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Boarding Houses – Penrith DCP 2014 amendments
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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 increasingly important service to families with parents who work outside the home. Centres need to be conveniently located close to homes or to centres of employment, and need to be in surroundings which are both safe and enjoyable for the children.

Child care centres are increasingly becoming popular in larger commercial centres as workers can drop off/pick up children on their way to work, especially if their workplace is located in these centres.

Standards for work based child care may be varied from those expressed in this section. In particular, standards for parking and location may be varied provided that the variation does not have an adverse impact on the amenity and safety of the children in care.

Child care centres generally will not be supported if:

- a) the service provided by the centre does not meet a demonstrated need for child care services in the local area;
- b) access is from a major road or in close proximity to a major intersection where there may be safety concerns;
- c) access is from a local street where there may be impacts on amenity due to traffic and parking;
- d) the current use or any permissible use under the zoning of the adjoining premises produces unacceptable levels of noise, fumes or emissions, or poses a potential hazard by reason of activities or materials stored on site;
- e) noise produced by roads, railways and aircraft are likely to have an adverse impact on the site; or

- f) the site may be subject to contamination, within close proximity to high-voltage electricity transmission lines, or subject to external impacts that may be harmful to the staff and children;

unless the applicant can demonstrate satisfactorily that the matters listed will not have a detrimental impact on the child care centre.

## **B. Objectives**

- a) To provide a clear planning framework for the development of child care services in the City of Penrith;
- b) To ensure that child care centres are located and designed to minimise any impact on the amenity of the surrounding area, particularly from noise and traffic;
- c) To ensure a safe and efficient road system, and to prevent direct vehicular access to or from any child care centre from a designated road;
- d) To ensure the provision of safe, convenient and attractive car parking areas;
- e) To ensure child care centres are not adversely affected by safety hazards; and
- f) To encourage the provision of facilities which aim to satisfy identified unmet demands within the City for child care.

## **C. Controls**

### **1) Work Based Child Care Centres**

- a) Child care centres in business or industrial areas require special consideration in respect to environmental quality and land use conflicts. Particular attention must be paid to:
  - i) Provision of an outdoor play area away from driveways or parking areas or any other source of noise or fumes;
  - ii) Protection of children from dust, fumes, noise and vibration, or other potentially dangerous impacts from industrial uses;
  - iii) Adequate safety provisions to prevent children from gaining access to other parts of the building or site; and
  - iv) Depending on the location of the centre and the size of the site, requirements for a drop off area.

### **2) Location**

- a) Any proposed centre which:
  - i) Will cater for in excess of 40 children (including 2 or more centres in very close proximity which together will cater for more than 40 children); and
  - ii) Does not propose to cater for 0 – 2 year olds;

must demonstrate that the service to be provided meets an unmet need in the community. Unmet demand in the community can be assessed through waiting lists of centres in surrounding areas, a comparison of the number of children aged 0-5 recorded in the census for the area and the number of child care places available.

- b) Child care centres shall be located in close proximity to other community activities and facilities, such as schools, community facilities, places of public worship, parks that contains child play equipment, larger formal public reserves and local shopping centres.
- c) The site shall not rely on direct access from, nor be located on, a designated road, unless it can be demonstrated that the safe operation of the road and the amenity of the children attending the centre will not be affected.

- d) Access to the site shall not be located in a cul-de-sac, at an intersection, or on a minor residential road unless it can be demonstrated that additional vehicles associated with the child care centre will not create traffic conflict or have an adverse impact on the amenity of the locality.
- e) A child care centre shall not be located on land within an 85m radius of an existing or approved service station, or on land in a specific radius of an existing/approved flammable storage area under State Environmental Planning Policy No 33 Hazardous and Offensive Development.
- f) A child care centre shall not be located on land that is directly opposite to or adjacent to (including behind) an existing and lawful sex services premises and/or restricted premises.
- g) A child care centre shall not be permitted on land on which there is an electricity transmission easement, mobile phone tower or similar, or on land immediately adjacent to those structures. Centres should be located at least 500m from mobile phone towers or electricity transmission easements.
- h) 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 Plan for further details on the flood planning level and 1:100 ARI flood event).

### **3) Design, Scale and Site Frontage**

- a) The scale and character of the development shall be compatible with surrounding development.
- b) The design of the child care centre must take into account nearby traffic generators, street design and the existing environment for pedestrians and cyclists.
- c) Sites must be of sufficient area to accommodate the child care centre, all required associated parking and traffic manoeuvring areas.
- d) To ensure the safe operation of car parking areas and the amenity of neighbouring residents, sites shall have a minimum frontage of 22m.
- e) Safe sight distances must be provided for all points of access to the site.

### **4) Built Form**

- a) Child care centres catering for 15 or more children shall be purpose designed and built, to satisfy the requirements of this section and the requirements of the NSW Department of Community Services. Modifications to existing dwellings will not be supported.
- b) In residential areas, the built form of the child care centre shall be sympathetic to adjoining development in terms of height, bulk and scale.
- c) The external façade of the centre shall incorporate building materials and colours that complement the surrounding development. Council discourages the use of bright or garish colours.
- d) Whilst it is preferable that child care centres are located at ground level, this may not be possible in commercial or industrial areas. Applications for centres above ground level will need to address the following:
  - i) Access for parents and caregivers to drop off/pick up children; and
  - ii) Availability of outdoor play space, or its equivalent.

## **5) 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 Transport, Access and Parking section of this Plan.
- 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) 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.
- g) A traffic impact assessment may be required for the development of a child care centre proposing to cater for 40 children or more. 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.

## **6) Noise**

- a) Outside playing areas shall be designed and located to minimise noise impact on any noise sensitive adjacent properties. Separation between boundary fencing and areas occupied by the children may be required.
- 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.
- 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. A report from an acoustic consultant may be required to support the proposal. (Design elements may include double glazing, insulated walls, locating sleeping rooms in protected areas and solid fencing).
- d) A noise impact assessment may be required for the development of a child care centre proposing to cater for 40 children or more, or where surrounding land uses may have an impact on the proposal.

The objectives should be to limit the impact of the child care centre on adjacent properties, and also to limit the impact noise from external sources may have on the child care centre. While noise can be measured, the intent is to also minimise nuisance which is subjective by nature. This may be achieved either by physical separation, design and layout of the centre or by implementing noise mitigation measures, such as acoustic treatments to buildings.

- e) A noise impact assessment report should address the relevant provisions of the Noise and Vibration section of this Plan.

