

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA17/0240
Proposed development:	Increase in Child Care Centre Capacity & Enclosure of Existing Verandah
Property address:	57 Peppertree Drive, ERSKINE PARK NSW 2759
Property description:	Lot 374 DP 713863
Date received:	28 March 2017
Assessing officer	Sufyan Nguyen
Zoning:	RE1 Public Recreation - LEP 2010
Class of building:	Class 9b
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application to partially enclose an existing verandah to accommodate an additional thirteen (13) children as part of a before and after school care service for an existing child care centre at 57 Peppertree Drive, Erskine Park. The subject site is zoned RE1 Public Recreation under the *Penrith Local Environmental Plan 2010* and the proposed development is permissible with Council consent.

The submitted Noise Impact Assessment Report indicates that the noise levels generated as a result of the proposal will be exceed the recommended project-specific noise level of the intrusive criterion by up to 18 dBA. However, the new 1800mm high timber fencing along the north-eastern boundary will reduce the noise levels by 25 dBA. In addition, a Noise Management Plan is recommended which requires numerous noise mitigation measures to ensure that the proposal will not result in any adverse impacts on the acoustic privacy of the surrounding area.

The proposal was notified to nearby and adjoining properties and publicly exhibited for a period of fourteen (14) days. No submissions were received in response.

An assessment of the proposal under Section 79C of the *Environmental Planning and Assessment Act 1979* has been undertaken and the application is recommended for approval, subject to recommended conditions.

In addition, the application relates to land in the ownership of Penrith City Council. Accordingly, an independent peer review of the assessment of this proposal is required prior to determination.

Site & Surrounds

The site is known as 57 Peppertree Drive, Erskine Park and is legally described as Lot 374 DP 713863. The allotment has an area of 7,956m², is irregular in shape and has a considerable slope of approximately 4.5m which falls to the south-west.

The surrounding area is characterised by low density residential development. The site is in close proximity to a range of facilities and services including the Erskine Park Shopping Centre directly opposite to the north-west and adjoins Peppertree Reserve (southward) and James Erskine Public School (south-westward).

The broader road network includes the intersection of the M4 Motorway and Erskine Park Road approxiamtely 1.47km to the north of the site. The nearest bus service is located directly in front of the site along Swallow Drive.

Proposal

The applicant seeks approval to partially enclose an existing verandah to accommodate an additional thirteen (13) children as part of a before and after school care service for an existing child care centre at 57 Peppertree Drive, Erskine Park. The partially enclosed verandah will provide an additional 46m² of indoor play area.

The proposal includes the following:

- Vinyl flooring (matching)
- Aluminium glazed windows to enclose verandah
- Line verandah soffit with plasterboard
- LED lighting with motion sensors
- Fire exit signs to each new door way
- Relocation of two (2) x aluminium frame glazed doors
- New aluminium framed glazed double door
- 1800mm high timber fencing along the northern-eastern boundary

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 79C - Evaluation

The proposed development has been assessed in accordance with the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, the following issues have been identified for further consideration.

Section 79C(1)(a)(i) The provisions of any environmental planning instrument

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

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

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies - See discussion
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Complies - See discussion
Clause 2.7 Demolition requires development consent	Complies
Clause 5.9 Preservation of trees or vegetation	Complies - See discussion
Clause 5.10 Heritage conservation	N/A
Clause 7.7 Servicing	Complies - See discussion

Clause 1.2 Aims of the plan

The proposal seeks to increase the capacity of the existing child care facility. Given that the proposal facilitates an essential service to the community within an established residential area, in addition to being located adjacent to a public school, the aims of the plan are therefore satisfied.

Clause 2.3 Zone objectives

The proposed increase in servicing capacity is a response to the emerging needs of the community, therefore given that the proposal's nature of business activities remains unaltered, the objectives of the RE1 Public Recreation zone are met.

Clause 5.9 Preservation of trees or vegetation

The proposal does not require the removal of any significant trees or vegetation.

Clause 7.7 Servicing

Connection to existing services and facilities remain unaltered and will therefore provide adequate servicing for the proposal.

