

MEMORANDUM

Reference: DA19/0886
To: Penrith Local Planning Panel
From: Lauren Van Etten – Development Assessment Planner
Date: 19 January 2021
Subject: Proposed Child Care Centre at 110-112 Mt Vernon Road, Mount Vernon

I refer to the subject development proposal and the related assessment report that is scheduled for consideration by the Penrith Local Planning Panel on 20 January 2021.

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

Are there RLs to the ridges?

Appendix 6 of the assessment report includes the survey plan that was submitted with the application. In addition, please find attached topographical information from Council's geographic information system to provide further detail regarding the ridgelines within the surrounding area, to the north-east and south-east of the subject site.

In relation to the submitted elevations plan, the top of roof level is not shown. However, based on the existing natural ground levels on the survey plan, the maximum height of the proposed building is approximately 6.2m above existing ground level, noting this is the highest point of a skillion roof on a sloping site.

Confirmation Clause 19(2) of the Aerotropolis SEPP does not preclude the development

Clause 19(2) of the Aerotropolis SEPP does not preclude the proposed development due to the savings provision contained in Clause 53(1).

Clause 53(1) states that a development application for development on land to which the Policy applies that was lodged and not finally determined before the commencement of the Policy, is to be determined as if the Policy had not commenced. The Policy commenced on 1 October 2020, which was after lodgement of the application on 18 December 2019.

It is noted that the draft Western Sydney Aerotropolis Plan, dated December 2019, did include an ANEC contour map, however noise sensitive development was not defined in the draft plan. Further, the discussion paper on the proposed Aerotropolis SEPP, dated December 2019, noted an updated ANEC/ANEF contour map would be incorporated into the final SEPP.

The discussion paper also noted that savings and transitional provisions would apply to any development application made in the Aerotropolis before the proposed SEPP commenced. This was to ensure that pending applications continued to be assessed and determined as if the Aerotropolis SEPP had not commenced.

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SEPP 64 – Signage – Should this SEPP be addressed?

The proposed fascia sign location and its size is consistent with the aims and objectives of SEPP 64. An assessment of the proposal under Schedule 1 has been undertaken (see attached compliance table).

It is noted that a recommended condition of consent requires the detailed design of the fascia sign to be submitted to Council for approval prior to the issue of a Construction Certificate.

Is there a recommended condition requiring a mini bus to be provided, as stated to be provided by the applicant?

An additional condition of consent can be included to address this matter, as follows:

“The centre shall provide a mini bus which has a capacity for 22 children (plus 1 driver and 1 adult supervisor) and which is made available for morning pick-up and afternoon drop-off of children.”

Do the provisions of the Aerotropolis SEPP constrain the Panel’s options for imposing a condition requiring tree planting on the rear portion of the site?

The objective of Clause 21 of the Aerotropolis SEPP is to regulate development on land surrounding the airport site where wildlife may present a risk to the operation of the airport. Certain types of development then trigger the requirements for further consideration under Clause 21. The range of uses warranting further consideration in this regard are defined within sub-clause 4 as ‘relevant development’.

The proposed child care centre is not listed as ‘relevant development’. Planting associated with a child care centre would not be explicitly precluded, nor warrant additional consideration, under the SEPP with regard to wildlife and the operation of the airport.

It is noted that planting at the rear of the site is proposed as Council’s Biodiversity Officer recommended a condition requiring a vegetation management plan (VMP) in relation to this part of the site to compensate for the vegetation which will be lost at the front of the site. It is expected that canopy trees would be provided as part of this VMP planting, however, the recommended condition of consent could be modified to specifically include this requirement.

Is it desirable to have lilly pillies growing in the children’s play area, given they produce fruit the children may eat?

Council’s Landscape Architect has reviewed the proposed landscape design and has advised that lilly pilli berries are not toxic, although they can be replaced with another species if there is concern regarding any fruit bearing tree being planted.

Lauren Van Etten
Development Assessment Planner