained wholly on the RE1 land.

The existing playground is located within the R2 zone, as too is the proposed ramp. The proposed ramp is uncovered and does not exceed the height limit for this zone.



## **Section 79C(1)(a)(ii) The provisions of any draft environmental planning instrument**

### **Draft Environment State Environmental Planning Policy**

The Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property.

Changes proposed include consolidating a total of seven existing SEPPs being:

- *State Environmental Planning Policy No. 19 – Bushland in Urban Areas*
- *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment*
- *Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.*

It is noted that the proposed changes to State Environmental Planning Policy No 19 – Bushland in Urban Areas (SEPP 19) are not considered to impact the proposed development. In addition, the amendments to Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No. 2 – 1997) do not impact the proposed development. In this regard, the proposal is not inconsistent with the provisions of this Draft Instrument.

### **Draft Remediation of Land SEPP**

The Department of Planning and Environment has announced a Draft Remediation of Land SEPP, which will repeal and replace the current State Environmental Planning Policy No 55—Remediation of Land.

The proposed new land remediation SEPP will:

- provide a state-wide planning framework for the remediation of land,
- maintain the objectives and reinforce those aspects of the existing framework that have worked well,
- require planning authorities to consider the potential for land to be contaminated when determining development applications and rezoning land,
- clearly list the remediation works that require development consent, and
- introduce certification and operational requirements for remediation works that can be undertaken without development consent.

It is also proposed that it will transfer the requirements to consider contamination when rezoning land to a direction under Section 9.1 of the Environmental Planning and Assessment Act 1979.

Whilst the proposed SEPP will retain the key operational framework of SEPP 55, it will adopt a more modern approach to the management of contaminated land. Noting the above, the Draft SEPP will not alter or affect the findings in respect to contamination of the site.

## Section 79C(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
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 - see Appendix - Development Control Plan Compliance
C6 Landscape Design	Complies
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 79C(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applying to this application.

## Section 79C(1)(a)(iv) The provisions of the regulations

The relevant prescribed conditions of the Regulations, such as the requirement for compliance with the Building Code of Australia and fire safety requirements, will be imposed as conditions of consent where applicable. Subject to the recommended conditions of consent with any Development Consent granted, the proposed development complies with the requirements of the Environmental Planning and Assessment Regulation 2000.

The development application has been notified, exhibited and advertised in accordance with the requirements of the Regulations.

The proposal complies with the indoor and outdoor unencumbered space requirements of the Education and Care Services National Regulations.

## **Section 79C(1)(b)The likely impacts of the development**

The likely impacts of the proposed development as identified throughout the assessment process include:

### **Building orientation and layout**

The proposed building orientation and layout demonstrates compliance with solar access requirements, while also achieving outdoor play area requirements which is considered an appropriate design solution in relation to the constraints of the subject site.

### **Noise Impact**

There is no acoustic report accompanying the application, however, it is not considered necessary as the maximum number of children is only increasing by 2 and the location of the centre is not near any sensitive land uses, with the adjoining uses being an existing high school, shopping centre and open space rather than an established residential area. Noise generated as a result of the demolition and construction phase is considered able to be managed through conditions of consent should the application be approved. It is anticipated that there will not be any ongoing noise issue once works are completed.

### **Air Pollution/odour**

Air quality issues during the construction phase can be managed through conditions of consent. It is not expected that there will be any ongoing air quality or odour issues associated with 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.

### **Traffic Generation**

No change to existing conditions are proposed. The existing car park and vehicular access functions suitably and the additional 2 children at any one time will not generate the need for additional car parking. A minor change is proposed to allow for accessible parking.

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

In recent years the Tandara Children's Centre has experienced incidents of graffiti vandalism and malicious damage to the building. The relative remoteness of the building located behind a shopping centre and near a high school and open space playing field, makes the area particularly vulnerable after hours due to lack of natural surveillance from neighbouring properties. Conditions are recommended to enhance the safety and security of all users of the development and minimise any associated crime risk. The operational hours of the centre are restricted and it is considered that the users of the centre are safe during the operation hours.

