

A photograph of two young girls sitting on a wooden bench with bright yellow-green metal legs. They are in a public square or park with a water fountain. Numerous vertical jets of water are spraying upwards, creating a misty atmosphere. The girl on the left is wearing a pink long-sleeved shirt and a pink skirt, holding a small blue object. The girl on the right is wearing a red dress over a white long-sleeved shirt and red leggings. In the background, other people are visible, some sitting on benches, and a building with large windows is partially seen. The overall scene is bright and lively.

# PART 5

## OTHER PROVISIONS

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## 5.1 Boarding Houses

Boarding houses play a key role in providing affordable accommodation for many people on lower incomes. Residents often include aged persons, people with a disability, the de-institutionalised, and unemployed persons. As detailed in the ABS Paper 4102.0 Australian Social Trends 2004, boarding houses are predominantly occupied by males (72%), with the majority of residents being lone persons (83%). 74% of boarding house residents were either unemployed or not in the labour force. Data also suggests that while Australia's indigenous population makes up around 2% of the total population, indigenous persons comprise around 7% of boarding house residents. Council encourages the retention and the provision of boarding house stock to assist in meeting the housing needs of these people.

Very often people who live in boarding houses have less access to private open space, internal amenities and facilities and rely heavily on public transport. Accordingly, the surrounding environment has increased importance for boarding house residents.

The NSW State Government has various mechanisms in place to encourage the provision and retention of boarding house accommodation including: State Environmental Planning Policy (Affordable Rental Housing) 2009; the Office of State Revenue's land tax exemptions for boarding houses; and Housing NSW's Boarding House Financial Assistance Program which offers grants to boarding house owners for fire safety upgrades.

NOTE: *Boarding house* has the same meaning as in the Parramatta LEP 2011.

### Objectives

- O.1 Encourage the provision of high quality boarding houses within the Parramatta Local Government Area (LGA).
- O.2 Recognise boarding house accommodation as an essential component of residential housing for low to moderate income earners and the socially disadvantaged within the Parramatta LGA.
- O.3 Minimise the potential adverse impacts of boarding houses on adjoining properties and the wider locality by introducing effective planning, design and on-going management controls.
- O.4 Ensure an acceptable level of amenity in boarding house premises to meet the needs of residents.
- O.5 Ensure the appropriate level of fire safety within all boarding houses, and that acceptable levels of service provision are maintained.
- O.6 Ensure that boarding houses are appropriately located within the Parramatta LGA to ensure the safety, security, health and amenity for both boarding house residents and adjoining neighbours.
- O.7 Ensure that all new boarding houses are compatible with the scale and character of the surrounding built form.
- O.8 To ensure the size and intensity of boarding house developments are suitable for the zone in which they are proposed to be located.
- O.9 Encourage the provision of boarding houses within close proximity of public transport services and within areas where there is appropriate access to services and facilities, employment opportunities, entertainment and recreation.
- O.10 Ensure that boarding houses meet the needs of people with a disability.
- O.11 Ensure that boarding houses comply with the performance requirements of the Building Code of Australia.

### 5.1.1 Development to which this section of the DCP applies

- The demolition or change of use of an existing boarding house;
- The establishment of a new purpose built boarding house;
- Conversion or adaptation of existing buildings to a boarding house;
- Alterations and/or additions to, or intensification of an existing boarding house.

### 5.1.2 Building classifications under the Building Code of Australia (BCA)

The BCA provides technical provisions for the design and construction of boarding houses including fire safety, access and structural stability. Reference should be made to the BCA and relevant Australian Standards that are contained in the BCA to ensure compliance with all relevant requirements. The BCA classifies buildings according to the purpose for which they have been designed, constructed or intended to be used. Boarding houses fall under two separate classifications under the BCA as detailed below.

**Table 5.1.2.1**  
BCA Building Classifications

BCA Building Class	Definition
Class 1(b)	A boarding house, guest house, hostel or the like with a total floor area not exceeding 300m <sup>2</sup> and in which not more than 12 persons would ordinarily be resident, which is not located above or below another dwelling or another Class of building other than a private garage.
Class 3	A residential building, other than a building of Class 1 or 2, which is a common place of long term or transient living for a number of unrelated persons, including a boarding house, guest house, hostel, lodgings house or backpackers accommodation.

### 5.1.3 Relationship of DCP to other Environmental Planning Instruments

#### State Environmental Planning Policy (Affordable Rental Housing) 2009

Part of the development application process may involve consideration of the requirements of SEPP (Affordable Rental Housing). The SEPP provides a means to retain low cost rental accommodation through the development application process. All development applications that propose works to existing boarding houses (operating with lawful consent before 28 January 2000) are subject to determination under SEPP (Affordable Rental Housing).

If the development proposal incorporates demolition of the boarding house; or alterations or additions to the structure or fabric of the inside or outside of the boarding house; or changing the use of the boarding house to another use (particularly to backpackers accommodation), the consent authority must have regard to Part 3 of SEPP (Affordable Rental Housing).

NOTE: Part 2 of SEPP (Affordable Rental Housing) also provides development controls for boarding house development. Where there are any inconsistencies between this DCP and the SEPP, the SEPP will prevail.

## 5.1.4 Planning Controls for Boarding Houses

### Location Criteria

#### Objectives

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- O.1 To ensure that boarding house residents have reasonable access to retail and commercial services, community facilities, recreational and entertainment facilities, employment opportunities and public transport services.
- O.2 To ensure that public transport services available to boarding house residents are frequent and provide access to a suitable range of services, facilities and employment opportunities.
- O.3 To ensure that the intensity and size of a boarding house development within low density residential zones is compatible with the scale and character of predominant development in the zone.

#### Design Principles

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- P.1 When considering an application for a boarding house development, Council must be satisfied that residents of the proposed development will have reasonable access to the following:
  - a. retail and commercial services that residents may reasonably require to meet their daily needs;
  - b. community services and facilities;
  - c. recreation and entertainment facilities;
  - d. opportunities for employment; and
  - e. public transport services.

#### Access is deemed to satisfy if:

- a. the facilities and services likely to meet the daily needs of residents are located within a walking distance of 400 metres from the site; and
- b. there is a regular public transport service available to additional retail and commercial services, community services and facilities, recreation and entertainment facilities and employment opportunities, within a walking distance of 400 metres from the site, that:
  - i. is available both to and from the site at least once every hour between 8.00am and 6.00pm Monday to Friday; and
  - ii. will take those residents to a place that is located no more than 400 metres to those services and facilities, and
- c. the likely path of travel is reasonable with regard to topography and pedestrian connectivity.

Where a proposed development cannot meet the above criteria, the applicant will be required to demonstrate to Council's satisfaction how boarding house residents will achieve alternative access to retail and commercial services; community services and facilities; recreation and entertainment facilities; opportunities for employment; and public transport services.

### **Retention of Existing Boarding Houses**

- P.2 Where a development application proposes the demolition or change of use of an existing boarding house, Council must have regard to the provisions of Part 3 of SEPP (Affordable Rental Housing). Where an existing boarding house is not covered by the parameters of Part 3 of SEPP (Affordable Rental Housing), Council may require the submission of a Social Impact Assessment to accompany the development application, and should consider the social and economic impacts of development under Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979.

### **Site Planning**

As many boarding houses occur as infill development in established areas, a sympathetic relationship with adjoining development is critical to their long-term success. A site analysis is required to establish the site context and should be reflected in the design, addressing the constraints and opportunities of the site and its context.

- P.3 A site analysis is to be submitted with all new boarding house development applications. Detail of what should be included in a site analysis is provided in Section 2.3 of this DCP.

### **Building Form and Appearance**

- P.4 New development (including alterations and additions) shall be consistent with the predominant built form and design elements of the surrounding locality and streetscape. Refer to Section 3.2 of this DCP.
- P.5 The main entrance of the boarding house should be provided within the front (street) elevation to address the street and to minimise potential privacy impacts upon neighbouring properties.
- P.6 Development is to be designed and sited to minimise the extent of shadows that it casts on:
- Private and communal open space within the development;
  - Private and communal open space of adjoining dwellings;
  - Public open space such as bushland reserves and parkland;
  - Solar collectors of adjoining development; and
  - Habitable rooms within the development and in adjoining developments.
- P.7 Landscaped treatment at the front of the site should be compatible with the streetscape in which the building is located.
- P.8 If the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street is to be used for residential purposes.

### **Building Envelope Controls**

- P.9 New development shall comply with the relevant height and floor space ratio controls prescribed by the LEP.

- P.10 New boarding houses (including alterations and additions) shall comply with the Preliminary Building Envelope Tables provided in Section 3.1.3 of this DCP for the comparable predominant building type in the relevant zone where the new development is proposed.

**Table 5.1.4.1**

Boarding House Development Zones and Envelope controls

Zone in which boarding house development is proposed	Development type building envelope controls to be referred to in Section 3.1.3 of this DCP or area specific controls for Special Precincts
R1 General Residential	Dwelling house
R2 Low Density Residential	Dwelling house
R3 Medium Density Residential	Multi-dwelling housing
R4 High Density Residential	Residential flat building
B1 Neighbourhood Centre	Shop top housing
B2 Local Centre	Shop top housing
B4 Mixed Use	General B4 Zone

### Occupation Requirements

- P.11 A maximum number of 12 bedrooms per boarding house will be permitted in the R1 General Residential and R2 Low Density Residential zones and shall have a maximum of 12 residents.

The total number of rooms in boarding houses located in the R3 Medium Density Residential zone, R4 High Density Residential zone, B4 Mixed Use zone, B1 Neighbourhood Centre zone and B2 Local Centre zone will be required to demonstrate that the proposal will not have an adverse impact upon the amenity of the surrounding neighbourhood with regard to noise, privacy, overshadowing, traffic generation and the like.

- P.12 Any shared rooms are to be limited to a maximum of 2 occupants per room.
- P.13 Residents of the boarding house must enter into a lease or licence agreement with the managing agent agreeing to comply with the boarding house rules and fees payable. The length of the lease is to be determined by the managing agent, but must be for a minimum of 3 months.

### Operational Management

- P.14 All boarding houses are to have a managing agent, contactable 24 hours per day, 7 days per week. If a boarding house has capacity to accommodate 20 or more lodgers, it is required that there be an on-site resident manager. The on-site resident manager must be 18 years of age or over.
- P.15 The name and contact details of the on-site manager or managing agent is to be provided externally at the front entrance of the boarding house and internally within the communal living area.
- P.16 A Plan of Management must accompany a development application for any new boarding house or intensification of an existing boarding house. The Plan of Management must be completed in accordance with Appendix 9 of this DCP. The approved Plan of Management will form part of any development consent. Copies of the approved Plan of Management must be provided to the relevant managing agent.

- P.17 'House Rules' must be prepared as part of the Plan of Management. The approved House Rules must be clearly displayed within each bedroom and within the communal living area of the boarding house.
- P.18 An Emergency Evacuation Plan must be prepared as part of the Plan of Management detailing the evacuation procedures in the event of the emergency, provision of resident log book, identifying the assembly point and detailing how residents will be made aware of the procedures contained within the Plan. Copies of the approved Emergency Evacuation Plan must be provided to the relevant managing agent, and a copy must be provided to all residents.
- P.19 A list of contact details must be clearly displayed within the common area including the contact details for: the managing agent; emergency services including fire, ambulance and police; utilities such as gas, electricity, water and any approved emergency repair persons such as a plumber, electrician etc.
- P.20 Copies of the Plan of Management including the House Rules, Emergency Evacuation Plan and managing agent's details must be provided to all residents and must be available for neighbours to view.
- P.21 Developments of 3 storeys or more must incorporate a lift capable of accommodating a stretcher and must be accessible at each floor.

#### **Annual Certification/Registration**

- P.22 Boarding houses are to be registered with Council prior to the issue of an occupation certificate and annually thereafter.
- P.23 Boarding houses providing accommodation for 2 or more people with a disability (as defined by the Youth and Community Services Act 1973) must be registered in accordance with the Youth and Community Services Act 1973 and licensed by the NSW Department of Ageing, Disability and Home Care.

#### **Design of Boarding Houses - General**

- P.24 Boarding houses must provide the following facilities within each building:
- Bedrooms
  - Communal laundry facilities
  - Communal kitchen and dining area (one per floor for multi storey boarding houses)
  - Individual ensuite and/or communal bathrooms
  - Communal lounge room (one per floor for multi storey boarding houses)
  - Communal garbage storage and recycling facilities
  - Communal outdoor open space area
  - Car parking (as required by this DCP)
  - On-site manager accommodation (where 20 or more lodgers)
- P.25 Floor coverings throughout the boarding house should be impervious, washable and flame resistant.
- P.26 All furniture and fittings required to be provided within individual rooms and communal area must be permanently affixed to the building/site, must be easy to clean/maintain and must be kept in a suitable state of repair.
- P.27 All parts of the premises including furniture, fittings, cooking equipment, fridges, beds, bed linen must be kept in a clean condition and free from vermin.
- P.28 Fly screens are to be provided to all openable windows and doors.

- P.29 Liquid soap dispensers must be provided to all hand basins, showers, baths and laundry tubs.
- P.30 At least one phone must be provided within the communal area to allow residents to contact emergency services.
- P.31 Where internal doors are provided to kitchens or communal areas, these must be clear glazed and impact resistant in accordance with the BCA.
- P.32 Use of ducted air conditioning systems is highly encouraged to eliminate the use of portable heating devices which may cause fire hazard.
- P.33 A safety switch must be fitted to all electrical meter box/es.
- P.34 A maximum of one T.V. antenna is to be provided per boarding house.

#### Minimum Size and Design for Bedrooms

- P.35 The minimum size for a bedroom within a boarding house must be as follows:

**Table 5.1.4.2**

Minimum Room Sizes for Boarding Houses

Bedroom Type	Minimum Room Size
Single person bedroom	12m <sup>2</sup>
Two person bedroom	16m <sup>2</sup>
Single person bedroom plus ensuite bathroom	15m <sup>2</sup>
Two person bedroom plus ensuite bathroom	19m <sup>2</sup>
Wheelchair accessible room	Applicant to demonstrate minimum circulation requirements within sleeping room in accordance with AS 1428.1.
Wheelchair accessible room plus accessible ensuite bathroom	Applicant to demonstrate minimum circulation requirements within sleeping room and ensuite bathroom in accordance with AS 1428.1.
Manager/Caretaker bedroom plus ensuite	16m <sup>2</sup>
Kitchenette (for fire rated rooms only)	2m <sup>2</sup>

- P.36 The following minimum storage facilities and furnishings must be provided within each bedroom. A furniture layout plan must be provided at 1:100 or 1:50 scale for each room type. Maintenance and cleaning of furniture and fittings must be detailed in the Plan of Management.
- P.37 No boarding room is to have a gross floor area (excluding any area used for an ensuite, bathroom or kitchenette) of more than 25m<sup>2</sup>.

NOTE: The maximum gross floor area does not apply to on-site resident manager accommodation.

**Table 5.1.4.3**  
Minimum Requirements for Facilities

Facility Type	Minimum Requirement
Secure storage facilities	Minimum capacity of 1m <sup>3</sup> per person. This space must be lockable.
Minimum fixed room furnishings per room	<ul style="list-style-type: none"> <li>▪ Single bed (per resident if twin share) including mattress (minimum 800mm x 1900mm), base, waterproof mattress protector.</li> <li>▪ Wardrobe – preferably built in (per resident if twin share)</li> <li>▪ Mirror</li> <li>▪ Table</li> <li>▪ Chair (per resident if twin share)</li> <li>▪ Lamp (per resident if twin share)</li> <li>▪ BCA compliant latching device</li> <li>▪ Separate waste and recycling containers</li> <li>▪ Window coverings</li> <li>▪ 1 x phone connection</li> <li>▪ 2 x twin electrical power points</li> <li>▪ 1 x television outlet</li> <li>▪ Sink including hot and cold water, ancillary bench and cupboard space.</li> <li>▪ For Class 3 buildings it is recommended that a kitchenette be provided within each room. Where kitchenettes are provided in individual boarding house rooms, these rooms must be fire rated in accordance with the BCA.</li> </ul>

P.38 Bedroom design must comply with the BCA with regard to requirements for natural light, natural ventilation, ceiling heights and fire safety.

P.39 Individual bedrooms must be key lockable.

#### Minimum Size and Design for Bathrooms

P.40 Provision of individual ensuite bathrooms for each room is highly encouraged, particularly for wheelchair accessible rooms.

P.41 Where ensuite bathrooms are not provided, communal bathroom facilities shall be provided in accordance with the table below:

**Table 5.1.4.4**  
Minimum Size and design for Bathrooms

Description	Minimum Requirement
Class 1(b) and 3 Buildings	Bathroom facilities must comply with the minimum requirements of the BCA and be in an accessible location for all residents. The minimum requirement is 1 bath or shower for each 10 residents or part thereof and 1 toilet and washbasin with hot and cold running water for each 10 residents or part thereof.

Description	Minimum Requirement
Minimum Size	<p>The minimum size of any bathroom will be determined by ensuring that</p> <p>Minimum circulation spaces for disabled persons can be accommodated in accordance with AS 1428.1.</p>

- P.42 Communal toilet facilities shall be provided in a separate room to communal shower/ bathroom facilities.
- P.43 Hot and cold water must be provided in all showers, baths and hand basins.
- P.44 Where communal bathrooms are provided, separate facilities should be provided for male and female residents.

