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D5 Other Land Uses

5.1 Application of Certification System

A. Background

This section of the DCP seeks to encourage applicants to design, construct and operate significant non-residential developments in a sustainable manner by applying an appropriate certification system.

B. Objectives

- a) The objective of this section is to ensure that development is undertaken in a sustainable manner, demonstrating this through the application of the Green Star and/or Australian Buildings Greenhouse Ratings (now part of the National Australian Built Environment Rating System (NABERS)) certification systems, where appropriate.

C. Controls

- 1) Non-residential developments, including mixed use developments, with a construction cost of \$1 million or more are to demonstrate a commitment to achieving no less than 4 stars under Green Star or 4.5 stars under the Australian Building Greenhouse Rating system.

5.2. Child Care Centres

A. Background

Child care centres are an important service to families and a critical contributing element to socially sustainable community infrastructure delivery. Child care centres need to be conveniently located, in proximity to homes or centres of employment, transport options (e.g. train and metro stations, bus stops) and community activities and facilities. The uses and character of their surroundings should be safe and support enjoyable experiences for children in their indoor and outdoor activities, as well as access to and from the centre.

This chapter should be read in conjunction with relevant NSW Government planning policies and child care centre planning guidelines.

There are two types of child care facilities permissible in Penrith City with consent – Centre-based child care facilities and Home-based child care facilities. The distinction between the two is outlined in Penrith LEP 2010, and the planning controls associated with the situational contexts for each of these centre types should be adhered to.

The following section outlines controls for:

- Employment and Mixed Use zones, including:
 - E1 Local Centre, E2 Commercial Centre, E3 Productivity Support and E4 General Industrial Support, where Centre-based child care centres may be permitted with consent.
 - MU1 Mixed Use, where both Home-based and Centre-based child care facilities are permissible with consent.
- R5 Large Lot Residential and C4 Environmental Living, where both Home-based and Centre-based child care facilities may be permitted with consent.
- All other Residential zones, where both Home-based and Centre-based child care facilities are permitted with consent.

B. General Objectives

The following objectives are applicable to all child care centre developments and should be pursued in addition to the specific objectives for land use zone groupings (outlined above):

- a) To provide a clear planning framework for the development of childcare services in Penrith City.
- b) To ensure provision to satisfy identified gaps and demand for child care centres within Penrith City, to the best of the capabilities of the site or locality.
- c) To support the efficient delivery of child care centres across the Penrith City.
- d) To ensure sites are suitable for a child care centre development, adhering to Council's and other planning requirements or guiding principles for the location, position, scale, built form and design of the proposed development.
- e) To provide child care centres in proximity to other community activities and facilities, such as schools, community facilities, places of worship, parks with play spaces, larger formal public reserves and local shopping centres.
- f) To ensure that child care centres located adjacent to, or adjoining, community activities or facilities justifiably consider direct and safe access, to support a connected network of community infrastructure.
- g) To ensure the design and spatial arrangement of development is compatible to the local context and character in which it is situated, having regard to adjoining land uses, supporting infrastructure and environmental attributes.
- h) To ensure that child care centres are located and designed to minimise any adverse impacts on the amenity of the surrounding area, including but not limited to visual, noise and traffic impacts.
- i) To ensure the design and arrangement of a child care centre development has sufficiently considered and mitigated safety hazards.
- j) To ensure safe and efficient management of vehicular and pedestrian movements into, within, and out of the development, including safe and efficient operation of the public road and footpath network, with special regard for the safety of small children

C. Employment and Mixed Use zones

Child care centres in Employment and Mixed Use zones require special consideration regarding the management of land use conflicts and environmental impacts from varied land uses.

1) Objectives

- a) To ensure all mixed use developments inclusive of a child care centre element address the relevant DCP development controls for the other defined land uses, in addition to the following controls.
- b) To deliver play areas which are located and/or orientated away from driveways and parking.
- c) To support the delivery and operation of a development which manages and mitigates adjacent or surrounding environmental conditions which would be detrimental to the enjoyment of the space by children, such as dust, fumes, noise and vibration, or other potentially dangerous impacts from industrial uses.

- d) To incorporate suitable safety measures to prevent children from gaining access to other parts of the building, site or adjoining land uses.
- e) To ensure compliance with fire safety requirements, including safe evacuation capability

2) Controls

Site Suitability

- a) Child care centre development proposals should avoid being located:
 - i. Within a cul-de-sac or at an intersection;
 - ii. On or with direct access from a designated or classified road;
 - iii. Adjacent to, or within proximity to, a service station or similar hazardous development;
 - iv. Adjacent to or impacted by a transmission easement or mobile phone tower;
 - v. Adjacent to or opposite a sex services premises or restricted premises;
 - vi. Adjacent to or opposite a liquor licensed premises; and
 - vii. Adjacent to, opposite or within areas of heavy industry, such as manufacturing, or transport logistics.
- b) A child care centre is not be located on land below the flood planning level and on land that cannot be safely and effectively evacuated during a 1:100 ARI flood event. (See the Water Management section of this DCP for further details on the flood planning level and 1:100 ARI flood event).