### **Context and Setting**

The proposal is for both external and internal alterations and additions to improve service capacity and accessibility for community members and children attending the centre. The external finishes reflect the traditional face brick exteriors and building features of other community facilities in the locality, whilst the proposed cladding provides a more contemporary frontage to the building. The mixed external materials ensure the development is compatible with both the existing streetscape and the desired future character

of the locality. The proposed alterations will not alter the external building appearance significantly in terms of bulk and scale as viewed from the adjoining properties or public domain and is not altered in a significant or readily discernible manner. Amenity impacts to neighbouring development in terms of privacy, views, solar access and overshadowing are substantially the same as that of the approved development and the centre does not directly adjoin residential dwellings.

#### **Utilities**

The site has connections to existing utility services and infrastructure.

#### **Socio-Economic Impacts**

The proposal seeks to increase the Child Care Centre's servicing capacity for the benefit of, and in response to the needs of the local community. Given that the proposed development will provide accessible features both externally and internally and improve services within the centre and access into the centre via an accessible ramp, the proposal is considered to be a positive contribution to the locality.

### **Section 79C(1)(c)The suitability of the site for the development**

The proposal is considered to have addressed the constraints of the subject site, in particular with regard to potential noise and air quality concerns, and the visual impact of the built form on streetscape. In this regard, it is considered that the site is suitable for the intended use.

### **Section 79C(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 8 March 2019 to 22 March 2019. 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:

<b>Referral Body</b>	<b>Comments Received</b>
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections
Environmental - Environmental management	No objections - subject to conditions
Environmental - Public Health	No objections - subject to conditions
Waste Services	Not supported
Traffic Engineer	No objection
Community Safety Officer	No objections - subject to conditions
Social Planning	No objections

#### **Waste Services**

Based on the capacity of the childcare centre only 2 x 240L bins are required to accommodate waste generated. It is considered that the requirement to provide a covered waste bin area can be satisfactorily detailed in conditions of consent, should the development be approved.

### **Section 79C(1)(e)The public interest**

The proposed development is not considered to generate any significant issues of public interest. In this regard, the public interest is best served by the orderly and economic use of land for purposes permissible under the relevant planning regime and in accordance with the prevailing planning controls, which is considered to be achieved in this instance.

### **Section 94 - Developer Contributions Plans**

## **Conclusion**

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In assessing this application against the relevant environmental planning policies, being 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 (No. 2 - 1997), Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2014, the proposal is considered to satisfy the aims, objectives and provisions of these policies.

The site is suitable for the proposed development, the proposal is considered to be 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**

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That DA19/0146 for alterations and additions to the childcare centre at 217 Evan Street, South Penrith, 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	Date
Architectural Plans	2826-TAN-001 to 2826-TAN-009	D	Penrith City Council	30.11.2018
Elevations	A1803 - 201 (Sheet 1 of 3), 202 (Sheet 2 of 3), 203 (Sheet 3 of 3)	P	Penrith City Council	11.01.2019
Colour Schedule		B	Penrith City Council	18.02.2019

- Access Report prepared by Vista Access Architects, Project Reference No. 18159-B, dated 24 July, 2018.
  - Waste Management Plan dated 14 January, 2019.
- 2 **A012 - Food Act**  
The proprietor of the food business shall ensure that the requirements of the NSW Food Act 2003, NSW Food Regulation 2015 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 **A021 - Business Registration**  
The business is to be registered with Penrith City Council by completing the 'Registration of Premises' form. This form is to be returned to Council **prior to the issuing of the Occupation Certificate** and operation of the business.
- 6 **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.
- 7 **A038 - LIGHTING LOCATIONS**  
**Prior to the issue of an Occupation Certificate** a lighting system shall be installed for the development 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 landuses. 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).
- 8 **A039 - Graffiti**  
The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 9 **A046 - Obtain Construction Certificate before commencement of works**  
A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 10 **A Special (BLANK)**  
The maximum number of children placed at the centre is to be limited to 33 at any one time as follows:
- Pre-school - 33 children
  - Before and after school care or vacation care - 33 children

The premises is to be licensed by the NSW Department of Education and Communities under the Children (Education and Care Services) National Law (NSW), Education and Care Services National Regulations and National Quality Framework prior to commencing operation.