## **7) 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 underneath.

## **8) Landscaping**

- a) Landscape planting shall complement the building(s) and the streetscape, and provide screening for car parking and outdoor playing areas.
- b) Landscaping shall be established prior to the use commencing.
- c) Childproof fencing and gates shall be provided around the outdoor play areas, and to the entrance of the child care centre. Details of all fencing shall be included on the landscape plan.
- d) Landscape planting (a minimum width of 2m) shall be provided along the front boundary of the site.
- e) 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.
- f) A landscape plan shall be prepared and submitted with the development application, in accordance with the Landscape and Design section of this Plan.
- g) Plant species shall be chosen to address the characteristics of the site and shall:
  - i) Provide protection from prevailing winds;
  - ii) Provide screening to minimise impacts on privacy and/or the streetscape and adjacent buildings;

- iii) Provide shelter and shade;
- iv) Reduce reflection from bright surfaces;
- v) Emphasise pedestrian and vehicular routes;
- vi) Ensure visibility of outdoor playing areas;
- vii) Not include plants which may be toxic, create allergic reactions, or which are prickly or otherwise unsafe; and
- viii) Provide interest and variety to enhance children's experience.

### **9) Private Dwelling**

- a) A dwelling may be attached to, part of, or associated with, a child care centre.
- 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 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.

### **10) Out-of-School Hours Care (OOSH)**

Council's approval 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.

- a) 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.
- b) Car parking spaces for the OOSH care shall be provided in accordance with the requirements of the Transport, Access and Parking section of this Plan and, if applicable, shall be in addition to the parking area for the child care centre.

### **D. 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.

- a) All child care centres are to demonstrate a commitment to achieving no less than 4 stars under the Australian Building Greenhouse Rating Scheme. An Energy Efficiency report is to be provided to Council as part of the development.
- b) All home-based child care or family day care home services are encouraged to:
  - i) Provide food consistent with the principles outlined in the National Quality Improvement and Accreditation System for Child Care;
  - ii) 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
  - iii) Seek professional advice, where appropriate, from trained dietitians and/or nutritionists.
- c) All child care centres (including centre based and home based) are encouraged to:
  - i) Minimise waste through the use of recycling programs for paper, cardboard, aluminium, glass and PET products;
  - ii) Provide facilities/services which will satisfy identified unmet demands within the City for child care; and
  - iii) Participate in the NSW Cancer Council's SunSmart Early Childhood program.

## **E. Other Relevant Information**

### **Consent and Licensing Requirements**

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



## 5.3 Health Consulting Rooms

### A. Background

Health consulting rooms are different to medical centres in that they tend to operate in residential neighbourhoods, often on the fringe of commercial centres. Although this can provide better access to health care services, it can also lead to a greater potential for negative impacts on the amenity of the surrounding area.

The provisions contained in this section apply to the establishment of new health care consulting rooms and the enlargement or expansion of existing health consulting rooms.

### B. Objectives

- a) To clarify those health care services considered appropriate to be incorporated in health consulting rooms;
- b) To provide clear guidelines for the establishment of health consulting rooms within the City; and
- c) To ensure that health consulting rooms are located and designed in a manner which minimises the likely impact on the amenity of the surrounding locality.

### C. Controls

#### 1) Location

- a) Health consulting rooms in residential areas shall not include procedures such as X-rays, ultrasounds, cat-scans, radiography, pathology tests or the like. These services are to be separated from residential activities and only located either in or immediately adjacent to commercial centres or precincts established specifically for other non-residential activities.
- b) Health consulting rooms shall not be located on sites where they are likely to have a significant impact on adjoining and surrounding residences, including but not limited to traffic and noise impacts.
- c) Health consulting rooms should not be located in a cul-de-sac or on a no through road, or in a location where additional vehicles may create traffic conflict or an adverse impact on the amenity of the area.
- d) The site is to have a minimum effective lot width of 18m to provide sufficient area for parking and access, as well as achieve an appropriate separation between the development and adjoining properties.

#### 2) Access and Parking

- a) Parking areas shall be easily accessible from the street and suitably screened by landscaping. Vehicular access into the car parking area is to include a landscaped area, which will act as a noise and visual buffer to adjoining properties. Parking areas, where possible, are to be located to the rear of sites where they do not impact on streetscape character.
- b) Parking for a health consulting room shall be provided at the rate specified in the Transport, Access and Parking section of this Plan.
- c) In instances where one practitioner is operating as a home business, the parking arrangements will be assessed on merit.

### **3) Visual and Noise Impact**

- a) Landscaping is to be established and maintained to adequately screen the development from adjoining residential properties. Landscaping shall be established prior to the use commencing.
- b) The development is to be compatible with the existing residential streetscape. Renovations and/or additions, which seek to remove the residential character of the dwelling house, will not be supported.
- c) The scale and character of the development is to be compatible with surrounding residential development.
- d) Fencing shall be of a height, design and material suitable to contain noise generated from cars accessing and parking within the site, while being compatible with the residential environment.
- e) Business identification signs should be appropriately designed and located to ensure that it is visually compatible with the surrounding development.
- f) A standard doctors' 'cube' (having minimum dimensions of 3m by 4m) may be erected in the front boundary setback of the property.

## **5.4 Educational Establishments**

### **A. Background**

Given their scale, form and potential impact, there is a need to ensure educational establishments are located and designed in such a way as to minimise their impacts, particularly on surrounding areas. It is also important to ensure that nearby land uses do not have an adverse impact on children's health and learning.

### **B. Objectives**

- a) To ensure that the design and location of educational establishments does not adversely impact on the amenity of the area or neighbouring properties, including properties used for agriculture;
- b) To ensure that educational establishments are located on sites of sufficient size to accommodate buildings, sports fields, parking areas and other associated facilities;
- c) To ensure that educational establishments are located on sites which have sufficient infrastructure and services to support the use;
- d) To ensure that the road access to educational establishments is sufficient to cater for expected traffic with minimal impact;
- e) To ensure that educational establishments do not locate near uses that will have an adverse effect on children's health or learning; and
- f) To ensure that, where they are located on a major road, the visual impact of educational establishments is consistent with the character of the area.

### **C. Controls**

#### **1) Location and Design**

- a) Educational establishments must locate on sites which comply with the minimum areas set out in Table D5.1 below.