Settings and Structures

- a) The scale of a proposed child care centre development must be proportionate to the dimensions and characteristics of the site. This is required to ensure that a sympathetic development form is proposed.
- b) The bulk, scale and architectural design of the proposal must have sufficient regard to the environmental attributes of the site and surrounds, including the design of the built form, spatial arrangements, location of services and the retention and protection of existing vegetation.
- c) The scale and architectural character of the development must be compatible with the existing and desired future character of the locality.
- d) The proposal is required to also address the following:
 - i. Resolution of appropriate access, circulation, safety and security between varied land uses within a mixed use development. This includes views from within the site and from adjoining properties into the development, specifically outdoor play areas;
 - ii. Access for parents and caregivers to drop off/pick up children; and
 - iii. Location and arrangement of outdoor play areas which do not adversely impact other tenancies within the development as well as adjoining properties.

Set Backs

- a) Set backs to property boundaries will be required to be increased where shade canopy trees are required to be provided to address urban heat management considerations. The minimum set back is to be 4.0m for a width of at least 4.0m.

Traffic and Parking

- a) Where the child care centre is located in the same building or development as other land uses, the parking and access arrangements for each separate use will need to be separately calculated and provided on site.
- b) Vehicle circulation and car parking areas shall be designed to allow safe drop-off and collection of children as well as the safe movement and parking of staff, parents, visitor and service vehicles.
- c) Access driveways should not be located opposite, or in proximity to, road intersections.
- d) Parking shall be provided in accordance with Chapter C10 Transport, Access and Parking of this DCP.
- e) The parking area is to be designed to ensure:
 - i. The safe drop off and collection of children, including direct, safe pedestrian access between the parking area and the entrance to the centre;
 - ii. Safe movement and parking of staff, parents, visitors and service vehicles; and
 - iii. All vehicles can enter and exit the site in a forward direction.
- f) Layout of the parking area must allow for safe access for service and emergency vehicles, such as ambulances, delivery and maintenance vehicles.
- g) Where dual use parking and servicing utilisation is suggested, it must be demonstrated that sufficient dedicated staff and visitor parking is available at all times to cater for the parking and circulation of service vehicles.
- h) Within mixed use developments, the design arrangement of car parking must consider and provide deterrents for visitor parking in areas not associated with the child care centre development. This includes demarcation of designated parking areas via line marking as well as landscaping separation for externalised parking areas.
- i) A Traffic Impact Assessment is required for the development of a child care centre. The assessment should address:
 - i. Site characteristics and the surrounding area;
 - ii. Expected trip generation;
 - iii. Parking requirements, including the design of parking areas, and any pick-up and drop-off facilities;
 - iv. Existing traffic conditions and any future changes expected to the traffic conditions;
 - v. Current road safety conditions, including an accident history in the locality; and
 - vi. The expected impact of the proposed development on the existing and future traffic conditions.
- j) Further guidance on traffic assessment can be found in the NSW Child Care Planning Guideline.

D. R5 Large Lot Residential and E4 Environmental Living zones

1) Objectives

- a) To ensure that development complies with objectives of these land use zones, as stipulated in Penrith LEP 2010, and compliments the rural landscape, scenic quality, heritage value, nature conservation significance or agricultural productivity of the local area.

- b) To provide separation between a child care centre development and noise generating sources.
- c) To provide buffers between land uses to minimise the potential for land use conflict.
- d) To ensure that external finishes have minimal detrimental impact on the visual amenity of an area.
- e) To encourage consideration of all the rural components of development such as fencing, outbuildings, driveways and landscaping in the design of the proposed development.
- f) To implement Front and Corner Set Backs which ensure consistency with the rural or built character, preserve and protect flora and fauna corridors, support the scale and openness of these land zones and ensure the operational functions of transport infrastructure continues unhindered.
- g) To implement Side and Rear Set Backs which comply with building envelope and set back controls, minimise disturbance to existing topography and natural soil-profiles, provide for reasonable built form and landscaped separation between neighbouring properties, permit suitable sized spaces for outdoor play and gathering (in addition to other required service infrastructure and built elements and in accordance with outdoor play area objectives and controls) and support the scale and openness of these land zonings.
- h) To ensure outdoor play spaces are universally accessible and of sufficient size and dimension for a variety of learning and skills building opportunities, and that their use does not negatively impact on the use of adjoining or adjacent private and public open spaces

2) Controls

Site Suitability

- a) Child care centre development proposals should avoid being located:
 - i. Within a cul-de-sac or at an intersection;
 - ii. On or with direct access from a designated or classified road;
 - iii. Adjacent to, or within proximity to, a service station or similar hazardous development;
 - iv. Adjacent to or impacted by a transmission easement or mobile phone tower;
 - v. Adjacent to or opposite a sex services premises or restricted premise;
 - vi. Adjacent to or opposite a liquor licensed premises and
 - vii. Adjacent to, or opposite, odour generating agricultural or similar activities.
- b) A child care centre should not be located on land below the flood planning level and on land that cannot be safely and effectively evacuated during a 1:100 ARI flood event. (See the Water Management section of this DCP for further details on the flood planning level and 1:100 ARI flood event).
- c) The dimensions of a site pursued for a child care centre development must be sufficient in width and depth to accommodate a sympathetic development form and arrangement having regard to the context and character of the immediate locality.
- d) A development generally will not be supported if it has not had sufficient regard to the environmental attributes of the site and surrounds, including the design of the built form, spatial arrangement of built form and services and retention and protection of existing vegetation.