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

The approved operating hours for the childcare centre are as follows:

- Pre-school - 9am - 3pm (school terms)
- Before and after school care - 6:30am - 9am and 3:15pm - 6pm (school terms)
- Vacation care - 6:30am - 6pm (school holidays)

Delivery, waste collection and service vehicles generated by the development are restricted to these hours of operation.

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

**Prior to the issue of a construction certificate**, an amended plan is to be submitted to the Principal Certifying Authority indicating the location of the waste bin enclosure.

The waste bin enclosure shall:

- Be integrated with the developments built form;
- Accommodate 2 x 240L waste bins and allow 0.2m between bins for adequate manoeuvrability; and
- Be located within close proximity to the loading bay.

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

The use of a public address system or amplified music is not permitted to be used in the outdoor play area.

The use of amplified music within the building shall not be audible within a habitable room of any residence.

#### 14 [A Special CPTED Requirements](#)

The following community safety and crime prevention through environmental design (CPTED) requirements are required to be implemented:

##### **Lighting**

- All outdoor/public spaces throughout the development, including all access/egress points, must be lit to the minimum Australian Standard of AS 1158. Lighting must be consistent in order to reduce the contrast between shadows and illuminated areas and must be designed in accordance with AS 4282 - Control of the obtrusive effects of outdoor lighting.
- Sensor lights at the entrance and key points around the property boundary should be considered to increase visibility.

##### **Building Security & Access Control**

- Intercom, code or card locks or similar must be installed for all entries to the building.
- Australian Standard 220 – door and window locks must be installed.
- A monitored back-to-base alarm system must be installed and operational during the construction period.

##### **Graffiti/Vandalism**

- Graffiti resistant coatings must be used to external surfaces where possible, including signage, the new building façade, new brick retaining wall.
- Procedures must be in place to ensure the prompt removal and/or repair of graffiti or vandalism to the buildings, fencing, and common areas. This includes reporting incidents to police and/or relevant authorities.

##### **Landscaping**

- All vegetation must be regularly pruned to ensure that sight lines are maintained.

## **Demolition**

#### 15 [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**.

#### 16 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.

#### 17 B004 - Dust

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

#### 18 B005 - Mud/Soil

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

### Environmental Matters

#### 19 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.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

Certification that the erosion and sediment control measures have been installed in accordance with the approved erosion and sediment control plan (s) for the development and "Managing Urban Stormwater: Soils and Construction 2004" shall be obtained and issued a minimum 2 days before any other site works are to commence, including earthworks and clearing of the site.

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until the land, that was subject to the works, have been stabilised and grass cover established.** These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

#### 20 D005 – No filling without prior approval (may need to add D006)

No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury- Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.

#### 21 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.



## 22 D010 – Appropriate disposal of excavated or other waste

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

## BCA Issues

### 23 E006 - Disabled access and facilities

Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.

### 24 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

### 25 F001 - General Fitout

The construction, fit out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, and AS4674-2004 *Design, Construction and Fitout of Food Premises*.

### 26 F022 - Commercial kitchen(exhaust system)

Cooking appliances which exceed a total maximum power input of 8kw for electrical, or a total gas input of 29MJ/h for a gas appliance are required to have a kitchen exhaust system installed in accordance with Clause F4.12 of the Building Code of Australia and Australian Standard AS1668 Parts 1 & 2.

Detailed plans together with calculations for the system must be provided as part of the development application or as part of the Construction Certificate application.

The exhaust hood must completely cover the equipment to be ventilation and extended at least 200mm beyond the perimeter of the equipment. The exhaust hood must be provided with a condensation gutter around its base. The gutter must be at least 50mm wide by 25mm deep. Where abutting walls are located the hood must be constructed so as to finish flat against the wall surface.

The low edge of a canopy type exhaust hood must be at least 2000 mm above floor level.

Prior to the issuing of an Occupational Certificate, and operation of the business, the exhaust system shall be certified by an appropriately qualified person to comply with the Building Code of Australia and Australian Standard AS1668 Parts 1 & 2. A copy of the certification and supporting documentation must be provided to Council's Environmental Health Department if Council is not the Principal Certifying Authority

27 [F027 - Hand basins](#)

Hand 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. 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.