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

An assessment has been undertaken of the proposal against relevant criteria under *Part 3 - Early childhood education and care facilities—specific development controls* of the *Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* and the proposal is satisfactory subject to recommended conditions of consent. The proposal is of a minor scale which does not exhaust the capacity of the existing child care and is compliant with the national regulations of the Draft Child Care Planning Guideline.

Section 79C(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies - see Appendix - Development Control Plan Compliance
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	N/A
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies - see Appendix - Development Control Plan Compliance
D5.1. Application of Certification System	N/A
D5.2. Child Care Centres	Complies - see Appendix - Development Control Plan Compliance
D5.3. Health Consulting Rooms	N/A
D5.4. Educational Establishments	N/A
D5.5 Parent Friendly Amenities	N/A
D5.6. Places of Public Worship	N/A
D5.7. Vehicle Repair Stations	N/A
D5.8. Cemeteries, Crematoria and Funeral Homes	N/A
D5.9. Extractive Industries	N/A
D5.10 Telecommunication Facilities	N/A

Section 79C(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applying to the proposal.

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

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

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

Context and Setting

The proposal aims to increase the capacity of an existing child care centre. The partial enclosure of the verandah is compatible with the existing building's features which will ensure the development is compatible with the character of the locality. Therefore, there will be minimal impacts on adjacent land uses and the residential amenity of the surrounding area.

Site Design and Internal Design

The proposal extends the play area and utilises existing access to adjacent areas. The proposal re-uses doors and incorporates windows. This will ensure adequate solar access is provided. Overall, the design principles of Penrith Development Control Plan 2014 are largely satisfied, such as those relating to building footprint, design quality and privacy provisions.

Access, Transport and Traffic

The proposal will have minimal impact on local traffic as sufficient car parking spaces are retained on the site and the local road network has the capacity to support additional traffic flow generated by the proposal. Public transport is available via bus services directly outside the site.

Utility Services

The site has connections to existing utility services and infrastructure. The proposal will not alter the existing stormwater drainage system.

Noise and Vibration

An acoustic report has been submitted which concludes the proposal will not have any adverse impacts on acoustic privacy in the surrounding area provided a replacement 1.8m fence is constructed to the northern and eastern boundary around the outdoor play areas. This has been assessed by Council's Environmental Management Officer and has been found to be satisfactory.

Socio-Economic Impacts

The proposal seeks to increase the child care centre's servicing capacity in response to the needs of the local community. This is of great benefit to the community which will in turn stimulate socio-economic activity in the locality and support local employment. Additionally, the proposal is unlikely to impact on neighbouring and surrounding property values.

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

The proposal is of an appropriate scale relative to the site's land area. Adequate car parking spaces and vehicular access is provided. The proposal is unlikely to result in any adverse impacts on transport demands or on the surrounding natural and built environments. Connections to utilities and services remain available on the site. Public transport modes are within walking distance from the site. Furthermore, the site is not subject to any natural hazards and contains no significant ecosystems. The minor overland flow path affecting the north-eastern boundary is negligible. The site is therefore suitable for the proposed development.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Appendix F4 of Penrith Development Control Plan 2014, the proposed development was notified to nearby and adjoining properties. Council notified eight (8) properties in the immediate and surrounding area. The application was exhibited between 27 April and 11 May 2017. No submissions were received in response.

Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections
Environmental - Environmental management	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions

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

Given the nature and scale of the proposal in addition to the proposal being largely compliant with the applicable development controls, the proposed development will not generate any significant issues of public interest.

Conclusion

In assessing this application against the relevant environmental planning policies including the *Penrith Local Environmental Plan 2010* and *Penrith Development Control Plan 2014*, the proposal satisfies the aims, objectives and provisions of these policies. The proposal does not contravene any development standards and is unlikely to have any significant impacts on the natural, social or economic environments. The site is suitable for the development and the proposal is in the public interest. Therefore, the application is worthy of support and is recommended for approval subject to recommended conditions.

Recommendation

That DA17/0240 for the partial enclosure of a verandah and an increase in child care centre capacity at 57 Peppertree Drive, Erskine Park be approved subject to the attached conditions.