- e) The scale of a development must be proportionate to dimensions and characteristics of the site. This is required to ensure that a sympathetic development form is proposed.

Settings and Structures

- a) The scale and architectural design of the development must be sympathetic and compatible with the existing and desired future character of the immediate locality. This includes consideration of fencing, outbuildings, driveways, car parking areas and landscaping.
- b) The development is to be designed and located to maximise the natural advantages of the land in terms of:
 - i. Protecting the privacy of proposed and existing buildings;
 - ii. Providing flood-free access to the development;.
 - iii. Minimising risk from bush fire by considering slope, orientation and location of likely fire sources;
 - iv. Maximising solar access whilst considering urban heat management;
 - v. Retaining as much of the existing vegetation as possible; and
 - vi. Minimising excavation, filling and high foundations by avoiding steep slopes.
- c) Where practical, all buildings on a site should be clustered to improve the visual appearance of the development in its landscape setting and reduce the need for additional access roads and services.
- d) New buildings must be oriented to face the street and building forms must be stepped or articulated and demonstrate integration with the established local context and rural character of the area, including building elements of wall articulation, windows, verandahs and roof variation.
- e) Articulate all building forms and facades through design measures that cast shadows across every elevation. External walls should include windows in every elevation.
- f) Basement arrangements are not considered contextually appropriate and will not be supported.
- g) Pitches for main roofs are to be in accordance with the following:
 - i. For single-storey development: not greater than 35 degrees;
 - ii. For two storey development: not greater than 25 degrees, in order to reduce the visual scale of buildings; and
 - iii. The external façade of the development is to incorporate building materials and colours that complement the surrounding character of the area.

Front Set Backs

- a) The development is required to provide a minimum 15m front setback from a public road. No parking is permitted within the front setback area.
- b) A minimum setback of 30m is required to all classified roads (except Mulgoa Road), Luddenham Road, Greendale Road and Park Road (except in the villages of Londonderry, Wallacia and Luddenham).
- c) A minimum setback of 100m is required to Mulgoa Road for all development (except in the Mulgoa Village).

Corner Lot Set Backs

- a) Where the site is a corner site allotment with two (2) road frontages, the set back to the primary road is to be calculated as per the controls for Front Set Backs.
- b) The set back to the secondary road is to be no less than 10m.
- c) Permissible encroachments within the front set back are verandahs and pergolas, only with a maximum 1.5m encroachment.

Side and Rear Set Backs

- a) The development is required to provide a minimum side boundary set back of no less than 10 metres.
- b) The development is required to provide a minimum rear boundary set back of no less than 10 metres.

Site Coverage and Building Scale

- a) Development is to provide a maximum ground floor footprint of 500m² (including any undercover car parking areas). Note: 'Groundfloor footprint' is the area measured from the external face of any wall or undercover car parking area.
- b) The development is to have a maximum overall ground floor dimension of 45m, with a maximum of 18m at any one point.
- c) The maximum floor space of any second storey is to be no more than 70% of the floor space of the lower storey of the dwelling.
- d) A maximum ground floor footprint of 600m² will be permitted on any one allotment, including the child care centre building and all associated structures.
- e) The development shall be no more than two (2) storeys in height.
- f) The maximum height of the ceiling of the top floor of all buildings is not to exceed 8m above natural ground level.
- g) The finished floor level is not to be greater than 1.0m above or below natural ground level.

Outdoor Play Areas

- a) With respect to ground floor, where possible, play areas should be located away from residential dwellings and other sensitive uses. Sensitive uses are taken to include private open space areas of residential development in addition to the dwellings themselves, as well as non-residential development where permitted in the zone.
- b) Split level design arrangements of outdoor play and landscaped areas must provide for functional use and accessibility to all levels, without dependency on wheel chair lifts / lift platforms. Accessible ramps are required which are to be excluded from the calculation of useable outdoor play area.
- c) The provision of a first floor outdoor play area is not contextually appropriate.

Fencing

- a) Fencing required for ground floor outdoor play areas is not to exceed 2.0m in height and is not to compromise the ability for screen planting to reach maturity and effective height and spread. Cantilevered fencing treatments to reduce effective fencing heights are not supported.
- b) The location, design and arrangement of fencing must have regard to the local context and character which is rural in nature. Where solid fencing is required, it must be designed to suitably integrate into the rural landscape.

- c) The material composition and location of the fencing is to be sympathetic to the established character of the locality.

Shade

- a) Outdoor play areas and transition areas (between indoor and outdoor areas) are to be provided with appropriate safe shade requirements. Safe shade may be created by vegetation or shade structures.
- b) All active areas containing play equipment or areas where children play for extended periods of time (such as a sand pit) are to be shaded throughout the year.
- c) Movable play equipment used for active play should be placed in the shade. (This should be a combination of built and natural shade).
- d) All shade structures in the play areas should be designed in accordance with AS/NZS 4486.1. If located over play equipment, the shade structure should not have footholds or grip surfaces that will allow for climbing.
- e) Outdoor teaching areas are to be provided with year round protective shade.
- f) Outdoor eating areas are to be provided with year round protective shade.
- g) Other open areas are to be partially shaded.
- h) Any transition zone, between indoor and outdoor areas, such as a verandah, should be permanently shaded and protected in wet weather.
- i) The minimum width of a verandah should be 4m to allow for shaded play space.