28 [F028 - Staff toilets](#)

Staff toilets must be provided on the premises. Where a toilet adjoins a food preparation area it must be separated by an air lock and its doors must be fitted with self closing devices. Toilets intended for customer use must not be accessed through areas where open food is handled, displayed or stored.

29 [F029 - Hand basin within staff toilets](#)

A hand basin must be located within the toilet cubicle. Hand 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. Where sensor taps are used 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.

30 [F031 - Floor & floor waste](#)

The floor of the food premises must be finished in an approved non absorbent material, evenly laid, or graded and drained to a trapped floor waste. All floor wastes in the food preparation, service and scullery area must be fitted with a sump removable basket and grate, a minimum 200mm in diameter, and finished in all stainless steel.

31 [F032 - Floor covering](#)

Approved, recessed coving must be provided at all intersections of the floor with the walls within all food preparation, service, storage and scullery areas. All coving must have a minimum concave radius of 25mm and be installed so as to be integral to the surface finish of both floor and wall in such a manner as to form a continuous, uninterrupted surface.

32 [F033 - Walls – food prep area](#)

The walls of the food preparation area must be of solid construction and finished with glazed ceramic tiles or other approved material to a height of 2 metres. The intersection of tiles and render must have a flush finish, or be splayed at a 45 degree angle to eliminate a ledge that would allow dust and grease to accumulate.

33 [F034 - Walls – behind cooking appliances](#)

The walls at the rear of cooking appliances must be surfaced with an impervious material, such as stainless steel, which extends from the canopy to the floor. Where a cooking appliance is sealed to the wall, the material must be lapped over the top edge of the appliance to provide a grease and vermin proof seal. Cooking appliances must only be sealed to walls made of a non-combustible material.

34 [F035 - Ceilings](#)

The ceiling in the preparation, service and scullery areas must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light coloured washable paint. The intersection of the walls and ceiling must be tight jointed, sealed and dust proofed. Drop-in panel style ceilings are not permitted.

35 [F036 - Service pipes](#)

Service pipes, electrical conduits, refrigeration condensate pipes shall be enclosed or chased into walls, floors or plinths. Where it can be demonstrated that this is not feasible pipes and conduits fixed on brackets, providing a minimum of 25 mm clearance from the adjacent wall and 100 mm from the floor or adjacent horizontal surface, can be used. All openings in walls, floors and ceilings, through which service pipes and conduits pass, must be vermin proof.

36 [F042 - Dishwasher](#)

Details of the dishwashing/glass washing machines must be submitted to Council and approved prior to installation. All utensils and equipment must undergo a washing, sanitising and rinsing cycle. The sanitising rinse cycle must achieve a water temperature of 80°C for 2 minutes or 75°C for 10 minutes.

37 [F043 - Hot & cold water at sinks](#)

All wash sinks and food preparation sinks must be serviced with hot and cold water through a single outlet. Wash sinks must be supplied with water at a temperature of not less than 54 °C for washing.

### 38 F047 - Fixtures & fittings

All fixtures, fittings and equipment must be provided with smooth and impervious surfaces, free from cracks and crevices to enable easy cleaning.

All fittings and fixtures must be built into the wall and floor so as to be free from joint, gaps and cavities to enable easy cleaning or alternatively, supported on one of the following:

- a. Plinths – plinths must be an integral part of the floor, constructed of solid materials similar to the floor at least 75mm in height and coved at the intersection with the floor. All plinths must have a smooth and impervious finish. All fittings and fixtures must be properly sealed to the plinth so to be free from gaps, cracks and cavities.
- b. Wheels or castors – fittings and fixtures can be supported on wheels or castors. The wheels and castors must be capable of supporting and easily moving a full loaded fitting. All wheels and castors must be provided with a restraining device.
- c. Legs – fittings and fixtures can be supported on legs but must be constructed of a non-corrosive, smooth metal or moulded plastic. All legs must be free from cracks and crevices. All legs must have a clearance space between the floor and the underside of the fitting of at least 200 mm.

