

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA20/0013
Proposed development:	Child Care Centre Shade Sails
Property address:	38 a Wedmore Road, EMU HEIGHTS NSW 2750
Property description:	Lot 3020 DP 713606 Lot 3019 DP 713606
Date received:	15 January 2020
Assessing officer	Sufyan Nguyen
Zoning:	Zone R2 Low Density Residential - LEP 2010
Class of building:	Class 10a
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the erection of shade sails at Blue Emu Children's Centre at 39a Wedmore Road, Emu Heights. The site is zoned R2 Low Density Residential under *Penrith Local Environmental Plan 2010* and the proposed shade structure is an ancillary component of an approved centre-based child care centre, which is permissible with consent in the R2 zone.

The key issues identified and addressed as part of the assessment of the proposal were in regard to the following matters:

- Bulk and scale, particularly the overall height of the shade sails; and
- Potential tree impacts.

In accordance with Appendix F4 of *Penrith Development Control Plan 2014* (DCP), the application has been notified to adjoining and nearby properties and publicly exhibited for a period of 14 days. No public submissions were received in response.

An assessment under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) has been undertaken and the application is recommended for approval, subject to recommended conditions.

The application has been referred to the Local Planning Panel for determination in accordance with Section 9.1 of the EP&A Act, as the subject site is owned by Penrith City Council, and the applicant is also Penrith City Council.

Site & Surrounds

The subject site is known as Blue Emu Children's Centre at 39a Wedmore Road, Emu Heights and is legally described as Lots 3019 and 3020 DP 713606. The site has a land area of 3,242m². The site contains two existing buildings with ancillary structures which are currently operated as a children's long day care facility and community hall by Penrith City Council. The child care centre (western-most building) was approved via DA83/88 on 10/08/1988. The eastern-most building was subsequently erected as a single storey neighbourhood centre via approval of DA86/89 on 28/04/1989.

The site has a slope of up to approximately 2m which falls north-eastwards. The site is bounded by a corridor of large trees and a 30m wide reserve along the northern boundary. The reserve also adjoins the site to the east. The site is slightly affected by an overland flow path along the northern, eastern and southern boundaries. The surrounding area is characterised by an established R2 Low Density Residential zoned suburb, which accommodates mainly traditional style single dwellings, noting opposite the site, westwards, is the T-junction of Litton Street and Wedmore Road, and opposite the northern side of Litton Street, is Clissold Reserve.

Access to the broader road network includes Old Bathurst Road approximately 405m southwards. The nearest bus stop is situated northwards, opposite the site along Palomino Road, which is serviced by the 688 Penrith to Emu Heights (loop service) bus route.

Proposal

The applicant seeks development consent for the erection of two adjoining shade sails at Blue Emu Children's Centre at 39a Wedmore Road, Emu Heights. The shade sails will be situated over an outdoor play area and setback 1m - 3.6m from the northern boundary, adjacent to an existing building.

The shade sails include the following aspects:

- Irregular rectangular shaped shade sail with dimensions of 6m and 7m in width x 11m and 12m in length,
- Triangular shaped shade sail with dimensions of 12m x 11m x 11m, and
- Five steel posts (two shared steel posts); 2 x 4.5m high steel posts connecting the 12m length side of each shade sail, 2.5m and 4m high steel posts for the other side of the rectangular shade sail (4m high steel post adjacent to the northern boundary) and 3.5m high steel post for the triangular shade sail (adjacent to the existing building).

Determination of the Application

As the proposal involves development on Council owned land and Council is the applicant, the application has been examined against the referral criteria for Local Planning Panel determination as specified by the Minister's Direction under Section 9.1 of the EP&A Act. The referral criteria is as follows:

1. Conflict of interest

Development for which the applicant or land owner is:

(a) the council

...

but not development for the following purposes which requires:

...

(d) minor building structures projecting from the building façade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

The proposed shade structure does not satisfy the exclusion criteria (d) as it is a standalone structure that does not directly project from the building. As such, the Local Planning Panel is the determining authority for the application.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 4.15 - Evaluation

The development proposal has been assessed in accordance with the matters for consideration under Section 4.15 of the EP&A Act, and having regard to those matters, the following issues have been identified for further consideration.

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

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

Part 3 of the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (SEPP) details the development standards that are applicable to centre-based child care facilities, including the following:

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

Concurrence from the NSW Department of Education is required if the development does not comply with the minimum unencumbered space requirements of 3.25m² of indoor space and 7m² of outdoor space per child under Clauses 107 and 108 of the Education and Care Services National Regulation.

In this regard, no changes are proposed to the number of children placements or the indoor or outdoor spaces for the facility.

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

The proposal has been assessed against the assessment framework of the Child Care Planning Guideline (August 2017) published by the NSW Department of Planning and Environment. Key aspects of the development in this regard are as follows:

Part	Objective	Comment
3.1 Site selection and location	C1 To ensure that appropriate zone considerations are assessed when selecting a site.	The shade sails will be appropriately sited to minimise amenity and streetscape impacts.
3.2 Local character, streetscape and public domain interface	C5 To ensure that the child care facility is compatible with the local character and surrounding streetscape	<p>The height of the proposed shade sails was revised at the request of Council due to concerns raised in relation to bulk and compatibility with local character.</p> <p>The proposed shade sails will have a maximum height of 4.5m (reduced from 5.0m) and will be adequately screened by existing surrounding vegetation. The design is considered compatible with the character of the immediately surrounding area, noting that a playground in the vicinity of the site contains two abutting shade sails.</p>
3.3 Building orientation, envelope and design	C11 To respond to the streetscape and site, while optimising solar access and opportunities for shade	The proposed shade sails will be of minimal impact on the streetscape and will provide suitable shading for a part of the outdoor play area.
	C15 To ensure that the built form, articulation and scale of development relates to its context and buildings are well designed to contribute to an area's character.	The proposal is of a minor scale and is considered to provide visual interest, which will in turn reduce the visual dominance of the existing buildings and ancillary structures.

3.6 Noise and air pollution	C25 - C26 To ensure that outside noise levels on the facility are minimised to acceptable levels	The proposed shade sails may reduce outdoor noise levels and overall noise levels will remain in accordance with the relevant noise guidelines.
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Clause 25 Centre-based child care facility - non-discretionary development standards

The non-discretionary development standards prevent a consent authority from requiring more onerous standards than provided for under this clause. These matters relate to site location, indoor and outdoor space, site area and dimensions and the colour of building materials and shade structures. The proposal is compliant with this clause.

Clause 26 Centre-based child care facility - development control plans

The SEPP includes provisions in development control plans that cannot be applied to development of centre-based child care facilities, such as hours of operation, demonstrated need for services, proximity to other facilities, or any matter set out in the *Child Care Planning Guideline*. Council's DCP does contain specific development standards related to the matters described in Clauses 25 and 26, which are rendered obsolete by the function of the SEPP.

State Environmental Planning Policy No 55—Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) provides aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Under Clause 7 of SEPP 55, it must be considered as to whether the land is contaminated, and if so, Council must be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which development is proposed to be carried out.

It is noted that the subject site has been used as a child care facility for a number of years and the nature of the use will continue to be for child care services. It is also noted that historical aerial mapping indicates that the site does not appear to contain any unknown imported fill material. The provisions of SEPP 55 are therefore considered to be satisfied.

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, noting that adequate stormwater drainage will remain in place.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies - See discussion
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 5.10 Heritage conservation	N/A
Clause 7.1 Earthworks	Complies

Clause 1.2 Aims of the plan

The proposed shade sails will provide weather protection to an existing centre-based child care facility's outdoor play area, which will in turn safeguard the health and wellbeing of the users of the facility. The shade sails will allow greater use of the outdoor play area throughout the year, noting the more recent intense weather patterns. The proposal is therefore considered to be aligned with the aims of *Penrith Local Environmental Plan 2010* (LEP), particularly subclauses 2(b) and 2(h):

(b) to promote development that is consistent with the Council's vision for Penrith, namely, one of a sustainable and prosperous region with harmony of urban and rural qualities and with a strong commitment to healthy and safe communities and environmental protection and enhancement, and
(h) to ensure that development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes, and that development is designed in a way that assists in reducing and adapting to the likely impacts of climate change.

Clause 2.3 Permissibility

The subject site is zoned R2 Low Density Residential under the provisions of the LEP. The proposal is ancillary to an existing centre-based child care facility, which is permissible with consent in the R2 zone.

Clause 2.3 Zone objectives

The proposal aims to enhance a vital community service for local residents. The proposal is considered to be in keeping with the character of the immediate surrounding area, which satisfies the objectives of the R2 zone, particularly:

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents, and*
- *To enhance the essential character and identity of established residential areas.*

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

It is noted that both the *Draft Environment SEPP* and *Draft Remediation of Land SEPP* are at present applicable to the subject site, but while so, have been considered and do not affect or alter the recommendations of this report.