**Minimum Size and Design for Kitchens, Laundries and Clothes Drying Facilities**

P.45 The following requirements must be met for kitchens, laundries and clothes drying facilities:

**Table 5.1.4.5**  
Minimum Size and Design for Kitchens, Laundries and Clothes Drying Facilities

Facility Type	Minimum Requirement
Kitchen Facilities - General	<p>All kitchen areas shall be maintained in a clean and sanitary condition at all times.</p> <p>No bathrooms, toilets or bedrooms shall open directly on to communal kitchen facilities.</p> <p>The floor of the kitchen area shall be constructed of a smooth impervious surface.</p> <p>Where food is proposed to be provided as part of boarding house operations, or is for sale, kitchen and food areas shall comply with requirements of the food safety standards adopted under the NSW Food Act 2003. Guidelines for design and construction are provided under Australian Standard AS 4674 'Design, construction and fitout of food premises'. Provision shall be made for sufficient ventilation, and any mechanical exhaust systems installed are to be in accordance with the BCA.</p> <p>Kitchen facilities shall be available for all residents 24 hours per day.</p> <p>Provision of communal cooking and dining equipment including utensils, pots, pans, cutlery, crockery etc is highly encouraged.</p>

Facility Type	Minimum Requirement
Kitchen / Dining Facilities	<p>A communal kitchen and dining area with a minimum area of 20m<sup>2</sup>, plus 1m<sup>2</sup> per resident over 12 residents. Note: Class 1(b) buildings are to have a maximum of 12 residents.</p> <p>The following must be provided at a minimum:</p> <ul style="list-style-type: none"> <li>▪ Bench top for food preparation;</li> <li>▪ 1 sink for every 6 residents with running hot and cold water;</li> <li>▪ 1 stove top cooker for every 6 residents;</li> <li>▪ A refrigerator with storage space of 0.13m<sup>3</sup> per resident;</li> <li>▪ A freezer with storage space of 0.05m<sup>3</sup> per resident;</li> <li>▪ Storage for dry goods of 0.30m<sup>3</sup> per resident;</li> <li>▪ Exhaust ventilation;</li> <li>▪ Waste disposal and recycling containers;</li> <li>▪ Microwave oven;</li> <li>▪ Toaster and kettle;</li> <li>▪ A lockable drawer or cupboard for food storage for each resident; and</li> <li>▪ Dining table and chair (or similar) allowing for one space per resident.</li> </ul> <p>NOTE: Kitchen size and facilities may be reduced where kitchenettes are provided.</p>
Laundry Facility Requirements	<ul style="list-style-type: none"> <li>▪ 1 automatic washing machine for the first 12 residents plus 1 automatic washing machine for every additional 12 residents thereafter or part thereof;</li> <li>▪ 1 domestic dryer for first 12 residents plus 1 domestic dryer for every additional 12 residents thereafter or part thereof;</li> <li>▪ 1 large laundry tub with running hot and cold water for up to 12 residents and one additional tub for premises that contain more than 12 residents; and</li> <li>▪ 2.5 metres of outdoor clothesline per resident (can be retractable).</li> </ul>
Location of Clothes Drying Facilities	<p>Drying areas must not be visible from the street, or any public place.</p> <p>Drying areas shall be located to maximise solar access.</p> <p>Clothes drying and laundry facilities shall be wheelchair accessible.</p>

### Minimum Size and Design for Internal Communal Living Areas and External Recreation Areas

P.46 The following requirements must be met for internal communal living areas and external recreational areas:

**Table 5.1.4.6**

Minimum Size and Design for Internal Communal Living Areas and External Recreation Areas

Facility Type	Minimum Requirement
Internal Communal Living Area	<p>All boarding houses are to provide a common living area of a minimum 20m<sup>2</sup> in area, with a further 1.5m<sup>2</sup> provided per resident where resident numbers exceed 12 persons. Note: Class 1(b) buildings are to have a maximum of 12 residents.</p> <p>Living areas are to have a minimum dimension of 4 metres.</p> <p>Furniture including lounge suites and coffee tables are encouraged.</p>
Location of Internal Communal Living Area/s	<p>Communal living area/s must be located on the ground floor and are to be located near commonly used spaces or adjacent to the communal outdoor open space. An additional communal living area shall be provided on each level for multi-storey Class 3 level boarding houses.</p> <p>Communal living area/s should have a northerly aspect where possible and should be located where they will have a minimal impact on adjoining properties in terms of noise generation and visual privacy.</p> <p>Consideration should be given to ensure that bedrooms adjoining the living area/s are protected from excessive noise.</p> <p>The use of highlight windows on upper levels is encouraged along side boundaries to minimise direct overlooking, particularly when adjoining or adjacent to residential properties.</p>
Calculation of Communal Living Areas	<p>The floor area of bedrooms, bathrooms, laundries, storage, kitchens, car parking, driveways, clothes drying areas, corridors and the like are not counted when determining the area of internal communal areas.</p>

Facility Type	Minimum Requirement
Communal Outdoor Area	<p>A communal outdoor area must be provided for all boarding house developments. This space must be provided behind the front setback line. The design of the communal outdoor area will also need to be designed with regard to the 'Building Envelope Controls'.</p> <p>The communal outdoor area shall have a minimum area of 20m<sup>2</sup>, with a minimum dimension of 3 metres and should be partly covered to provide weather protection.</p> <p>The communal outdoor area should be directly accessible from communal internal living areas.</p> <p>Where possible, both hard and soft landscaped areas shall be provided within the outdoor communal area.</p> <p>Communal facilities including fixed outdoor tables and chairs, BBQs and the like are encouraged.</p>

### Private Open Space

- P.47 Consider opportunities for the provision of private open space to individual rooms where it will not result in a visual or acoustic privacy impact upon neighbouring properties.
- P.48 If accommodation is provided for an on-site manager, one area of at least 8m<sup>2</sup> with a minimum dimension of 2.5m is to be provided adjacent to that accommodation, other than in the front setback area.

### Acoustic Amenity

- P.49 For new boarding house developments (including intensification of, or conversion of an existing building), adequate sound insulation shall be provided between bedrooms, in accordance with the BCA, to ensure reasonable amenity for residents.
- P.50 Boarding house design should attempt to locate bedrooms away from significant internal and external noise sources.
- P.51 During the design of a new boarding house (including intensification of, or conversion of an existing building), consideration must be given to the potential acoustic impact upon adjoining neighbours. The following noise abatement issues should be considered at the design stage:
- location of windows in respect to the location of windows on neighbouring properties;
  - sensitive location of communal outdoor areas away from main living areas or bedroom windows of any adjoining dwelling (where possible)
  - the use of screen fencing or acoustic barriers as a noise buffer to external noise sources;
  - the incorporation of double glazing of windows or use of glass blocks (for light penetration but not suitable where natural ventilation is also required); and
  - locate similar building uses (such as bedrooms or bathrooms) back to back internally within the building, to minimise internal noise transmission.
- P.52 An Acoustic Impact Assessment prepared by a suitably qualified person shall accompany all boarding house development applications, identifying (but not limited to) the following:
- Identification of sensitive noise receivers potentially impacted by the proposal;

- Quantification of the existing acoustic environment;
- Detail of the acoustic mitigation measures to be implemented in the proposal;
- Identification of noise likely to be generated by the proposal based on full occupation; and
- Certification that the proposal is capable of operating without causing nuisance, including a statement of mitigation measures required to ensure this.

NOTE: An Acoustic Impact Assessment will not be required for minor alterations and additions to existing boarding houses where resident numbers will not increase.

### Visual Privacy

- P.53 Placement of windows and other openings should not result in overlooking of adjoining residential uses. Where overlooking may occur, use of highlight windows, window screening or similar mechanism should be used. Refer to Section 3.3.3 of this DCP.
- P.54 Landscape screening should be provided within outdoor communal areas to minimise overlooking of adjoining properties.

### Access for People with Disabilities

- P.55 All new boarding houses (including building conversions or additions to existing premises) should comply with the minimum access requirements contained within the BCA and AS 1428.1 – Design for Access and Mobility.
- P.56 Disabled access must be provided to all wheelchair accessible bedrooms, internal and external communal facilities (including waste storage area, car parking area, clothes drying area) and to the adjoining roadway.
- P.57 Wheelchair accessible/adaptable bedrooms with an ensuite bathroom shall be provided in all new boarding house developments (including building conversions, substantial alterations and additions or intensification of an existing development) at the rate of 1 per 10 bedrooms (or part thereof). At minimum, 1 wheelchair accessible/adaptable bedroom with ensuite bathroom shall be provided.

### Sustainability, Energy Efficiency and Solar Access

- P.58 All development applications for new boarding house developments (including substantial alterations and additions) must be accompanied by a BASIX Certification prepared in accordance with State Environmental Planning Policy (Building Sustainability Index: BASIX).
- P.59 All whitegoods and appliances provided within the boarding house must have a minimum 3.5 star energy rating.
- P.60 Boarding houses should be located so that solar access to at least 50% of the communal open space areas and to communal living area windows is achieved for at least 3 hours between 9am and 3pm during the winter solstice (21 June).
- P.61 Dwellings on adjoining properties are to receive a minimum of 3 hours sunlight in habitable rooms and in at least 50% of the private open space between 9am and 3pm on 21 June. Where existing development currently receives less sunlight than this requirement, this should not be unreasonably reduced. In order to demonstrate that this can be achieved, shadow diagrams may be required with the development application.

### Car and Bicycle Parking

- P.62 Car parking spaces and bicycle storage spaces shall be provided and designed in accordance with the standards referred to in Section 3.6.2 of this DCP.

- P.63 A Parking Statement shall be prepared for all new boarding house developments detailing how any overflow parking demand will be managed. This should form part of the Plan of Management. Overflow parking refers to any car parking demand generated by the proposal that cannot be satisfied by meeting Council's minimum parking requirements for boarding houses.

### **Waste Management**

- P.64 Communal garbage and recycling facilities are to be provided within the development site. The waste storage area must be suitably enclosed, screened from view from the street, and located behind the front setback line. Facilities to cleanse storage containers on site are to be provided.
- P.65 Waste storage areas shall be provided in an accessible location, and must achieve at grade access to the street for collection.
- P.66 New boarding houses and the intensification of existing boarding houses must comply with the design principles in Section 3.3.7 of this DCP and must submit a Waste Management Plan with the development application.
- P.67 At minimum waste storage must be provided at the following rate:
- Class 1(b) buildings (up to 12 residents) must provide 2 x 240 litre waste bins; and 2 x 240 litre recycling bins; and 1 x 240 litre green waste bin, or the equivalent capacity.
  - Class 3 buildings (over 12 residents or 300m<sup>2</sup>) must provide waste storage in accordance with requirements for Class 1(b) buildings, for up to 12 residents, with an additional capacity of 40 litres waste storage and 40 litres recycling storage per person over 12 persons.
  - Provision for additional green waste bins will be determined on the size and nature of outdoor areas.
- P.68 If contaminated sharps are generated, non reusable sharps containers shall be provided in accordance with relevant Australian Standards for disposal. Final disposal must be undertaken by licensed contaminated waste contractors.

### **Fire Safety**

- P.69 All boarding house developments shall comply with the fire safety requirements of the BCA.
- P.70 Premises providing shared accommodation must display current annual fire safety certification in a prominent location.
- P.71 A floor plan must be permanently affixed to the inside of the door of each bedroom detailing emergency egress routes from the respective bedroom.
- P.72 An Emergency Evacuation Plan must be provided as part of the required Plan of Management.
- P.73 Hard wired smoke detectors shall be provided within all bedrooms and within communal areas in accordance with the BCA.
- P.74 For fire safety reasons any potential ignition sources (e.g. candles, incense, lighters, smoking or open flames), cooking or heating facilities (including any plug in microwave, electric frying pan, toasters, kettles, heaters and the like) must not be provided or used within individual bedrooms unless rooms are individually fire rated.
- P.75 Where kitchenettes are provided in individual rooms, rooms must be fire rated.
- P.76 Windows shall be key lockable only and no bars are to be affixed to the windows.
- P.77 A portable fire extinguisher and fire blanket must be provided within any kitchen (including kitchenettes) in accordance with AS 2444.

NOTE: Housing NSW administers the Boarding House Financial Assistance Program which offers grants to boarding house owners for fire safety upgrading.

### Signage

P.78 Signage will be limited to a maximum of one sign per street frontage, detailing only the name and address of the premises and contact details of the managing agent. Signage must be affixed to the front elevation of the building or the front fence.

P.79 The sign/s shall have a maximum area of 0.25m<sup>2</sup> (e.g. 50cm x 50cm).

P.80 Signage shall be non-illuminated.

### Strata Subdivision

P.81 As a boarding house is required to be maintained and operated in a single entity; strata subdivision of a boarding house is not permitted.

### Further Information

Building Code of Australia

Environmental Planning & Assessment Act, 1979

Environmental Planning & Assessment Regulation 2000

Food Standards Australia New Zealand

Local Government Act, 1993

Local Government (General) Regulation, 2005

Public Health Act, 1991

Public Health (General Regulation), 2002

Protection of Environment Operations Act, 1997

The Disability Discrimination Act, 1992

Youth and Community Services Act, 1973

## 5.2 Child Care Centres

NOTE: On 1 September 2017 the NSW Government released State Environmental Planning Policy (Education Establishments and Child Care Facilities) 2017 (the Child Care SEPP) and the Child Care Planning Guideline. For centre-based child care facilities, the matters for consideration in the Child Care SEPP and the Child Care Planning Guideline take precedence over controls in this DCP, with the exception of controls relating to building height, side and rear setbacks and car parking rates.

City of Parramatta Council is committed to planning for the needs of its families and children.

Formal child care services, such as pre-schools and long day care, have a significant role to play in a child's development. Whereas once the education and care of children aged under 6 was the principal responsibility of their parents and families, child care provided by accredited and licensed providers has now become commonplace in Australia. With the sustained high rates of workforce participation for women, formal child care services are in fact critical to a healthy, modern society.

The quality of the environment provided in early childhood education services, together with the quality of teaching programs, are critical factors in a young child's development. The environment must be rich, attractive and inviting to the child and parent and be flexible enough to be constantly adapted to meet children's ongoing needs.

*The physical environment plays a critical role in keeping children safe; reducing the risk of unintentional injuries; contributing to their wellbeing, happiness, creativity and developing independence; and determining the quality of children's learning and experiences. To maximise children's engagement and level of positive experience and inclusive relationships, an approved service needs to carefully consider physical layout and resources in the environment. (Australian Children's Education & Care Quality Authority (2013) Guide to the National Quality Standard, page 80).*

Because children are critical to our future, Council will encourage excellence and best practice in the design of centre-based child care services. Council will also encourage the provision of child care services that meet identified unmet demands.

This Section in the DCP contains guidance, objectives and development standards designed to encourage both private and not-for-profit providers to achieve best practice in the physical design of centre-based children's services.

At the same time, Council is mindful that the people who live in its residential neighbourhoods highly value the amenity afforded by those neighbourhoods. This DCP therefore contains development standards that limit the potential impacts of child care centres on the residents' enjoyment of their neighbourhoods.

NOTE: *Child care centre* has the same meaning as in the Parramatta LEP 2011.

### Overall Objectives

- O.1 To promote excellence and best practice in the location and physical design of child care centres.
- O.2 To promote the creation of superior child-friendly environments and the operation of high quality early childhood education programs in child care centres.
- O.3 To promote the establishment of centre-based children's services on a range of suitable sites throughout the City of Parramatta.
- O.4 To promote the establishment of children's services that meet the needs of the community, including the provision of more places for children aged under 2 years of age and the provision of places in and around employment nodes.

- O.5 To provide guidance for Council, the community and children's services providers regarding the minimum development standards that apply to the location and physical design of child care centres.
- O.6 To ensure that proposals for new and enlarged child care centres respond positively to their context and setting, and minimise impacts on the amenity of the surrounding neighbourhood.
- O.7 To encourage the development of child care centres that maximise the safety and well-being of children in care.
- O.8 To describe the steps, information requirements and approvals required in order for a new child care centre to be established or an existing centre to be enlarged.
- O.9 To establish development standards and controls for child care centres that are succinct, consistent and unambiguous; and which state in what circumstances those controls may be varied and outlining the process for an applicant seeking a variation.

### 5.2.1 Development to which this section of the DCP applies

This Section applies to proposals to establish a new child care centre and to proposals to alter or enlarge an existing child care centre.

A child care centre is defined in Parramatta LEP 2011.

Alterations to an existing centre may include demolition or extension of a building or outdoor structures, an increase in the approved number and age group of child care places, an alteration to the hours of operation, or a proposal to add or expand outside of school hours (OOSH) care services.

#### Home based child care services

A *home-based child care* means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

- the service is appropriately licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*.
- the number children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

This section does not generally apply to home based child care services, although many of the objectives and standards for centre-based services in this Section may be useful for those wishing to establish such a service.

A proposed new home based child care service (or a proposal to alter or enlarge an existing service) generally requires the development consent of Council. Applicants for home based services should refer to the Parramatta LEP 2011 to determine the consent requirements.

### 5.2.2 Relationship to other Documents

#### Children's Services Legislation

Servicing approval for operation of a child care centre or the expansion of an existing centre is to be obtained from the NSW Department of Education and Communities under the *Children and Young Persons (Care and Protection) Act 1998*. To obtain a Service Approval, the Act requires a children's services provider to comply with Children (Education and Care Services) Supplementary Provisions Regulation 2012 (the Regulation). This Section addresses issues pertaining to Council's planning responsibilities, as well as complementing and expanding upon the minimum Regulation licensing standards. This Section does not reiterate the Regulation requirements in any detail as they may be subject to change. Selected references to the Regulation are included where appropriate in this Section.

Please note however, that not all the provisions of the Regulation are included, therefore applicants are advised to refer to the Regulation to ensure compliance with all relevant provisions.

### **National Quality Framework**

The National Quality Framework aims to increase quality and drives continuous improvement and consistency across Australian education and care services.

The Framework came into effect in 2012 and is underpinned by the Education and Care Services National Law ('National Law'), and Education and Care Services National Regulations ('National Regulations') to create the National Quality Standard and Regulatory Framework for most long day care, preschool, kindergarten, family day care and outside school hours care services in all states and territories.

### **National Quality Standard – Quality Area 3 'Physical Environment'**

the National Quality Standard sets a national benchmark for the quality of education and care services, and gives services and families a better understanding of a quality service. This enables families to make informed decisions about the services providing education and care to their child.

Quality Area 3 – 'Physical Environment' of the National Quality Standard focuses on the physical environment and ensuring that it is safe, suitable and provides a rich and diverse range of experiences that promote children's learning and development. This Quality Area promotes best practice in the location and design of physical environments for centre based children's services.

Proponents should refer to and obtain a copy of "The Guide to the National Quality Standard" online from the Australian Children's Education & Care Quality Authority's website as part of the design of their child care centre and the preparation of their development application.

### **Building Code of Australia**

Building Code of Australia (BCA) compliance is necessary in order to be granted a construction certificate. The BCA specifies the relevant standards which apply to centre based children's services. These are technical requirements relating to structural considerations, fire resistance, access and egress, services and equipment, and health and amenity. They are mandatory and the child care centre proponents are strongly advised to take the BCA requirements into consideration early in the design process.