CONDITIONS

General

1 A001

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

Drawing Title	Prepared By	Reference No.	Dated	Revision
Site Plan	Rosemarie Canales	A1614 - 100	06/03/2017	E
Floor Plan	Rosemarie Canales	A1614 - 200	06/03/2017	E
Sections & Elevations Plans	Rosemarie Canales	A1614 - 300/400	06/03/2017	E
Window Schedule	Rosemarie Canales	A1614 - 500	06/03/2017	E
Colour Schedule	Rosemarie Canales	-	06/03/2017	B
Waste Management Plan	Rosemarie Canales	-	06/03/2017	-

2 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

3 A029 - HOURS OF OPERATION AND DELIVERY TIMES

The approved operating hours are from 7:00am to 6:00pm Monday to Friday.

4 A039 - Graffiti

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

5 A046 - Obtain Construction Certificate before commencement of works

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

6 A Special (BLANK)

Prior to the issue of a Construction Certificate, the land owner being Penrith City Council must give written consent to the proposed works detailed within the Construction Certificate plans and specifications.

Demolition

7 B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE

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

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

8 B003 - ASBESTOS

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

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

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

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

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

9 B006 - Hours of work

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

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

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

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

Environmental Matters

10 D001 - Implement approved sediment& erosion control measures

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

11 D013 - Approved noise level 1

Noise levels from the premises shall not exceed the relevant noise criteria detailed in Far West Consulting Engineers NSW Building Services Acoustics Noise Management Plan, Reference number 163248, dated 6 February 2017. Prior to the issue of an Occupation Certificate, a Noise Management Plan is to be submitted to the certifying authority that considers and responds to the recommendations of the Acoustics Noise Management Plan prepared by Far West Consulting Engineers NSW Building Services, Reference number 163248, dated 6 February 2017. The Noise Management Plan is to be implemented during the operation of the child care centre.

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

BCA Issues

12 E009 - Annual fire safety-essential fire safety (Class 2-9 buildings)

The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

(a) deal with each essential fire safety measure in the building premises, and

(b) be given:

- within 12 months after the last such statement was given, or
- if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

13 E01A - BCA compliance for Class 2-9

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or

(c) a combination of (a) and (b).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.

Construction

14 H001 - Stamped plans and erection of site notice

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

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

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

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

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

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

15 H002 - All forms of construction

Prior to the commencement of construction works:

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

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

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

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

16 [H041 - Hours of work \(other devt\)](#)

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

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

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

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

Engineering

17 [K Special \(BLANK\)](#)

All car parking spaces are to be dedicated for the parking of vehicles only and not be used for storage of materials/products/waste materials etc.

18 [K Special \(BLANK\)](#)

All vehicles are to enter/exit the site in a forward direction.

Landscaping

19 [L008 - Tree Preservation Order](#)

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy. The existing trees to Swallow Drive are not to be impacted upon during fencing works and must be protected during construction.

20 [L012 - Existing landscaping \(for existing development\)](#)

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

Certification

21 [Q01F - Notice of Commencement & Appointment of PCA2 \(use for Fast Light only\)](#)

Prior to the commencement of any earthworks or construction works on site, the proponent is to:

- employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- submit a Notice of Commencement to Penrith City Council.

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

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the *Environmental Planning and Assessment Act 1979*.

22 [Q05F - Occupation Certificate for Class10](#)

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation/use of the development.

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

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

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part B - DCP Principles

The proposal will boost socio-economic growth which will in turn strengthen the locality. Given that child care services are essential to accommodate population growth in addition to the proposal not resulting in any adverse impacts on the surrounding environment, the proposal contributes to sustainable development and therefore satisfies the DCP principles.

Part C - City-wide Controls

C10 Transport, Access and Parking

C10.5.1. Parking

Council's Traffic Engineer noted that the proposal will result in a total of one-hundred-and-ten (110) children which equates to a requirement for twenty-six (26) car parking spaces for the site. The adjacent existing community centre makes provision for a total of thirty-eight (38) car parking spaces and one (1) community bus park. Additionally, the adjoining Peppertree Reserve to the south of the site has over one-hundred (100) car parking spaces. The site and adjoining properties make provision for ample parking spaces which will ensure that there are no adverse impacts on local traffic flows.