**Table D5.1: Minimum site requirements**

Type of educational establishment	Minimum area
Primary School (Kindergarten to Year 6)	3 hectares
High School (Year 7 to Year 12 OR Kindergarten to Year 12)	6 hectares
Tertiary Institution (University or TAFE College)	6 hectares

- b) Educational establishments must be designed with regard to:
- i) Buffer zones to minimise impact on adjoining land uses, including agricultural uses in rural areas;
  - ii) Landscaped front setbacks to reduce visual impact;
  - iii) Appropriate building heights and setbacks to minimise visual intrusion in rural areas; and
  - iv) Separate play areas for primary and secondary students.

## **2) Servicing**

- a) Educational establishments catering to over 50 students must be connected to all services, including power, reticulated water and reticulated sewer.
- b) Educational establishments catering to less than 50 students must demonstrate how servicing needs will be met. Applications should also address the provision of services should growth in student numbers require it.

## **3) Transport, Access and Parking**

- a) Schools catering to over 50 students must have access to public transport. Applications should outline measures to be taken to encourage use of public transport.
- b) Educational establishments must be designed to ensure:
  - i) Separate parking areas for staff and parents/students;
  - ii) Adequate drop off/pick up zones, separate to bus access; and
  - iii) Safe pedestrian access from bus stops and drop off/pick up zones.
- c) A traffic impact assessment may be required for the development of an educational establishment. Applicants should confirm this requirement with Council prior to lodging a development application.

## **D. Penrith Anglican College**

The following controls apply specifically to Penrith Anglican College, Wentworth Road, Orchard Hills.

- 1) The rural viewscape and character of the site is to be protected by locating buildings, recreation areas and ancillary structures in distinct areas as follows:
  - a) School extension area – to be used for substantial structures, car parking and main access roads;
  - b) Active recreation areas – to be used for the purposes of active recreation facilities, including sports fields and minor or ancillary structures;

- c) Transmission easement – to be used primarily for passive recreation and drainage infrastructure, with some encroachment of playing fields acceptable provided that Transgrid or any other relevant authority has given written approval for the encroachment.
- 2) The proposed development is to allow the existing watercourse on the site to be relocated and rehabilitated without the use of pipes or other engineering devices:
- a) To emulate a naturally functioning stream with a minimum riparian width of 10m along both sides of the watercourse (measured from the top of bank);
  - b) To provide vegetated habitat refuges (both terrestrial and aquatic); and
  - c) To facilitate treatment of stormwater runoff outside the riparian corridor before it enters the watercourse.

## **5.5 Parent Friendly Amenities**

### **A. Background**

Parent friendly amenities provide facilities for the use of carers to attend to the personal needs of babies/toddlers. This includes breastfeeding, feeding fluids and solids, changing nappies, etc. These rooms need to be purpose designed by the builder/designer so that they are in an accessible location and are functional.

Council is committed to ensuring and promoting the health of its residents, with particular focus on the health and safety requirements of babies, young children and their parents.

### **B. Development Covered by this Section**

This section applies to all new development classed as 6 or 9 under the Building Code of Australia (BCA) and may also be required to be provided as a result of substantial alterations and additions or a change of use to one of the above premises. "Class 6 or 9 of the Building Code of Australia" is defined in Appendix F1 – Definitions.

### **C. Objectives**

- a) To ensure that all developments likely to be frequented by parents and children have suitable parenting facilities in public places that support and encourage breastfeeding;
- b) To ensure that safe and accessible toilets are provided in developments that cater for young children and their parent(s);
- c) To ensure that parent friendly amenities are suitable for use by both male and female carers;
- d) To provide parent friendly toilets that are appropriately located to minimise likelihood of embarrassment to all users;
- e) To ensure that all baby care rooms are of an adequate design and size, and are appropriately equipped.
- f) To ensure that all baby care rooms are maintained to appropriate standards.
- g) To ensure that approved baby care rooms continue to be used in accordance with development consent.

### **D. Controls**

#### **1) Provision of Parent Friendly Amenities**

- a) Parenting rooms and parent friendly accessible toilets are to be provided for all developments classed as 6 or 9 under the BCA, including substantial alterations and

additions, and where a change of use is proposed resulting in the tenancy being classed as 6 or 9 buildings.

- b) Certain types of class 10a buildings are to be provided with parent friendly accessible toilets.
- c) Table D5.2 outlines the minimum requirements for various types of development.

**Table D5.2: Minimum requirements for various types of development**

Type of development	What is required
<ul style="list-style-type: none"> <li>• Community facilities (such as neighbourhood centres, community halls, other types of publicly owned facilities including temporary buildings), which are less than 300m<sup>2</sup> Gross Floor Area (GFA).</li> <li>• Restaurants with greater than 30 seats (including any outdoor dining area).</li> <li>• Amenity building associated with a sporting field/recreation facility less than 1,000m<sup>2</sup> GFA.</li> <li>• All other development (classed 6, 9 and 10a buildings) covered by this section which is less than 1,000m<sup>2</sup> GFA.</li> </ul>	<ul style="list-style-type: none"> <li>• Change table in male, female and disabled toilets.</li> <li>• Where public sanitary facilities are required or provided, the facilities should be designed to incorporate parent friendly accessible toilets.</li> </ul>
<p>Community facilities (such as neighbourhood centres, community halls, other types of publicly owned facilities including temporary buildings) and places of public worship which are 300m<sup>2</sup> – 1,000m<sup>2</sup> GFA</p>	<ul style="list-style-type: none"> <li>• 10m<sup>2</sup> Parenting Room (see sections 2 and 3 below for details).</li> <li>• Where public sanitary facilities are required or provided, the facilities should be designed to incorporate parent friendly accessible toilets.</li> </ul>
<p>All development covered by this section with GFA between 1,001m<sup>2</sup> – 2,000m<sup>2</sup>.</p>	<p>Parenting rooms and parent friendly accessible toilets should be incorporated, with the baby care room having a minimum 20m<sup>2</sup> GFA (see sections 2 and 4 below for details).</p>
<p>All development covered by this section which is greater than 2000m<sup>2</sup> GFA</p>	<p>Parenting rooms and parent friendly accessible toilets should be incorporated, with the baby care room having a minimum 30m<sup>2</sup> GFA (see sections 2 and 5 below for details).</p>

- d) All parent friendly accessible toilets are to be appropriately sign posted, with the signage to be approved by Council.
- e) Details of the minimum standards, as described in Table D5.2, should be shown on the plans submitted with the development application.
- f) The applicant is also required to submit a cleaning procedure, routine and schedule.