### **Food Act 2003 (incorporating food safety standards)**

Where child care centres conduct food preparation on their premises, the activity is subject to the provisions of the NSW Food Act. This legislation adopts national food safety standards which apply to all food businesses and places requirements on the operator to ensure the facilities provide for the safe preparation of food. More information on specific design needs for the kitchen and associated areas is contained in Section 5.2.3. The business is also obliged to notify the details of the business to the NSW Food Authority. Contact details are Tel: 1300 552 406 or visit the website [www.foodauthority.nsw.gov.au](http://www.foodauthority.nsw.gov.au).

## **5.2.3 Planning Controls for Child Care Centres**

### **5.2.3.1 Site Selection**

#### **Objectives**

- O.1 To ensure that child care centres are located on sites that are suitable for the purpose of providing high quality care for young children.

- O.2 To ensure that child care centres are located on sites that provide high levels of safety, security, environmental health, and amenity for children.
- O.3 To ensure users of child care centres are not exposed to undesirable health and safety risks.
- O.4 To ensure child care centres are provided in locations that will make a positive contribution to, and not prejudice the continued operation of, existing surrounding uses.
- O.5 To encourage the location of child care centres in locations where they are easily accessed by all forms of public transport, vehicles, bicycles and walking, and in proximity to public transport nodes and complementary community land uses.
- O.6 To encourage the provision of children's services in and near business centres and workplaces.
- O.7 To discourage the location of child care centres in locations where they will cause unreasonable levels of disruption to the existing amenity of residential areas.

### **Design Principles and Controls**

*The way in which an environment is designed, equipped and organised determines the way that space and resources are used by children (Australian Children's Education & Care Quality Authority (2013) Guide to the National Quality Standard, page 80).*

#### **Preferred sites for a child care centre are sites:**

- where safe and convenient vehicular access can be provided;
- where safe and convenient pedestrian access can be provided;
- where there is less exposure to neighbouring dwellings and other noise sensitive uses (for example, corner sites);
- that are of a size and shape that provides for efficient building forms, generous access/circulation spaces and extensive play areas;
- that form part of an existing educational, open space or other community facility;
- that are within walking distance of major public transport services;
- that are within existing workplaces or business and employment nodes; and
- that are not located adjacent to arterial and main roads or sites within cul-de-sacs.

#### **Child care centres on the following sites are discouraged:**

- sites comprising battle-axe allotments and sites with access to a road with limited access and turning capability;
- steep sites that inhibit convenient access for persons with a disability or reduce the usability of outdoor play areas;
- where land contaminants, air or noise pollution or other risks or hazards are present on the site or in the immediate vicinity;
- long, narrow sites; and
- that are in close proximity to another existing or approved child care centre in a Residential zone. A separation of at least 200m is preferred.

#### **Sites in proximity to another existing or approved child care centre**

The location of child care centres on land within close proximity to another existing or approved centre in a residential zone is discouraged, unless it can be demonstrated that the cumulative impacts relating to traffic generation, on-street car parking and noise generation are within acceptable limits for a residential area.

### Site size and shape

The size and shape of a potential site for a proposed child care centre is a major factor that will affect the quality of care that can be provided by the children's service, the long-term viability of the centre and the effectiveness of the facilities to be provided.

The Regulation's requirements for minimum unencumbered indoor and outdoor space (which in turn are key determinants of total site size) are considered a bare minimum which may limit the centre's ability to respond to future trends, child or community needs.

Larger sites support larger spaces, both indoor and outdoor. A larger space ensures a greater variety, diversity and number of play opportunities for children. It also gives greater flexibility to take advantage of other site planning issues and constraints (such as providing sufficient car parking and providing adequate setbacks to neighbours).

This DCP does not stipulate a minimum site size for the establishment of a child care centre, although does require the provision of best practice standards of indoor and outdoor unencumbered spaces that are required for service approval.

Quality Area 3 - 'Physical Environment' of the National Quality Standard refers to the National regulations in providing the required space provisions for outdoor (Regulation 107) and indoor (Regulation 108) unencumbered spaces. For each child being educated and cared for by the approved service, the following space provisions apply:

**Table 5.2.3.1.1**  
Required Space Provisions for Child Care Centres

Indoor Space	Outdoor Space
3.25m <sup>2</sup> /child being educated and cared for by the approved service	7m <sup>2</sup> /child being educated and cared for by the approved service

### 5.2.3.2 Child Care Centres in Residential Zones

#### Objectives

- O.1 To limit the impact of child care centres on the amenity of residential areas by promoting the establishment of smaller-sized centres in the City's residential neighbourhoods.
- O.2 To allow larger child care centres only in circumstances where a minimum component of places for children under 2 years of age is provided and where best practice standards of indoor and outdoor unencumbered space is provided.
- O.3 To ensure that child care centres in residential areas are an ancillary facility servicing the local community in which they are located and not a dominant non-residential use.
- O.4 To promote child care centre building forms that are compatible with the character of existing surrounding residential development.
- O.5 To ensure that child care centres do not undermine or compromise the amenity of residential areas.
- O.6 To use landscaping to:
  - protect the visual and acoustic privacy of adjoining properties;
  - provide adequate screening for outdoor play areas; and
  - enhance the streetscape presentation of the development.

## Design Principles and Controls

### Building siting and design

Except where provided by this Section, the child care centre shall comply with the relevant height, floor space ratio, minimum frontage, minimum street and side setback and building envelope controls for the respective Residential zones contained in both the relevant environmental planning instrument applying to the land and any other section applying to this land.

The minimum side setback for a new child care centre is 2 metres, except where the proposal involves conversion of an existing dwelling house then the setbacks shall comply with the requirements of Part 3 of this DCP.

On sites zoned Residential:

- the child care centre building is to be designed so as to appear as a dwelling house when viewed from the street. However, this does not preclude the use of 'U' shaped or 'L' shaped buildings for the purpose of minimising acoustic impacts on neighbouring properties as described in the section on Acoustic and Visual Privacy.
- the front setback area may only be used for access, parking and landscaping purposes, shall not be used as an outdoor play space and shall not be included in calculations of unencumbered outdoor space.

Council encourages the use of single storey buildings in Residential zones for the purposes of child care centres for reasons of safety and access. In the case of a building that is higher than single storey, the above ground levels of the building should only be used for the purposes of storage and staff facilities.

### Minimum indoor and outdoor space and maximum number of child care places

Except as provided for below, the minimum amount of indoor unencumbered space and outdoor unencumbered space to be provided per child care place shall comply with the requirements of the Regulation. At the time this DCP was made the Regulation required a minimum of 3.25 square metres of indoor unencumbered space per place and a minimum of 7 square metres per place for outdoor unencumbered space.

The maximum number of child care places to be provided in any child care centre in a Residential zone is 40.

However, in recognition of the unmet demand for child care places for children aged under 2 years throughout the City and as a means of encouraging the provision of more of these places, Council may permit the establishment of child care centres with more than 40 places.

Council will only permit a child care centre in a Residential zone with more than 40 places where:

- a minimum of 33% of the places are provided for children under 2 years of age; and
- best practice standards of both indoor and outdoor unencumbered space is to be provided. The best practice standards are interpreted as a minimum of 4.5 square metres indoor unencumbered space per place and a minimum of 15 square metres per place for outdoor unencumbered space.

In cases where a proposed centre meets the two criteria described above, the maximum number of child care places to be provided in any child care centre in a Residential zone is 75. This standard is to ensure that any child care centre in a Residential zone does not unreasonably impact upon the amenity of the neighbourhood in terms of traffic safety, privacy and noise.

### Hours of operation

Hours of operation will be generally limited to between 7am and 7pm Monday to Friday. Variation of these hours of operation will only be considered where the proposed child care

centre is to be located in proximity to other non residential uses that are permitted to operate outside of these hours.

### Landscaping

A landscape buffer with a minimum width of 1 metre shall be provided along the side and rear boundaries of the development. A landscaping setback abutting the street frontage with a minimum width of 2 metres shall be provided.

## 5.2.3.3 Child Care Centres in Other Zones

### Objectives

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- O.1 To ensure that proposed child care centres will be compatible with the objectives of the relevant zone.
- O.2 To ensure that proposed child care centres in non residential zones are compatible with, and do not affect the operation of, any existing or likely future non residential land uses in the immediate vicinity.
- O.3 To provide opportunities for child care places close to workplaces and business centres.
- O.4 To allow the location of child care centres above ground level where no viable alternatives exist.

### Design Principles and Controls

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#### Building siting and design

The child care centre shall comply with the relevant height, floor space ratio, minimum frontage, minimum street and side setback and building envelope controls for the respective zones contained in both the relevant environmental planning instrument applying to the land and any other Section applying to the land.

#### Minimum indoor and outdoor space

Except as provided below, the minimum amount of indoor unencumbered space and outdoor unencumbered space to be provided per child care place shall comply with the requirements of the Regulation. At the time this Section was made the Regulation required a minimum of 3.25 square metres of indoor unencumbered space per place and a minimum of 7 square metres per place for outdoor unencumbered space.

In recognition of the greater amount of space usually available on sites zoned for either Special Uses (SP2 Infrastructure Zone) or Open Space purposes (RE1 Public Recreation or RE2 Private Recreation Zones), Council will pursue best practice provision of indoor and outdoor space for child care centres located in these zones.

Child care centres to be situated on land zoned either Special Uses (SP2 Infrastructure Zone) or Open Space purposes (RE1 Public Recreation or RE2 Private Recreation Zones) shall incorporate the following standards:

- Indoor unencumbered space: minimum 4.5 square metres per child care place
- Outdoor unencumbered space: minimum 15 square metres per child care place.

#### Level within building

Child care centres should generally be situated on ground level of a building.

Child care centres in business zones may be located above ground level, but only where it can be demonstrated that there are no viable alternatives for the location of a child care centre at ground level in the building due to:

- the built form of the building and density of the surrounding area; and

- access to above-ground open space is available.

**Other requirements in respect to above-ground centres are as follows:**

- A reduction in the minimum amount of indoor unencumbered space per child is not permitted.
- Playrooms are to be designed so as to be enclosed by floor to ceiling height glass. Glass used in the building is to be in accordance with AS 1288-2006 - Glass in buildings - Selection and installation.
- Indoor areas adjacent to public areas shall be screened to prevent direct sight into child care centres.
- A safe refuge area shall be provided within the child care centre and opening directly to a dedicated fire-isolated stair. The minimum total area of the refuge shall be calculated at the rate of 0.25 square metres per person for the capacity of the centre, including staff. The doors, walls, floors and ceiling of the refuge shall have a minimum Fire Resistance Level (FRL) equal to that required for the fire stairs.
- Also refer to the Section on 'Outdoor Areas' below for requirements for outdoor play spaces.

**Proximity to noise or odour generating uses**

Child care centres must not be situated near to significant noise or odour generating uses, or to sites which (due to the prevailing land use zoning) may in future accommodate noise or odour generating uses.

**5.2.3.4 Access and Parking**

**Objectives**

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- O.1 To maintain a safe environment for pedestrians, motorists and cyclists in and around child care centres.
- O.2 To ensure that safe and convenient car parking arrangements for child care centres are provided.
- O.3 To ensure all new child care centres, and alterations and additions including any associated spaces such as outdoor space, parking areas and the like, are designed to be accessible to all people within the community.
- O.4 To ensure that car parking areas associated with child care centres are designed to be consistent with the character of the area and to have minimal visual impact.

**Design Principles and Controls**

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**Car parking rates**

On site car parking is to be provided at the rate of a minimum of 1 parking space per 4 child care places. Parking for people with a disability is to be provided at the rate of 1 space in every 10 spaces. If the car parking required is less than 10 spaces then at least 1 space must be provided.

A reduction in the minimum parking requirement may be considered where:

- there is sufficient safe on street parking available at appropriate times located outside the development within the frontage of the subject site; and
- the development is not likely to result in any adverse impact on the safe operation of the surrounding road network.

Notwithstanding the above, the availability of on street parking within cul-de-sacs will not be considered in any justification for the reduction in the minimum parking requirement.

Any variation to the minimum parking requirement, is to be justified by a traffic and transport assessment. Refer to 'Supporting Technical Assessments' 5.2.4 of this section for the matters to be addressed in a traffic and transport assessment.

### **Vehicle circulation and car parking design**

Vehicle circulation and car parking areas shall be designed to allow the safe drop-off and collection of children and the safe movement and parking of staff, parent, visitor and service vehicles. In this regard:

- the design shall take into account nearby traffic generators, street design, and the existing environment for pedestrians and cyclists;
- access driveways shall not be located opposite, or in the vicinity of, road intersections;
- on site car parking and vehicle manoeuvring areas are to be designed so that vehicles are able to safely enter and leave the site in a forward direction;
- the development must comply with the provisions of AS 2890.1 Parking Facilities - Off Street Car Parking;
- tandem parking may be provided but only where the spaces that are not accessible at all times are designated for staff use;
- car parking areas and access ways shall not visually dominate the external appearance of the development and shall be softened by the provision of appropriate plantings in the front setback area;
- access provision to the outdoor play spaces and playgrounds should allow for trucks that occasionally deliver items such as sand or gardening supplies through secure-locking gates; and
- provision of at least one secure bicycle parking space should be made for each development at a rate of one space per 25 child care places.

Council will not support applications where existing traffic volumes or road geometry are such that danger would be created by pedestrians crossing the road to enter the child care centre site or by vehicles turning in the vicinity of the site.

### **Pedestrian access design**

Access arrangements must ensure that safe and convenient access to the entry of the child care centre is available to all persons. Additionally, outdoor play spaces in the centre must be accessible for children. In this regard:

- pedestrian access that is separated from vehicular access is to be provided from the street to the building and from all car spaces to the building (it is essential that children using the centre do not need to walk past the back turning circle of a car);
- the development must comply with the provisions of AS 1428.1 Design for Access and Mobility and comply with Part D of the Building Code of Australia;
- all pedestrian pathways in the development should have a minimum width of 1.2 metres to allow easy circulation throughout the site;
- the maximum grade of the front setback and any area of the site to be counted as unencumbered play space should be no greater than 1 in 12;
- hard paved surfaces are to be provided leading into the entry of a play environment and continuing inside that will allow children and adults with mobility aids as well as toddlers in strollers to enter with ease;
- if basement car parking is to be incorporated into the proposal, a lift or ramp must be provided between the basement level and upper levels; and
- the use of inclinator as the sole access for persons with a disability will not be supported.

### 5.2.3.5 Acoustic and Visual Privacy

#### Objectives

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- O.1 To minimise the noise generation impacts generated by child care centres on the amenity of neighbouring residential properties.
- O.2 To minimise intrusion of noise on child care centres from external sources.
- O.3 To ensure the privacy of surrounding premises is maintained and protected from overlooking.

#### Design Principles and Controls

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##### Acoustic privacy

The design of the child care centre should aim to locate sleep rooms and play areas away from external noise sources.

Centres must be designed in a manner that minimises noise transmission to neighbouring residential premises. The following design and operational matters are to be adopted for the management of noise generated by the centre:

- Where feasible, designs should be based on a 'U' shaped or 'L' shaped layout for the buildings, with external activity areas positioned such that the building structures act as a noise barrier (refer to Figures A10.2 and A10.3 in Appendix A10). If one of these layouts is not adopted, the applicant must provide a valid justification to Council as to why an alternative approach is more suitable or necessary.
- Orienting the building and outdoor play spaces having regard to impacts on neighbours (for example, locating play areas away from neighbouring bedrooms).
- Maximising the separation between the active outdoor play area (as opposed to passive activities such as sand pits, painting, storytelling etc) and the façade of any neighbouring premises.
- Ensuring openable windows at the child care centre and external play areas do not have a direct line of sight to neighbouring sensitive uses.
- Locate pedestrian access ways and ramps away from neighbouring sensitive premises where practicable.
- Adopt low noise features such as self closing gates with soft closure (ie low noise) hinges, selection of low noise air conditioning equipment, minimising the use of speed humps and ensuring car park surfaces and access ways are smooth.

The applicant should note that use of acoustic controls and management measures will not be accepted in cases where the design has not adequately addressed the above objectives.

##### Acceptable Acoustic Management Measures

Where optimal design and layout of the child care centre results in noise levels that do not comply with the acoustic criteria specified in Table A10.1 in Appendix A10, acoustic management measures must also be incorporated in the design. The preferred approach to acoustic management is through provision of physical measures such as barriers, enclosures, changes to glazing and provision of air conditioning. Management measures that must be implemented and monitored by staff and parents are not considered appropriate for a well designed child care centre.

Acceptable acoustic mitigation solutions include, but are not necessarily restricted to, the following:

- Erection of noise barriers, which may include fencing types and other barriers that minimise noise transmission, to a maximum height of 2m for a flat site. Noise barriers in excess of

2m in height will be considered for sloping sites (eg. where a barrier is positioned on a retaining wall due to changes in levels). Figure A10.4 in Appendix A10 presents examples of situations where barrier heights in excess of 2m are acceptable. The at the base. The use of composite barrier constructions utilising clear barrier panels should be considered where there is potential for the barrier to restrict the vision of vehicles entering and/or leaving the premises.

- The majority of internal surfaces are to utilise absorptive materials as opposed to reflective to reduce the potential for reverberant fields to increase noise emissions and reduce speech intelligibility.
- Provision of mechanical ventilation and fixed windows (at the child care centre or adjacent receptors) where windows and doors must remain closed to achieve the appropriate noise criteria.

The following approaches are not considered appropriate for management of noise emissions from child care centre activities:

- Restricting the number of children utilising external play areas at any one time.
- Restricting the time periods and/or times of day that children are allowed to use external play areas.
- Staging of outdoor activities to reduce the number of children playing outdoors at any one time.