C13 Infrastructure and Services

C13.4 Engineering Works and Construction Standards

The proposal will not result in any changes to the stormwater drainage. Council's Development Engineer has reviewed the proposal and there are no requirements to amend the existing stormwater management system.

D5 Other Land Uses

D5.2. Child Care Centres

Design and Numerical Requirements

The Penrith Development Control Plan 2014 provides the following controls that the proposal is required to comply with:

Relevant Controls	Compliance
1) Work Based Child Care Centres	
<p>a) Child care centres in business or industrial areas require special consideration in respect to environmental quality and land use conflicts. Particular attention must be paid to:</p> <p>i) Provision of an outdoor play area away from driveways or parking areas or any other source of noise or fumes;</p> <p>ii) Protection of children from dust, fumes, noise and vibration, or other potentially dangerous impacts from industrial uses;</p> <p>iii) Adequate safety provisions to prevent children from gaining access to other parts of the building or site; and</p> <p>iv) Depending on the location of the centre and the size of the site, requirements for a drop off area.</p>	<p>i) The proposed partial enclosure of the veranadah is clear from driveways, parking areas and sources of noises or fumes.</p> <p>ii) The site is not in close proximity to and industrial land uses.</p> <p>iii) The proposal relocates existing doors and provides a new double door. The building design will prevent access to other parts of the building or site.</p> <p>iv) The drop off area remains unaltered.</p>
2) Location	

<p>i) Will cater for in excess of 40 children (including 2 or more centres in very close proximity which together will cater for more than 40 children); and</p> <p>ii) Does not propose to cater for 0 – 2 year olds; must demonstrate that the service to be provided meets an unmet need in the community. Unmet demand in the community can be assessed through waiting lists of centres in surrounding areas, a comparison of the number of children aged 0-5 recorded in the census for the area and the number of child care places available.</p>	<p>i) The proposal is for an additional thirteen (13) children which will result to a total of 110 children on-site.</p> <p>The age groups include: 0 - 1 year olds = 6 1 - 2 year olds = 2 2 - 3 year olds = 10 3 - 6 year olds = 27 6 -12 year olds (before and after school) = 65</p> <p>The proposal is for the extension of the indoor and outdoor play areas. The increased floor space will cater for the additional children of care.</p> <p>ii) The proposal has approval for the child care of children under the age of 2 years old (DA05/1798).</p>
<p>b) Child care centres shall be located in close proximity to other community activities and facilities, such as schools, neighbourhood halls, churches, larger formal public reserves and local shopping centres.</p>	<p>The existing child care centre adjoins the James Erskine Park Public School to the south-west of the site and Peppertree Park and Christian Brethen Church to the south. The Erskine Park Shopping centre is directly across the site to the north-west.</p>
<p>c) The site shall not rely on direct access from, nor be located on, a designated road, unless it can be demonstrated that the safe operation of the road and the amenity of the children attending the centre will not be affected.</p>	<p>The existing driveway to Peppertree Drive provides direct access to the site and therefore a designated road is not required.</p>
<p>d) Access to the site shall not be located in a cul-de-sac, at an intersection, or on a minor residential road unless it can be demonstrated that additional vehicles associated with the child care centre will not create traffic conflict or have an adverse impact on the amenity of the locality.</p>	<p>Access to the site remains the same via the existing driveway to Peppertree Drive which will ensure there are no impacts on traffic service as a result of additional vehicles.</p>
<p>e) A child care centre shall not be located on land within an 85m radius of an existing or approved service station, or on land in a specific radius of an existing/approved flammable storage area under <i>State Environmental Planning Policy No 33 Hazardous and Offensive Development</i>.</p>	<p>There is no service station within an 85m radius of the site.</p>
<p>f) A child care centre shall not be located on land that is directly opposite to or adjacent to (including behind) an existing and lawful sex services premises and/or restricted premises.</p>	<p>The site is not located in close proximity to any lawful sex services premises or restricted premises.</p>