- g) Upon completion of any parenting room, an initial inspection must be made by Council's Environmental Health Officer (EHO) to ensure that the parenting room can be accredited by the Australian Breastfeeding Association. Council will conduct an annual inspection of parenting rooms to ensure the room is appropriately maintained and continues to be used in accordance with the development consent.

## **2) Common Requirements for All Sizes of Parenting Rooms**

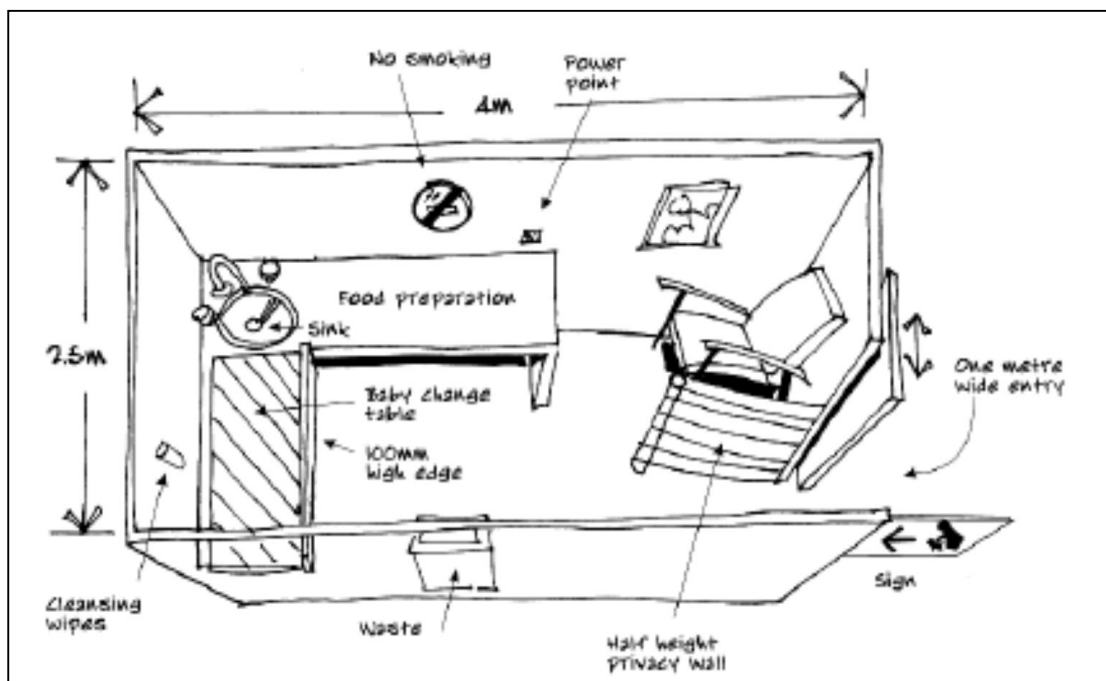
- a) The design and construction of the room must facilitate easy cleaning.
- b) The facility must be kept in a clean and tidy state at all times. A regular maintenance and cleaning program is to be implemented.
- c) A minimum of one sink with hot and cold water must be provided. All hot water is to be thermostat regulated to ensure the water temperature is not above 50 degrees Celsius. Hand drying facilities are to be provided adjacent to the sinks.
- d) Bench space to allow food preparation is to be provided. The bench space is to be a minimum 950mm wide by 1.8m long.
- e) A baby change table is to be provided, which must have either a protective side of 100mm or a belt, to prevent a baby from rolling off.
- f) Cleansing wipes are to be provided to clean the baby change table.
- g) A nappy disposal unit is to be provided.
- h) The parenting room must be a non-smoking facility and signposted as such. Signs can be obtained at <http://www.health.nsw.gov.au>.
- i) Adequate directional signage is to be provided to ensure the room is easily found. Signs should use a symbol that will be easily interpreted by people of culturally and linguistically diverse backgrounds, and will enable male parents/carers to also access and use the room.
- j) Ventilation must be provided in accordance with the AS 1668 Part 2 Acceptable indoor air qualities.
- k) A door entry of a minimum width of 1m is to be provided to allow access for single and double prams. The doors are to be manual, light to push and have the ability to be propped open for pram access.

## **3) Additional requirements for 10m<sup>2</sup> parenting rooms**

The following controls are in addition to the general requirements listed above.

- a) The parenting room component is to have a minimum GFA 10m<sup>2</sup>.
- b) Parenting rooms with a GFA of 10m<sup>2</sup> must have a minimum of one comfortable seat, a power point and a waste container with tight fitting lid. The seat should be suitably screened from the remainder of the room to ensure there is less likelihood of embarrassment should a male parent/carer also require use of the parenting room.