NOTE: False bottoms under fittings are not permitted (AS4674-2004 – Section 4.2 and 4.3).

### 39 F048 - Food prep benches

All food preparation benches must be constructed in stainless steel or finished in a smooth and non-absorbent approved material that is free of joints.

### 40 F050 - Light bulbs & tubes

Light bulbs or tubes are to be shatterproof or fitted with approved light diffusers (covers or shields) to prevent contamination of food by glass from a broken light globe or tube. Light fittings must be free from any feature that would collect dirt or dust, harbour insects or make the fitting difficult to clean. Light fittings must be recessed into ceilings or equipment where possible. Heat lamps must be protected against breakage by a shield extending beyond the bulb.

### 41 F051 - Shelving

Shelves must be smooth and impervious; free from joints, cracks and crevices; and able to be easily cleaned. The lowest shelf must be at least 200mm off the floor to allow easy cleaning underneath. Approved materials must be used, such as galvanised piping, stainless steel or laminated plastic. Shelves are to be sealed to the wall or kept clear of walls to allow easy access for cleaning (>40 mm).

### 42 F057 - Waste storage

All garbage must be stored in accordance with the requirements of the Food Safety Standards of the Australian and New Zealand Food Standards Code and the *Protection of the Environment Operations Act 1997* to prevent the harbourage of vermin or generation of odours.

## Construction

#### 43 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.

#### 44 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 the council, or
- alternatively, any other sewage management facility approved by council.

(b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

(d) 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.

#### 45 H041 - Hours of work (other devt)

Demolition and 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 and 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

#### 46 L001 - General

All landscape works are to be constructed in accordance with the stamped approved plans and Section's C2 'Vegetation management' and C6 'Landscape Design' of Penrith Development Control Plan 2014.

Landscaping shall be maintained:

- in accordance with the approved plan, and
- in a healthy state, and
- in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.

#### 47 L005 - Planting of plant

All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Development Control Plan.

#### 48 L006 - Aust Standard

All landscape works are to meet industry best practice and the following relevant Australian Standards:

- AS 4419 Soils for Landscaping and Garden Use,
- AS 4454 Composts, Soil Conditioners and Mulches, and
- AS 4373 Pruning of Amenity Trees.

## Certification

#### 49 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 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 81A 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 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 predominantly warm toned facebrick buildings and 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.

#### **C3 Water Management**

All new toilet and wet facilities are proposed to incorporate water saving devices such as dual flush toilets and taps in accordance with the Water Efficiency Labelling and Standards (WELS) scheme. The existing rainwater tank will remain.

#### **C4 Land Management**

The proposed external works include minor scale of demolition and construction 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 and retail 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 canopy trees within/adjacent to the childcare centre and adjacent to the car parking area. The only alterations proposed is the demolition of an existing garden bed to accommodate the concreted area adjacent to the access ramp and front entrance of the building. The plans demonstrate that a new garden area will be established adjacent to the front entrance fencing.

#### **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**

As discussed within this report, the proposal includes providing a new entrance to the centre, which will help clearly define the entry which enhances safety and is accessible by all. The proposed alterations will increase opportunities for natural surveillance and increasing safety by providing additional gates at the entrance.

Accessibility will be improved for members of the community particularly those with mixed physical abilities by providing an access ramp. Additionally, an accessible car parking spot and shared area will be provided on site and will improve accessibility and mobility to the site.

### **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 'Tandara 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 proposal has been assessed against the provisions of this Section below.

#### *Clause 10.2 Car Parking Rates*

There are currently a total of 34 car parking spots servicing the subject childcare centre. The proposal will provide for an additional one accessible car parking space. 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 33 at any one time, with 6 staff, resulting in 10 spaces required to satisfy the DCP standard.

Council's Traffic Engineer reviewed the application and concurs with the comments made in the parking assessment. Furthermore, it is noted that the development is not located in or immediately adjoining a residential area.

### **C12 Noise and vibration**

The proposal seeks to increase the maximum number of children attending the centre by 2 at any one time and does not alter the current operating hours. Council's Environmental Health Officer offered no objections to the proposal, subject to the imposition of condition of consent restricting hours of work and operating noise levels of plant and equipment.

### **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.