<p>g) A child care centre shall not be permitted on land on which there is an electricity transmission easement, mobile phone tower or similar, or on land immediately adjacent to those structures. Centres should be located at least 500m from mobile phone towers or electricity transmission easements.</p>	<p>The site is not in close proximity to an electricity transmission easement.</p>
<p>h) A child care centre should not be located on land below the flood planning level and on land that cannot be safely and effectively evacuated during a 1:100 ARI flood event. (See the Water Management section of this Plan for further details on the flood planning level and 1:100 ARI flood event).</p>	<p>The site is partially affected by an overland flow path slightly along the north-eastern boundary. However, the overland flow path poses no threat to safety and evacuation given the large separation distance from the building.</p>
<p>3) Design, Scale and Site Frontage</p>	
<p>a) The scale and character of the development shall be compatible with surrounding development.</p>	<p>The re-use of existing doors and complementary materials and finishes which will ensure that the proposal reflects the existing building's features and is sympathetic with the surrounding area.</p>
<p>b) The design of the child care centre must take into account nearby traffic generators, street design and the existing environment for pedestrians and cyclists</p>	<p>The proposal is for a partial enclosure of an existing verandah to accommodate an additional indoor play area only and therefore the surrounding environment does not pose any major concerns.</p>
<p>c) Sites must be of sufficient area to accommodate the child care centre, all required associated parking and traffic manoeuvring areas.</p>	<p>The site provides has existing parking spaces and vehicular manoeuvrability which will ensure sufficient capacity for additional vehicles.</p>
<p>d) To ensure the safe operation of car parking areas and the amenity of neighbouring residents, sites shall have a minimum frontage of 22m.</p>	<p>The site's frontage remains at 114.85m and therefore meets the minimum 22m frontage.</p>
<p>e) Safe sight distances must be provided for all points of access to the site.</p>	<p>The site provides clear access points to all sections of the building.</p>
<p>4) Built Form</p>	
<p>a) Child care centres catering for 15 or more children shall be purpose designed and built, to satisfy the requirements of this section and the requirements of the NSW Department of Community Services. Modifications to existing dwellings will not be supported.</p>	<p>The proposal is for alterations and additions to an existing child care centre and therefore the prohibition of modifying an existing dwelling is not applicable.</p>
<p>b) In residential areas, the built form of the child care centre shall be sympathetic to adjoining development in terms of height, bulk and scale.</p>	<p>The proposal is for a partial enclosure of an existing verandah only. The scale of the development is minor where the built form is only slightly increased. Therefore, the child care centre remains sympathetic with the residential area.</p>

<p>c) The external façade of the centre shall incorporate building materials and colours that complement the surrounding development. Council discourages the use of bright or garish colours.</p>	<p>The proposal re-uses existing doors and provides roofing and glazing which will complement the building. Given that the external materials will reflect the existing building, the proposal will complement the surrounding area.</p>
<p>d) Whilst it is preferable that child care centres are located at ground level, this may not be possible in commercial or industrial areas. Applications for centres above ground level will need to address the following:</p> <p>i) Access for parents and caregivers to drop off/pick up children; and</p> <p>ii) Availability of outdoor play space, or its equivalent.</p>	<p>The proposal does not involve any additional storey levels.</p>
<p>5) Vehicle Access, Circulation and Parking</p>	
<p>a) Vehicle circulation and car parking areas shall be designed to allow safe drop-off and collection of children as well as the safe movement and parking of staff, parents, visitor and service vehicles.</p>	<p>The proposal retains the existing car parking spaces and driveway access which provides manoeuvring and safe vehicular movement to and from the site.</p>
<p>b) Access driveways should not be located opposite, or in close proximity to, road intersections.</p>	<p>The proposal's existing driveway remains unaltered and is therefore not in close proximity to any road intersections.</p>
<p>c) Parking shall be provided in accordance with the standards in the Transport, Access and Parking section of this Plan.</p>	<p>The site's car parking spaces remain unmodified and therefore comply with AS 2890.6.</p>
<p>d) The parking area is to be designed to ensure:</p> <p>i) The safe drop off and collection of children, including direct, safe pedestrian access between the parking area and the entrance to the centre;</p> <p>ii) Safe movement and parking of staff, parents, visitors and service vehicles; and</p> <p>iii) All vehicles can enter and exit the site in a forward direction.</p>	<p>As above.</p>
<p>e) Layout of the parking area must allow for safe access for service and emergency vehicles, such as ambulances, delivery and maintenance vehicles.</p>	<p>As above.</p>
<p>f) Where the child care centre is located in the same building or development as other land uses, the parking and access arrangements for each separate use will need to be separately calculated and provided on site</p>	<p>The proposal is not within a mixed use building.</p>