Figure D5.1: Example of baby care room within 10m<sup>2</sup>

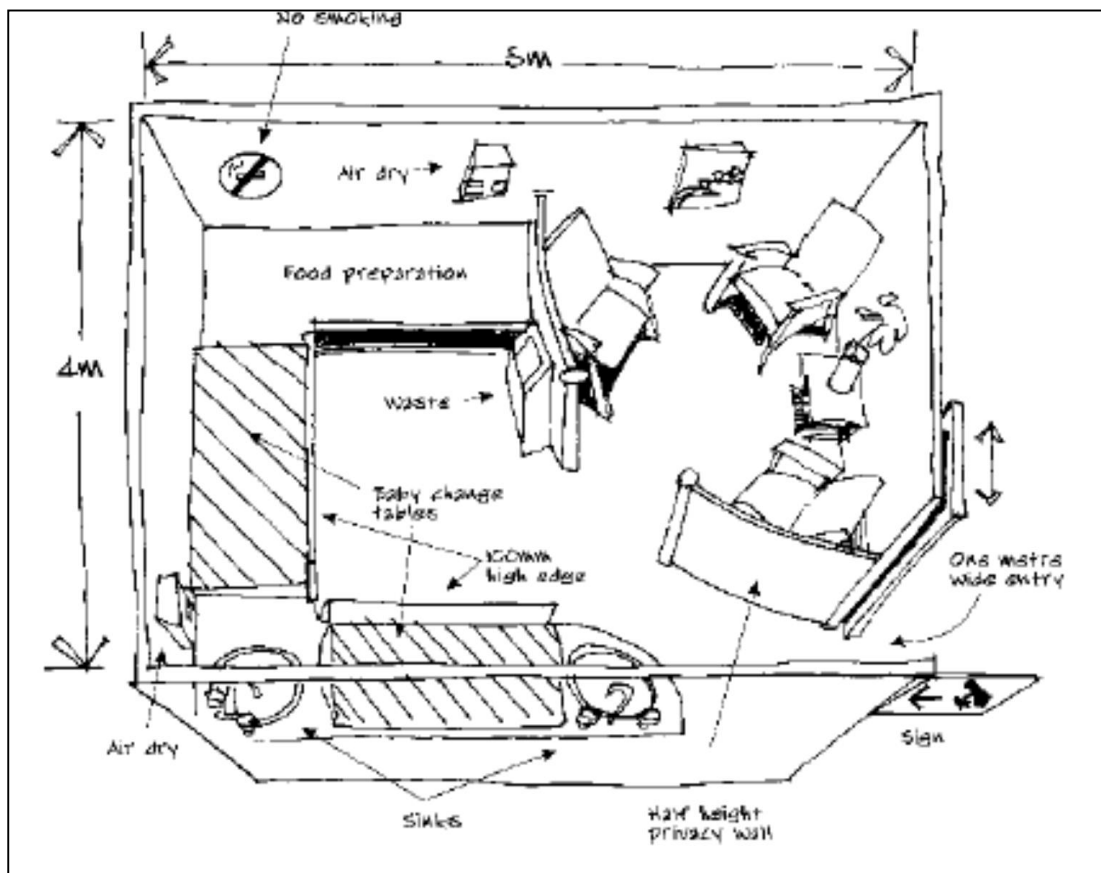


#### 4) Additional requirements for 20m<sup>2</sup> parenting rooms

The following controls are in addition to the general requirements listed above.

- a) The parenting room component is to have a minimum GFA of 20m<sup>2</sup>.
- b) Parent friendly accessible toilets are to be incorporated in parenting rooms.
- c) The parent friendly accessible toilets should include a toddler toilet and adult toilet. The toddler toilet should have a low wash basin with automatic cut off taps. The door to the toddler toilet should be able to be pushed open from the inside. Appropriate directional signage indicating the parent friendly accessible toilets and parenting rooms is to be installed.
- d) A private area should be provided for mothers breastfeeding, so that male carers can access the room without disturbing them.
- e) There should be two comfortable seats, a power point, and a waste container with tight fitting lid.
- f) The seats should be suitably screened from the remainder of the room/parent friendly accessible toilets to ensure there is less likelihood of embarrassment should a male parent/carers also require use of the parenting room.

Figure D5.2: Example of baby care room within 20m<sup>2</sup>



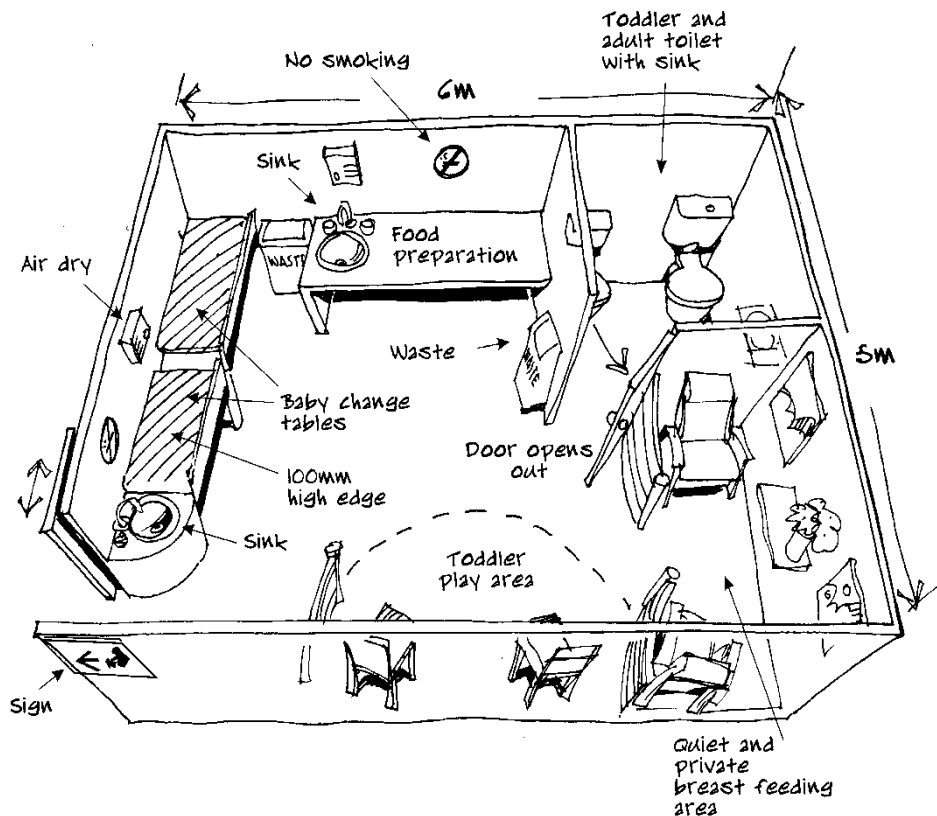
### 5) Additional requirements for 30m<sup>2</sup> parenting rooms

In addition to the general requirements for 20m<sup>2</sup> parenting rooms, the parenting room component with a GFA of 30m<sup>2</sup> is to provide:

- a) A minimum of 3 comfortable seats and one power point;
- b) A minimum of 2 baby change tables, which must have either a protective side of 100mm or a belt, to prevent a baby from rolling off;
- c) 2 sinks with hot and cold water;
- d) A waste container and nappy disposal units with tight fitting lids;
- e) A private area within the parenting room for breastfeeding mothers so that male carers can access the room without causing discomfort to either party;
- f) A confined and safe play area for toddlers; and
- g) Provision of a toddler toilet and adult toilet. The toddler toilet is to meet the following requirements:
  - i) Low wash basin with automatic cut off taps.
  - ii) A door able to be pushed open from the inside.



Figure D5.3: Example of baby care room within 30m<sup>2</sup>



#### D. Lifting the Bar

The following represents some ways in which applicants can demonstrate additional commitment to the principles for parent friendly amenities 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.

##### **Suggested additional standards for all baby care rooms:**

- a) Provision of a paper cup dispenser
- b) Provision of a dispenser machine to buy disposable nappies.
- c) Entry doors, if made of glass, should be safety glass.

##### **Suggested additional features for 10m<sup>2</sup> parenting rooms**

- a) Provision of cleansing wipes for cleaning the baby change table;
- b) Provision of a nappy disposal unit;
- c) Access for fathers and male carers who need to care for an infant without disturbing breastfeeding women;
- d) Provision of bench space (minimum 950mm wide and 1.8m long) to allow for food preparation; and
- e) Incorporation of parent friendly accessible toilets within the parenting room.