Vehicle Access, Circulation and Parking

- a) Vehicle circulation and car parking areas shall be designed to allow safe drop-off and collection of children as well as the safe movement and parking of staff, parents, visitor and service vehicles.
- b) Access driveways should not be located opposite, or in close proximity to, road intersections.
- c) Parking shall be provided in accordance with Chapter C10 Transport, Access and Parking of this DCP.
- d) The parking area is to be designed to ensure:
 - i. The safe drop off and collection of children, including direct, safe pedestrian access between the parking area and the entrance to the centre;
 - ii. Safe movement and parking of staff, parents, visitors and service vehicles; and
 - iii. All vehicles can enter and exit the site in a forward direction.
- e) Layout of the parking area must allow for safe access for service and emergency vehicles, such as ambulances, delivery and maintenance vehicles.
- f) The layout of parking must provide delineation between prioritised pedestrian movements and vehicle access and circulation. This includes line marking for prioritised pedestrian paths of travel throughout the car parking area and from the public domain.
- g) A Traffic Impact Assessment is required for the development of a child care centre. The assessment should address:
 - i. Site characteristics and the surrounding area;
 - ii. Expected trip generation;
 - iii. Parking requirements, including the design of parking areas, and any pick-up and drop-off facilities;

- iv. Existing traffic conditions and any future changes expected to the traffic conditions;
 - v. Current road safety conditions, including an accident history in the locality; and
 - vi. The expected impact of the proposed development on the existing and future traffic conditions.
- h) Further guidance on traffic assessment can be found in the *NSW Child Care Planning Guideline*.

Noise Management

- a) Outdoor playing areas shall be designed and located to minimise noise impact on adjacent properties.
- b) Where there may be noise impact on adjacent properties, fencing shall be of a height, design and material (e.g. masonry) suitable to contain noise generated by the children's activities. This ensures the children may play outside without time limitations in accordance with licensing requirements. Notwithstanding, the required height and form of fencing must still be contextually appropriate.
- c) Where a site may be affected by traffic, rail or aircraft noise, the child care centre shall be designed to minimise any impact on the children and staff.
- d) An Acoustic Impact Assessment Report from an appropriately qualified acoustic consultant will be required to support the proposal. The acoustic modelling undertaken and reporting to be submitted must address and comply with the following:
 - i. The background noise level is to be measured in accordance with the methodology outlined within the NSW EPA's Noise Policy for Industry for at least 5 consecutive weekdays. If operations are proposed on weekends, then these days must be included. Meteorological data can be measured on-site or accessed from the nearest Bureau of Meteorology weather station, within 30 km.
 - ii. The noise logger is to be located at the most affected locations at surrounding sensitive receivers. This may require more than one logger to be deployed.
 - iii. The project criteria are to be set using the measured background noise level. If the measured background noise level is found to be less than 35dB(A) then a default background of 35dB(A) is to be used for setting project criteria.
 - iv. For outdoor play, the following is to be used when determining project noise criteria:
 - i. Up to 2 hours (total) per day - The Leq,15 minute noise level emitted from the outdoor play area shall not exceed the background noise level by more than 10 dB at the assessment location; or
 - ii. More than 2 hours per day - The Leq,15 minute noise level emitted from the outdoor play area shall not exceed the background noise level by more than 5 dB at the assessment location.
- e) The assessment location is defined as the most affected point on or within any residential receiver property boundary. Examples of this location may be:
 - i. 1.5 m above ground level;
 - ii. On a balcony at 1.5 m above floor level; or

- iii. Outside a window on the ground or higher floors.
- f) For other noise sources, such as indoor play, mechanical plant and equipment, vehicles, and drop off/pick up activities, the cumulative Leq, 15 minute noise emission level resulting from the operation of the child care centre shall not exceed the background noise level by more than 5 dB at the assessment location as defined above.
- g) Further guidance on acoustic assessments for childcare centres can be found in NSW EPA policies and guidelines. In addition, guidance on noise assessments for childcare centres can be found in the *Guideline for Child Care Centre Acoustic Assessment* prepared by the Association of Australasian Acoustic Consultants, noting that the above controls are not consistent with some sections of the AAAC guideline.

E. All Other Residential Areas

1) Objectives

- a) To ensure that the development complies with the objectives of the relevant land zones, as stipulated in Penrith LEP 2010 and compliments the established and desired character and urban aesthetic of the surrounds.
- b) To provide separation between a child care centre development and noise generating sources.
- c) To provide buffers between land uses to minimise the potential for land use conflict.
- d) To ensure that external finishes have minimal detrimental impact on the visual amenity of an area.
- e) To ensure set backs comply with applicable controls and support consistency with surrounding or established character.
- f) To ensure front set backs preserve or enable the establishment of flora and fauna corridors, while corner lot, rear and side set backs ensure the operational functions of transport infrastructure continue unhindered.
- g) To ensure rear and side set backs also minimise disturbance to existing topography and natural soil-profiles, provide for reasonable built form and landscaped separation between neighbouring properties, and permit suitable sized spaces for outdoor play and gathering (in addition to other required service infrastructure and built elements and in accordance with outdoor play area objectives and controls).
- h) The retention of sufficient proportions of each site for landscaped garden areas, conservation of significant existing vegetation, provision for naturalised tree canopy growth and shading and the provision of meaningful spatial separation between neighbouring properties and building forms.
- i) To ensure outdoor play spaces are universally accessible and of sufficient size and dimension for a variety of learning and skills building opportunities, and that their use does not negatively impact on the use of adjoining or adjacent private and public open spaces.