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

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies - see Appendix - Development Control Plan Compliance
C2 Vegetation Management	Complies - see Appendix - Development Control Plan Compliance
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	N/A
C11 Subdivision	N/A
C12 Noise and Vibration	N/A
C13 Infrastructure and Services	N/A
D5.2. Child Care Centres	Complies - see Appendix - Development Control Plan Compliance

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

There are no planning agreements applying to the development 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 relevant Australian Standards, will be imposed as conditions of consent where applicable. Subject to the recommended conditions of consent, as recommended by Council's Building Surveyor, the development proposal complies with the requirements of the *Environmental Planning and Assessment Regulation 2000*.

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

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

In accordance with Section 4.15(1)(b) of the EP&A Act, consideration must be given to the likely impacts of the development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

In this regard, the proposal is of a minor scale, whereby the proposed shade sails are of a suitable height and size. The proposed shade sails will be sited such that they will be surrounded by dense vegetation, which will adequately screen the shade sails and minimise adverse impacts on the streetscape. The design and scale is considered to be compatible with the character of the immediately surrounding area, noting existing shade sails above a playground in the vicinity of the site.

Further, the proposal does not pose any adverse environmental impacts given vegetation clearing is not required and minimal construction works are required to install the steel posts.

In terms of socio-economic impacts, it is not considered that such a minor development will adversely impact on adjoining or neighbouring property values or the local community, noting that no public submissions were received in relation to the development.

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

The original child care centre was approved in 1988 and the current Blue Emu Children's Centre has been operating since mid-2007, servicing the needs of the local community of Emu Heights and surrounding suburbs. The site is partly subject to flooding, however, the location of the shade sails is not affected by the overland flow path and therefore the development proposal poses no flooding risk. The proposal will not result in any unreasonable impacts on the surrounding natural and built environments, noting that there will not be any vegetation clearing. Further, the site is not listed as a heritage item or situated nearby any items of heritage significance. The site is therefore suitable for the development.

Section 79C(1)(d) Any Submissions

Community Consultation

The proposal was notified to adjoining and nearby properties and was publicly exhibited between 21 January and 4 February 2020 in accordance with the requirements stipulated in Appendix F4 of the *Penrith Development Control Plan 2014*. No public 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

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

In consideration of the minor scale and nature of the development proposal, in addition to the proposal being compliant with the applicable development controls and standards, the health and safety of the public will not be adversely affected and therefore the development will not generate any significant issues of public interest.

Conclusion

In assessing this development application against the relevant environmental planning policies, including the *Penrith Local Environmental Plan 2010*, *Penrith Development Control Plan 2014*, *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*, *State Environmental Planning Policy No. 55—Remediation of Land* and *Sydney Regional Environmental Plan No. 20—Hawkesbury-Nepean River (No. 2—1997)*, the proposal is considered to satisfy the aims, objectives and provisions of these policies. The development is unlikely to have any significant impacts on the natural, social or economic environments. The site is considered to be 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 conditions.

Recommendation

That DA20/0013 for the erection of shade sales at Blue Emu Children's Centre at 38a Wedmore Road, Emu Heights be approved, subject to the recommended conditions of consent.

General

1 [A001 - Approved plans table](#)

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 stamped approved plans and by the following conditions.

Drawing Title	Prepared By	Project No.	Sheet No.	Dated	Issue
Landscape Plan (Site Plan)	iScape Landscape Architecture	Blue Emu Childcare 38A Wedmore Road, Emu Plains	Stage 1 Landscape Plan 37.19/148	April 2019	--
Locality & Existing Site Plan	Penrith City Council	MP1900	CS20101- 100	09/09/19	A
Elevations Sheet 1 of 2	Penrith City Council	MP1900	CS20101- 501	24/02/20	B
Elevations Sheet 2 of 2	Penrith City Council	MP1900	CS20101- 502	24/02/20	B
Colour Schedule	Penrith City Council	Blue Emu Children's Centre – Shade Structure	--	09/09/2019	A

Documents:

- Waste Management Plan prepared by Penrith City Council, dated 13 January 2020.
- 2 [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)
The development shall not be used or occupied until an Occupation Certificate has been issued.
- 3 [A039 - Graffiti](#)
The finishes of shade sail structures are to be maintained at all times and any graffiti or vandalism immediately removed/repared.
- 4 [A046 - Obtain Construction Certificate before commencement of works](#)
A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 5 [A Special \(BLANK\)](#)
The approved shade structure shall be designed and installed in accordance with AS/NZS 4486.1, AS/NZS 1170.2 and the manufacturer's specifications.

Environmental Matters

- 6 [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.
- 7 [D009 - Covering of waste storage area](#)
All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays/bins so as to allow for the separation of wastes, and the areas are to be fully enclosed when the site is unattended.
- 8 [D010 – Appropriate disposal of excavated or other waste](#)
All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

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

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

9 D014 - Plant and equipment noise

The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the *Protection of the Environment Operations Act 1997* apply to the development, in terms of regulating offensive noise.

BCA Issues

10 E001 - BCA compliance

All aspects of the 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).

Construction

11 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-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 on-site, 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.

12 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 Council, or
- alternatively, any other sewage management facility approved by Council.

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

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

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

(d) If the work involved 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.

13 H011 - Engineering plans & specifications

Detailed engineering plans and specifications relating to the work shall be submitted for consideration and approval **prior to the issue of a Construction Certificate.**

14 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.

Landscaping

15 **L007 - Tree protection measures—no TMP with DA**

All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in Section F4 of *Penrith Development Control Plan 2014*.

A Project Arborist shall be engaged prior to the commencement of work on-site and shall monitor compliance with the minimum tree protection standards. Hand digging is to be utilised for the excavation works to install the steel posts. The Project Arborist shall have a minimum qualification equivalent (using the Australian Qualifications Framework) of Level 5 or above in Arboriculture.

16 **L008 - Tree Preservation Order**

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

17 **L012 - Existing landscaping (for existing development)**

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

Certification

18 **Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)**

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

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

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 6.6 of the *Environmental Planning and Assessment Act 1979*.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 6.6 of the *Environmental Planning and Assessment Act 1979*.

19 **Q05F - Occupation Certificate for Class 10**

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 C - City-wide Controls

C1.1 Site Planning

C1.1.1 Site Analysis

The proposed shade structure, as amended, will have a maximum height of 4.5m and is of an appropriate height and scale and is considered appropriate for the context of the site. Existing vegetation will adequately screen the shade sails from the streetscape.

C2 Vegetation Management

C2.1 Preservation of Trees and Vegetation

The proposal does not include the removal of any vegetation. It is noted that three steel posts will be adjacent to two trees and therefore recommended conditions of consent will be imposed to preserve and protect these trees during construction works.

D5 Other Land Uses

D5.2 Child Care Centres











7) Shade

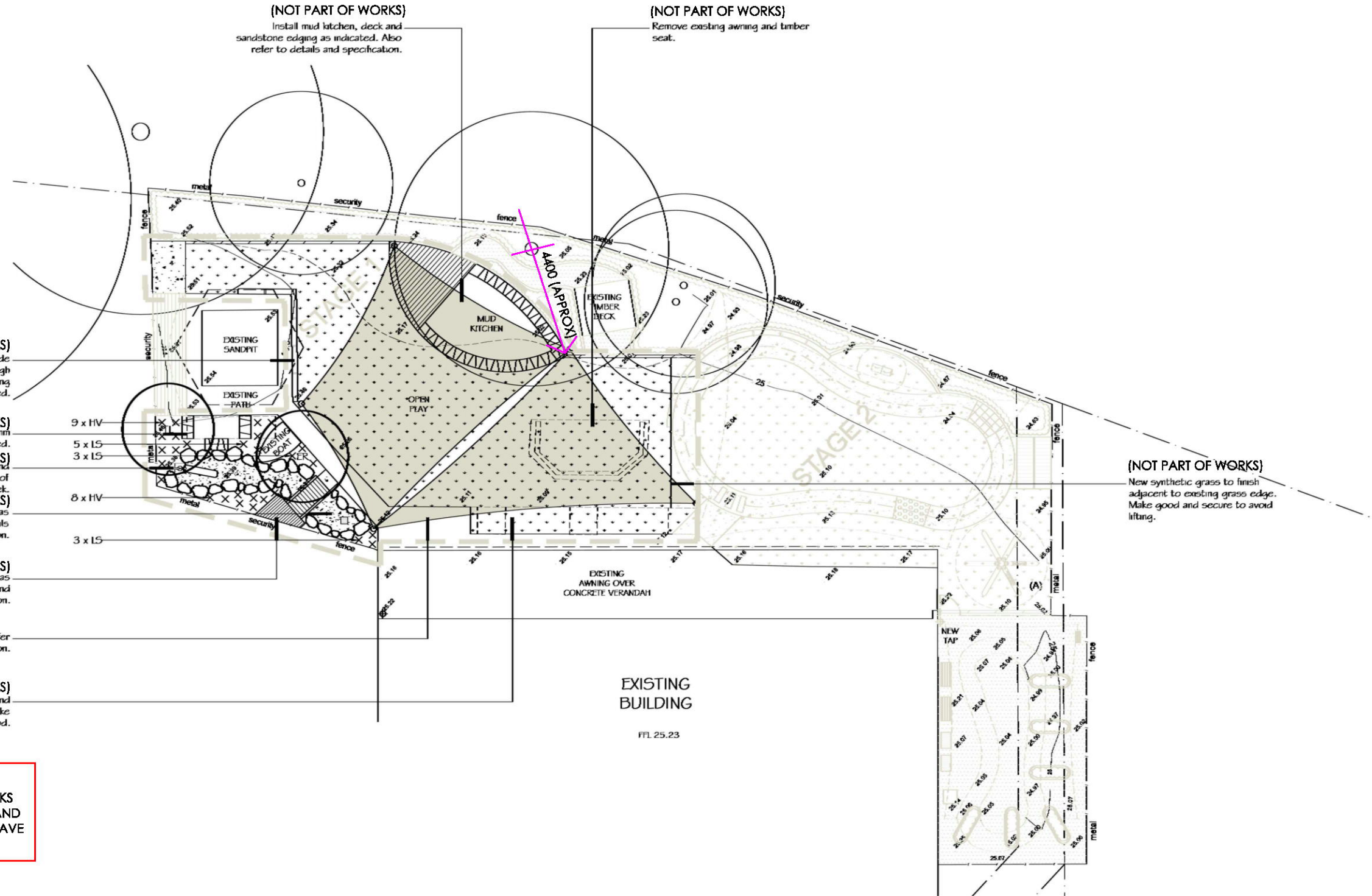
The proposal aims to better utilise the outdoor play area for an existing centre-based child care facility. The shade sails are to be designed and installed in accordance with AS/NZS 4486.1 and AS/NZS 1170.2, which is addressed via a recommended condition of consent.