### **Suggested additional features for 20m<sup>2</sup> parenting rooms**

- a) Provision of cleansing wipes for cleaning baby change table;
- b) Provision of a nappy disposal unit;
- c) Provision of a dispenser for disposable nappies; and
- d) Provision of bench space (minimum 950mm wide and 1.8m long) to allow for food preparation.

### **Suggested additional features for 30m<sup>2</sup> parenting rooms**

- a) Provision of cleansing wipes for cleaning baby change table;
- b) Provision of a dispenser for paper cups;
- c) Provision of a dispenser for disposable nappies; and
- d) Entry doors, if made of glass, should be safety glass.

### **Other development**

- a) Development that may not require provision of parent friendly amenities may still benefit from the provision of such a facility.

## **5.6. Places of Public Worship**

### **A. Background**

Places of public worship can vary remarkably in size and impact, from a high intensity, urban use to a small scale, low impact use.

Although small scale, traditional places of public worship may have minimal impact, it is increasingly common for this type of use to incorporate activities which operate 7 days per week, including for youth groups, community groups, parent groups, etc. This can create an essentially urban use. It is also becoming common for places of public worship to be quite large, so additional restrictions need to be placed on these larger establishments to minimise their impact on surrounding uses.

### **B. Objectives**

- a) To ensure that the design and location of places of public worship do not adversely impact on the amenity of the area or neighbouring properties, including properties used for agriculture;
- b) To ensure that places of public worship are located on sites of sufficient size to accommodate buildings, parking areas and other associated facilities;
- c) To ensure that places of public worship are located on sites which have sufficient infrastructure and services to support the use;
- d) To ensure that the road access to places of public worship is sufficient to cater for expected traffic with minimal impact; and
- e) To ensure that, where they are located on a major road, the visual impact of places of public worship is consistent with the character of the area.

### **C. Controls**

#### **1. Location and Design**

- a) A place of public worship with a capacity of more than 100 persons must locate on a road with sufficient capacity to accommodate likely traffic generation.

- b) Where a place of public worship will be visible from a designated road, information must be submitted with the development application to demonstrate how the visual impact of the building will be minimised.
- c) Places of public worship in rural or environmental zones must be designed to complement the character of the surrounding area.
- d) Places of public worship must be located on sites of sufficient size to accommodate all proposed buildings, parking areas, outdoor areas, etc.
- e) Where a place of public worship is to be located immediately adjacent to a property used primarily for residential purposes (including rural living or seniors living), a buffer zone of a minimum 10m in rural or environmental zones or 5m in all other zones must be provided to the side and rear boundaries. This buffer zone shall be landscaped and shall not be used for parking areas or the like.
- f) Buffer zones should also be considered to minimise the impact of places of public worship on agricultural uses in rural areas.

## **2. Servicing**

- a) A place of public worship with a capacity of more than 100 persons must be connected to all services, including power, reticulated sewer and reticulated water.

## **3. Transport, Access and Parking**

- a) A place of public worship with a capacity of more than 100 persons must demonstrate how sustainable modes of transport will be encouraged. This may include location close to public transport, provision of transport for worshipers (mini bus or similar) or some other means to reduce the reliance on transport by private vehicle.
- b) A traffic impact assessment may be required for the development of a place of public worship.
- c) Parking shall be provided in accordance with the standards in the Transport, Access and Parking section of this Plan.

## **4. Noise**

- a) A noise impact assessment may be required for the development of a place of public worship and, if required, should address the provisions of the Noise and Vibration section of this Plan.

# **5.7. Vehicle Repair Stations**

## **A. Background**

Vehicle repair stations have particular impacts relating to the storage of chemicals, storage of vehicles awaiting repair and the parking of vehicles.

## **B. Objectives**

- a) To ensure that satisfactory arrangements are made for landscaping, parking and disposal of wastes;
- b) In rural villages, to allow vehicle repair stations of a scale oriented to providing a local service; and
- c) To discourage developments which have an impact on rural amenity and the rural character of the villages.

## **C. Controls**

### **1. General**

- a) Adequate parking for employees and visitors should be provided (including cars waiting for servicing).
- b) Satisfactory arrangements should be made for the disposal of wastes including installation of a grease trap as determined necessary by Council's Health and Building Unit.

### **2. Rural areas**

- a) Applications for vehicle repair stations which service the local community will be considered. Applicants should demonstrate the area from which customers are likely to be drawn.
- b) A maximum of two work bays will be permitted.
- c) Work bays should be screened from public view by orientation of the building or landscaping and fencing works.
- d) The building should be designed to minimise adverse visual impacts on the villages and integrate with the landscape and character of the locality.
- e) Noise generated by the development shall not adversely affect nearby properties or the rural amenity.

## **5.8 Cemeteries, Crematoria and Funeral Homes**

### **A. Background**

Cemeteries and crematoria can require large sites, and can have an impact on the amenity of the surrounding area, primarily due to traffic generation.

### **B. Objectives**

- a) To ensure the operation of cemeteries, crematoria and funeral homes does not have a significant negative impact on the surrounding area, including properties used for agriculture;
- b) To ensure sufficient buffer zones are provided around the edge of sites to minimise impact on adjoining land uses; and
- c) To ensure that uses locate on roads with sufficient capacity to accommodate likely traffic generation.

### **C. Controls**

- 1) Cemeteries, crematoria and funeral homes may not locate immediately adjacent to properties used primarily for residential development only (including rural residential/rural living or seniors housing) unless a sufficient separation can be obtained between any buildings on the site and any adjacent dwellings. The extent of the separation needed will vary with the scale of the proposed development.
- 2) Sufficient separation should also be provided to minimise potential conflicts between cemeteries and crematoria and properties used for agriculture in rural areas.
- 3) Cemeteries and crematoria must locate on a site with a minimum area of 10 hectares.
- 4) A landscaped buffer zone 15m wide must be provided to the side and rear boundaries of the site.

- 5) Cemeteries, crematoria and funeral homes must locate on a road with sufficient capacity to accommodate likely traffic generation.
- 6) A traffic impact assessment may be required for the development of a cemetery, crematorium or funeral home.
- 7) Cemeteries and crematoria must comply with relevant legislation including the *Public Health Act 1991* and *Protection of the Environment Operations Act 1997* and supporting regulations.