All child care centre development applications are to be supported by an acoustic assessment report. The acoustic assessment must be completed by an appropriately qualified and experienced person or organisation. The assessment is to address the following:

- Noise and acoustics matters included in Quality Area 3 - 'Physical Environment' of the National Quality Standard in association with the Regulation.
- Identification of sensitive noise receivers to be potentially impacted.
- Quantification of the existing acoustic environment at the receiver locations. Measurement techniques and assessment period should be fully justified and in accordance with relevant Australian Standards and NSW Office of Environment and Heritage requirements. The following specific requirements are to be followed as a minimum:
  - Type 1 or Type 2 noise instrumentation in current NATA or manufacturers calibration, field calibrated before and after the measurements.
  - Monitoring of LAeq, LAmx, LA1, LA10, LA50 and LA90 noise levels continuously, with results presented as 15 minute averages.
  - Details of the prevailing meteorological conditions during the monitoring. Monitoring data for periods with wind speeds at ground level in excess of 5m/s or when more than 1mm of rain per hour must be deleted from the monitoring dataset to prevent a weather related bias.
  - Details of the noise monitoring positions, including microphone height (1.5m above ground level is the preferred height to represent receiver noise levels), whether a wind shield was fitted, potential effects of reflecting surfaces, trees or structures, confirmation of either a free-field or façade monitoring position (including distance from the building façade), whether the monitoring position was located on hard or soft ground and information about the most significant noise sources at the measurement position.
  - Confirmation that the noise monitoring was completed during representative conditions and that no unusual circumstances or activities are likely to have affected the noise monitoring results.
  - A five (5) day measuring period is required in order to cover proposed operating hours for weekdays. If Saturday operations are proposed, monitoring data must also be collected for a representative Saturday.

- The acoustic report is to present in full, the results of the noise monitoring for each position along with a summary of these data for the proposed operating hours of the child care centre. The summary must present the data as hourly average noise levels for each of the noise indices and statistical parameters measured.
- Identification of all noise that is likely to emanate from the child care centre and the subsequent prediction of resultant noise at the identified sensitive receiver locations from the operation of the premises. The predictions are to be completed in accordance with the recommendations of the NSW Office of Environment and Heritage and specifically address the following:
  - Provide predicted noise levels at all receptors on adjacent properties of noise levels from all relevant activities at the child care centre.
  - Consider the influence of topography, relative heights and actual floor levels for the activities for the activities at the child care centre.
  - All predictions must represent the receiver position. This should be taken as 1.5m above floor level for noise impacts at centre and neighbouring receptors.
  - The noise modelling of external play areas must assume that all external play areas could be utilised simultaneously.
  - This source noise level must be adopted for each area and room where children's activities can occur, and the modelling must assume that noise can be emitted from each play area or room simultaneously.
  - The acoustic report is to provide details of all modelling assumptions including source noise data, modelled noise positions, receiver heights and locations, confirmation of the methodology adopted along with a copy of the model input and output data.
  - Details of any acoustic control measures that will be incorporated into the proposal.
  - Proposed fencing height, materials and acoustic performance of barriers where barrier structures are to be used to ameliorate noise impacts.
  - A statement from a certified acoustic consultant certifying that the development is capable of operating without causing a nuisance and able to operate without undue noise disturbance from external noise sources.

### Visual privacy

The development design should incorporate measures to minimise overlooking of living areas and private open space areas in adjoining residential premises. A landscape buffer with suitable screening plants and with a minimum width of 1 metre shall be provided along the side and rear boundaries of the development to help achieve this.

#### 5.2.3.6 Indoor Areas

##### Objective

- O.1 To provide attractive, adaptable, safe and functional indoor spaces which provide positive experiences and developmental growth of children and enable adequate staff supervision of children at all times.

##### Design Principles and Controls

*Sufficient physical space and careful arrangement of the environment allows children to access different areas, move between spaces, explore, experiment, create and express themselves without disturbing other children. By creating environments that work for children, educators are able to spend valuable time interacting with children (Australian Children's Education & Care Quality Authority (2013) Guide to the National Quality Standard, page 82).*

A minimum of 3.25 square metres of unencumbered indoor floor space shall be provided for each child care place.

The design of indoor spaces shall address the facilities and equipment requirements contained in Part 3 of the Children (Education and Care Services) Supplementary Provisions Regulation

2012. Evidence shall be submitted with the development application substantiating that the child care centre proposal complies with these requirements.

Quality Area 3 'Physical Environment' of the National Quality Standard in association with the Regulation provides comprehensive guidance on appropriate facility inclusions and the optimum size, arrangement and interrelationships of indoor spaces.

The guidelines and standards contained in the National Quality Standard should be applied wherever possible in the design of the child care centre proposal and in all cases where a proposal seeks to exceed the maximum 40 child care places in a Residential zone. The Children's Services Regulation's minimum indoor space requirements do not necessarily constitute best practice. Council encourages the application of the best practice indoor space standards to be applied in all child care centres (that is, 4.5 square metres of unencumbered indoor space per child care place) and requires the best practice standards to be applied in certain circumstances (that is, in centres zoned SP2 Infrastructure, RE1 Public Recreation or RE2 Private Recreation, and in larger centres in Residential zones).

The design of indoor areas shall address the following (as a minimum):

- appropriate pedestrian access and circulation within the building;
- convenient access from indoor to outdoor spaces;
- safety and security within the child care centre in relation to occupational health and safety for children, staff and visitors;
- external security to ensure that access into the centre is monitored, which may require the installation of camera surveillance, and installation of a security system with access only permitted to authorised persons;
- clear and unobstructed lines of sight to all areas within the child care centre for views of staff and children at all times, especially in toilets, nappy change areas and sleeping areas;
- the provision of food preparation and storage areas commensurate with the preparation of safe food;
- consideration of the food flow pattern to establish adequate space and operating efficiencies; guidance on how to design a facility addressing these aspects is provided in Australian Standard 4674 - Design, fitout and construction of food premises;
- sufficient natural light for play areas and appropriate external shading of windows;
- natural cross ventilation through the appropriate placement of openings;
- use of safety glass and safety markers on glass at child and adult height is required;
- the use of energy efficient appliances;
- appropriate storage and construction of garbage and recycling areas;
- mechanical ventilation of nappy change areas and toilets;
- floors to be of a non slip surface and easy to clean; and
- each playroom has its own storeroom/cupboard and bed storage.

### 5.2.3.7 Outdoor Areas

#### Objectives

- O.1 To ensure the provision of outdoor play areas that cater for a variety of experiences for children including learning play, active and quiet time and other development experiences.
- O.2 To facilitate best practice in the provision of early childhood play spaces, ensuring such spaces are interesting, stimulating, safe, secure and functional, and that enable adequate staff supervision of children at all times.

- O.3 To ensure that landscaping is aesthetically pleasing to children as well as being safe and functional.
- O.4 To ensure that the outdoor areas are designed so as to minimise potential impacts on any adjacent residential premises.

### Design Principles and Controls

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#### Outdoor play spaces and playgrounds

*For urban children, a playground may offer their only opportunity for [active] play. The safe backyards, streets and parks of their parents' generation are no longer a part of childhood. The early childhood playground deserves fuller attention and development than it has received in the past, since it meets a right of childhood. (Walsh, P. and NSW Department of Community Services, op. cit., page 94)*

Outdoor play spaces are to be:

- located away from the main entrance of the child care centre, car parking areas or vehicle circulation areas;
- designed to incorporate natural elements, with rocky outcrops, existing trees and gardens that utilise child-friendly species;
- landscaped with plants that are not noxious, do not have prickles, and do not represent a major allergy or inhalation hazard;
- integrated with indoor space and provide direct and easy access between those areas (refer to 'Transition Areas' below);
- of a design and layout to enable clear lines of sight to all areas of the outdoor space to allow direct staff supervision from other areas of the child care centre;
- a compact square, rectangular or L-shaped area sited on one or two adjoining sides of the building, to facilitate functional use by children and effective supervision by staff;
- located with a northern orientation for maximum solar access where possible;
- adequately shaded in accordance with Shade for Child Care Services published by the NSW Cancer Council and NSW Health Department;
- located away from existing and potential noise and environmental pollution sources;
- located away from the living/bedroom windows of surrounding dwellings where possible;
- located away from areas where objects can be projected down onto play areas where possible;
- inaccessible from public areas outside the child care centre (except in the case of an emergency evacuation or centre deliveries);
- adequately fenced on all sides; and
- designed with an outdoor storage area for the storage of outdoor equipment without being part of the outdoor play area and without inhibiting supervision of children.

Further requirements for outdoor play spaces are as follows:

- Measures for the protection of outdoor play areas from adverse wind and climatic conditions are to be implemented. Shade structures are to be designed so as to be visually unobtrusive when viewed from neighbouring residential properties.
- The outdoor play spaces must allow ready egress in the case of an emergency.

Outdoor play spaces should be designed in accordance with the requirements included in Quality Area 3 'Physical Environment' of the National Quality Standard in association with the Regulation. In accordance with the National Quality Standard, outdoor spaces are to provide

for a variety of play experiences through the provision of distinct and roughly equal-sized sub-spaces, being:

- open areas for the use of gross motor skills such as running;
- quiet areas for focused play like sandpits (including formal quiet areas for contained play like finger painting); and
- active areas for busy physical play like climbing.

Playgrounds are to comply with AS 1924 Playground Equipment for Parks, Schools and Domestic Use, Part 1 General Requirements and Part 2 Design Construction - Safety Aspects; AS/NZS 4422 - Playground Surfacing - Specifications, Requirements and Test Methods; and AS/NZS 4486 - Playgrounds and Playground Equipment.

The design of interesting, stimulating, safe, secure and functional outdoor play spaces is a specialised task requiring the involvement of professionals experienced in the task. Council will require a landscape plan prepared by a qualified landscape architect or other landscape design professional with demonstrated experience in the design of children's play spaces to be submitted with any development application for a child care centre.

### **Centres located in business zones**

In addition to the above requirements, for centres that are to be located above ground level in business zones:

- child-safe fencing is to be provided for the safety of children and to prevent objects being thrown over the edge; and
- every effort should be made to make outdoor space as inviting as possible with generous use of shade structures and tub planting.

It may be impracticable to provide the required minimum amount of useable outdoor play space in child care centres located in business zones. In these circumstances Council may permit the provision of some or all of that space in an indoor space.

Such space is to be designed and equipped to permit children to participate in activities that promote gross motor skills, provided that:

- the outdoor space is to be physically separated from the indoor space, with visual and physical access between the two areas for staff supervision and ease of access for children and staff; and
- the area has a northern orientation for access to natural sunlight.

### **Transition Areas**

A transition area is an area between the building and the playground that provides supporting space for both indoor and outdoor activities. It is space additional to the space required for the building and the playground and may comprise a veranda, terrace or undercroft.

The design of new child care centres should make provision for a transition area or areas. The design criteria for transition areas are as follows:

- The transition area should be located between the playrooms and the playground either as a separate space or as one large continuous space.
- The dimensions of the transition area (width and length) must provide for effective activity zones. A minimum width of 4 metres is required to ensure sufficient space for activity zones with access space around them.
- Transition areas should be designed in accordance with the requirements included in Quality Area 3 'Physical Environment' of the National Quality Standard in association with the Regulation. Transition areas are not to be included in calculations of outdoor unencumbered play space.

## Fencing

Fencing is to comply with the requirements of Section 3.2.6 of this document, applying to the land that contains provisions for the fencing of developments.

The perimeter of the site should be fenced on all sides with a fence at least 1.8 metres high, except within the front setback area. Front setback fencing is to comply with any relevant requirements contained in any other DCP applying to the land.

Fencing with a height greater than 1.8m will only be supported where it is considered necessary to achieve compliance with the acoustic privacy provisions of this DCP.

Fencing is to be of a height, design and material suitable to contain noise generated by the children's activities and compatible with the building and fencing materials in the area.

Fencing is to be designed so as to enable emergency evacuation by emergency services personnel.

Child-proof fencing and gates shall be provided around the outdoor play areas, and to the entrance of the child care centre.

Fencing must not obstruct sight lines between pedestrians and vehicles.

## Landscape plan

A detailed landscape plan (minimum scale 1:100) must be prepared by a suitably qualified landscape professional and submitted with all development applications for child care centres. The plan must address the following:

- trees to be retained and the means of protecting them;
- trees to be removed;
- material of all paved and hard standing areas;
- height and type of fences;
- location and species of all plants proposed, with a variety of trees and plants to be used which create visual interest for children and can provide shading where appropriate;
- location of outdoor play areas and play equipment and consideration of the effects of outdoor play on the compaction and erosion of soil and vegetation (raised garden beds may be appropriate to address this issue);
- size of plants at maturity, container sizes, quantities, staking and spacing;
- best practice landscape design for child care centres contained in Quality Area 3 'Physical Environment' of the National Quality Standard in association with the Regulation including:
  - separation of outdoor space into active and quiet areas;
  - separation of outdoor space according to age ranges, including the locations of low fencing or other structures which divide the outdoor spaces; and
  - outdoor spaces which include a variety of surfaces such as grass, sand, soft porous paving and the like.

## Waste Management

A waste storage area/facility is required to be provided for all centres in accordance with the requirements of the Section 3.3.7 of this DCP.

All centres are required to use the services of a private waste contractor with collections occurring at least twice per week.

A waste management plan is required to be submitted with all applications that addresses the waste management related to both demolition/construction waste and the on-going management of waste during operation of the centre. For matters required to be addressed in the Waste Management Plan, refer to the requirements in Section 3.3.7 of this DCP. In addition, the Waste Management Plan is to address the following:

- number and type of bins and recycling receptacles;
- placement of garbage and recycling bins in relation to the outdoor play spaces and neighbouring properties;
- arrangements for the cleaning of bins;
- frequency and times of collection and proposed measures to minimise the impacts of waste vehicle noise and offensive odours on neighbouring properties; and
- the submission of written evidence demonstrating that the applicant has contacted a minimum of three (3) private waste contractors to enquire regarding waste collection services and nomination of the preferred contractor.

## 5.2.4 Application Preparation and Pre-lodgement

### 5.2.4.1 The Approval Process

Approval of a new child care centre will involve a proponent completing the following steps. Some of the steps will be appropriate for existing children's services licensees intending to modify the operation of or enlarge an existing child care centre.

- Understand the licensing process for establishing a new children's service by obtaining information from the NSW Department of Education and Communities' web site.
- Research the need for children's services in the local area, including location and service offered by existing centres, and the demography of the area.
- Locate a suitable site for the proposed child care centre based on needs research and the site selection and other criteria included in this DCP.
- Prepare documentation to support the submission of a development application for the proposed child care centre. The documentation requirements are described in this section.
- Arrange a development application pre-lodgement meeting with officers from Council's Development Unit to confirm that all relevant issues associated with the proposal have been adequately addressed.
- Lodge the development application, plans and documentation with City of Parramatta Council.
- Council officers will assess the development application and, where necessary, the applicant may be requested to provide additional information on the proposal.
- Council determines the application.
- If development consent is granted, the provider of the children's service will be required to lodge a Service Approval application with the NSW Department of Education and Communities under the Regulation. Responsibility for determination of this application rests with the Department.
- Proponent to obtain a Construction Certificate.
- Following construction of the development, an Occupation Certificate must be obtained prior to the issue of a Service Approval by the Department of Education and Communities. Once a Service Approval is issued, the child care centre may commence operations.

### 5.2.4.2 Prior to Lodgement of Development Application

The period prior to the lodgement of a development application is very important. This is the period when the need for the proposed children's service should be researched, when a site for the centre is selected and a preliminary design prepared. Sufficient time spent in the planning of a new centre will in most cases result in a timely assessment and approval by Council.

Child care centres require approvals from at least two authorities: the relevant local council and the NSW Department of Education and Communities. Council is responsible for issuing

development and (where it is the Principal Certifying Authority) construction approvals for centres while the Department is responsible for licensing of centres. The proponent must also be familiar with the Department's licensing requirements prior to lodging a DA for the proposal.

### **Use of appropriate professionals**

Council aims to promote excellence and best practice in early childhood education environments. The design of excellent physical environments for centre-based child care services is a specialised task requiring the involvement of qualified and experienced design professionals throughout.

Deployment of a skilled architect and landscape architect who are experienced in designing internal and external spaces for child care centres will assist in ensuring that a high quality design is prepared and that the proposal is approved by Council.

The use of design professionals with experience in the application of best practice standards and the standards contained in the Regulation is considered fundamental to a successful application. Other professional involvement, as described in this section will also be required in the centre design process.

### **Consultation with Council staff**

All proponents for new child care centres are strongly advised to consult with Council officers about the details of their application at an early stage. The range of staff to be contacted include but are not limited to, Council's Town Planner, Building Surveyor and Environmental Health Officer to address the range of matters that will apply to the development application. Once a preliminary design has been prepared a DA pre-lodgement meeting may be arranged to clarify issues associated with the proposal and check the type and level of documentation required to be submitted with the formal application.

Proponents wishing to arrange a DA pre-lodgement meeting should contact Council's Development Services Unit on 9806 5600.

Note: Proponents wishing to research the social characteristics of particular local areas prior to the selection of development sites may contact Council's Community Place Development Officer for the relevant area in the Community Capacity Building Team on 9806 5792.

### **Consultation with the community**

Child care centre proposals can attract a great deal of community interest and concern - particularly centres proposed to be sited in residential neighbourhoods.

Proponents are strongly encouraged to discuss their preliminary plans with those who neighbour the child care centre site prior to the lodgement of a formal development application. This activity can be very effective in establishing good relationships with those who would be living near the children's service. It can also be useful in crystallising key neighbour concerns at an early stage enabling the centre design to be modified to respond to those concerns, which can in turn avoid or reduce delays in the processing of the application once it is formally lodged.

#### **5.2.4.3 Requirements for Submission of Information with Development Applications**

##### **All Applications**

A Formal development application with accompanying building plans is required to be submitted for proposals for new child care centres or alterations and additions to existing child care centres.

All building plans must be prepared by an accredited architect or other professional as defined in the Children's Services Regulation.

The following support documentation is also required to be submitted.

- A Statement of Environmental Effects addressing the matters included in Section 79C of the *Environmental Planning and Assessment Act 1979*.
- A checklist and statement prepared by the professional responsible for preparing the building plans substantiating that the proposed child care centre satisfies the requirements of Part 3 of the Regulation and the requirements of the BCA.
- A landscape plan prepared by a qualified landscape architect or other landscape design professional with demonstrated experience in the design of children's play spaces. The plan shall address the matters included in the Sections 'Supporting Technical Assistance' and 'Outdoor Areas' below.
- A site analysis addressing the requirements included in Section 'Site Analysis' below.