SCHEDULE OF SUGGEST PLANTS

CODE	BOTANICAL NAME	COMMON NAME	MATURE HEIGHT	QUANTITY	CONTAINER SIZE	STAKES
ER	<i>Elaeocarpus reticulatus</i>	Blueberry Ash	5m	1	75 litre	2
HV	<i>Hardenbergia violacea</i>	Native Sansparilla	prostrate	17	140mm	-
LS	<i>Lomandra 'Seascape'</i>	Seascape Lomandra	0.4m	11	140mm	-
TL	<i>Tristanopsis laurina</i>	Water Gum	8m	1	75 litre	2

LEGEND

-  EXISTING LEVELS
-  PROPOSED LANDSCAPE LEVELS
-  EXISTING TREES TO BE RETAINED
-  CONCRETE PAVING
-  DECK AREAS
-  SYNTHETIC GRASS
-  SANDSTONE WALLS/EDGING
-  LOW BRICK WALLS
-  SANDSTONE BOULDERS
-  BRICK GARDEN EDGING



NOTE:
PART 1 - LANDSCAPE WORKS EXCLUDING SHADE SAILS AND ASSOCIATED STRUCTURE HAVE BEEN COMPLETED.

Verify all dimensions on site before commencing construction or ordering materials. Verify the dimensions of all manufactured products before installation. Use figured dimensions in preference to scaled dimensions. Report any discrepancies to the Landscape Architect for a decision before work commences.

NOTES



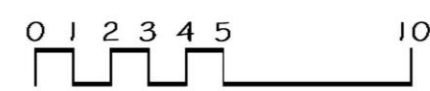
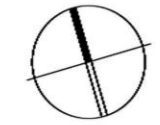
office. 16/303 pacific highway
lindfield nsw 2070
postal. 25 bent street
lindfield nsw 2070
ph 9416 4290 fax 9416 4735
A.C.N 097 328 580
email ijla@netspace.net.au

project
Blue Emu Childcare
38A Wedmore Road, Emu Plains

drawing
Stage 1 Landscape Plan

client
Penrith City Council

date April 2019
scale 1:100 @ A1
1:200 @ A3
job.dwg no. 37.19/148
no. in set ONE/THREE
designed by IJ
drawn by AM/HL

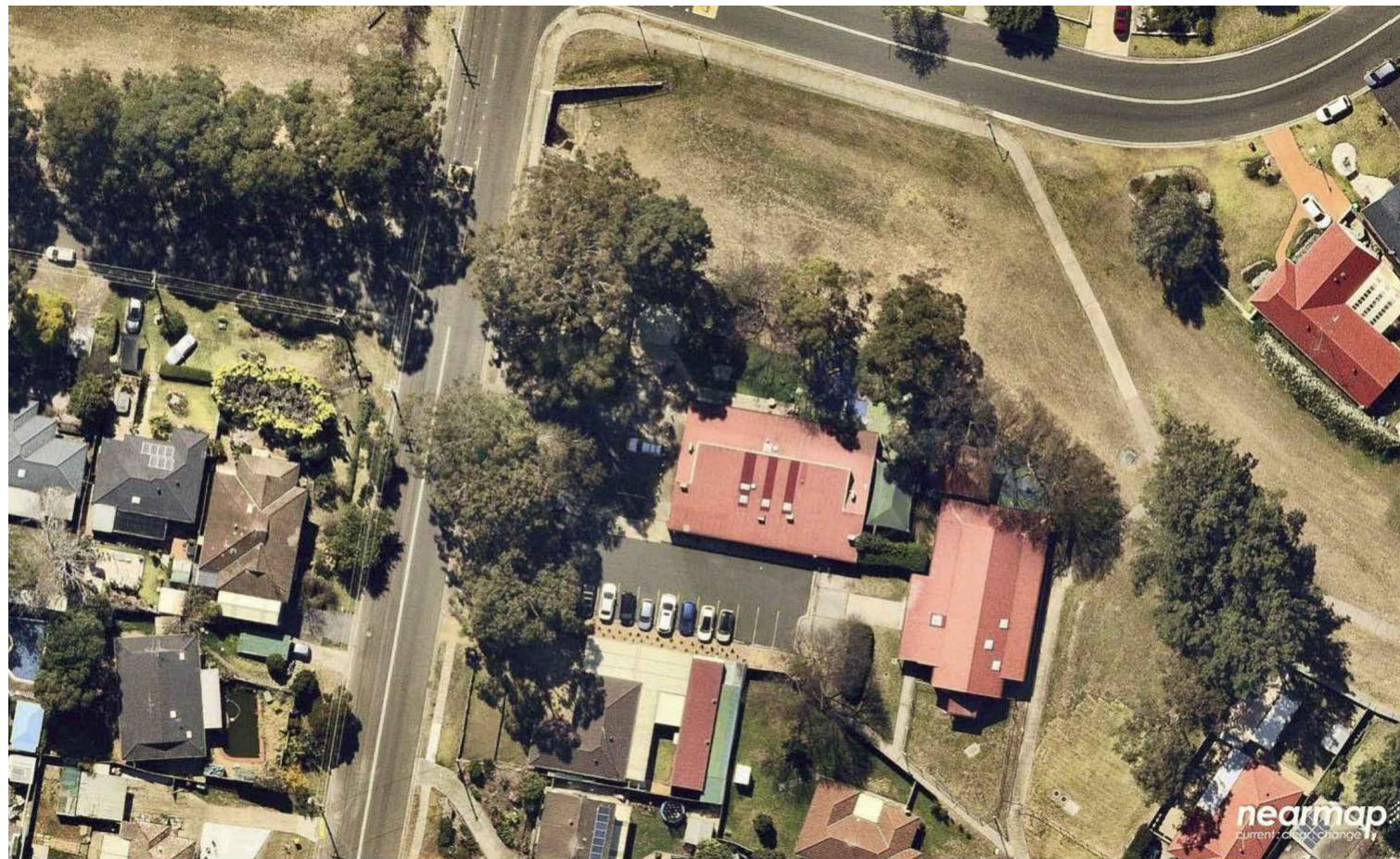




1 LOCALITY PLAN
NTS



LEGEND
SITE



2 SITE PLAN EXISTING
NTS



A 9.9.19 DA submission RMC

REV.	DATE	DESCRIPTION	BY
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PHASE
DEVELOPMENT APPLICATION

CLIENT
PENRITH CITY COUNCIL
CHILDREN SERVICES
601 High Street,
PENRITH NSW 2750

ARCHITECT
PENRITH CITY COUNCIL
DESIGN & PROJECTS
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PROJECT SHADE STRUCTURE
Blue Emu Children's Centre
38A Wedmore Road,
EMU HEIGHTS NSW 2750

TITLE
LOCALITY &
EXISTING SITE PLAN

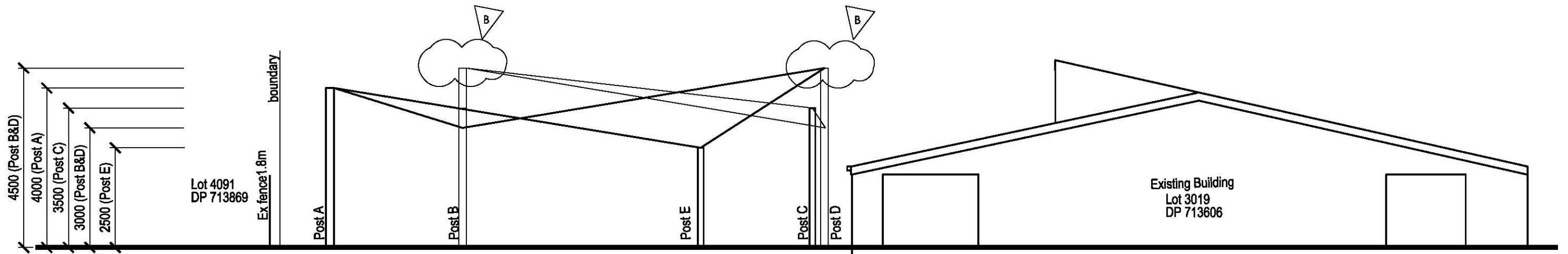
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DATE: 09.09.2019	ASSET #:
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SHEET NO. CS20101- 100	REV A
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INTERNAL APPROVALS

ASSET:	RECREATION:
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2 ELEVATION - WEDMORE ROAD VIEW
NTS

NOTE Vegetation note shown.