## 5.9 Extractive Industries

### A. Background

Extractive industry includes the winning of sand, soil, gravel, rock or similar materials from the ground, and includes excavating, dredging, tunnelling or quarrying. It also includes the storage, stockpiling and processing of extracted materials.

### B. Objectives

- a) To consider the social, economic and environmental issues in the assessment and management of extractive industries;
- b) To implement the objectives of international and nationally recognised environmental standards;
- c) To encourage community participation in all phases of extractive industry development;
- d) To provide sound technical parameters to facilitate the orderly development of extractive resources within environmentally sensitive regions; and
- e) To conserve the biological and cultural diversity and quality of the City of Penrith.

### C. Controls

#### 1) Setbacks

- a) Extractive industries including all facilities, buildings and operations should be setback no less than:
  - i) 40m from adjoining property boundaries;
  - ii) 40m from a public road;
  - iii) 40m from any boundary to a National Park or State Forest or Unalienated Crown Land;
  - iv) 40m from any site or relic of heritage, archaeological, geological, cultural significance;
  - v) 40m from the top bank of a watercourse or otherwise to the requirements of the NSW Office of Water;
  - vi) 50m from an agricultural or rural land use;
  - vii) 100m from a public or community facility; and
  - viii) 100m from a residence not associated with extraction.

#### 2) Visual Amenity and Scenic Quality

- a) Applicants must submit a Landscape Site Analysis Plan, which identifies and assesses the scenic qualities, landscape constraints and options for landscape protection of the proposed extraction site; and demonstrates that areas of high visual sensitivity are

protected or enhanced (see Appendix F3 – DA Submission Requirements for more detail).

- b) Machinery and equipment associated with extraction should be stored in buildings and structures which are of a height, bulk and scale which is proportional to the surrounding landscape, and which are constructed of non-reflective materials;
- c) Perimeter screen planting of sufficient height to soften the visual impact of extraction sites when viewed from surrounding places must be provided;
- d) Extraction sites are to be rehabilitated to a final landform compatible with the shape, grade, level, form, land use, landscape quality and biodiversity of the surrounding terrain.

### **3) Dust and Noise Suppression**

- a) Proponents shall submit a Noise Impact Statement which is to demonstrate that noise from the proposal will not have a significant negative impact on the surrounding area (see Appendix F3 - DA Submission Requirements for more detail).
- b) Proponents are encouraged to implement the extraction “cell” technique as a means of facilitating acoustic shielding around worked extraction sites.
- c) Proponents should ensure that road traffic noise is minimised to reduce potential impacts upon the acoustic environment of residents and community facilities within the locality.

In this regard, proponents should indicate the special transport needs of the activity, which are most likely to generate noise outside normal operating hours.

- d) The hours of operation of extraction and the transportation of materials are between 7.00am to 6.00pm Monday to Friday inclusive, and 7.00am to 4.00pm Saturday.

Variations to these hours may be justified having regard to the nature and location of a particular project.

- e) Proponents shall prepare a Dust Suppression Plan which identifies the range of measures to be used to minimise dust generation from both operations and stockpiles (see Appendix F3 – DA Submission Requirements for more detail).

### **4) Transport and Access**

- a) All internal access roads associated with extractive industries should be at least 12m wide.
- b) Designs of internal access and intersection points will be considered by Council having regard to the requirements of the relevant road design guidelines, the specific needs of the operation and the site characteristics. Applicants should contact Council to determine the guidelines applicable to their proposal prior to lodging a development application.
- c) Internal access roads associated with extractive industries should be set back no less than:
  - i) 10m from adjoining property boundaries;
  - ii) 50m from environmentally sensitive areas including creek lines and habitats of threatened species; and
  - iii) 100m from residences not associated with extraction.

### **5) Other Impacts**

- a) A truck wash down area shall be provided at the exit to the site.

- b) All wastewater or runoff exiting the site shall be treated to ensure that there is no detrimental impact on receiving waters through sedimentation or pollution. Means to achieve this shall be submitted with the development application.

## 5.10 Telecommunication Facilities

### A. Background

This section is intended to be considered by the telecommunication carriers when looking for site facilities within the City of Penrith and undertaking the consultation process required under Commonwealth legislation.

### B. Objectives

- a) To apply a precautionary approach to the deployment of radio communications infrastructure, by minimising Electro Magnetic Radiation (EMR) exposure to the public and avoiding sensitive locations;
- b) To achieve equity for the various stakeholders by endeavouring to balance their various needs;
- c) To promote good industrial design of infrastructure;
- d) To design and site telecommunications facilities to minimise visual impact;
- e) To provide infrastructure that is visually compatible with the surrounding character and visual context of the locality, with particular regard to heritage items, conservation areas and cultural icons;
- f) To minimise adverse impacts on the natural environment;
- g) To assess whether the proposed infrastructure is consistent with the amenity of the area and with permitted development in adjacent areas;
- h) To restore the site after discontinuation or removal of infrastructure;
- i) To identify the type of land use areas suitable for infrastructure;
- j) To accommodate the planning requirements of new technology;
- k) To provide equitable availability of locations to carriers; and
- l) To provide certainty for stakeholders and a consistent approach to the implementation/assessment of telecommunications infrastructure.

### C. Controls

#### 1) Siting

- a) In selecting a site, the proponent should demonstrate that it has adopted a 'precautionary principle' approach in terms of minimising the Electro Magnetic Radiation (EMR) exposure.
- b) Towers, structures and sites for telecommunications services should be co-located with other facilities or towers that supply or are proposed to supply telecommunications services or facilities, wherever possible. In this regard, a carrier should either co-locate antennas on an existing tower that has been established by a previous carrier, or as close as practicable to an existing tower that facilitates telecommunication services.

Where co-location is proposed, the assessment should address the cumulative emissions of all co-located telecommunications facilities.

If facilities are not co-located, details of the process employed in identifying opportunities for co-locating and reasons why this was unsuitable or inappropriate should be included in the assessment.

- c) Where possible, telecommunications facilities should not be located:
  - i) Close to possibly vulnerable populations (including the elderly, children and hospitals or nursing homes);
  - ii) Close to heavily populated sites;
  - iii) Within or at the termination of a significant vista or focal point of a streetscape;
  - iv) Within a visually sensitive area or at a 'gateway' site (see the Site Planning and Design Principles section of this Plan); or
  - v) Within a streetscape or landscape dominated by its heritage significance and identified in Schedule 5 Environmental heritage of Penrith LEP 2010.
- d) Carriers should take into consideration the proximity of a potential site to the following land uses:
  - i) Residential;
  - ii) Seniors housing;
  - iii) Hospitals;
  - iv) Schools;
  - v) Child care centres; and
  - vi) Heritage items.
- e) Wherever possible, facilities should be located outside of residential zones. Preferred locations include industrial areas, low use open space areas and commercial centres.
- f) Consideration of the proposed or future use of land, as well as its existing use, should be included in any assessment.