2) Controls

Site Suitability

- a) Child care centre development proposals should avoid being located:
 - i. Within a cul-de-sac or at an intersection;
 - ii. On or with direct access from a designated or classified road;

- iii. Adjacent to, or within close proximity to, a service station or similar hazardous development;
 - iv. Adjacent to or impacted by a transmission easement or mobile phone tower;
 - v. Adjacent to or opposite a sex services premises or restricted premises; and
 - vi. Adjacent to or opposite a liquor licensed premises.
- b) A child care centre should not be located on land below the flood planning level and on land that cannot be safely and effectively evacuated during a 1:100 ARI flood event. (See the Water Management section of this DCP for further details on the flood planning level and 1:100 ARI flood event).
 - c) The dimensions of a site pursued for a child care centre development must be sufficient in width and depth to accommodate a sympathetic development form and arrangement having regard to the context and character of the immediate locality

Settings and Structures

- a) The bulk, scale and architectural design of the proposal must have sufficient regard to the environmental attributes of the site and surrounds, including the design of the built form spatial arrangements, location of services, and the retention and protection of existing vegetation.
- b) Child care centres generally will not be supported if the proposal has not had sufficient regard to the environmental attributes of the site and surrounds including the design of the built form, spatial arrangement of built form and services and retention and protection of existing vegetation.
- c) The scale and architectural design of the development must be sympathetic and compatible with the existing and desired future character of the immediate locality.
- d) The design and arrangement of the development is to ensure that outdoor play areas are located and orientated away from driveways or parking areas.
- e) The external façade of the development shall incorporate building materials and colours that complement the surrounding development.
- f) New buildings should show characteristics of traditional suburban development. The development must be oriented to face the street and building forms must be stepped or articulated and demonstrate integration with the established local context and character of the area
- g) Articulate all building forms and facades through design measures that cast shadows across every elevation. External walls should include windows in every elevation.
- h) Garage doors or basement entry widths (including descending driveways) must not occupy more than 50% of the building façade width to ensure that access arrangements are recessive and do not dominate the façade of the building form and the streetscape presentation of the building form.
- i) Where a basement parking arrangement is proposed, design measures are to be incorporated to reduce the visual prominence of the entry point. Such measures could include projecting upper floor areas (minimum 1.0m in depth) above the entry point and / or recessed entry behind the building line.
- j) Pitches for main roofs are to be in accordance with the following:

- i. 12 for single-storey development: not greater than 35 degrees; or
- ii. For two storey development: not greater than 25 degrees, in order to reduce the visual scale of buildings.

Front Set Backs

- a) The development is required to provide a front set back that is informed by the average set back of immediate adjoining development or a 5.5m minimum, whichever is the greater dimension.
- b) Permissible encroachments within the front set back are limited to verandahs and pergolas only with a maximum 1.5m encroachment.
- c) Where there are physical encumbrances such as stormwater management infrastructure, underground or above ground rainwater tanks or the like, the minimum set back is to be increased accordingly to maintain an unimpeded landscaping capability within the set back zone.
- d) The provision of car parking forward of the building line is to be set back a minimum 4.0m from the front property boundary with a combination of shrub and tree canopy planting in the set back zone to screen the visual prominence of the car parking area from the public domain and from adjoining properties.

Corner Lot Set Backs

- a) Where the site is a corner site allotment with two (2) road frontages, the set back to the primary road is to be calculated as per the above front set back requirements.
- b) Any fencing required forward of the building line to either the primary or secondary road is to be set back 2.0m from the property boundary with screen planting in front.
- c) Permissible encroachments within the front set back are verandahs and pergolas only with a maximum 1.5m encroachment.
- d) In the event of a corner site with three (3) separate street frontages, the front set back requirements are to be applied to opposing boundary conditions (front and rear), with the secondary street set back allowances limited to only one (1) street frontage.
- e) No basement encroachments are permitted within the front (primary or secondary street) set back zones.

Rear Set Backs

- a) The minimum rear set back for a single storey building (or any single storey component of a building) is 4m.
- b) The minimum rear set back for a two storey building (or any two storey component of a building) is 6m.
- c) Adopting an average 6m rear set back on irregular shaped allotments.
- d) In the event of a corner site with three (3) separate street frontages, the front set back requirements are to be applied to opposing boundary conditions (front and rear), with the secondary street set back allowances limited to only one (1) street frontage. This means that a corner lot with three (3) street frontages does not apply a rear boundary set back condition.
- e) Within the rear boundary set back:
 - i. There shall be no building encroachments either above or below ground (eaves excepted)

- ii. Maximise the amount of undisturbed soil, encouraging rapid growth of healthy trees and shrubs
- iii. Where there are physical encumbrances such as stormwater management infrastructure, underground or above ground rainwater tanks or the like, the minimum set back is to be increased accordingly to maintain an unimpeded landscaping capability within the set back zone.