### Supporting Technical Assessments

In addition to the documentation discussed above, the applicant will need to arrange for various supporting technical assessments to be prepared. In many cases this will involve the use of qualified professionals (for example, traffic engineers, acoustic engineers).

The type of assessment required, the circumstances when it is required, and the matters to be covered in the assessment are described in the table below.

**Table 5.2.4.1**  
Technical Assessment

Types of technical assessment	This assessment is required	This assessment should address
Architectural plans and statement of compliance	For any proposed new or enlarged child care centre	<p>Building siting and design matters included in this DCP.</p> <p>Matters included in clause 16 (1) (e) of the Children's Services Regulation 2004</p> <p>Relevant Building Code of Australia standards relating to child care centres</p> <p>Indoor and transition area requirements included in the National Quality Standard.</p> <p>The suitability of the food preparation facilities to meet the requirements of the food safety standards</p>
Landscape plans	For any proposed new or enlarged child care centre	<p>Matters included in this Section for Outdoor Areas</p> <p>Outdoor play space matters included in the National Quality Standard</p> <p>Play area matters included in Child-friendly environments (DUAP and the NSW Play Alliance 1999)</p> <p><i>Requirements of Shade for child care services</i> (NSW Cancer Council and NSW Department of Health 2005)</p>

Types of technical assessment	This assessment is required	This assessment should address
Child care centre operational plan of management	For any proposed new or enlarged child care centre	<p>The process for consideration and resolution of any complaints made by users or neighbours of the centre</p> <p>The timing and frequency of staff / parent meetings or other events at the centre outside the usual hours of operation of the centre</p> <p>Measures to manage child safety in and around the proposed centre, including management of car parking and vehicle drop-off areas, access by unauthorised persons, etc.</p> <p>Measures to manage noise that will be emitted from the proposed centre, including noise emitted from play areas and for car parking and vehicle areas</p>
Waste management plan	For any proposed new or enlarged child care centre	Matters included in Section 3.3.7 of this DCP
Access and mobility audit	For any proposed new or enlarged child care centre	<p>Matters included in this Section for Access and Car Parking</p> <p>Access requirements included in the National Quality Standard</p>
Shade audit	For any proposed new or enlarged child care centre	<p>Matters included in Best Practice Guidelines in the National Quality Standard</p> <p><i>Requirements of Shade for child care services</i> (NSW Cancer Council and NSW Department of Health 2005)</p>

Types of technical assessment	This assessment is required	This assessment should address
Traffic and transport assessment	For any of the following: <ul style="list-style-type: none"> <li>■ a child care centre that proposes 30 or more places</li> <li>■ a child care centre that is to front a major road</li> <li>■ a child care centre that proposes any variation to the minimum access and parking requirements</li> </ul>	Matters included in this Section for Access and Car parking  Matters included in Section 3.6.2 of this DCP.  Access and turning provisions for service and emergency vehicles, such as ambulances, delivery, garbage collection and maintenance vehicles.  Other matters including: <ul style="list-style-type: none"> <li>■ likely/projected trip generation;</li> <li>■ parking requirements, including the design of parking areas, and any pick-up and drop-off facilities;</li> <li>■ current road safety conditions, including an accident history in the locality; and</li> <li>■ the expected impact of the proposed development on the existing and future traffic conditions.</li> </ul>
Acoustic assessment	For any proposed new or enlarged child care centre	Matters included in Section 3.3.3 of this DCP
Land contamination assessment	For any of the following: <ul style="list-style-type: none"> <li>■ a child care centre to be located on or adjacent to land currently or formerly used for purposes identified in Section 2.4.4 of this DCP</li> <li>■ a child care centre to be located on land fronting a major road or a road that was previously a major road</li> <li>■ a child care centre to be located within a building erected prior to 1970 and that could contain elevated levels of lead in paint</li> <li>■ a child care centre to be located on land containing any building likely to contain asbestos</li> </ul>	Requirements of <i>State Environmental Planning Policy No. 55 - Remediation of Land and Managing Land Contamination Planning Guidelines SEPP 55 - Remediation of Land</i> (DUAP and EPA 1998)

Types of technical assessment	This assessment is required	This assessment should address
Electro magnetic field or radio frequency impacts assessment	For any proposed new or enlarged child care centre within 100 metres of a high voltage transmission line easement, or the site of a mobile phone tower or antennae, or any other source of electromagnetic radiation	Guidelines or research issued by the Commonwealth Government's Australian Radiation Protection and Nuclear Safety Agency
Air quality assessment	For any of the following: <ul style="list-style-type: none"> <li>■ a child care centre that is to be located adjacent a railway or major road</li> <li>■ a child care centre within or adjacent to Business, Mixed Use or Industrial zoned land or adjacent to industrial land uses</li> </ul>	Any quality guidelines issued by the NSW Environment Protection Authority
Fire safety and evacuation plan (required prior to the issue of an Occupation Certificate)	For any proposed new or enlarged child care centre	<p>Compliance with the requirements of AS 3745-2002. Emergency control organisation and procedures for buildings, structures and workplaces</p> <p>The mobility of children and how this is to be accommodated during an evacuation</p> <p>The location of a safe congregation area, away from the evacuated building, busy roads, other hazards and evacuation points of other residents or tenants within the building or surrounding buildings</p> <p>Where the centre is part of a larger building or complex, that the evacuation plan is complementary and consistent with other emergency evacuation plans in place</p> <p>The supervision of children during the evacuation and at the safe congregation area with regard to the capacity of the child care centre and the child : staff ratios.</p>
Aboriginal heritage Assessment	For any proposed new or enlarged child care centre on a properly identified as High or Medium Sensitivity or that involves the disturbance of sandstone outcrops, bushland or land within 100m of a creek or river foreshore	<p>Relevant matters included in Parramatta LEP 2011</p> <p>Relevant matters included in Part 4 of this DCP</p>

Types of technical assessment	This assessment is required	This assessment should address
Heritage Impact Statement	For any proposed new or enlarged child care centre on a properly identified in an environmental planning instrument as an item of heritage significance or within a heritage conservation area	Relevant matters included in Parramatta LEP 2011 Relevant matters included in Part 4 of this DCP
Archaeological Assessment	For any proposed new or enlarged child care centre that proposes to disturb a relic or is likely to disturb a relic	Relevant matters included in Parramatta LEP 2011 Relevant matters included in Part 4 of this DCP Parramatta Historical Archaeological Landscape Management Study
Arts Plan	For child care centres on sites greater than 5,000sqm in area	Matters included in Section 3.4.1 of this DCP Matters included in the Public Domain Plan, the Arts Facilities and Cultural Places framework and the Arts Plan Process Guidelines

### Site Analysis

The following details are to be provided in a site analysis to be submitted with any development application involving a proposal to establish a new or enlarge an existing child care centre. These details are in addition to any other matters to be included in a site analysis required under Section 2.3 of this DCP.

#### Site characteristics:

- Natural features, including bushland and rock outcrops
- Topography and slope
- History of land use and any potential sources of land contamination
- Microclimate and aspect
- Trees and landscape
- Stormwater drainage
- Availability of utility services

#### Proximity to hazards and risks:

- Existing and potential on and off-site electromagnetic fields (50Hz and radio frequency fields 3khz – 300ghz)
- Contaminated land on or near the site
- Lead in painted surfaces, carpets, furnishings and roof void in existing buildings
- Proximity to sources of air and noise pollution (for example, major roads, smokestacks)
- Proximity to odour generating uses and sources
- Proximity to LPG tanks
- Proximity to water cooling and water warming systems

- Proximity to legal and approved drugs clinics, brothels or other like uses
- Any other identified environmental health hazard or risk relevant to the site and/or existing buildings within the site

**Neighbouring properties details:**

- Location of buildings, structures, major trees and private open space
- Height and floor levels of buildings
- Land use
- Street elevation including one house on each side of site
- Living room windows overlooking the site
- Location of any facing doors and windows, particularly those likely to be near children's play areas
- Locations of bedrooms and other noise sensitive rooms
- Structures located on or near boundaries of the site
- Architectural character of buildings and front fencing
- Setbacks and building zones
- Difference in levels between the site and adjacent properties
- Views and solar access enjoyed by neighbouring properties
- Drainage characteristics

**Traffic and parking:**

- Traffic volumes in peak hours
- Street carriageway width
- Location of nearby side streets and public parking areas
- Availability of on-street parking throughout the day
- Nearby traffic control devices (for example, median strips, roundabouts)

**Direction and distance to local facilities:**

- Local shops
- Schools
- Public transport
- Recreation and community facilities
- Public open space
- Existing child care centres

## 5.3 Places of Public Worship and Educational Establishments

Preparation of this section of the DCP involved consultation with the community including representatives from several places of public worship within the local government area. It is recognised that many community and religious groups play an important role in providing social support for the community. A primary purpose of this section of the DCP is to ensure the process of the assessment of any development proposal for a place of public worship is consistent, fair and accessible to all religious groups and to manage the impacts of places of public worship on the amenity of neighbourhoods.

### Objectives

- O.1 To limit and manage the impacts of places of public worship and educational establishments on the amenity of residential areas.
- O.2 To ensure that places of public worship and educational establishments have a scale and intensity that is suitable to the site and consistent with the prevailing and likely neighbourhood character in which the development is proposed.
- O.3 To encourage the location of larger places of public worship to lands zoned for business or industrial purposes.
- O.4 To ensure that the development assessment process for proposed places of public worship is consistent for all religious groups.

### 5.3.1 Development to which this section of the DCP applies

This part of the DCP applies to all land where places of public worship and educational establishments are permissible and specifically applies to development applications for any of the following:

- The establishment of a new purpose built place of public worship or educational establishment.
- Alterations and/or additions to, or intensification of an existing place of public worship or educational establishment.
- Conversion or adaptation of existing buildings to a place of public worship or educational establishment.
- Any of the above, where the place of public worship is ancillary to an educational establishment.

### 5.3.2 Submitting a Development Application

As a first step in the development consent process, proponents of places of public worship or educational establishments are strongly advised to consult with Council officers.

The following requirements detail the specific information that must be provided to the consent authority as part of any development application for a place of public worship or educational establishment. These requirements are in addition to the information requirements for all development applications.

- a. Detailed information relating to:
  - The likely effects of the development on the amenity of nearby residents.
  - Traffic and noise generation.
  - The consistency of the proposed development with the zone objectives contained in any environmental planning instruments pertaining to the land.
  - The suitability of the site and neighbourhood for the scale and intensity of development proposed.
  - The impact of the development on the character of the locality.

- b. An Operational Plan of Management (refer to 5.3.3) which sets out necessary considerations to be addressed for the operation of the proposed place of public worship or educational establishment.

### 5.3.3 Planning Controls

#### 5.3.3.1 Locational Requirements

##### Objective

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- O.1 To prevent unacceptable impacts on the amenity of residential areas by encouraging the location of larger places of public worship within non-residential zones.

##### Design Principle

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- P.1 Larger places of public worship (ie. with a seating capacity of greater than 250) are to be located within lands zoned for business or industrial purposes.

#### 5.3.3.2 Bulk and Scale

##### Objectives

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- O.1 To ensure that a consistency of built form is maintained in residential zones.
- O.2 To ensure that the scale of places of public worship and educational establishments is consistent with the scale of existing or likely future development in the area.
- O.3 To maintain the residential character of established residential areas.

##### Design Principles

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- P.1 Applications for places of public worship and educational establishments will be subject to the same height, floor space ratio and envelope controls that are identified in the Parramatta LEP 2011, Parramatta City Centre DCP 2007 and Part 3 of this DCP applicable to the land for permissible development within the applicable zone.
- P.2 Consideration will be given to variation of the applicable height or envelope controls to accommodate the unique architectural requirements of places of public worship establishments as long as the objectives of the controls and this clause are maintained.
- P.3 Site planning must be sensitive to the streetscape character and views.
- P.4 Places of public worship and educational establishments are to be designed and landscaped in a manner that enhances the quality and visual amenity of the streetscape.
- P.5 Development for the purpose of a place of public worship within a residential zone is to have a maximum seating capacity of 250.

#### 5.3.3.3 Acoustic Privacy

##### Objective

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- O.1 To minimise noise levels from places of public worship and educational establishments that may impact upon neighbouring or nearby properties.

##### Design Principles

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- P.1 The design of the proposed place of public worship or educational establishment should minimise the projection of noise from the various activities anticipated to occur within the site. Adjoining and nearby residents should not be exposed to unreasonable levels of noise arising from the proposed use.

- P.2 A noise impact assessment statement, prepared by a suitably qualified acoustic engineer, is to be submitted with all applications for development within residential zones or which adjoin residential zones. This should describe hours of operation and predicted noise levels for regular lunch and tea breaks and for special events such as festivals and religious celebrations. Where possible, reference should be made to similar operating uses whether or not within the Parramatta Local Government area.

NOTE: Consideration will be given to exempt P.2 where applications are received for minor modifications or alterations to existing premises.

#### 5.3.3.4 Open Space Areas

##### Objective

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- O.1 To provide adequate open space areas for passive and active recreational activities for new educational establishments.

##### Design Principle

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- P.1 For all new educational establishments, an Open Space Plan is to be included with the development application. The plan shall:
- a. identify the amount of open space area to be provided;
  - b. identify the types of open space area to be provided, including indoor and outdoor recreation facilities; and
  - c. identify the likely effects of the use of open space areas on the amenity of nearby residents (including how often and the type of activities to occur) and measures to mitigate and manage the impacts of noise on adjoining properties.

#### 5.3.3.5 Traffic, Parking and Access

##### Objectives

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- O.1 To ensure that pedestrian safety is maintained and protected.
- O.2 To ensure that the surrounding street network and intersections continue to operate effectively and within design parameters.
- O.3 To minimise the impact of parking on the local streets.
- O.4 To minimise impact upon the amenity of the neighbourhood.

##### Design Principles

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- P.1 A traffic impact statement is to be included with the development application. The statement shall:
- a. assess the impact upon the surrounding streets and the measures proposed to mitigate such impacts.
  - b. identify the number of parking spaces required on the basis of the general use of the site. Reference should be made to similar existing and operating premises in similar neighbourhoods as far as possible.  
  
For educational establishments, on-site parking must be provided for employees, student drivers (for senior level educational establishments only), pick-up and drop-off areas and bicycle parking.
  - c. identify the activities (e.g. carnivals, celebrations, festivals) and other gatherings which are likely to attract larger than normal attendances at the premises, the attendance

numbers associated with such events and measures to mitigate and manage their impacts associated with traffic movements.

- d. adequately consider future parking needs that may result from anticipated growth in the congregation of places of public worship.
- P.2 On-site parking shall be provided at the rate determined by the traffic impact statement having regard to the objectives of this clause. As a general guide for places of public worship, new development shall provide 1 car parking space per 5m<sup>2</sup> of usable floor space for the first 100m<sup>2</sup> and 1 car parking space per 3m<sup>2</sup> of usable floor space thereafter. (Usable floor space not being corridor space, stairways, storage areas, toilets and other floor space that will not increase the capacity of the development.)
- P.3 All vehicles shall enter and leave the site in a forward direction. Clear distinctions should be made for vehicular traffic and pedestrian movements, both onsite and off-site. Measures should be taken to separate these and reduce potential conflict through design and management practices.
- P.4 Car parking spaces are to be designed to ensure ease of access, egress and manoeuvring on-site. The standards of AS 2890 are to be complied with.
- P.5 Basement or at-grade parking must be provided for all new developments.
- P.6 To ensure adequate traffic flow, worship services are not to commence until thirty minutes have elapsed following the completion of any preceding service.

#### 5.3.3.6 Operational Plan of Management

##### Objective

- O.1 To provide certainty for both the consent authority and the local community about the ongoing management practices to be employed by the proposed use to manage its impact upon the neighbourhood.

##### Design Principle

- P.1 A development application for the purposes of establishing a new place of public worship or educational establishment must include an Operational Plan of Management. This will be used both for the assessment of the application as well as a means to manage the ongoing operation of the proposed premises through the conditions of development consent. The Operational Plan of Management (as may be amended) will be incorporated as a condition of development consent. This plan must include, but is not limited to the following information for each proposed use:

**Table 5.3.3.6.1**  
Requirements for Operational Plan of Management

Places of Public Worship	Educational Establishments
Details of the proposed hours of operation, a schedule of regular services held and recurring events and special events throughout the year. Where special events attracting greater than 250 people will occur, details including the expected numbers of people are to be provided.	A schedule of the regular classes held, lunch and tea breaks, recurring events (such as sport afternoons) and special events throughout the year.

Places of Public Worship	Educational Establishments
A list of the types of community purposes (i.e. community colleges, senior citizens groups, youth groups etc) the building may be used for outside the regular services. How often and how many people it will attract.	A list of the types of community purposes (i.e. community colleges, senior citizens groups, youth groups etc) any building may be used for outside the regular classes, breaks and other events. How often and how many people it will attract.
A list of the type of organisations that may let or use the building and for what purposes. How often and how many people it will attract.	A list of the type of organisations that may let or use any building and for what purposes. How often and how many people it will attract.
An explanation of the measures that will be in place to manage parking and local traffic when a special event is scheduled.	An explanation of the measures that will be in place to manage parking and local traffic when a special event is scheduled.
The estimated number of people to be in attendance at regular services, main events and those other times where it is described that the place of public worship will be in use.	The number of students to be in attendance at regular classes. The number of people to be in attendance at other times where it is described that the educational establishment will be in use.
Contact persons who will be responsible for complaints handling. This is to be updated periodically.	Contact persons who will be responsible for complaints handling. This is to be updated periodically.
Anticipated growth of the congregation and how these long term projections will be factored into the development and managed in the future.	Anticipated growth of the educational establishment and how these long term projections will be factored into the development and managed in the future.
	For senior level educational establishments, details of the number of student drivers, the number and location of allocated parking spaces and the measures to monitor the safety of student drivers (e.g. guardian permission slips).

### Further Information

NSW Department of Education and Training

## 5.4 Preservation of Trees or Vegetation

This section outlines the trees or vegetation to which Clause 5.9 of the City of Parramatta Council Local Environmental Plan 2011 (LEP 2011) and Clause 34 Parramatta City Centre Local Environmental Plan 2007 applies by reference to species, size, or location.

