

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

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

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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 3,242m<sup>2</sup>. 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

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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

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- 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 4.15(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 3.25m<sup>2</sup> of indoor space and 7m<sup>2</sup> 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:

<b>Part</b>	<b>Objective</b>	<b>Comment</b>
<b>3.1 Site selection and location</b>	<b>C1 To ensure that appropriate zone considerations are assessed when selecting a site.</b>	The shade sails will be appropriately sited to minimise amenity and streetscape impacts.
<b>3.2 Local character, streetscape and public domain interface</b>	<b>C5 To ensure that the child care facility is compatible with the local character and surrounding streetscape</b>	<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>
<b>3.3 Building orientation, envelope and design</b>	<b>C11 To respond to the streetscape and site, while optimising solar access and opportunities for shade</b>	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.
	<b>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.</b>	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.

<b>3.6 Noise and air pollution</b>	<b>C25 - C26 To ensure that outside noise levels on the facility are minimised to acceptable levels</b>	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 4.15(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 4.15(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 4.15(1)(a)(iia) The provisions of any planning agreement

There are no planning agreements applying to the development proposal.

## Section 4.15(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 4.15(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 4.15(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 4.15(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:

<b>Referral Body</b>	<b>Comments Received</b>
Building Surveyor	No objections - subject to conditions

### **Section 4.15(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**

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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**

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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.



# CONDITIONS

## 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.