1 ELEVATION - WEDMORE ROAD VIEW
NTS

NOTE Proposed structure not shown

B 24.2.2020 Reduce Post to 4.5m RMC
A 4.2.2020 Addition DA info RMC

REV.	DATE	DESCRIPTION	BY
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PROJECT SHADE STRUCTURE
Blue Emu Children's Centre
38A Wedmore Road,
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TITLE
ELEVATIONS
SHEET 1 OF 2

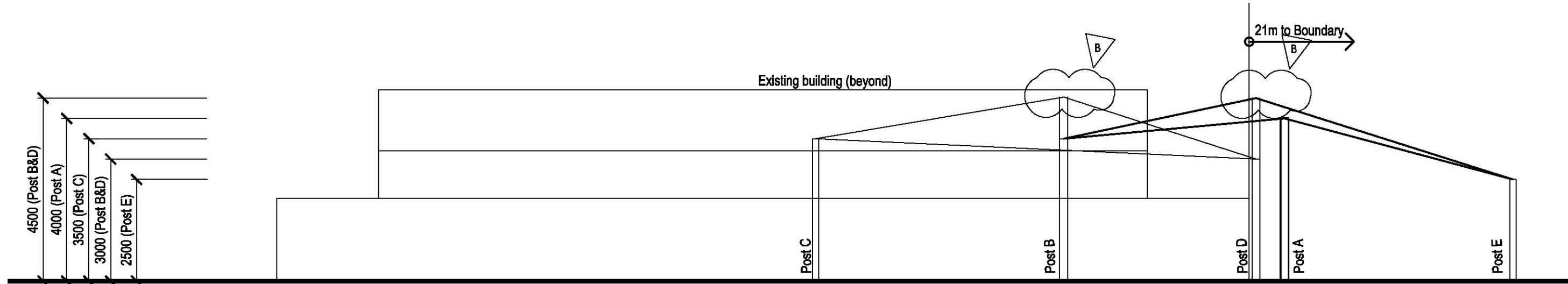
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DATE: 09. 09. 2019	ASSET #:
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SHEET NO. CS20101- 501	REV: B
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INTERNAL APPROVALS

ASSET:	RECREATION:
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2 ELEVATION - RESERVE VIEW
NTS

NOTE Vegetation note shown.



1 ELEVATION - RESERVE VIEW
NTS

NOTE Proposed structure not shown

B 24.2.2020 Reduce Post to 4.5m RMC
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PROJECT SHADE STRUCTURE
Blue Emu Children's Centre
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EMU HEIGHTS NSW 2750

TITLE
ELEVATIONS
SHEET 2 OF 2

SCALE: (A3)	DRAWN: RMC	PROJECT CODE: MP1900
DATE: 09.09.2019		ASSET #:

SHEET NO.
CS20101- 502
REV: **B**

INTERNAL APPROVALS	
ASSET:	RECREATION:



COLOUR SCHEDULE

Subject: COLOUR SCHEDULE
Project: Blue Emu Children's Centre – Shade Structure
Address: 38A Wedmore Road EMU HEIGHTS
Date: 9 September 2019
Rev: A

POST- metal



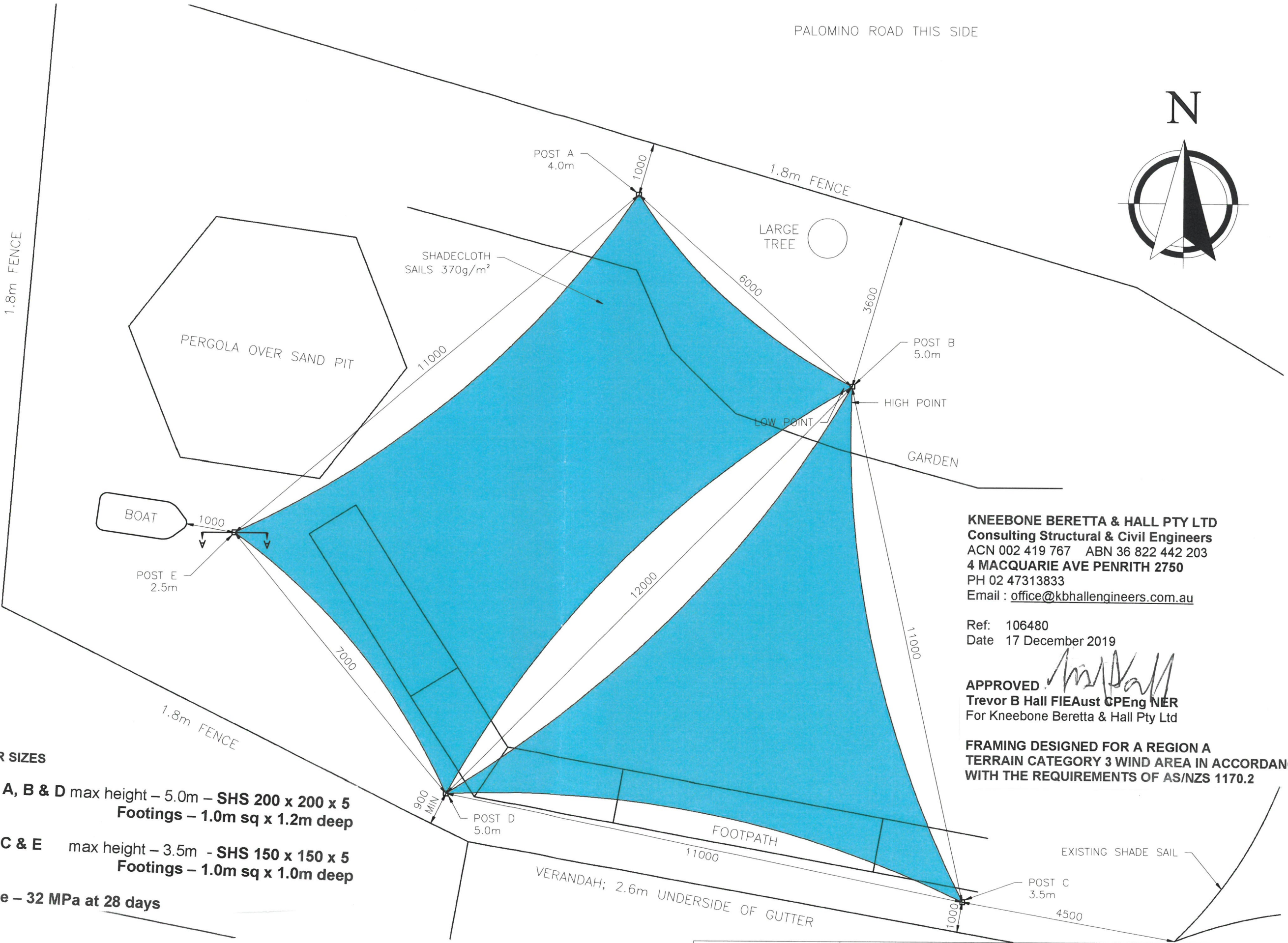
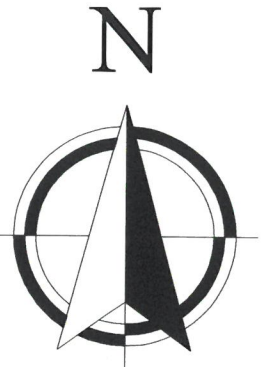
Dulux Woodland Grey

SHADE SAIL



Dulux Woodland Grey

PALOMINO ROAD THIS SIDE



KNEEBONE BERETTA & HALL PTY LTD
Consulting Structural & Civil Engineers
ACN 002 419 767 ABN 36 822 442 203
4 MACQUARIE AVE PENRITH 2750
PH 02 47313833
Email : office@kbhallengineers.com.au

Ref: 106480
Date 17 December 2019

APPROVED 
Trevor B Hall FIEAust CPEng NER
For Kneebone Beretta & Hall Pty Ltd

**FRAMING DESIGNED FOR A REGION A
TERRAIN CATEGORY 3 WIND AREA IN ACCORDANCE
WITH THE REQUIREMENTS OF AS/NZS 1170.2**

MEMBER SIZES

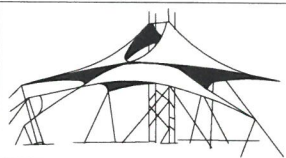
POSTS A, B & D max height – 5.0m – SHS 200 x 200 x 5
Footings – 1.0m sq x 1.2m deep