Trees play an important role in the 'greening' of our city. They make our surroundings pleasant, provide relief from summer heat and reduce glare from the pavement. They also increase the value of real estate, reduce runoff and improve the quality of the air we breathe.

Council considers it important to carefully manage this precious resource and to preserve the existing urban forest within the City of Parramatta Council Local Government Area for the purpose of establishing green corridors and maintaining the natural aesthetic values within the urban environment.

Trees on sites listed on the New South Wales State Heritage Register require Heritage Council approval or exemption from this approval prior to any pruning or proposed removal. Exemptions may be granted for pruning up to 30% of the canopy of a tree on a State Heritage Register-listed site within a two year period. More information on Heritage Council approvals and exemptions is available online at [www.heritage.nsw.gov.au/development](http://www.heritage.nsw.gov.au/development).

### Objectives

- O.1 To maintain and enhance the amenity of Parramatta Local Government Area through the preservation of appropriate trees and vegetation.
- O.2 To retain Parramatta Local Government Area's urban forest cover particularly its street tree and parkland tree population to alleviate urban heat impact.
- O.3 To appropriately manage trees and vegetation in order to ensure their health and long term retention.
- O.4 To conserve trees of ecological, heritage, aesthetic and cultural significance.
- O.5 To protect and manage individual trees as an important community asset.
- O.6 To establish the procedural framework and requirements governing the pruning, removal and subsequent replacement of trees within the City.
- O.7 To ensure all new development considers and protects existing trees on development sites and provides opportunity for the healthy growth of large trees.

### How to use this Part

This Part is to be read in conjunction with Clause 5.9 Preservation of Trees or Vegetation of LEP 2011, or Clause 34 of LEP 2007.

The controls in this Part, to the extent of any inconsistency in relation to trees, take precedence over the controls in other Parts of the Development Control Plan 2011 (DCP 2011).

All references to Acts, Regulations, Codes, Australian Standards, Plans, policies, the Technical Manual and the Guide are to those documents as amended over time.

This Part has 4 sections:

- Section 1 - Introduction
- Section 2 - Tree Permits - Explains which tree works require a tree permit and sets out the controls for these works.
- Section 3 - Exempt Works - Explains which tree works do not require a tree permit or development application approval.
- Section 4 - Definitions

### 5.4.1 Introduction

Trees to which the control applies:

1. Any tree or palm - whether indigenous, endemic, exotic or introduced species with a height equal to or exceeding 5 metres.
2. Any tree or mangrove vegetation located on public land, irrespective of size.
3. Any tree or plant, irrespective of size:
  - a. that is listed in a Register of Significant Trees; or
  - b. that is or forms part of a heritage item, or that is within a heritage conservation area; or
  - c. that is or forms part of an Aboriginal object, or that is within an Aboriginal place of heritage significance.

#### Penalties

A person found guilty of an offence for a contravention of these controls may be issued a penalty infringement notice not exceeding \$3000 for individuals, \$6000 for companies, fined up to \$110,000 if dealt with in the Local Court or up to \$1,100,000 if dealt with in the Land & Environment Court.

In addition to a penalty awarded, the Court may also order the repair, remedial pruning or replacement of a damaged or removed tree and impose an order to maintain such replacement to maturity.

### 5.4.2 Tree permit

This section explains which tree works require a tree permit and sets out the controls for these works.

#### Controls

- C.1 A tree permit must be obtained before any tree works are carried out on a tree. An arboricultural report and other reports and information, may be required to be submitted as part of the Tree Permit assessment process.**
- C.2 All tree works must be carried out in accordance with the WorkCover NSW Code of Practice: 'Amenity Tree Industry' - 1998.**
- C.3 Trees removed as a consequence of approval by a tree permit may need to be replaced with a suitable canopy tree or trees in a suitable location on the site.**

#### Offset Program

Should Council approve tree works, Council prefers that trees that are removed are replaced on the site with a suitable replacement canopy tree and in a suitable location onsite. However, there may be circumstances when there is no suitable location on site (for example, in the case of small backyards); in this case, a financial contribution will be required to be paid to support public tree planting. Offset fees are contained within Council's published fees and charges.

#### 5.4.2.1 How an Application is Made

An application for consent to undertake tree works shall be made, using Council's Tree Permit Application, by all owners of the land on which the tree works are to be carried out or by any person with written consent of the owners. The application form must be completed and submitted to Council together with the appropriate fee.

#### Trees which are considered to be dangerous

If a tree is considered to be:

- dead;
  - dying; or
  - posing an imminent risk to human life or property,

a tree permit application is not required to be submitted to Council for the removal of that tree.

If Council is satisfied that the tree is dead, dying or posing an imminent risk to human life or property, it will issue a letter confirming that the tree is exempt from the requirement for a tree permit and tree works may be undertaken. Council may require a replacement tree to be planted to ensure that in time this tree is replaced.

Note: Section 3 details exemptions from a tree permit for tree works to be undertaken by the State Emergency Service or Rural Fire Service in response to emergency, severe natural event and other nominated circumstances.

In determining if the tree is posing an imminent risk to human life or property, a tree risk assessment will be undertaken that will consider:

- Likelihood of failure
- Likelihood of impacting a target
- Consequences of impact

#### 5.4.2.2 Assessment Process

In considering a tree application, the Council shall consider the retention value of the tree through a 3 step process:

**Step 1:** Assess the sustainability of the tree in its location. This is determined by considering the vitality, structural condition, age/longevity of the tree and suitability of the tree to the site.

Questions to be considered:

- Has the tree reached the end of its lifespan or is there evidence of decline?
- Does the tree show evidence of potential structural failure, and could become dangerous requiring it to be removed at a later date?
- Does the tree impact on a main area of private open space, so that it compromises the use of the open space for passive or active recreation?
- Is there evidence of damage to the tree due to pests or disease that will reduce the lifespan of the tree?
- Is there evidence that the tree is causing structural damage to a building?
- Is the species of tree suited to the location?

**Step 2:** Assess the landscape and amenity significance of the tree. This is determined by considering the amenity, heritage and environmental value of each tree.

Questions to be considered:

- Is the tree prominent in the streetscape?
- Does the tree have heritage significance or contribute to the significance of a place?
- Is the tree a contributory item to a heritage place or conservation area?
- Does the tree represent a typical planting of the era of the associated building or park's construction or creation?
- Does the tree contribute to an established streetscape?
- Does the tree have high aesthetic value?
- Is the tree indigenous or endemic species?
- Is the tree part of a remnant endemic collection of trees or vegetation?

- Does the tree have the potential to provide a habitat for native fauna?
- Is the tree part of a threatened ecological community listed under the *Threatened Species Conservation Act 1995*? If yes, a Seven Part Test may be required.

Where a tree is identified as part of an ecological community listed under Schedules 1 and 2 of the *Threatened Species Conservation Act 1995*, Section 5A of the Environmental Planning and Assessment Act 1979 applies and an "Assessment of Significance" must be prepared by a qualified ecologist and submitted to Council with the application

**Step 3:** Consider sustainability and landscape significance together to determine the retention value.

- Trees will be categorised as having a high, medium, low or very low retention value.
- Trees with a high retention value or a medium retention value should be considered for retention.
- Trees with a low retention value can usually be removed, however their replacement may be a requirement of removal.

### Neighbour's Trees

If a neighbour's tree overhangs your property boundary you may undertake pruning within your property boundary, provided it can be carried out in accordance with Australian Standard AS4373 – 2007, 'Pruning of Amenity trees' from within your property and you have obtained consent from Council prior to undertaking such works.

#### 5.4.2.3 Consent Duration

1. Consent issued by Council shall lapse if the works referred to in the consent have not been completed within two (2) years from the date of consent.
2. Consent issued by Council in conjunction with a subdivision approval, a building approval, complying development or development consent shall lapse if these approvals or consents lapse or become invalid, void or are surrendered.
3. Consent for tree works associated with development may, if granted, be issued concurrently with the development application or complying development consent but may also be subject to any landscaping and streetscaping requirements or any conditions imposed under any relevant SEPP, LEP, DCP or other Council Policy.
4. A copy of the consent must be kept on the site of the tree works and produced on demand to Council's duly authorised officers, servants or agents.

#### Issues which do not usually warrant removal / pruning of trees:

- A tree is shedding leaves, fruit, bark, cones or twigs.
- A tree is causing minor structural damage, such as footpaths or driveways.
- There are fears about healthy trees failing.
- A tree is causing minor shading.
- A tree is causing blockage to pipes, unless the damage is serious and recurring. Root pruning, replacement of old dilapidated pipes, or use of root barriers may solve the problem (evidence would need to be provided if the problem is serious).
- Pruning for amenity views.

#### Applications for consent to prune or remove trees located on publicly owned land, including Council Parks, Reserves and Road Reserves

Council, or its duly authorised servants or agents, may carry out the pruning or removal of a tree/s including bushland vegetation from Council owned or controlled land.

1. All tree works conducted by Council will comply with relevant Australian standards and specifications as determined by the Council policies. The cost of all non-essential tree works for trees located on public land will be the responsibility of the applicant. Council or an authorised agent will carry out any such approved works.
2. Where a Council Public Works project requires tree/s to be pruned or removed, consent must be sought at the planning stage in consultation with Council's Open Space and Natural Resources Unit.

Public consultation on the removal of public trees will be undertaken in accordance with Council's *Public Tree Assessment and Procedural Guidelines*.

#### 5.4.2.4 Opportunity for Review

If you are dissatisfied with a decision, you may request a review of the determination of a tree application.

Section 82A of the *Environmental Planning and Assessment Act 1979* provides that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) together with payment of the appropriate fee. The review must be lodged and determined **within six (6) months** of the date on which you receive the determination notice.

Note: To enable the Section 82A review to be considered within the six month time frame prescribed under the *Environmental Planning and Assessment Act 1979*, it is advisable to lodge the application for review under Section 82A as soon as possible.

Section 82A does not apply to complying development, designated development, integrated development, or a determination made by Council under Division 4 in respect of Crown applications.

Section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court **within six (6) months** of the date on which you receive advice of Council's decision.

#### 5.4.3 Exempt works

Explains which tree works do not require a permit or development application approval.

##### Introduction

This section explains when approval from Council (either by tree permit or by development application) is not required to carry out tree works, including the removal or pruning of a tree.

##### Exempt Tree Works

The following are exempt tree works and do not require a permit or development application approval:

##### Part A - Exemption applies to land under care, control, management of Council

1. Tree works on a tree on land owned or under the care, control and management of Council where the tree works are carried out by Council.

##### Part B - Exemption applies to all land:

1. Removal of a dead tree in accordance with WorkCover NSW Code of Practice '*Amenity Tree Industry*' - 1998.
2. Tree works carried out on a tree by the State Emergency Service or Rural Fire Service in response to an emergency or severe natural event.
3. Tree works required under the provisions of Section 48 of the *Electricity Supply Act 1995*.

4. Tree works on any tree of a species that has been declared a noxious plant under the *Noxious Weeds Act 1993*.
5. Trees that are required to be removed as part of a Section 66 Directive under the *Rural Fires Act 1997* or the provisions provided under the 10/50 Vegetation Clearance Code of practice for New South Wales.
6. Trees that are required to be removed by a Rural Fire Brigade because it poses or will pose a significant threat to access along required fire trails or to human life, buildings or other property during a bushfire.
7. Trees that have otherwise become dangerous from actions associated with hazard reduction burns undertaken in accordance with a Part V approval under the *Environmental Planning and Assessment Act 1979*, or a bushfire.
8. Trees that are required for immediate removal where this is essential for emergency access or emergency works by Council or the State Emergency Services.
9. Trees that are required for removal in accordance with Part 6 Division 4 section 46 of the *Sydney Water Act 1994*.
10. Trees required for removal in accordance with sections 88, 107, 138 and 139 of the *Roads Act 1993*.

**Part C - Exemption applies to all land, except for land/tree which:**

- is listed on the Register of Significant Trees;
  - is or is located on a site classified as being part of a vulnerable, threatened or endangered ecological community or provides or has the potential to provide habitat for native fauna or fauna classified as vulnerable or threatened under the *Threatened Species Conservation Act 1995* (NSW) or the *Environmental Protection and Biodiversity Conservation Act 1999* (Commonwealth);
  - is or forms part of a heritage item or place;
  - is within a heritage conservation area;
  - is or forms part of an Aboriginal object;
  - is within an Aboriginal place of heritage significance; or
  - is on public land.
1. Tree works on a tree where the trunk of the tree at ground level is within 3 metres of:
    - a. the outside enclosing wall of a legally constructed building; or
    - b. the outside edge of the footings of a legally constructed carport; or
    - c. the outside edge of the coping of a legally constructed in-ground swimming pool.

Note: This exemption does not apply to a tree on adjoining land. The tree and the dwelling house or other structure referred to above must both be on the same land for the exemption to apply.
  2. The tree is of a species *Populus spp.* - (Poplar), *Salix spp.* - (Willow), *Cinnamomum camphora* - (Camphor Laurel) and *Liquidambar styraciflua* - (sweet gum), where the trunk of such tree is located within 5 metres of any sewer or
    - a. the outside enclosing wall of a legally constructed building; or
    - b. the outside edge of the footings of a legally constructed carport; or
    - c. the outside edge of the coping of a legally constructed in-ground swimming pool.

Note: This exemption does not apply to a tree on adjoining land. The tree and the dwelling house or other structure referred to above must both be on the same land for the exemption to apply.

## 3. Tree works on any tree on the following list:

Note: The trees listed below are identified by their botanical name (common names are provided as reference only). Cultivated varieties (cvs.) of the trees listed are not included for exemption except where specified.

**Table 5.4.3.1**  
Botanical and Common Names of tree species

Botanical Name	Common Name
<i>Acacia baileyana</i>	Cootamundra Wattle
<i>Acacia decurrens</i>	Green Wattle
<i>Acacia salignus</i>	W.A. / Golden Wreath Wattle
<i>Acer negundo</i>	Box Elder
<i>Albizia lapantha</i>	Crested Wattle / Persian silk
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alnus jorullensis</i>	Evergreen Alder
<i>Cotoneaster pannosus</i>	Cotoneaster
<i>Eriobotrya japonica</i>	Loquats
<i>Erythrina spp.</i>	Coral Trees
<i>Ficus elastica</i>	Rubber Tree
<i>Gleditsia triacanthos</i>	Honey Locust
<i>Lagunaria patersonia</i>	Norfolk Is. Hibiscus
<i>Ligustrum lucidum &amp; cvs</i>	Large Leafed Privet
<i>Ligustrum sinense</i>	Small Leafed Privet
<i>Melia azedarach</i>	White Cedar
<i>Nerium oleander</i>	Oleander
<i>Olea europaea var. africana</i>	African Olive
<i>Populus alba</i>	White / Silver Poplar
<i>Populus deltoides</i>	White / Silver Poplar
<i>Populus nigra</i>	Black Poplar
<i>Populus nigra Italica</i>	Lombardy Poplar
<i>Pyracantha augustifolia</i>	Firethorn
<i>Robinia pseudoacacia</i>	False Acacia / Black Locust
<i>Rhus toxicodendron</i>	Rhus / Sumac Tree
<i>Salix alba ssp. babylonica</i>	Weeping Willow
<i>Salix matusdana 'Tortuosa'</i>	Tortured Willow
<i>Schefflera actinophylla</i>	Umbrella Tree

Botanical Name	Common Name
<i>Schinus terebinthifolius</i>	Brazilian Mastic / Pepper Tree
<i>Syagrus romanzoffianum</i>	Cocos Island / Queen Palm

All edible fruit and nut trees except native species such as *Acmena spp.* (Lily Pilly), *Syzygium spp.* (Lily Pilly), *Elaeocarpus spp.* (Blueberry Ash) or *Macadamia spp.* (Macadamia Tree).

### Exempt Pruning Works

This clause only allows pruning of a tree if it is carried out in accordance with Australian Standard AS4373 – 2007, ‘Pruning of Amenity trees’ and WorkCover NSW Code of Practice ‘Amenity Tree Industry’ – 1998.

#### These exemptions apply to all land:

1. The removal of dead branches from a tree.
2. Selective pruning, being only pruning to remove branches no larger than 50mm diameter at the nearest branch collar to clear:
  - a. a roof;
  - b. an external face of a building;
    - where branch encroachment is within 2m of such and where the owner of the land where the centre of the tree trunk originates provides written consent.
3. Pruning of trees to remove branches no larger than 50mm diameter at the nearest branch collar to maintain distance clearances to powerlines as set out under section 48 of the *Electricity Supply Act 1995*.
4. Crown modification pruning of a hedge by no more than 20% of its height and or width in any one year.
5. Crown maintenance pruning of trees in accordance with sections 88, 107, 138 and 139 of the *Roads Act 1993* and in accordance with AS4373 2007.
6. Selective pruning of branches or foliage emanating over public land from privately owned trees where access is required to be restored or created by Council or the State Emergency Services.
7. Selective pruning to remove any species of parasitic mistletoe or parasitic plant from any part of a tree.

#### 5.4.4 Definitions

In this Part:

“**Aboriginal Object**” means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non- Aboriginal extraction, and includes Aboriginal remains.

“**Aboriginal Place of Heritage Significance**” means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition, that is:

- a. the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the lands by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or

- b. a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation ceremonial or story places or areas of more contemporary cultural significance.

Note: The term may include (but is not limited to) places that are declared under section 84 of the *National Parks and Wildlife Act 1974* to be Aboriginal places for the purposes of that Act.

“**Bushland**” has the same meaning as that defined in ‘State Environmental Planning Policy No. 19 – Bushland in Urban Areas’, as referred to in the City of Parramatta Council’s Vegetation Management Plan 1998.

“**Contributory Item**” means a tree that makes a contribution to a heritage item or conservation area including streetscape and parkland trees. This contribution may be visual, aesthetic functional (e.g. wind protection, provision of shade, shelter, etc.).

“**Dangerous Tree**” means a tree that will inflict imminent liability or harm to a person’s life or property.

