



# MEMORANDUM

Reference: **DA21/0154**  
To: Penrith Local Planning Panel  
From: Lauren van Etten – Senior Development Assessment Planner  
Date: 23 November 2021  
Subject: Proposed Residential Flat Building – 44-48 Rodley Avenue, Penrith

I refer to the subject development proposal and the related assessment report that is scheduled for consideration by the Penrith Local Planning Panel on 24 November 2021.

This memorandum provides a response to a question from the Local Planning Panel ahead of the upcoming Local Planning Panel meeting and also provides information in relation to the need for an additional recommended consent condition.

Item	Response
1. <i>Will the adjacent trotting track and associated facilities potentially have any adverse impacts on future residents?</i>	<p><b>Acoustic Impacts</b></p> <p>Initially, the submitted acoustic report did not address noise from activities related to the adjoining Penrith Paceway site. The acoustic report was subsequently amended at the request of Council to address potential noise impacts from the Penrith Paceway operations on the proposal.</p> <p>The noise measurements that were conducted are presented in Section 5.2.1 of the acoustic report. The loudest noise sources were noted, being:</p> <ul style="list-style-type: none"><li>• Horses come out on the track and start warm-up laps;</li><li>• Horses line up at the start line and wait for gate car;</li><li>• Horses begin trotting behind gate car;</li><li>• Race begins;</li><li>• Race ends and horses exit track;</li><li>• Tractor or truck combs the racing track.</li></ul>



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	<p>As patron noise is a constant noise source, it formed part of the noise measurements that were conducted. The noise control measures were based on the louder noise sources and their cumulative impact on the proposed development. In response, Section 6.2 of the acoustic report provides the required glazing specifications needed for the proposal to meet compliant internal noise levels inside the habitable spaces of the proposed building.</p> <p>Council's Environmental Management Officer reviewed the amended acoustic report and was satisfied with its findings and recommendations. A condition of consent has been recommended requiring compliance with the recommendations of the acoustic report.</p> <p><b><i>Dust and Air Quality Impacts</i></b></p> <p>Implementation of dust suppression measures for the Penrith Paceway site is the responsibility of the site operators in accordance with relevant development consent conditions. It is understood that there is one race night per week and one trial night per week, in addition to the individual use of the track for training purposes. Typically, the track is sprayed with water between races.</p> <p>Council's Environmental Management Officer reviewed the proposal in this regard and did not raise any concerns or recommend any particular consent conditions. The current operations of the</p>
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		trotting track are not considered likely to result in adverse impacts on the air quality afforded to future residents of the proposed building.
2.	<i>Additional recommended consent condition</i>	<p>The proposal requires the creation of a stub easement for drainage over the proposed stormwater connection to the Council trunk drainage channel at the rear of the property. Condition 61 of the recommended conditions requires that this easement be registered prior to the issue of an Occupation Certificate. Written owner's consent for the creation of the easement and the related works was provided by Council's Property Department. However, it has recently been established that although the trunk drainage channel is Council infrastructure, it is actually contained within an easement over the Penrith Paceway site (i.e. Lot 12 DP 1176987). This land is owned by the Penrith District Agricultural Horticultural &amp; Industrial Society, not Council. As such, a deferred commencement consent condition is recommended requiring documentary evidence of agreement from the landowner in relation to the proposed stub easement for drainage and the related stormwater connection works which are proposed over Lot 12 DP 1176987. It is considered that there would be a reasonable level of certainty in relation to the applicant's ability to satisfy this condition on the basis that the proposed easement and works are to be fully contained within the existing Council trunk drainage channel and related</p>



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		easement, therefore not resulting in an additional burden over Lot 12 DP 1176987.
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Lauren van Etten  
**Senior Development Assessment Planner**