POSTS C & E max height – 3.5m - SHS 150 x 150 x 5
Footings – 1.0m sq x 1.0m deep

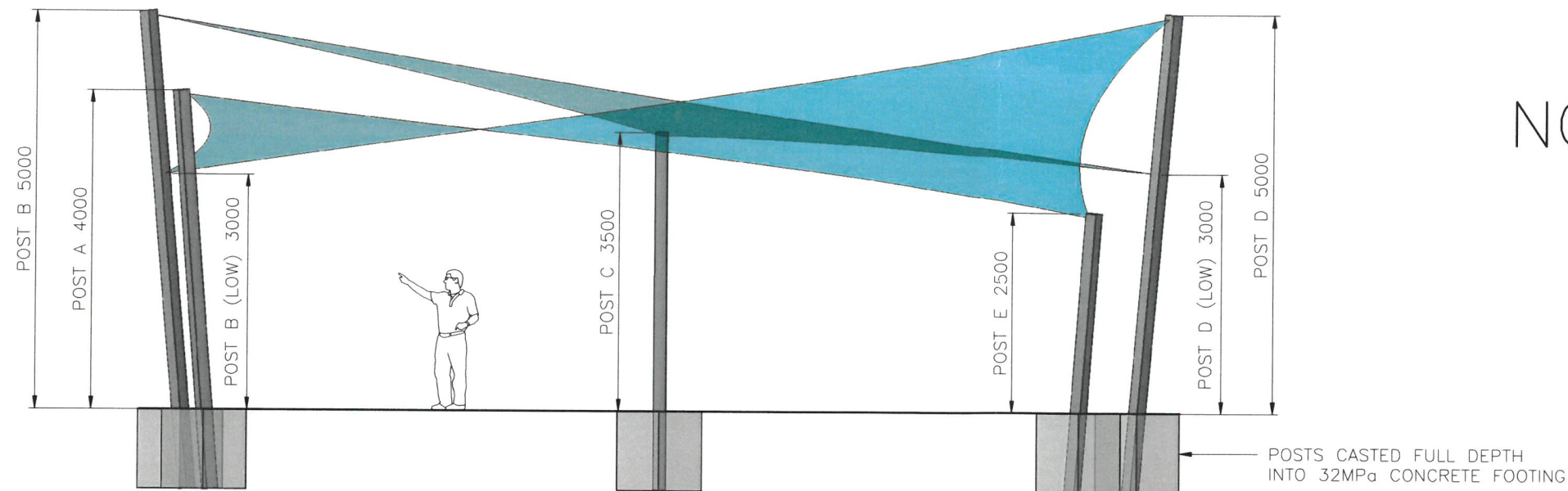
Concrete – 32 MPa at 28 days

PLAN VIEW

MEASUREMENTS ARE POST CENTRES AT GROUND LEVEL



CLIENT	BLUE EMU CHILDREN'S CENTRE	TITLE	ENGINEERING DRAWING		
PROJECT	2 SAILS ON 5 POSTS 34A WEDMORE RD, EMU PLAINS NSW	DRAWN	F. MINGUEZ	DATE	22.11.19
		SCALE	1:75 A3	DRG	1
			REV	1	ORDER #
					-
ABACUS SHADE STRUCTURES TEL: (02) 4735 4800 FAX: (02) 4735 3922					



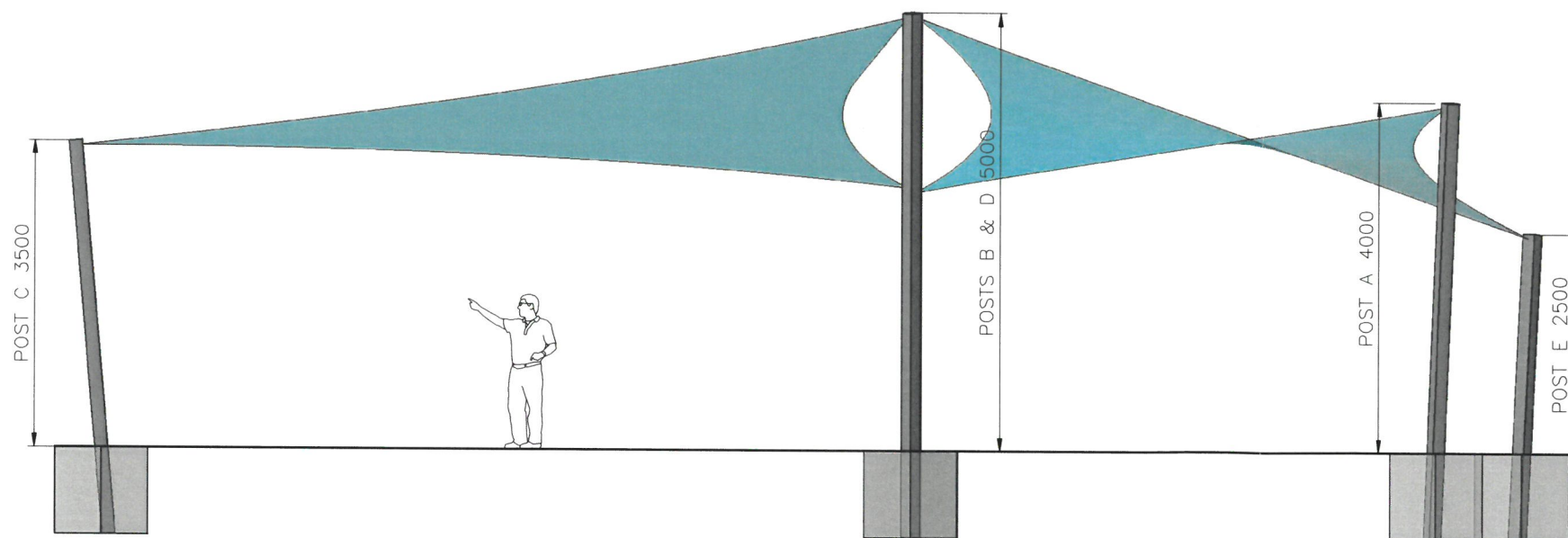
NORTH-WESTERN ELEVATION

KNEEBONE BERETTA & HALL PTY LTD
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 ACN 002 419 767 ABN 36 822 442 203
 4 MACQUARIE AVE PENRITH 2750
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Ref: 106480
 Date 17 December 2019

APPROVED 
 Trevor B Hall FIE/Aust CPEng NER
 For Kneebone Beretta & Hall Pty Ltd

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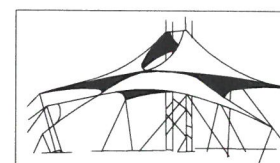
NORTH-EASTERN ELEVATION

MEMBER SIZES

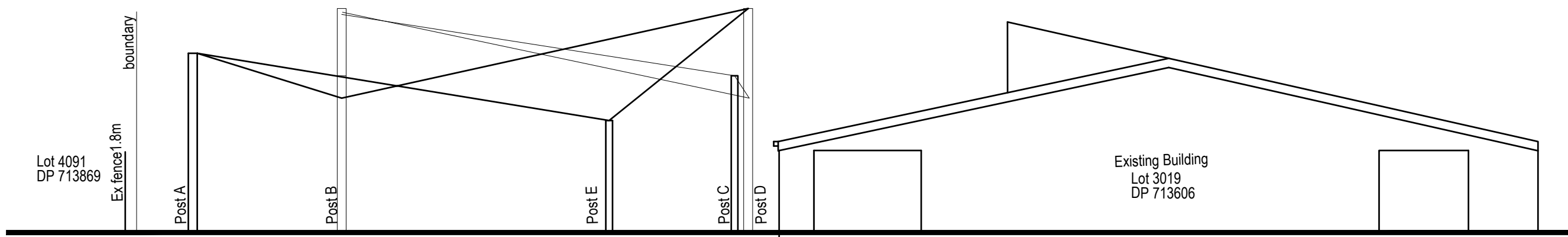
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Concrete – 32 MPa at 28 days



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		SCALE	1:75 A3	DRG	1
			REV	1	ORDER #
ABACUS SHADE STRUCTURES TEL: (02) 4735 4800 FAX: (02) 4735 3922					



2 ELEVATION - WEDMORE ROAD VIEW
NTS

NOTE Vegetation note shown.