“**Dead Tree**” means a tree that is no longer capable of performing any of the following processes:

- Photosynthesis via its foliage crown (as indicated by the presence of moist, green or other coloured leaves);
- Osmosis (the ability of the roots system to take up water);
- Turgidity (the ability of the plant to hold moisture in its cells);
- Epicormic shoots (the production of new shoots as a response to stress, generated from buds under the bark or from a lignotuber – an underground stem);

or is exhibiting any of the following symptoms:

- Permanent leaf loss in both deciduous and evergreen plants;
- Permanent wilting (the loss of turgidity which is marked by drying out of stems, leaves and roots);
- Shedding of the epidermis (bark dries out and peels off to the beginning of the sapwood – new wood).

“**Destroy**” means any immediate or ongoing process or activity leading to the death of a tree.

“**Dying Tree**” means a tree that has entered senescence and is unable to be restored to a former healthy condition.

“**Hedge**” means a dense line or row of trees planted as a screen, fenceline or boundary indicator.

“**Height**” means the distance measured vertically between the horizontal plane of the lowest point of the base of the tree which is immediately above ground and the horizontal plane of the uppermost point of the tree.

“**Heritage Conservation Area**” means an area of land of heritage significance shown on a heritage map and described in a heritage schedule in a Local Environmental Plan, and includes any heritage items situated on or within that area.

“**Heritage Item**” means a building, work, place, relic, tree, object or archaeological site the location and nature of which is identified in a Heritage Study, described in a heritage schedule in a Local Environmental Plan, or the NSW State Heritage Register.

“**Injury**” and “**Willful Destruction**” includes the administering of a chemical or artificial substance to a tree or part of a tree or, the alteration of ground level or water table which causes damage to the tree or any part of the tree including roots. This includes any physical injury especially by machinery on construction sites.

“**Legally constructed**” means built in compliance with environmental and planning legislation

and instruments in force within the City of Parramatta Council at the time of construction.

**“Lop”** or **“Lopping”** means cutting branches or stems between branch unions or internodes, with the final cut leaving a stub.

**“Owner”** has the meaning ascribed to it in the *Local Government Act, 1993*, No. 30.

**“Pruning”** means the removal of any stem/s back to the intersection of another stem/s to a swollen area of the intersection called the branch collar. This also means any act or acts of severing any part of a tree so as to cause reduction of the air space occupied by the branches and foliage of a tree. All pruning is to conform to Australian Standard AS 4373 – 2007 “Pruning of amenity trees”.

**“Removal”** and **“Cutting Down”** means the cutting down or dismantling of a tree so that the tree, including its branches, foliage, trunk, stump and root system will not regrow. This includes the poisoning of the stump and/or roots and/or removal or grinding out of its remains to prevent regrowth.

**“Top”** or **“Top Lopping”** means the reduction of the height of a tree through the practice of lopping.

**“Transplant”** or **“Transplanting”** is the removal of a tree that is excavated from its place of origin from within the ground and is relocated within the ground of the same property or re-establishment within the ground or a container within another property.

**“Tree”** long lived woody perennial plant greater than (or potentially greater than) 5 metres in height with one or relatively few stems (Australian Standard AS 4373-1996 “Pruning of amenity trees”).

**“Tree Works”** means:

- a. Any pruning of the crown of a tree (except for deadwood in accordance with Section 2 of this Part);
- b. any removal of a tree
- c. any pruning or removal of roots (greater than 40mm in diameter); and/or
- d. any alteration (excavation or fill) to the soil level within the Tree Protection Zone of a tree on the land or on adjoining land.

**“Urban Forest”** is defined as the totality of trees and shrubs on all land around urban areas and is measured as a canopy cover percentage of the total urban area.

## 5.5 Signage

### Objectives

- O.1 To encourage signage that provides identification and information about premises in a manner that complements the development on which it is displayed and minimises the visual impact on the surrounding locality.
- O.2 To contribute to the appearance of the building, structure or place by encouraging coordinated signage of high-quality design and materials.
- O.3 To protect residential areas, open space areas and buildings or areas of heritage significance or special character from the adverse impacts of inappropriate signage.
- O.4 To ensure that the visual and physical amenity of a locality is not impaired by a proliferation of signs.
- O.5 To protect the significant characteristics of buildings, streetscapes, vistas and the Parramatta CBD skyline.
- O.6 To require that signs complement the architectural style and use of buildings.
- O.7 To promote signs that will add character to the streetscape and assist with way finding and the pedestrian usability of the Parramatta CBD.
- O.8 To limit the overall amount of signage through the provision of fewer, more effective signs, to avoid the creation of visual on buildings and streetscapes.

### General Requirements

- Signs are to be sited and designed so that they do not adversely impact on the amenity of the streetscape and the surrounding locality, in particular signs are not to dominate or obscure other signs or result in visual clutter.
- Signs are to be compatible with the design, scale and architectural character of the building or site on which they are to be placed.
- Structures supporting signs should be of a high aesthetic appearance and not impact on the visual amenity of the locality.
- Materials used should be durable, fade proof and of a high aesthetic quality.
- Advertisements and advertising structures should not protrude above the skyline.
- Advertisements and advertising structures should complement natural features and not result in the trimming and lopping of significant trees.
- The following types of advertising and signs are discouraged to protect the visual quality of the City:
  - Posters on poles or other structures in public places
  - Sky signs
  - Temporary signs of a commercial nature on land whether zoned or unzoned
  - Trees used to support advertisement
  - Flashing lights
  - A-frame signs, goods and signboards in public places
  - Pylon signs not directly related to an activity carried out on the site.
  - Signs painted on or applied on the roof.
- General advertising signs that do not relate to a use, business or activity carried on the site or building on which the sign is to be placed are discouraged in order to protect visual amenity and reduce visual clutter.
- Sign content is to relate directly to a use, business or activity carried out on or associated with the building or site on which the sign is to be placed, or to within 400m of the site, except where the sign:

- is incorporated with a bus shelter, home kiosk, telephone booth,
- street furniture and the like, or
- is in conjunction with the provision of public infrastructure, or
- incorporates sponsorship acknowledgement.
- Sponsorship acknowledgement will be limited to words related to the sponsoring company's name, and the sponsor's logo, provided it does not exceed 5% of the area of the sign.
- The language of signs is to be accessible to the wider population.
- All signs displaying the language of a foreign country must contain the English equivalent.
- Signs and their supporting structures are to be structurally sound and constructed to ensure pedestrian and traffic safety.
- Signs and their supporting structures should not be:
  - hazardous to passers-by and for traffic safety
  - located so as to obscure a driver's or pedestrian's view of road or rail vehicles, pedestrians or features of the road, railway or footpath
  - highly illuminated so as to cause discomfort to, or inhibit vision of drivers or pedestrians
  - mistaken as an official traffic sign and should not distract a drivers attention or be confused with traffic signal instructions.
- The erection of any sign must comply with the applicable requirements of the Building Code of Australia.
- Illuminated signs are not to detract from the architecture of the supporting building during daylight.
- Illuminated signs are to be energy efficient.
- In considering applications for new signs, the consent authority must have regard to the number of existing signs on the site or the number of signs on a new building and in its vicinity and whether the cumulative impact gives rise to visual clutter.
- A curfew may be imposed on the operation of illuminated signs where continuous illumination may impact adversely on the amenity of residential buildings, serviced apartments or other visitor accommodation, or have adverse environmental effects.
- External lighting of signs is to be downward pointing and focused directly on the sign and is to prevent or minimise the escape of light beyond the sign.

### Residential Zones

- Signs in residential zones are not to detract from the residential amenity of the locality.
- Signage is restricted to one business identification sign identifying the office of a professional person, or a home occupation business that meets the exempt development requirements.

### Business Zones

- Signs should permit adequate identification and business advertising while avoiding visual clutter.
- Signs are to reflect the character of the town, neighbourhood centre or mixed use locality in which they are located and are to be incorporated into the development at the design stage.
- To protect the amenity of adjoining residential uses:
  - signs may not be permitted on walls facing adjoining residences
  - signs should be located on the street facing wall areas of buildings, below the roof eaves line or parapet line, and relate to the architectural appearance of the building
  - special care is to be taken to avoid any likely nuisance to nearby residents
  - as a result of glare or light spillage.

- Flush wall signs should not span across window openings or facade bays. Where traditional recessed advertising panels have been incorporated into the design of the facade, these should be utilised.
- Under awning signs, illuminated and non-illuminated, are to:
  - have maximum dimensions 2500mm in length and 500mm in height
  - be erected horizontal to the ground and at no point be less than 2600mm from the ground
  - not project beyond the edge of the awning include a separation distance of 3m from other under awning signs.
- Top hamper signs are to be:
  - proportionate to the size of the top hamper fascia, but, shall not exceed 600mm in height and 4000mm in length
  - set back 600mm from side boundaries to satisfy fire regulations, where illuminated
  - be restricted to one per premises.
- Signs on multi-storey office and multi tenancy retail buildings, usually referred to as naming rights, will be limited to a corporate or head tenant identification only. Secondary naming rights may also be located at the entrance(s) of a building. All other signs relating to the tenants of the building are to be contained in a directory board. Such directory boards are to be designed and constructed of high quality material, incorporated into the architecture of the building and are not to dominate landscaped areas and public domain areas. Individual tenant signs are not permitted.
- Signs for individual non-residential land uses are restricted to 1 top-hamper sign, 1 under-awning sign and 1 wall sign.
- Fascia signs are generally to be no larger than 0.75m<sup>2</sup>, where the bottom of the sign is at least 2.6m above the pavement and where the outer edge is at least 1 metre from the kerb. Surface mounted box signs attached to the front fascia's which detract from the building's appearance will not be favoured. Timber or cast metal signs are encouraged on traditional shop frontages.

### Industrial Zones

- Signs in the industrial zones are to adequately identify the premises in a coordinated way while preserving the architectural qualities of the site.
- Signage should be incorporated into the architecture of the buildings on the site.
- Signs identifying multiple occupancy buildings should take the form of one/two directory boards at the entrance. Such boards are to:
  - be designed and constructed of high quality material and incorporated into the architecture of the building
  - complement landscaped areas and are not to dominate public domain areas
  - identify the name of industrial estate and the occupants.

## 5.5.1 Signs on heritage buildings and conservation areas

### Objectives

- O.1 To encourage signs that are appropriate to a heritage item having regard to the significance and context of each item.
- O.2 To ensure that the installation of a sign does not result in damage to significant fabric of a heritage item.
- O.3 To ensure that a sign (including its supporting structure) on a heritage item responds to the significant aesthetic elements of the heritage item.
- O.4 To ensure that existing signs on a heritage item, when significant, are retained and not impacted upon by the provision of any new sign.

- O.5 To prevent inappropriate signs on a heritage item.
- O.6 To restrict illumination of signs on a heritage item and to prohibit the use of internally illuminated signs on a heritage item.
- O.7 To ensure that there is consistency of approach to the retention of existing signs and provisions of all new signs on a heritage item.

### Controls

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#### All signs on a heritage item are to be:

- C.1 Restrained in design.
- C.2 Of a high standard of materials, construction and graphics.
- C.3 Carefully placed and of compatible design and style where appropriate.
- C.4 Any sign proposed for a heritage item is to be consistent with the recommendations of an approved Signs Strategy forming part of a development consent or the policies and recommendations of any Conservation Management Plan applying to the heritage item.
- C.5 Signs between the first floor level and the parapet of a heritage item are not permissible.
- C.6 Internally illuminated signs are not permitted on a heritage item unless they are a reconstruction of an original significant sign.
- C.7 Externally illuminated signs are permitted only where:
  - The design of the sign achieves a very high degree of compatibility with the heritage item;
  - The cabling and conduit supplying power to the sign is completely concealed and does not involve intervention in or damage to significant fabric.
- C.8 Existing signs on a heritage item may have heritage value and may need to be retained. As well as signs that are applied to the building, existing signs may include many other more intrinsic sign types, such as written in the pavement, in tile work, in lead lighting or windows, painted on walls or In raised lettering in render. Any new signs are to be designed and installed sympathetically with regard to existing signs. In cases this may result in the potential locations for new signs being restricted or unavailable. New signs should be located in areas or elements of buildings that have traditionally been used for signage.
- C.9 The installation of any sign on a heritage item is to be carried out in a reversible manner without damage to the significant fabric. In the case of a sign affixed to any stone or brick wall of a heritage item the sign is to be fixed in such a way that stone is not damaged and any fixings are put only onto mortar joints.
- C.10 The consent authority shall have regard to the name of a heritage item and whether or not the name is significant before allowing its building name sign to be changed. On some buildings this may mean that the building name may not be changed.

## 5.6 Sex Services and Restricted Premises

The purpose of this section is to provide detailed provisions to guide the preparation and assessment of development applications for sex services premises, restricted premises and business and entertainment premises providing adult entertainment. The planning controls in this section are designed to ensure that sex services and restricted premises are operated in appropriate locations so that they do not give offence to the community or result in a loss of amenity for residents.

### Objectives

- O.1 Regulate and control sex services premises, restricted premises and business and entertainment premises providing adult entertainment in appropriate locations so as to minimise amenity impacts upon adjoining land uses in the zone.
- O.2 Discourage a concentration of sex services premises, restricted premises and business and entertainment premises providing adult entertainment in close proximity to each other.
- O.3 Ensure high levels of both internal and external amenity are provided for sex services premises and restricted premises to ensure the amenity and security of staff, and users or occupiers of the respective premises as well as neighbouring properties.
- O.4 Ensure that restricted premises and similar establishments such as massage parlours are designed in such a way as to prevent either the easy conversion or use as sex services premises without obtaining development consent or operating outside their development consents.
- O.5 Provide an appropriate framework to effectively regulate the operation of sex service premises and restricted premises, through detailed provisions of development consent in the provision of plans of management and coordination with other relevant government agencies.
- O.6 Support the health and safety initiatives of NSW Health and WorkCover NSW in regard to sex workers and their clients.
- O.7 In accordance with Section 5.6.2, prescribe the information to be submitted with a development application for sex services premises and restricted premises.

### 5.6.1 Development to which this section of the DCP applies

This section applies to sex services premises including brothels, restricted premises and business and entertainment premises where adult entertainment is provided as defined in the Parramatta LEP 2011 and which may include premises as outlined below:

**Brothels and sex services premises** comprise premises, as defined in the above instruments, where sexual acts or sexual services are provided for payment. These may include:

- i. Safe house brothels for street-based sex workers;
- ii. Bondage and discipline parlours; and
- iii. Massage parlours (see note below).

NOTE: Premises described as providing massage related services involving sexual acts or sexual services will be considered as a brothel. However, please note that Section 16 of the *Summary Offences Act 1988* makes it an offence for a person being the owner, occupier, or manager, or person assisting in the management of a premises held out as being available for: 'massage, sauna baths, steam baths, facilities for physical exercise, taking of photographs or services of a like nature' to knowingly suffer or permit sexual services.

Where development consent is sought for premises for medical or therapeutic massage, additional information, as outlined may be required to demonstrate that measures are proposed to ensure compliance with this Act. This information will include:

- ABN number;
- Details of a current public liability insurance policy;
- Evidence that the operator of the business has completed HLT 50307-Diploma of Remedial Massage or an equivalent qualification;
- Evidence that staff providing massage therapy have completed HLT 40307 - Certificate IV in Massage or an equivalent qualification;
- Evidence that the operator of the business is accredited with at least one recognised health fund as a registered health provider;
- Evidence that the operator of the business is currently certified in HLTF301B - Apply First Aid. (Workplace Level 2 - formerly known as Senior First Aid Certificate)
- insurance details; and
- demonstration that the persons proposed to work on the premises are qualified or recognised in the treatment that they are making application for.

Conditions may be imposed on any development application:

- preventing the conversion or use of massage parlours and similar establishments as sex services premises
- ensuring that the premises must only be used in accordance with the information provided in the development application and
- by physical controls that limit the illegitimate use for sex services.

**Restricted premises** are defined in the Parramatta LEP 2011 and may comprise premises which sell restricted materials such as adult bookshops.

**Business and entertainment premises** providing adult entertainment and hereafter termed **adult entertainment premises** in this DCP. These may include:

- i. Strip club premises;
- ii. Sex on premises venues; and
- iii. Swingers clubs.

### Period of consent

Consent for sex services, restricted premises and businesses conducting massage related services will be limited to two years at which time a new development application will need to be lodged.

### GLOSSARY OF TERMS

This glossary supports terms used in this section of the DCP. Definitions in the Parramatta LEP 2011 prevail in the event of any conflict with terms outlined in this glossary.

**Ancillary services premises** means premises that are used to arrange contacts between sex workers and clients, such as offices of an escort agency, with the intention of sexual activity taking place off site. Sex workers may or may not be based at the premises or visit the premises to obtain work. Premises where sexual activity occurs on site will be defined as a brothel.

**Bondage & Discipline Parlour** means premises where the primary service provided is bondage and discipline, sadism and masochism, or similar role plays and activities. Premises may also provide a sexual service.

**Brothel** means premises habitually used for the purposes of sex services, or that have been used for that purpose and are likely again to be used for that purpose.

**Safe House Brothel** (for Street-Based Sex Workers) means premises where income is gained from the short-term rental of rooms to street-based sex workers (who usually solicit for work in the public domain) or their clients, for the purposes of sex services. The sex workers are not employed “inhouse”, nor do they solicit from the premises, or live on the premises.

**Sex on Premises Venue** means premises that gain income from entrance and/or membership fees paid for the use of the premises for sex between the clients but are not premises where

sex services take place, or are arranged in exchange for payment. Such premises include: swingers clubs and sauna clubs that accommodate sexual encounters.

**Strip Club Premises** means premises providing striptease acts, erotic dancing, tabletop, or podium performances, private dancing, peepshows, or nude or semi nude bar/waiting staff. Sexual intercourse does not take place on site. Premises may require payment to gain entry/view the performance, and may be liquor licensed.

### 5.6.2 Submitting a Development Application

Development consent is needed for sex services premises, restricted premises and adult entertainment premises. As a first step in the development consent process, proponents of such premises are strongly advised to consult with Council officers.

The following additional information should accompany any application for development consent for sex services premises, restricted premises and adult entertainment premises in order to enable Council to properly consider the development application.