## **2) Visual Impact**

- a) Towers should be located where possible to minimise visual impact. Assessments should outline screening measures considered, including painting and finishes of towers and ground level structures, and site landscaping. Location of towers at the rear of buildings should also be considered, rather than on street frontages, impacting on the streetscape.

## **3) Notification and consultation**

- a) Carriers must comply with the relevant sections of the ACIF (Australian Communications Industry Forum) code in relation to:
  - i) Installing low RF (radiofrequency) Power Infrastructure and Fixed Radio links;
  - ii) Communicating with Council when no development application is required; and
  - iii) Consulting with the local community when no development application is required.



## **5.11 Boarding Houses**

### **A. Background**

The following developments are covered by this section:

- a) boarding houses; and
- b) alterations and additions to existing boarding houses.

This section provides supplementary directions for Boarding Houses in addition to those contained within State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP) and the general controls elsewhere in this DCP.

Boarding house developments should resonate with local character and provide suitable amenity for tenants and the community.

### **B. Objectives**

- a) To ensure that boarding houses fit the local character or desired future local character of the area.
- b) To minimise negative impacts on neighbourhood amenity
- c) To ensure boarding house premises are safe and designed to be accessible.
- d) To respond to increasing neighbourhood densities resulting from boarding house development.
- e) To ensure that boarding houses operate in a manner which maintains a high level of amenity, health and safety for residents.

### **C. Controls**

#### **1) Local Character**

- a) Boarding house development applications shall be accompanied by detailed site analyses to assist with the determination of local character.
- b) A neighbourhood analysis should be completed to identify the desired future character of the neighbourhood. It is recommended that community consultation be undertaken as part of the analysis to determine aspirations for the future character.
- c) Key elements that contribute to consideration of local and neighbourhood character include:
  - Surrounding land uses
  - Social and Historic Context
  - Scale
  - Built Form
  - Natural Environment
  - Density
  - Amenity
  - Safety and Security
  - Social dimensions and housing affordability
  - Aesthetics

#### **2) Built form, Scale and Appearance**

- a) The entrance to the boarding house must be in a prominent position addressing the street.
- b) New boarding houses shall not adversely impact upon solar access of adjoining properties.
- c) Boarding houses shall be designed to have a sympathetic relationship with adjoining development.

- d) Proposals must demonstrate that neighbourhood amenity will not be adversely impacted by factors such as noise and privacy.
- e) In a Low Density zone, boarding houses should comply with controls for *Single Dwellings* where these controls do not conflict with the requirements of the SEPP.
- f) In Medium and High density residential areas including R1 General Residential, R3 Medium Density Residential zone, R4 High Density Residential zone, B1 Neighbourhood Centre zone, B2 Local Centre zone and B4 Mixed Use zones, *Residential Flat Building* controls apply, where they are not in conflict with the SEPP.

## **2) Tenant Amenity, Safety and Privacy**

Boarding houses are to maintain a high level of resident amenity, safety and privacy by ensuring:

- a) communal spaces including laundry, bathroom, waste facilities, private open space, kitchen and living areas are accessible to all lodgers;
- b) if over 10 boarding rooms are supplied, 10% of the total number of dwellings (rounded up) must be accessible;
- c) cross ventilation is achievable such that reliance on air-conditioning is minimised;
- d) all opening windows are to be provided with fly screens; and
- e) mailboxes should be incorporated within the foyer window of the property allowing resident only access from inside the foyer.

## **3) Visual and Acoustic Amenity Impacts**

Boarding houses are to provide:

- a) bedrooms separate from significant noise sources;
- b) sound insulation between bedrooms to provide reasonable amenity;
- c) communal areas and bedroom windows away from the main living area or bedroom windows of any adjacent buildings;
- d) screen fencing, plantings, and acoustic barriers in appropriate locations.

## **4) Plan of Management**

An operating 'Plan of Management' is to be submitted with each development application for a boarding house (including new and existing boarding houses). The Plan of Management is to include, but is not limited to:

- a. boarding house staffing arrangements, including the location of 24/7 contact details for any on-site manager or resident caretaker, who has overall responsibility for the operation, administration, cleanliness, maintenance and fire safety of the premises;
- b. house rules and how they will be publicised to residents, including details of:
  - i. guest behavior,
  - ii. activities and noise,
  - iii. visitor policy,
  - iv. the use of alcohol and/or drugs,
  - v. cleaning of communal spaces following use, and
  - vi. location of smoking area.
- c. plans outlining the occupancy rate for each sleeping room, room furnishings, provisions of communal areas and facilities, and access and facilities for people with disabilities;
- d. measures to minimise unreasonable impact to the habitable areas of adjoining properties, including the management of communal open spaces, which, for boarding houses within residential areas or where adjoining sites contain residential activities, should be restricted to 10pm;
- e. waste minimisation, recycling and collection arrangements are to be identified;
- f. maintenance strategy including, but not limited to:
  - i. monthly gardening and pruning of vegetation;

- ii. pest management plan;
  - iii. cleaning and sanitation program including end of lease arrangements;
  - iv. quarterly external clean and graffiti removal;
  - v. waste management plan; and
  - vi. indicative arrangements for council officer's 12 month inspection, required under the Boarding House Act 2012.
- g. internal signage arrangements, including:
  - i. the name and contact number of the property caretaker or manager;
  - ii. emergency contact numbers for essential services;
  - iii. house rules;
  - iv. a copy of the annual fire safety statement and current fire safety schedule;
  - v. floor plans that will be permanently fixed to the inside of the door of each sleeping room which indicate the available emergency egress routes from the respective sleeping room; and
  - vi. information on local social services.
- h. minimum lease period. Conditions to include:
  - i. Resident agreement to comply with boarding house rules;
  - ii. Minimum lease period of 3 months; and
  - iii. 6 and 12 month rental terms to be made available.
- i. a social impact assessment;
- j. a complaint register that is available for inspection by Council;
- k. indicative arrangements for Council monitoring and review of required management actions; and
- l. any further relevant considerations. Council may request further information to be provided.