Building Envelope and Side Set Backs

- a) The development (including built form, basements and external car parking and driveway areas) is required to provide a minimum side boundary set back of no less than 2.0m.
- b) The side set back is required to increase where shade canopy trees are required to be provided to address urban heat management considerations. In this instance, the minimum set back is to be 4.0m for a width of at least 4.0m.
- c) Where there are physical encumbrances such as stormwater management infrastructure (including swales, pits and pipes) underground or above ground rainwater tanks or the like, the minimum set back is to be increased accordingly to maintain an unimpeded landscaping capability within the side set back zone.
- d) The following building envelopes must be complied with:

LAND ZONING	HEIGHT PLANE CALCULATION
R2 – Low Density Residential	Measured from 1.8m above natural ground level at the side boundaries of the site at 45 degrees.
R3 – Medium Density Residential	Measured from 5.0m above natural ground level at the side boundaries of the site at 45 degrees.
R4 – High Density Residential	If the proposal adjoins existing dwelling that is unlikely to be redeveloped in the near future (such as a strata titled dual occupancy or multi-unit housing developments), the development proposal is provide a compliant building envelope measured from 5.0m above natural ground level at the side boundaries of the site at 45 degrees.
	If the proposal adjoins a site that can be reasonably redeveloped in the foreseeable future, no building envelope applies.

- e) The building envelope, and the apparent rise in storeys and external wall heights, shall be measured relative to:
 - i. Side boundaries only; and
 - ii. Natural ground level.
- f) Only minor encroachments through the building envelope shall be permitted for eaves associated with pitched roofs.
- g) The development is required to ensure that cut and fill and finished floor levels:

- i. Provide stepped slabs (finished floor levels) in line with existing topography with finished floor levels that are no higher than 1m above natural ground level;
- ii. Restrict cut-and-fill to a maximum of 500mm above or below natural ground level; and
- iii. Provide effective sub-soil drainage.

Landscape Area and Design

- a) The minimum landscape area is to be provided as follows:

LAND ZONING	MINIMUM LANDSCAPED AREA % OF THE SITE
R1 – General Residential	40
R2 – Low Density Residential	50
R3 – Medium Density Residential	40
R4 – High Density Residential	35

- b) Landscaped areas are to provide for:
- i. Effective separation between neighbouring properties and building forms;
 - ii. Healthy growth of new trees and shrubs;
 - iii. Ensure long-term survival of existing and proposed vegetation;
 - iv. A naturalised outlook from the development into outdoor play areas; and
 - v. Contributory planting to complement or enhance the existing streetscape.
- c) Landscaped areas are required to have a minimum width and depth of 2m and serve as functional spaces. Areas with less than these dimensions are not included in the required landscape area calculation
- d) Where landscape areas are provided for along property boundaries the spaces must be capable of dense shrub screen and tree canopy planting.
- e) Landscape areas are not to include impervious areas, waste management facilities, staircases, stormwater management infrastructure or predominantly artificial / synthetic surface treatments.
- f) The majority of landscaping relied upon for landscape area compliance is to be planted at natural ground level and not within raised or sunken planters to ensure suitable growing conditions and viability.
- g) Landscaping is to accommodate water retention within the landscape design and include passive irrigation measures which also have regard to water sensitive urban design best practice.
- h) Landscaped area which is to be relied upon as outdoor play areas must provide a mix of formalised play areas and separate naturalised areas (encouraging nature play and education).

- i) Landscape planting shall complement the building(s) and the streetscape , and provide screening for car parking and outdoor playing areas.
- j) Landscaping shall be established prior to the use commencing.
- k) A Landscape Plan shall be prepared and submitted with the development application, in accordance with Chapter C6 Landscape Design of this DCP.
- l) Details of all fencing shall be included on the landscape plan. Childproof fencing and gates shall be provided around the outdoor play areas, and to the entrance of the child care centre. Landscape planting (a minimum width of 2m) shall be provided along the front boundary of the site.
- m) Additional landscape planting may be required along the side boundaries to integrate the development with neighbouring buildings and the streetscape, and to reduce the impact of vehicle lights on adjoining properties.
- n) Plant species shall be chosen to address the characteristics of the site and shall:
 - i. Consider implications of site orientation and solar access;
 - ii. Provide protection from prevailing winds;
 - iii. Provide screening to minimise impacts on privacy and/or the streetscape and adjacent buildings;
 - iv. Provide shelter and shade;
 - v. Reduce reflection from bright surfaces;
 - vi. Emphasise pedestrian and vehicular routes;
 - vii. Ensure visibility of outdoor playing areas;
 - viii. Not include plants which may be toxic, create allergic reactions, or which are prickly or otherwise unsafe; and
 - ix. Provide interest and variety to enhance children's experience.
- o) The arrangement and design of landscape areas, including prioritised retention and protection of existing trees, must also have regard to the objectives and controls outlined in Chapter C6 Landscape Design, Chapter C2 Vegetation Management and Chapter C14 Urban Heat Management.