<p>g) A traffic impact assessment may be required for the development of a child care centre proposing to cater for 40 children or more. The assessment should address:</p> <ul style="list-style-type: none"> i) Site characteristics and the surrounding area; ii) Expected trip generation; iii) Parking requirements, including the design of parking areas, and any pick-up and drop-off facilities; iv) Existing traffic conditions and any future changes expected to the traffic conditions; v) Current road safety conditions, including an accident history in the locality; and vi) The expected impact of the proposed development on the existing and future traffic conditions. 	<p>A proposal is of a minor scale and therefore a traffic report is not required. The additional traffic generated as a result of the proposal is not likely to adversely impact on the local street network.</p>
<p>6) Noise</p>	
<p>a) Outside playing areas shall be designed and located to minimise noise impact on any noise sensitive adjacent properties. Separation between boundary fencing and areas occupied by the children may be required.</p>	<p>The proposed partial enclosure of the verandah has approximately a 36m separation distance from the north-eastern boundary. The proposal includes new 1800mm timber fencing along this boundary which will assist in buffering acoustic levels by up to 25 dBA.</p>
<p>b) Where there may be noise impact on adjacent properties, fencing shall be of a height, design and material (e.g. masonry) suitable to contain noise generated by the children's activities. This ensures the children may play outside without time limitations in accordance with licensing requirements.</p>	<p>The proposal involves the erection of a 1.8m barrier of timber fencing along the north-eastern boundary. This will reduce the noise level by 25 dBA as stated in the submitted acoustic report. In addition, adequate separation distances are provided to protect the acoustic privacy of the adjoining James Erskine Park Public School and residential properties.</p>
<p>c) Where a site may be affected by traffic, rail or aircraft noise, the child care centre shall be designed to minimise any impact on the children and staff. A report from an acoustic consultant may be required to support the proposal. (Design elements may include double glazing, insulated walls, locating sleeping rooms in protected areas and solid fencing).</p>	<p>The development site is not considered to be affected by traffic, rail or aircraft noise.</p>

<p>d) A noise impact assessment may be required for the development of a child care centre proposing to cater for 40 children or more, or where surrounding land uses may have an impact on the proposal. The objectives should be to limit the impact of the child care centre on adjacent properties, and also to limit the impact noise from external sources may have on the child care centre. While noise can be measured, the intent is to also minimise nuisance which is subjective by nature. This may be achieved either by physical separation, design and layout of the centre or by implementing noise mitigation measures, such as acoustic treatments to buildings.</p>	<p>The submitted Acoustic Report indicates that the noise levels emanating from the outdoor playing will exceed the project-specific noise level of the intrusive criterion by as much as 18 dBA. However, the new 1800mm high timber along the north-eastern will reduce the noise levels by 25 dBA. Furthermore, it is recommended to implement a Noise Management Plan which limits the maximum number of children playing outdoor at any one time and includes numerous other measures to mitigate noise levels. External materials are also recommended such as 10.5mm thick laminated glazing and thick glass insulation to the roof.</p> <p>In addition, the submitted Acoustic Report was reviewed by Council's Environmental Health Officer who noted that the projected noise levels as a result of the proposal are of an acceptable level which are not considered to adversely impact on the acoustic privacy of adjoining properties.</p>
<p>e) A noise impact assessment report should address the relevant provisions of the Noise and Vibration section of this Plan.</p>	<p>As above.</p>
<p>7) Shade</p>	
<p>a) Outdoor play areas and transition areas (between indoor and outdoor areas) are to be provided with appropriate safe shade requirements. Safe shade may be created by vegetation or shade structures.</p>	<p>The proposal has existing fabric awning which covers the outdoor play area.</p>
<p>b) All active areas containing play equipment or areas where children play for extended periods of time (such as a sand pit) are to be shaded throughout the year.</p>	<p>As above.</p>
<p>c) Movable play equipment used for active play should be placed in the shade. (This should be a combination of built and natural shade).</p>	<p>The proposal does not involve any moveable play equipment.</p>
<p>d) All shade structures in the play areas should be designed in accordance with AS/NZS 4486.1. If located over play equipment, the shade structure should not have footholds or grip surfaces that will allow for climbing.</p>	<p>Not applicable.</p>
<p>e) Outdoor teaching areas are to be provided with year round protective shade.</p>	<p>The proposal is for an extension of the indoor and outdoor play area only.</p>
<p>f) Outdoor eating areas are to be provided with year round protective shade.</p>	<p>As above.</p>
<p>g) Other open areas are to be partially shaded.</p>	<p>The proposal does not involve additional open areas.</p>