1 ELEVATION - WEDMORE ROAD VIEW
NTS

NOTE Proposed structure not shown

A 4.2.2020 Addition DA info RMC

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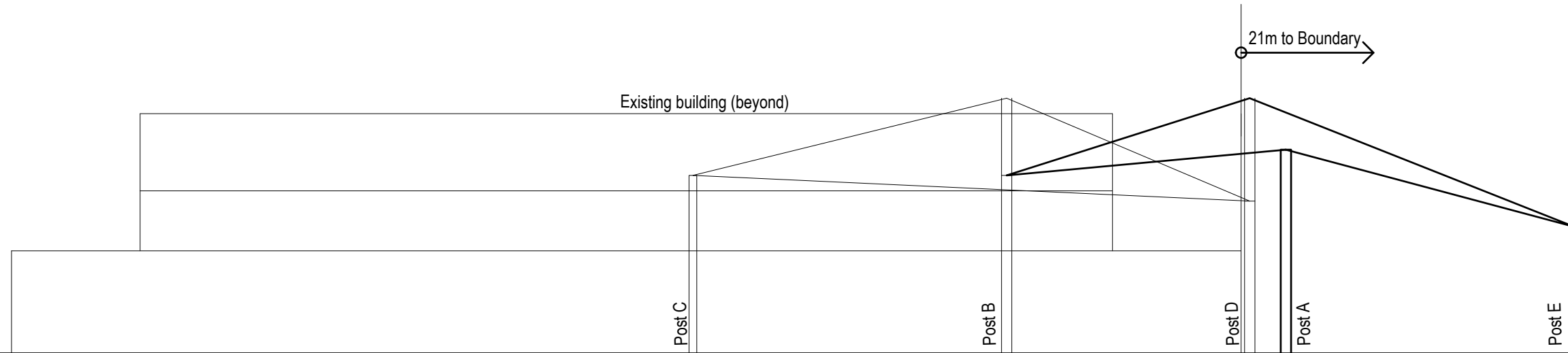
TITLE
ELEVATIONS
SHEET 1 OF 2

SCALE: (A3)	DRAWN: RMC	PROJECT CODE: MP1900
DATE: 09. 09. 2019		ASSET #:

SHEET NO.
CS20101 - 501

REV | A

INTERNAL APPROVALS	
ASSET:	RECREATION:



2 ELEVATION - RESERVE VIEW
NTS

NOTE Vegetation note shown.



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NOTE Proposed structure not shown

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TITLE
ELEVATIONS
SHEET 2 OF 2

SCALE: (A3)	DRAWN: RMC	PROJECT CODE: MP1900
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CS20101- 502











REV | A

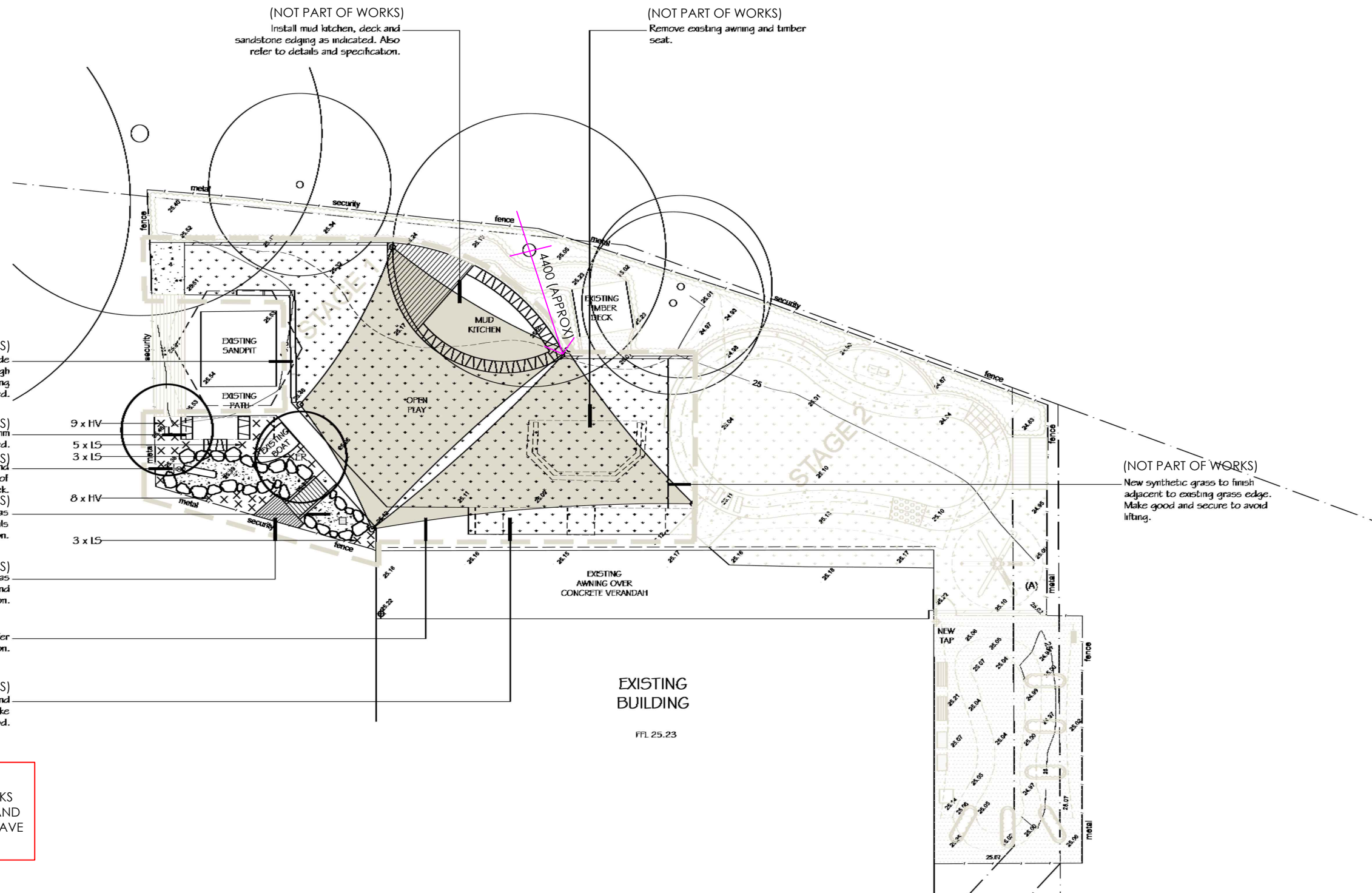
INTERNAL APPROVALS	
ASSET:	RECREATION:

SCHEDULE OF SUGGEST PLANTS

CODE	BOTANICAL NAME	COMMON NAME	MATURE HEIGHT	QUANTITY	CONTAINER SIZE	STAKES
ER	<i>Elaeocarpus reticulatus</i>	Blueberry Ash	5m	1	75 litre	2
HV	<i>Hardenbergia violacea</i>	Native Sansparilla	prostrate	17	140mm	-
LS	<i>Lomandra 'Seascape'</i>	Seascape Lomandra	0.4m	11	140mm	-
TL	<i>Tristanixopsis laurina</i>	Water Gum	8m	1	75 litre	2

LEGEND

-  EXISTING LEVELS
-  PROPOSED LANDSCAPE LEVELS
-  EXISTING TREES TO BE RETAINED
-  CONCRETE PAVING
-  DECK AREAS
-  SYNTHETIC GRASS
-  SANDSTONE WALLS/EDGING
-  LOW BRICK WALLS
-  SANDSTONE BOULDERS
-  BRICK GARDEN EDGING



NOTE:
PART 1 - LANDSCAPE WORKS EXCLUDING SHADE SAILS AND ASSOCIATED STRUCTURE HAVE BEEN COMPLETED.

Verify all dimensions on site before commencing construction or ordering materials. Verify the dimensions of all manufactured products before installation. Use figured dimensions in preference to scaled dimensions. Report any discrepancies to the Landscape Architect for a decision before work commences.

NOTES



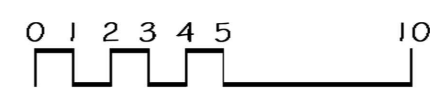
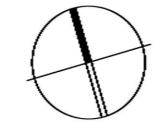
office. 16/303 pacific highway
lindfield nsw 2070
postal. 25 bent street
lindfield nsw 2070
ph 9416 4290 fax 9416 4735
A.C.N 097 328 580
email ijla@netspace.net.au

project
Blue Emu Childcare
38A Wedmore Road, Emu Plains

drawing
Stage 1 Landscape Plan

client
Penrith City Council

date April 2019
job.dwg no. 37.19/148
designed by IJ
scale 1:100 @ A1
1:200 @ A3
no. in set ONE/THREE
drawn by AM/HL





**STATEMENT
OF
ENVIRONMENTAL EFFECTS**

for

**Construction of
Shade Structure
at
Blue Emu Children's Centre
38A Wedmore Road,
EMU HEIGHTS**

**Prepared by
Design and Projects
Penrith City Council**

Revision	Date	Approved by
A	9.09.2019	RMC
B	6/2/2020	RMC

STATEMENT OF ENVIRONMENTAL EFFECTS
NEW SHADE STRUCTURE
Blue Emu Children's Centre.
(revised)

INTRODUCTION

This Statement of Environmental Effects has been prepared by Rosemarie Canales, BArch., M.Herit.Cons., Architectural Supervisor from Penrith City Council.

The statement has been prepared to accompany a Development Application for the construction of a new Shade Structure.