Outdoor Play Areas

- a) With respect to ground floor, where possible, play areas should be located away from residential dwellings and other sensitive uses unless suitable planting and fencing separation is provided.
- b) Sensitive uses are taken to include private open space areas of residential development in addition to the dwellings themselves.
- c) Split level design arrangements of outdoor play and landscaped areas must provide for functional use and accessibility to all levels, without dependency on wheel chair lifts. Accessible ramps are required which are to be excluded from the calculation of useable outdoor play area.
- d) The provision of a first floor outdoor play area is not appropriate in R2 Zoned land unless such areas are orientated away from residential development (including private open space areas) and other sensitive land uses
- e) Where a first floor play area is proposed to be orientated towards a public road or public reserve, the arrangement and design of play area must be appropriately integrated into the architectural treatment of the building so as not to compromise building form, bulk and streetscape presentation.

Fencing

- a) Fencing required for ground floor outdoor play areas is not to exceed 2.0m in height and is not to compromise the ability for screen planting to reach maturity and effective height and spread. Cantilevered fencing treatments to reduce effective fencing heights are not supported.
- b) Fencing proposed within front or corner lot setback zones to the public domain must be set back no less than 2.0m from the property boundary with shrub screen planting and canopy tree planting provided in front of the fence.
- c) First floor play areas are not to include fencing or similar acoustic mitigation measures which exceed 1.4m in height as measured from finished floor level.
- d) Fencing treatments and materiality is to have regard and compliment the architectural design of the building form and the landscape design of the site.
- e) Colorbond or metal fencing is not appropriate due to acoustic and vibratory implications.
- f) Fencing is to be located on the property boundary or where inset, sufficient opportunity for access and maintenance is required that does not compromise the objective of the planting for screening purposes. Dual layer fencing will generally not be supported.

Shade

- a) Outdoor play areas and transition areas (between indoor and outdoor areas) are to be provided with appropriate safe shade requirements. Safe shade may be created by vegetation or shade structures.
- b) All active areas containing play equipment or areas where children play for extended periods of time (such as a sand pit) are to be shaded throughout the year.
- c) Movable play equipment used for active play should be placed in the shade. (This must be a combination of built and natural shade).
- d) All shade structures in the play areas should be designed in accordance with AS/NZS 4486.1. If located over play equipment, the shade structure should not have footholds or grip surfaces that will allow for climbing.
- e) Outdoor teaching areas are to be provided with year round protective shade.
- f) Outdoor eating areas are to be provided with year round protective shade.
- g) Other open areas are to be partially shaded.
- h) Any transition zone, between indoor and outdoor areas, such as a verandah, should be permanently shaded and protected in wet weather.
- i) The minimum width of a verandah should be 4m to allow for shaded play space.

Vehicle Access, Circulation and Parking

- a) Vehicle circulation and car parking areas shall be designed to allow safe drop-off and collection of children as well as the safe movement and parking of staff, parents, visitor and service vehicles.
- b) Access driveways should not be located opposite, or in close proximity to, road intersections.
- c) Parking shall be provided in accordance with the standards in the Chapter C10 Transport, Access and Parking of this DCP.
- d) The parking area is to be designed to ensure:

- e) The safe drop off and collection of children, including direct, safe pedestrian access between the parking area and the entrance to the centre.
- f) Safe movement and parking of staff, parents, visitors and service vehicles.
- g) All vehicles can enter and exit the site in a forward direction.
- h) Layout of the parking area must allow for safe access for service and emergency vehicles, such as ambulances, delivery and maintenance vehicles. Where dual use parking and servicing utilisation is suggested, it must be demonstrated that sufficient dedicated staff and visitor parking is available at all times to cater for the parking and circulation of service vehicles.
- i) The layout of parking must provide delineation between prioritised pedestrian movements and vehicle access and circulation. This includes line marking for prioritised pedestrian paths of travel throughout the car parking area and from the public domain.
- j) A Traffic Impact Assessment is required for the development of a child care centre. The assessment should address:
 - i. Site characteristics and the surrounding area;
 - ii. Expected trip generation;
 - iii. Parking requirements, including the design of parking areas, and any pick-up and drop-off facilities;
 - iv. Existing traffic conditions and any future changes expected to the traffic conditions;
 - v. Current road safety conditions, including an accident history in the locality; and
 - vi. The expected impact of the proposed development on the existing and future traffic conditions.
- k) Further guidance on traffic assessment can be found in the NSW *Child Care Planning Guideline*.

Noise Management

- a) Outdoor playing areas shall be designed and located to minimise noise impact on adjacent properties.
- b) Where there may be noise impact on adjacent properties, fencing shall be of a height, design and material (e.g. masonry) suitable to contain noise generated by the children's activities. This ensures the children may play outside without time limitations in accordance with licensing requirements. Notwithstanding, the required height and form of fencing must still be contextually appropriate.
- c) Where a site may be affected by traffic, rail or aircraft noise, the child care centre shall be designed to minimise any impact on the children and staff.
- d) An Acoustic Impact Assessment Report from an appropriately qualified acoustic consultant will be required to support the proposal. The acoustic modelling undertaken and reporting to be submitted must address and comply with the following:
 - i. The background noise level is to be measured in accordance with the methodology outlined within the NSW EPA's Noise Policy for Industry for at least 5 consecutive weekdays. If operations are proposed on weekends, then these days must be included. Meteorological data can be measured

