



MEMORANDUM

Reference: DA20/0644
To: Penrith Local Planning Panel
From: Lauren Van Etten – Development Assessment Planner
Date: 20 April 2021
Subject: Proposed Child Care Centre at 15-17 Garswood Road, Glenmore Park

I refer to the subject development proposal and the related assessment report that is scheduled for consideration by the Penrith Local Planning Panel on 21 April 2021.

This memorandum provides a response to questions from the Local Planning Panel ahead of the upcoming Local Planning Panel meeting.

No.	Question	Response
1	<i>The Reasons and report cite a problem with stormwater, however the engineering referral response raises no issues – please clarify.</i>	<p>While Council's Development Engineer raised no concerns regarding stormwater quantity management, Council's Waterways Officer did raise concern in terms of stormwater quality management.</p> <p>The supporting documents do not include a Water Sensitive Urban Design (WSUD) strategy, nor do the plans and documents demonstrate that the proposed rainwater tank is sized appropriately to meet a minimum of 80% of the non-potable demand in compliance with Section 3.1 of Council's WSUD Policy.</p>
2	<i>Noise – Please clarify reference to roadworks affecting noise criteria (pg 20).</i>	<p>Some of the public submissions raised concern that noise from works associated with The Northern Road and M4 Motorway upgrades could impact on the logging of background noise levels.</p> <p>Council's Environmental Management Officer noted that these road works have been conducted recently and on an ongoing basis. The Environmental Noise Impact Assessment (Day Design Pty Limited, 25 September 2020) does not assess whether the noise criteria established as part of the assessment</p>

MEMORANDUM

		was affected by the subject road works.
3	<i>The report raises a number of issues that do not appear in the recommended reasons for refusal. These relate to tree removal/biodiversity, traffic and parking, air quality/noise and sustainability. Please clarify this aspect.</i>	Refer to proposed amendments to recommended reasons for refusal that address the conclusions outlined within the body of the assessment report.

Amended Reason for Refusal No. 2

The application is not satisfactory for the purpose of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposal is inconsistent with the following provisions of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017:

- Clause 3 - The proposal is inconsistent with the following aims and objectives of this plan:

- *establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas.*

The proposal is not considered to minimise impacts on the surrounding area as it alters the ratio of landscape to built areas and thus will disrupt the semi-rural character of the locality as viewed from neighbouring properties given the expansive hardstand surfaces, incompatible setbacks, inadequate landscaping provision and tree impacts. The proposal will subsequently result in unacceptable amenity impacts on neighbours in terms of views, outlook and urban heat generation.

- Clause 23 - The proposal is inconsistent with the following applicable provisions of the Child Care Planning Guideline:

Part 2, Principle 1 Context, Principle 5 Landscape and Principle 6 Amenity;

Part 3 Matters for Consideration;

3.1 Site Selection and Location;

3.2 Local Character, Streetscape and Public Domain Interface;

MEMORANDUM

- 3.3 Building Orientation, Envelope and Design;
- 3.4 Landscaping;
- 3.5 Visual and Acoustic Privacy;
- 3.6 Noise and Air Pollution;
- 3.8 Traffic, Parking and Pedestrian Circulation; and
- 4.10 Natural Environment.

- Clause 26 (1)(d)(ii) - The proposal is inconsistent with the matters for consideration regarding side and rear setbacks to preserve trees and other vegetation and to provide adequate areas for landscaping given solid fences, retaining walls and artificial play areas are proposed within the required setback areas.

The proposal is inconsistent with the matters for consideration within this clause regarding car parking rates as there is inadequate parking for administration and food preparation staff without further compromising landscaped area and character.

Amended Reason for Refusal No. 5

The application is not satisfactory for the purpose of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 in terms of the likely impacts of the development, including those relating to:

- (i) Unsatisfactory rural-residential character impacts;
- (ii) Unsatisfactory amenity impacts in terms of views or outlook stemming from excessive hardstand surfaces and the urban heat island effect;
- (iii) Unsatisfactory traffic impacts;
- (iv) Inadequate parking, access and manoeuvring provision;
- (v) Unsatisfactory tree impacts;
- (vi) Unsatisfactory sustainability outcomes due to excessive hardstand surfaces;
- (vii) Inadequate landscaping provision and setbacks; and
- (viii) Unsatisfactory access to public transport.

Amended Reason for Refusal No. 6

The application is not satisfactory for the purpose of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 as the site is not suitable for the proposed development due to the irregular shape and varying lot width which makes it unsuitable for development of a child care centre with the scale proposed.

MEMORANDUM

The proposal is not suitably connected to employment areas, town centres, business centres or shops given there is no access to public transport within Garswood Road.

Amended Reason for Refusal No. 7

The application is not satisfactory for the purpose of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 as the proposal is not in the public interest with respect to impacts of the development on local character and rural-residential amenity and it fails to address traffic, access and parking matters, loss of vegetation, noise and air quality impacts, water conservation measures and remediation of the land.

New Reason for Refusal No. 9

The application is not satisfactory for the purpose of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposal has not satisfied the provisions of Part 2(3) within Sydney Regional Environmental Plan No. 20 regarding water quality.

New Reason for Refusal No. 10

The application is not satisfactory for the purpose of Section 1.7 of the Environmental Planning and Assessment Act 1979 as the proposal has not accounted for biodiversity impacts on vegetation due to the proposed on-site detention basin, driveways and the acoustic fence/retaining walls, nor has the proposal provided a Test of Significance (5 part test) in accordance with the provisions of Part 7 of the Biodiversity Conservation Act 2016 and the associated Regulations.

New Reason for Refusal No. 11

The application is not satisfactory for the purpose of Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979 as the proposal does not meet the following matters prescribed by the associated Regulations:

- Insufficient information has accompanied the application in relation to the environmental impacts of the development regarding trees, noise, air quality, traffic, water conservation measures and contamination as required by Schedule 1, Part 1, Clause 2(4)(a) and (b).