SITE

The subject site, Blue Emu Children's Centre has a street address of 38A Wedmore Road, Emu Heights. The land is identified as Lot 3019, DP713606 contained within an irregular rectangular shaped battle axe parcel of land with a site area of 2422.000000 sqm.

The land is contained to the north by open parkland Lot 4091 DP 713869, to the east by a Community Centre, Lot 3020 DP 713603, to the southeast by 19 Salerno Close Lot 3018 DP 713603 and to the southwest by 40 Wedmore Road, Lot 6001 DP 776516.

The surrounding areas is residential with the open parkland immediately to the north of the childcare creating a visual and physical barrier. Along the common boundary to the childcare there are a number of trees creating a visual buffer from the surrounding residence and filtered sunlight and shade for the Childcare.¹



Figure 1: Aerial
Subject site- highlighted
Source: PCC Exponare,
Date: 25 June 2019

The subject site is managed by Penrith City Council Children Services and operates a childcare service known as the Blue Emu Children's Centre. The site contains on-site parking and a single storey building. The building has a fence area containing the children play area which faces north with view to the open parkland. The

¹ Additional information

childcare has recently undergone some landscape work (not part of this Application). The works have introduced artificial turf and play areas for the children. In the immediate area



Figure 2 -Tree 1
Photograph taken - 10/02/2020



Figure 3- Tree 2
Photograph taken - 10/02/2020



Figure 4- Existing playground with completed landscape works.
Photograph taken - 10/02/2020



Figure 5- View of playground from west
Photograph taken - 10/02/2020

EXISTING USE

Blue Emu Children's Centre currently operates as a Childcare facility operating from 7 am to 6 pm weekdays.

The facility is licensed under NSW Education and Communities (Office of Education – Early Childcare and Care)

The Centre provides childcare facilities for :

- **Ages catered for**
Children from: 6 weeks-6 year olds



Figure 6 - Photograph:
Nearmap View from carpark of Childcare
Extracted Date: 25 June 2019

PROPOSED

Blue Emu Children's Centre will continue to operate as a Childcare facility.

The proposed works will provide a shaded area of the existing facility, providing outdoor shaded area for play. **No other landscape works are part of this Application.**

DESIGN

The proposed shade structure will consist of :

- | | |
|------------|---|
| Structure: | Galvanised circular steel post (to Structural Engineer's details)
6 post |
| Roof: | 2 x sails (blockout) with a minimum of 94% protection for UVR |

PLANNING POLICIES AND CONTROLS

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 documents have been reviewed, with a number of matters addressed:

Penrith Local Environment Plan 2010

The Penrith Local Environmental Plan 2010 is now in force and applies to most of the City.

The proposed work has been reviewed against the Penrith Local Environment Plan 2010 for compliance.

COMPLIANCE TABLE			
Penrith Local Environment Plan 2010			
ITEM	DESCRIPTION	COMMENT	COMPLIANCE Y/N
Part 1	Preliminary	Na	Na
Part 2	Permitted or Prohibited developments	Na	Na
2.1	Land use zone	Land is identified as R2	NA
Land Use Table	Low Density Residential 1. Objectives of zone <ul style="list-style-type: none"> • To provide for the housing needs of the community within a low density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To promote the desired future character by ensuring that development reflects features or qualities of traditional detached dwelling houses that are surrounded by private gardens. • To enhance the essential character and identity of established residential areas. • To ensure a high level of residential amenity is achieved and maintained 2. Permitted without consent Home occupations 3. Permitted with consent Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency Services facilities; Environmental protection	No change to zoning	Y

	works; Exhibition homes; Flood mitigation works; Group homes; health consulting rooms; Home-based child care; Home businesses; Home industries; Information and education facilities; Neighbourhood shops; Oyster aquaculture; Places of public Worship; Pond-based aquaculture; Recreation areas; Residential care facilities; Respite day care centres; Roads; Secondary dwellings; Shop top housing; Tank-based aquaculture 4.. Prohibited Any other development not specified in item 2 or 3		
Part 3	Exemption and Complying development	Development Application required due to the height required.	NA
Part 4	Principle development standards		NA
Part 5	Miscellaneous		NA
Part 6	Urban release areas		NA
Part 7	Additional Local Provisions		NA
Part 8	Local Provisions - Penrith City Centre	Na	NA
Part 9	Penrith Panthers site	Na	NA

PENRITH DEVELOPMENT CONTROL PLAN 2014

The Penrith Development Control Plan 2014 was adopted by Council on 23 March 2015
 The proposed work has been reviewed against the Penrith Development Control Plan 2014 for compliance.

COMPLIANCE TABLE PENRITH DEVELOPMENT CONTROL PLAN 2014			
ITEM	DESCRIPTION	COMMENT	COMPLIANCE Y/N
Part A	Introduction	Na	Na
Part B	Development Control Principles	Na	Na
Part C	City Wide Controls		
C1	Site planning and Design Principles	The proposed work will be contained within the grounds of the Childcare. The new works (109 msq) will permit an addition shaded outdoor play area to the existing shaded area.	No change to existing carpark facilities
C2	Vegetation management	No change to existing	Na
C3	Water management	No Change to existing	Na
C4	Land Management	No change to existing	Na
C5	Waste Management	No change to existing	Na
C6	Landscape design	No Change to existing	Na
C7	Culture and heritage	Na	Na
C8	Public Domain	No impact to public domain Works are contained within the Childcare playground.	Na
C9	Signage and Advertising	Na	Na
C10	Transport Access and Parking	The work will not alter the Transport, Parking to the site or surrounds	Na
C11	Subdivision	Na	Na
C12	Noise and Vibration	This proposal will not create any additional Noise or Vibration, other than during construction works.	Y
C13	Infrastructure services	Na	Na
D	Land use		
D1	Rural	Na	Na
D2	Residential	Na	Na
D3	Commercial and retail development	Commercial Existing facility identified as a Childcare	Y Refer to D5
D4	Industrial	Na	Na
D5	Other Land uses - childcare		
Part A	Background	Na	Na
Part B	Objective	Na	Na
Part C	Controls		
C.1	Work based Child Care Centre	No change to existing	Na
C.2	Location	No change to	Na

		existing	
C.3	Design, scale and site frontage	No change to existing	Na
C.4	Built form	Construction of new shade structure will have metal posts with a sail shade roof over	??
C.5	Vehicle Access, circulation and parking	No change to existing	Na
C.6	Noise	No change to existing	Na
C.7	Shade	No change to existing	Y
C.8	Landscaping	The rear playground is undergoing new landscaping, not part of this Development Application.	Na
C.9	Private dwelling	Na	Na
C.10	Out of School Care	Na	Na
C.11	Lifting the Bar	Provide additional shade structure for the Children's centre	Y Provide additional facilities.
E	Key Precincts	Na	Na
F	Other relevant info	A compliance table has been prepared with regards to Educations and Care Services National Regulations	Y
F4.1	Plans and drawings	Locality plan, site plan, and concept landscape plan provided.	Y
F4.2	Statement of Environmental Effects	Prepared	Y
F4.3	Building sustainability	Na	Na
F4.4	Landscape	The rear playground is undergoing new landscaping, not part of this Development Application.	Y
F4.5	Erosion Sediment Control	Part of the construction works	Y
F4.6	Stormwater Drainage	The shade structure roof area will permit the rainwater to fall directly onto the ground.	Na
F4.7	Waste management	No change to existing Waste Management Plan attached.	Y
F4.8	Transport and Traffic Impact Assessment	No impact to parking , vehicular access or transport	Na
F4.9	Works to Trees	There are two trees in the immediate vicinity with the proposed shade structural to be located within the Tree Protection Zone. Discussions with Council's Tree Officer	Works to be conditioned with an Arborist to be engaged during the works.

		has recommended an arborist to be engaged during the construction works.	
F4.10	Bush Fire Assessment	Site not identified within bush fire area	Na
F4.11	Flood Study	A flow path runs through the site, however not in the vicinity of the shade structure.	Na
F4.12	Visual Impact	The new shade structure will sit within the rear ground of the childcare. The rear grounds are viewed from the street (Wedmore Road) and the open parkland to the north of the property. Due to the distance and the tree canopies the view will be filtered reducing any visual impact	Y
F4.13	Heritage	No heritage items are located in the vicinity.	Na
F4.15	Contamination	No known impact	Na
F4.16	Noise Impact Statement	The proposal will not generate any additional noise, as there will be no change to the child numbers.	Y
F4.17	Requirements relating to land stability, excavation and filling	A geotechnical report will be provided to the Structural Engineer to assist with their design.	Y
F4.18	Water Management	No change to existing	Na
F4.19	Dust Suppression	Na	Na
F4.20	Odour Suppression	Na	Na
F4.21	Social Impact	The new shade structure will provide additional shade for the children.	Y
F4.22	Economic Impact	The shade structure will ensure the Children centre complies with require legislation.	Na
F4.23	Environmental Impact	Works will be contained within the grounds of the Children centre. No impact to the park land to the north.	Y
F4.24	Urban Design	Na	Na
F4.25	Infrastructure delivery	NA	Na
F4.26	3d Modelling	Na	Na

NATIONAL CONSTRUCTION CODE

The proposed work has been reviewed against the National Building Construction Code for compliance.