h) Any transition zone, between indoor and outdoor areas, such as a verandah, should be permanently shaded and protected in wet weather.	The proposal involves the enclosure of the existing verandah to expand the existing indoor play area.
i) The minimum width of a verandah should be 4m to allow for shaded play space underneath.	The existing verandah will be extended which will create a 46m ² play area.
8) Landscaping	
a) Landscape planting shall complement the building(s) and the streetscape, and provide screening for car parking and outdoor playing areas. b)) Landscaping shall be established prior to the use commencing.	The proposal retains the existing landscaping.
c) Childproof fencing and gates shall be provided around the outdoor play areas, and to the entrance of the child care centre. Details of all fencing shall be included on the landscape plan.	The proposal includes new 1800mm high timber fencing along the north-eastern boundary of the outdoor play area.
d) Landscape planting (a minimum width of 2m) shall be provided along the front boundary of the site.	The proposal retains the existing landscaping.
e) Additional landscape planting may be required along the side boundaries to integrate the development with neighbouring buildings and the streetscape, and to reduce the impact of vehicle lights on adjoining properties.	The proposal does not involve additional landscaping.
f) A landscape plan shall be prepared and submitted with the development application, in accordance with the Landscape and Design section of this Plan.	The proposal does not require additional landscaping given that site contains adequate landscaping.

<p>g) Plant species shall be chosen to address the characteristics of the site and shall:</p> <p>i) Provide protection from prevailing winds; ii) Provide screening to minimise impacts on privacy and/or the streetscape and adjacent buildings; iii) Provide shelter and shade; iv) Reduce reflection from bright surfaces; v) Emphasise pedestrian and vehicular routes; vi) Ensure visibility of outdoor playing areas; vii) Not include plants which may be toxic, create allergic reactions, or which are prickly or otherwise unsafe; and viii) Provide interest and variety to enhance children's experience.</p>	<p>The proposal does not involve the planting of plant species.</p>
<p>9) Dwelling</p>	<p>Not applicable.</p>
<p>10) Out-of-School Hours Care (OOSH)</p>	
<p>a) Where the operator of an existing child care centre proposes to establish an OOSH service, the centre shall provide permanent separation of the OOSH facilities. Operational elements which shall be provided separately for each service include:</p> <p>i) Amenities; ii) Playroom(s); iii) Outdoor play area(s), and iv) Staff.</p>	<p>The proposal retains separated areas. It is considered that separating the types of staff is unnecessary given the small scale of the proposal and the unlikely impacts of staff interaction.</p>
<p>b) Car parking spaces for the OOSH care shall be provided in accordance with the requirements of the Transport, Access and Parking section of this Plan and, if applicable, shall be in addition to the parking area for the child care centre.</p>	<p>The proposal's existing car parking spaces remain unaltered and is therefore in accordance with Section C10 Transport, Access and Parking of the Penrith Development Control Plan 2014.</p>