1. Specific information as to the operation of the proposed use must be clearly set out in the Statement of environmental effects, including:
  - Number and role of all staff
  - Description of the activities that are proposed to be undertaken at the premises
  - Hours of operation
  - Number of rooms in premises
  - Identification of the rooms to be used for the proposed activities.
2. Plan of management (refer to 5.6.3 of this section): which sets out necessary considerations to be addressed for the establishment and operation of all types of sex services premises.
3. Plan information: plans or drawings clearly showing the following information must be provided for all development applications.
  - Location plan drawn to scale showing the proximity of the subject site to churches, hospitals, schools, community facilities, parks, other sex services premises, licensed premises in residential properties, or any other place readily frequented by children for recreational or cultural pursuits. A location plan is to identify specified uses within 200m of the proposed sex services site, measured as a radius from the closest boundary or of the allotment of the proposed sex services site.
  - Detailed **floor plans/elevation/sections** showing:
    - The use of each room including staff areas and reception areas
    - All sanitary facilities including toilets, showers and hand basins
    - Details of any spas or swimming pools
    - Entrances to and exits from the building
    - Details of food preparation areas
    - Details of contaminated waste storage
    - Any on-site laundry facilities
    - Any proposed building alterations or additions (a construction certificate application may also be required)
    - Proposed external colour scheme, if intended to change
    - Access for people with a disability, including assessable entries/exits, sanitary facilities and showers pathway and circulation details
    - Details of any advertising signs or structures
    - Details of existing and proposed external lighting.

NOTE:

- For sex services premises, an annual registration fee for each approved room will be made payable to Council.

- Applications for sex services and restricted premises will be referred to NSW Police for comment prior to their determination.

Council will continue to pursue an inter-agency approach of control to enforce compliance.

### 5.6.3 Guide to Plans of Management

The Plan of Management will be used both in the development assessment process and as a means to identify the way in which the premises will operate in compliance to conditions of consent.

The Plan of Management will be incorporated as a condition of development consent. The Plan of Management should supplement the information provided in the Statement of Environmental Effects and the plans submitted with the development application. In addition to providing information to allow the assessment of the potential impact of the premises and compliance with the provisions of this DCP, the Plan of Management can be used by both managers and employees to outline roles and responsibilities and identify procedures for the successful operation and management of the premises. The Plan of Management should include the following essential information.

#### All Premises

##### Business Details

- i. Name and contact details of the operator(s) and manager(s).
- ii. ABN, registered business name, trading name and insurance.
- iii. Record keeping procedures for employees.
- iv. The procedure for recording and dealing with complaints regarding the operation of the premises or the behaviour of visitors arriving or leaving the premises.
- v. All of the above information, approvals for the establishment of the premises, the Plan of Management are to be made available to the public and be kept on the premises at all times. Confidential information on employee details is not expected to be released to the public.

NOTE: The consent authority must be advised of any changes in ownership, management, registered business or trading name during the period of consent.

##### Safety and Security

- i. Detail systems ensuring safety for staff and visitors including:
  - Risk management procedures appropriate to the service provisions (e.g. accident and injury, violent behaviour);
  - The number and role of security personnel;
  - Procedures for the safe handling of money;
  - The method of surveillance of common areas; and
  - Monitoring of alarms.

##### Induction and Training

- i. Staff training and induction procedures and emergency evaluation procedures.

##### Health Access

- i. Access arrangement for the attendance of health service providers must be detailed.
- ii. Health and safety policies for workers together with incident reports and an accident register.

##### Cleaning and Cleanliness

- i. Details of cleaning systems.

- ii. Details of the surface materials of equipment and facilities including stages, sling room facilities, etc.
- iii. Details of cleaning products and equipment.
- iv. Identified cleaning areas for equipment and other removable items.
- v. Details of cleaning procedures including staff allocations.
- vi. Detail cleaning and management systems for swimming pools and spas and douching.

### Waste

- i. Details for disposing of commercial waste.
- ii. Details for managing the safe disposal of sharps.

### Equipment

- i. Detail of all specialist equipment, including information on how it is to be used, and how it is to be cleaned and maintained.

## 5.6.4 Planning Controls

### 5.6.4.1 Location

The locations where sex services premises, restricted premises and adult entertainment premises are permitted are generally prescribed by land use zones in the Parramatta LEP 2011 and Parramatta City Centre 2007. This section provides additional provisions associated with the location of sex services, restricted premises and adult entertainment premises in relation to existing residential and sensitive land uses, and to existing approved sex services premises, restricted premises and adult entertainment premises.

### Objectives

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- O.1 To ensure that sex services premises, restricted premises and adult entertainment premises are located in appropriate areas where they do not impact adversely on the amenity of the environment and in particular do not cause an adverse impact upon neighbouring properties, nearby residential occupancies or other sensitive uses.
- O.2 To ensure that sex services, restricted premises and adult entertainment premises are sensitively located and are not noticeable within an area.
- O.3 To optimise the safety and security of sex services, restricted premises and adult entertainment premises and their users and workers.
- O.4 To avoid the concentration of sex services, restricted premises and adult entertainment premises in any one area which changes the current character or is not in keeping with the desired future character of the area.

### Location Controls

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- C.1 Sex services, restricted premises and adult entertainment premises must not be sited:**
  - a. within a radius of 200 m of existing sex services, restricted premises and adult entertainment premises. Council will limit the congregation of sex services, restricted premises and adult entertainment premises.
  - b. within shopping malls/arcades.
  - c. within a radius of 200 m of a licensed premises being a hotel, public bar nightclub or the like.

**NOTE: Distances referred to in this section and in the Parramatta LEP 2011 in respect of sex services premises and restricted premises are to be measured as a radius from the boundary of the allotment upon which the premises are proposed.**

#### 5.6.4.2 Design of Premises

##### Objectives

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- O.1 To ensure that sex services, restricted premises and adult entertainment premises are designed to minimise their potential impacts in the locality.
- O.2 To ensure the privacy and comfort of patrons.
- O.3 To ensure that the design and external appearance of the premises and any associated structures do not have an adverse impact on and are in keeping with the character of the area.
- O.4 To ensure that adequate and appropriate access to the premises and its facilities is provided to a person with a disability.
- O.5 To ensure that the access to sex services and restricted premises is discreet and discourages clients from gathering or waiting on the street.

##### Design Controls

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- C.1 **The external appearance of sex services premises, restricted premises and adult entertainment premises must respect the architectural character of the streetscape and not be a prominent feature in the street.**
- C.2 **All entrances and exits to sex services premises, restricted premises and adult entertainment premises should be designed to facilitate the privacy of staff and visitors without compromising personal safety (through avoiding the use of isolated back lanes and poorly lit areas). Shared access to the premises is not permitted.**
- C.3 **The interior of sex services premises, restricted premises and adult entertainment premises must not be visible from any place in the public domain. Where the interior of sex services premises, restricted premises and adult entertainment premises may be visible from neighbouring buildings, adequate measures should be taken to screen the interior of the building, for example using blinds, screens etc.**
- C.4 **Sex services premises, restricted premises and adult entertainment premises must not display sex related products, sex workers, or performers, or nude or semi-dressed staff from windows, doors or outside of the premises.**
- C.5 **Adequate design measures must be provided that ensure the safety and security of sex services premises, restricted premises and adult entertainment premises staff and visitors and where appropriate shall include:**
  - **reception and visitor assessment areas that incorporate design measures and management procedures to ensure the safety and security of staff and visitors**
  - **design which minimises alcoves and entrapment spaces**
  - **adequate safety and surveillance systems.**
  - **adequate amenities (i.e. showers, basins and toilets) are to be provided for staff and visitors.**
- C.6 **Premises must not be designed or operated to have the appearance and function of a 'fortress' and in particular there is to be no physical obstructions to internal and external access.**

**C.7 Doors to working rooms must not be fitted with locking mechanisms.****5.6.4.3 Parking****Objectives**

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- O.1 To ensure that adequate parking is provided for people working on the premises and clients using the facility so that the establishment of sex services premises, restricted premises and adult entertainment premises does not give rise to car parking congestion on the street.
- O.2 To ensure that the location of parking does not adversely affect the surrounding locality, particularly residential properties and sensitive land uses.
- O.3 To ensure the safety and security of car parking areas.

**Design Controls**

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- C.1 On-site car parking shall be provided for sex services premises, restricted premises and adult entertainment premises at the rate of one space per two working rooms and shall be designed in accordance with the provisions of the section relating to parking.**
- C.2 Parking areas, access corridors and entrances are to be well lit and signposted at all times, but not interfere with the amenity of the area.**
- C.3 Reduced parking requirements may be considered if it can be demonstrated by the applicant that adequate on street car parking and/or public transport services exist close to the premises and public transport services operate at the time at which the premises is proposed to be open. It will also be necessary to demonstrate that a variation to the requirements in the provision of less on-site parking, will not adversely affect the amenity of any adjoining properties.**

**5.6.4.4 Hours of Operation****Objectives**

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- O.1 Ensure that sex services premises, restricted premises and adult entertainment premises operate at times where they will have least impact on the community, the environment and nearby land uses.
- O.2 Ensure that sex services premises, restricted premises and adult entertainment premises are not operated over a full 24 hour period.

**Design Controls**

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- C.1 Council will exercise its discretion in relation to permitted hours of operation of sex services premises, restricted premises and adult entertainment premises by taking into consideration the nature of adjoining land uses, hours of operation/use of those premises and possible conflicts with such uses.**
- C.2 Sex services premises, restricted premises and adult entertainment premises must not operate between the hours of 2 a.m. and 7 a.m., unless such operation can be justified by the hours of operation and nature of adjoining uses.**

#### 5.6.4.5 Scale of Operation

##### Objective

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- O.1 To limit the potential for adverse social and environmental impact of sex services, restricted premises and adult entertainment premises in any locality by controlling the intensity of operation.

##### Design Control

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- C.1 No more than 10 employees (includes all staff, e.g. administration staff, sex workers, security guards, etc.) and no more than 8 sex workers are to be on the premises at any one time, but Council may exercise its discretion in relation to the number of employees taking into consideration the nature of adjoining land uses and possible conflicts with such uses.**

#### 5.6.4.6 Advertising Signs and Structures

##### Objectives

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- O.1 To ensure advertising is discreet.
- O.2 To encourage appropriately designed and suitably located signs for sex service premises and restricted premises.
- O.3 To consider the amenity of the surrounding area.
- O.4 To ensure advertising does not result in visual clutter or other visual impacts upon a locality.
- O.5 To minimise the potential for advertising to cause offence to the public.
- O.6 To ensure that there is no confusion over the location of the sex services premises, which may result in disturbance to surrounding properties.

##### Design Controls

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- C.1 A maximum of one (1) external sign per premises is permitted and shall indicate only the name of the business operated and/or the address\*. However, additional signage for parking and traffic management may be provided.**
- C.2 Where primary pedestrian access is from the rear of the site e.g. from a car park (and subject to Council's assessment of the safety aspects of allowing rear access), a second sign may be provided on the site indicating only the name of the business operated and the street number or address.**

**\*NOTE: Advertising premises specifically for the purposes of prostitution is an offence under the Summary Offences Act 1988.**

- C.3 The advertising sign is to be limited in size to 0.3 x 0.6 metres (or other dimensions, but of equivalent surface area of 0.18m<sup>2</sup>).**
- C.4 Signs may be illuminated, but flashing signs are not permitted, provided this would not result in adverse impacts upon the environment or amenity of the area. Illuminated signs are to be extinguished between 2 a.m. and 7 a.m.**
- C.5 The sign shall not display words or images, which are in the opinion of the consent authority sexually explicit, lewd or otherwise offensive.**
- C.6 A clearly visible street number is to be displayed on the premises to avoid disturbance to surrounding premises arising out of confusion as to the location of the premises.**

#### 5.6.4.7 Health and Building Matters

##### Objectives

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- O.1 To ensure sex services premises, restricted premises and adult entertainment premises comply with relevant health and building regulations.
- O.2 To promote the operation of sex services premises, restricted premises and adult entertainment premises in a manner which will ensure the meeting of best practice health standards.
- O.3 To promote safe sex education to sex workers and their clients so as to minimise the risk of contracting sexually transmitted diseases.
- O.4 To ensure that reasonable working conditions are provided for sex workers.

##### Design Controls

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**C.1 All applications to which this section of the DCP relates shall comply with the requirements of the Public Health Act 1991 and the requirements of the New South Wales Health Department.**

**NOTE: The NSW Health and WorkCover “Health and Safety Guidelines for Brothels in NSW” (2001) provide detailed advice on how occupational health and safety requirements can be met. It is the responsibility of the services premises owner/operator to ensure that the NSW Health and WorkCover Guidelines are satisfied in the design and ongoing operation of the premises.**

- C.2 All sex services and restricted Premises must be fitted with the necessary services and facilities required for Class 5 Buildings (an office building used for professional or commercial purposes) under the Building Code of Australia (BCA). This includes, but is not limited to the following:**
- fire safety requirements;
  - adequate lighting in accordance with Australian Standard AS 1680- Interior lighting; and
  - ventilation requirements.

#### 5.6.4.8 Safety and Security

##### Objective

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- O.1 To maximise the safety and security of sex workers, other staff, clients and the general public at all times by ensuring the development upholds the principles of Crime Prevention Through Environmental Design (CPTED).

##### Design Controls

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##### Siting of Buildings and Structures

- C.1 The pedestrian entrance to a building must be easily recognisable and provided at the front of the building.**
- C.2 New buildings or alterations and additions to existing buildings should avoid the creation of recesses in the building form, as these can become potential entrapment spots where intruders may hide. In existing developments to which no new works are proposed, appropriate lighting should illuminate existing entrapment spots, without interfering with the amenity of the area.**
- C.3 Opportunities to provide surveillance of vehicle routes, outdoor car parks and access to car parks must be maximised. This should be achieved by a building**

layout with windows overlooking these areas, provided there is no reduction in privacy or potential for offence or electronic surveillance where casual surveillance cannot be provided.

- C.4 In new developments, parking spaces should be arranged in a grid pattern rather than a herringbone configuration, which reduces surveillance.

#### Blind Corners

- C.5 Pathways must be direct (i.e. straight) and blind corners avoided (including on stairs, in corridors or in other situations where movement can be predicted). If blind corners cannot be avoided then they must be treated with mirrors to improve sightlines.
- C.6 All barriers beside pathways must be low in height or visually permeable (i.e. 'see-through') including landscaping, fencing and the like.

#### Lighting

- C.7 The pedestrian entrance to the building must be well lit but not to the extent where it becomes a prominent feature in the streetscape (e.g. by high intensity lighting or the use of excessively bright colours). Details must be provided with the development application.
- C.8 External lighting should be vandal resistant by being high mounted and/or protected and must be directed towards access/egress routes rather than towards buildings (including the subject or neighbouring buildings).

#### Landscaping

- C.9 Landscaping must not conceal the building entrance from the street or obstruct site lines between the building and the street.
- C.10 Any proposed plantings must not create opportunities for entrapment spots or the concealment of intruders.

#### Security Measures

- C.11 All premises are to have either an intercom or a duress alarm in each room that is used for sexual activity. Alarms are to connect back to a central base (such as reception) that is to be monitored at all times.
- C.12 External storage areas, including waste storage, must be secured to avoid creating hiding places or potential entrapment spots for victims and unauthorised access to the premises by potential offenders.
- C.13 Any security grilles used on windows must be able to be opened from the inside in case of emergency.
- C.14 All intruder alarm systems, security screens, door and window locks and intruder resistant materials used in the development should comply with relevant Australian Standards.

## 5.7 Telecommunications Facilities

### Objectives

- O.1 To apply a precautionary approach to the site selection, design and operation of telecommunications infrastructure.
- O.2 To minimise the possible adverse public health effects of electromagnetic radiation emitted from telecommunications facilities.
- O.3 To encourage the separation of transmitters emitting electromagnetic radiation from concentrations of possible at-risk populations, such as hospitals, retirement villages, schools, child care centres, children's playgrounds as well as residential land uses where practicable and reasonable.
- O.4 To minimise the visibility and visual impact of telecommunications infrastructure and to ensure the character of a locality is considered by telecommunication carriers in selecting sites.
- O.5 To provide guidance to telecommunication carriers about the requirements for site selection to ensure reasonable and equitable access to telecommunication technology.

### General Requirements

#### Siting

- The potential for sharing and co-location is to be given a high priority. The sharing of existing antennas, via the use of combiners, should be pursued in the first instance, wherever possible. Existing towers and poles or other appropriate structures should be investigated for appropriateness for the sharing of antennas.
- Efforts made to co-locate are to be demonstrated by the carrier in the development application. The carriers' network masterplan for the subject infrastructure type should be included to identify opportunities for co-location or sharing of facilities within or between carriers.
- Where possible broad band and other cabling should be located underground.
- Transmitting roof top antennas and towers should preferably be located in industrial or business zones, rather than residential zones or areas that have residential buildings.
- In assessing a development application for telecommunications infrastructure, a merit-based approach will be taken. Siting of facilities will be assessed in terms of the overall pattern of existing telecommunications facilities, so that opportunities for sharing are maximised and the cumulative impact can be determined.
- Facilities are to be sited to avoid possible locations within or at the termination of a significant vista or focal point of a streetscape, visually sensitive areas or a streetscape or landscape dominated by heritage significance.
- Telecommunication facilities are to minimise impacts on flora and fauna during construction, maintenance and operation.

#### Location Requirements

- Telecommunications infrastructure, including mobile base stations, are to be located a minimum of 300m from any dwelling, residential land, school, child care centre, boarding house, hospital, aged care accommodation or other sensitive land use. If it is proposed to locate closer than 300m, the development application is to include documentation to show that the proposed facility complies with the relevant Australian exposure standard as specified by the Australian Communications Authority.

- Details are also to be submitted on proposed monitoring to ensure compliance with exposure levels.

**Visual Amenity**

- Telecommunication facilities are to be designed to minimise their visibility and visual impact and within the local context to take account of colour, texture, form, bulk and scale.
- Suitable landscaping is to be provided for screening and to soften the appearance of relevant facilities.

**Environmental/Health Impact**

- Telecommunication carriers will be required to demonstrate that the development will not cause a level of electromagnetic radiation as measured cumulatively across all sources of more than the relevant Australian exposure standard at ground level within 300m of the proposed transmitting facility.

**Public Safety**

- The development application shall include details on measures taken to ensure public safety for antennas with respect to their structural and electrical safety. A certificate from a suitably qualified structural engineer showing conformity to AS1170 is to be included for soundness of roof top antennas.

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