COMPLIANCE TABLE NATIONAL CONSTRUCTION CODE				
ITEM		NOTE	COMMENT	COMPLIANCE
Section A	Building Classification	Class 9b Childcare facility	Existing facility catering for Childcare facilities	Na No change to existing
		Class 10 Shade structure		New structure
Section B	Structural Provisions	New structure	Designed by Structural Engineer	Y Certificate to be provided. With CC
Section C	Fire Resistance and stability	Shade structure to be Fire retardant	Certificate to be provided	Y To be provided with CC
	Compartment and separation	Na	Na	Na
	Protection of openings	Na	Na	Na
Section D	Provision for Escape	No change to existing. The shade structure will not impeded external path of travel	Na	Y
	Construction of Exits	No change to existing	No change to existing	Y
	Access for people with a Disability	Ground level to be level, provide	Na No change to floor level	Y
Section E	Fire Fighting equipment	Na	Na	Na
	Smoke hazard management	No change to existing.	Na	Na
	Smoke detection and alarm system	No change to existing.	Na	Na
	Lift Installation	Na	Na	Na
	Emergency lighting, exit signs and warning	No change to existing	Na	Na
Section F	Damp and waterproofing	No change to existing	Na	Na
	Sanitary and other facilities	No change to existing	Na	Na
	Room size	Na	Na	Na
	Light and ventilation	The shade structure is an open frame structure, permitting ventilation and natural light	Na	Na
	Sound transmission and insulation	No change to existing	Na	Na
Section G	Minor Structures and Components	No change to existing	Na	Na
	Heating Appliances, fire places, chimneys	Na	Na	Na

	and Flues			
	Atrium Construction	Na	Na	Na
	Construction In Alpine Areas	Na	Na	Na
	Construction in Bushfire prone areas	Na	Na	Na
Section H	Theatres, Stages and Public Halls	Na	Na	Na
	Public Transport Buildings	Na	Na	Na
Section I	Equipment and safety installations	Na	Na	Na
	Energy efficient installation	Na	Na	Na
Section J	Energy Efficient	Na	Na	Na
	Building Fabric	Na	Na	Na
	Glazing	Na	Na	Na
	Building Sealants	Na	Na	Na
	Air-conditioning and ventilation systems	Na	Na	Na
	Artificial lighting and power	Na	Na	Na
	Hot water supply and swimming pool and spa pool plant	Na	Na	Na
Access for maintenance and facilities for monitoring	Na	Na	Na	

EDUCATIONS AND CARE SERVICES NATIONAL REGULATIONS

The proposed work has been reviewed against the Education and Care Services National Regulations 2012 for compliance.

COMPLAINTS TABLE: Education and Care Services National Regulations 2012				
ITEM	DESCRIPTION		COMMENT	COMPLIANCE Y/N
Chapter 1	Preliminary		No Change	Na
Chapter 2	Approvals and Certificates		No Change	Na
Chapter 3	Assessment and ratings		No Change	Na
Chapter 4 Operations Requirements				
Part 4.1	Educational program		No Change	Na
Part 4.2	Children's health and safety		No Change	Na
Part 4.3	Physical Environment		No Change	Na
Division 1	103	Premises, furniture	No Change	Na
Division 1	104	Fencing	No Change	Na
Division 1	105	Furniture	No Change	Na
Division 1	106	Laundry	No Change	Na
Division 1	107	Space – indoor	No change	Na
	108	Space-outdoor each child	No change	Na
	109	Toilet and hygiene	No Change	Na
	110	Ventilation and natural light	No change to internal environment	Na
	111	Administrative space	No Change	Na
	112	Nappy Change Facility	No Change	Na
	113	Outdoor natural environment	No change to existing.	Na
	114	Outdoor space - shade	New shade structure with two sails (52 + 57msq) post and sail in Woodland grey and or similar	Y
	115	Premises designed to facilitate supervision	No change to existing	Na
	116	Assessment of family day care	Na	Na
	117	Glass	No Change	Na
Part 4.4	Staffing arrangements		No Change	Na
Part 4.5	Relationships with Children		No Change	Na
Part 4.6	Collaborative partnerships with families and communities		No Change	Na
Part 4.7	Leadership and service management		No Change	Na
Chapter 5 Review, enforcement and compliance				
Part 5.1	Internal review		No Change	Na
Part 5.2	Enforcement and compliance		No Change	Na
Chapter 6 Administration				
Part 6.1	Australian Children's Education and Care Quality		No Change	Na
Part 6.2	Information, records and privacy		No Change	Na
Part 6.3	Fees		No Change	Na
Part 6.4	Delegations		No Change	Na
Chapter 7 Jurisdiction – specific and transitional and saving provisions				
Part 7.1	General Transitional and saving		No Change	Na
Part 7.2	ACT		Na	Na

Part 7.3	NSW			
Division 1	270	Application of Part 7.3	No Change	Na
Division 2	Minimum number of educators and qualifications and training required			
	271	Educator to child ratios	No change	Na
	272	Early childhood teachers	No Change	Na
Division 3	Additional ongoing requirements			
Division 3	273	Course in child protection	No Change	Na
Division 3	274	Swimming pools	No Change	Na
Division 4	Transitional and savings provisions – staffing arrangements			
Division 4	275	Educator to child ratio – centre based service	No change	Na
	276	Number of children ... family day care educator	Na	Na
	277	Qualifications for educators – centre based services	No Change	Na
	278	Qualifications for primary contact	No Change	Na
	279	Early childhood teacher – centre based fewer than 30 children	No Change	Na
Subdivision 2	280	Qualifications for family day-care educators	No Change	Na
	281	Qualifications for family day care co-ordinators	No Change	Na
Subdivision 5	282	Definition of early childhood teacher interim policy	No Change	Na
	283	Early childhood interim policy approval	No Change	Na
	284	Application for early childhood teacher interim policy approval	No Change	Na
Subdivision 6	285	Space Requirements	Na	Na
	286	School based children's services before 1 July 2008	Na	Na
	287	Declaration out of scope service	Na	Na
Part 7.5	Queensland		Na	Na
Part 7.6	South Australia		Na	Na
Part 7.7	Tasmania		Na	Na
Part 7.8	Victoria		Na	Na

IMPACTS AND MITIGATION

Site Suitability

The shade structure is proposed to be located in the external play area of the subject Childcare. The external area has recently been landscaped and is flat and level. The introduction of the shade sails will provide the children with an external area protected from the sun which will have a positive impact for the use of the site.

Existing Structure & rear verandah.

The proposed shade structure to be located within the play area will have no physical impact on the existing structure and negligible impact to the ambience of the rear verandah.

The proposed shade structure will have its own footings independent of the existing structure while the varying height of the sails will permit sunlight to the existing rear verandah.

Access and Traffic

The proposed works will be located wholly within the site and will have no impact to Access and Traffic to and around the site.

Views and Vistas

The proposed shade structure to be located within the rear play area will have negligible impact to the views and vistas to or from the site.

The existing trees within the site and the trees within the Parkland along the common boundary will filter views and vistas to and from the site. The new shade sails will sit within the site and behind the northern and western tree line which will obscure the structure.

Social and Economic Effects

The proposed structure will have a positive impact for the social and negligible economic impact for the site. The installation of the shade structure will permit the children extended outdoor playtime protecting them from the sun rays.

Existing landscaping.

The rear play area has recently undergone some landscape work (Stage 1). Which has retained two trees in the immediate vicinity of the proposed shade structures.

Tree (1) has two (2) stems with a total DBH (measurement at 1400m from ground) of 700mm (300mm + 400mm) and a TPZ (Tree Protection Zone) of 8400mm.

Tree (2) has three (3) stems with a total DBH (measurement at 1400m from ground) of 500mm (200mm + 200mm+100mm) and a TPZ (Tree Protection Zone) of 6000mm

The supporting structure ie/ Post A and Post 8 will both have 1m diameter footing of 1.2m deep which may impact the root structure of the trees.

The location of the proposed shade structure will be located within the Tree Protection Zone of the identified trees.

Whilst the works will negatively impact the trees due to the location of the 2 x structural post within the TPZ (Tree Protection Zone) the engagement of an Arborist during construction will monitor and ensure the identified trees and their root systems are protected and mitigate the impact.

CONCLUSION

The proposed development has been considered in light of Penrith City Council's planning controls.

The proposed additions ie/ **new shade structure** building will have a negligible impact to the existing structure, and positively impact the use of the building, providing additional shaded outdoor space for children between 0 – 2 years.

The proposed Shade Structure will however have a negative impact on the identified trees. This impact can be mitigated with the engagement of an arborist on site during construction, ensuring mitigation of the proposed structure in regards to the TPZ the Environmental Impact will be minimal.

Ensuring an arborist is engaged during construction the proposed Shade Structure will have minimal impact on the site and its environs and a positive contribution for the childcare.

Rosemarie Canales
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