- on-site or accessed from the nearest Bureau of Meteorology weather station, within 30 km.
- ii. The noise logger is to be located at the most affected locations at surrounding sensitive receivers. This may require more than one logger to be deployed.
- iii. The project criteria are to be set using the measured background noise level. If the measured background noise level is found to be less than 35dB(A) then a default background of 35dB(A) is to be used for setting project criteria.
- iv. For outdoor play, the following is to be used when determining project noise criteria:
 - i. Up to 2 hours (total) per day - The Leq,15 minute noise level emitted from the outdoor play area shall not exceed the background noise level by more than 10 dB at the assessment location; or
 - ii. More than 2 hours per day - The Leq,15 minute noise level emitted from the outdoor play area shall not exceed the background noise level by more than 5 dB at the assessment location.
- e) The assessment location is defined as the most affected point on or within any residential receiver property boundary. Examples of this location may be:
 - i. 1.5 m above ground level;
 - ii. On a balcony at 1.5 m above floor level; and/or
 - iii. Outside a window on the ground or higher floors.
- f) For other noise sources, such as indoor play, mechanical plant and equipment, vehicles, and drop off/pick up activities, the cumulative Leq,15 minute noise emission level resulting from the operation of the child care centre shall not exceed the background noise level by more than 5 dB at the assessment location as defined above.
- g) Further guidance on acoustic assessments for childcare centres can be found in NSW EPA policies and guidelines. In addition, guidance on noise assessments for childcare centres can be found in the *Guideline for Child Care Centre Acoustic Assessment* prepared by the Association of Australasian Acoustic Consultants, noting that the above controls are not consistent with some sections of the AAAC guideline.

F. Requirements for an Additional Private Dwelling

1) Controls

- a) A dwelling may be attached to, part of, or associated with, a child care centre however the development controls that would apply to the development are those outlined for the child care centre component in addition to the following specific provisions.
- b) The dwelling shall be provided with a separate and private open space area (with minimum dimensions of 4m x 6m), which is directly accessible from the internal living areas of the dwelling and orientated to optimise solar access.
- c) The dwelling shall include a kitchen, bathroom, laundry, living area and amenities, which are separate to those for the child care centre, for the use of the residents.
- d) A minimum of one separate and covered parking space shall be provided for the residents of the dwelling.

- e) The species and location of trees and planting provided for a dwelling associated with a child care centre should ensure there is no likelihood of falling branches, and should not be toxic, create allergic reactions, or be prickly or otherwise unsafe.
- f) A swimming pool or spa pool, existing or proposed, associated with a dwelling attached to a child care centre must be securely fenced (in accordance with the requirements of the Swimming Pool Act 1992) to prohibit access to the children in care.
- g) The pool shall be suitably screened from view of the children in care.

G. Out-of-School-Hours Care (OOSH)

1) Controls

- a) Development consent is required for the operation of out-of-school hours care (OOSH) – either as part of an existing child care facility or as a separate activity.
- b) Where the operator of an existing child care centre proposes to establish an OOSH service, the centre shall provide permanent separation of the OOSH facilities. Operational elements which shall be provided separately for each service include:
 - i. Amenities;
 - ii. Playroom(s);
 - iii. Outdoor play area(s); and
 - iv. Staff.
- c) Car parking spaces for the OOSH care shall be provided in accordance with the requirements of the Chapter C10- Transport, Access and Parking of this DCP and, if applicable, shall be in addition to the parking area for the childcare centre.

H. Lifting the Bar

The following represent some ways in which applicants can demonstrate additional commitment to the principles expressed in this DCP. Demonstration of this commitment may lead to Council considering variation of development controls. Applications that vary the development controls listed in this section of this Plan will need to demonstrate that the proposed development complies with the objectives relevant to the development controls it seeks to vary.

All home-based child care or family day care home services are encouraged to:

- Provide food consistent with the principles outlined in the National Quality Improvement and Accreditation System for Child Care;
- Participate in available training opportunities concerning food safety and nutrition (e.g. the 'Caring for Children' program) or other programs run by Council, TAFE, the University of Western Sydney or Sydney West Area Health Service; and
- Seek professional advice, where appropriate, from trained dietitians and/or nutritionists.

All child care centres (including centre based and home based) are encouraged to:

- Minimise waste through the use of recycling programs for paper, cardboard, aluminium, glass and PET products;
- Provide facilities/services which will satisfy identified unmet demands within the City for child care; and
- Participate in the NSW Cancer Council's SunSmart Early Childhood program.

I. Consent and Licensing Requirements

All child care centres must be approved by Council and 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.

Home-based child care may be licensed as a Family Day Care service or within the requirements of the Department of Education and Communities.

Where a child care centre for pre-school aged children and an OOSH service operate together, or from the same building, both services must be approved by Council, and the Department of Education and Communities must be notified.

Development consent is required from Council for an expansion or alteration to an existing, approved child care centre. Changes may include an increase to the approved number of children, an alteration to the hours of operation or the establishment of OOSH care.

Any application for an expansion or alteration to an existing child care centre will be considered on its merits and include an assessment of the current operation of the centre.

Any subsequent development consent issued by Council may require a new licence from the Department of Education and Communities.