



Hawkesbury City Council

hawkesbury
local
planning
panel
meeting
minutes

date of meeting: 15 April 2021
location: audio-visual link
time: 9:30 a.m.

HAWKESBURY LOCAL PLANNING PANEL MEETING

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HAWKESBURY LOCAL PLANNING PANEL MEETING

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Minutes of the Hawkesbury Local Planning Panel Meeting held via audio-visual link, on 15 April 2021, commencing at 9:30am.

ATTENDANCE

Present: David Ryan, Expert Representative, Alternate Chair
John Brunton, Expert Representative
Jane Fielding, Expert Representative
Graham Edds, Community Representative

In Attendance: Ms Cristie Evenhuis, Development Services Manager, Hawkesbury City Council
Ms Sanzida Alam, Town Planner, Hawkesbury City Council
Ms Jodie Tillinghast, Administration Support Officer, Hawkesbury City Council

DECLARATIONS OF INTEREST

The chairperson asked the panel if any member needed to declare a pecuniary interest in the item of the agenda. There were no declarations of interest.

All clause 4.10 Code of Conduct declaration forms were submitted by the Panel members.

ADDRESS BY INVITED SPEAKERS

The chairperson advised that the following people have formally requested address the panel at the commencement of the consideration of the item.

<u>SPEAKERS</u>	<u>ITEM NO/SUBJECT</u>
George Arida	CP - DA0233/20 - Lot 17 DP 255010 Vol 13443 Fol 141, 6 Keda Circuit North Richmond NSW 2754-(141707, 144588, 95498)
Desmond Raymond	CP - DA0233/20 - Lot 17 DP 255010 Vol 13443 Fol 141, 6 Keda Circuit North Richmond NSW 2754-(141707, 144588, 95498)
Pamela Lam	CP - DA0233/20 - Lot 17 DP 255010 Vol 13443 Fol 141, 6 Keda Circuit North Richmond NSW 2754-(141707, 144588, 95498)

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SECTION 3 – Reports for Determination

Item: 001 **CP - DA0233/20 - Lot 17 DP 255010 Vol 13443 Fol 141, 6 Keda Circuit
NORTH RICHMOND NSW 2754-(141707, 144588, 95498)**

Directorate: **City Planning**

This application: DA0233/20 at 6 Keda Circuit, North Richmond is for Centre Based Child Care Facility - Demolition of Existing Structures, Construction of a 78 Place Centre-Based Child Care Facility, Outdoor Play Areas, Basement Car Parking and Landscaping.

The Panel visited the site, inspected the context and received a briefing from Council Officers on the application.

The Panel was addressed by Ms Pamela Lam, for the recommendation.

The Panel was addressed by George Arida and Desmond Raymond, speaking against the recommendation.

1 RESOLUTION

PANEL DECISION:

The Panel unanimously resolved that:

Development application DA0233/20 at Lot 17 DP 255010, 6 Keda Circuit NORTH RICHMOND NSW 2754 for Centre Based Child Care Facility - Demolition of Existing Structures, Construction of a 78 Place Centre-Based Child Care Facility, Outdoor Play Areas, Basement Car Parking and Landscaping be refused for the following reasons:

1. Insufficient useable outdoor space

The development application should be refused as it has not demonstrated that the proposed development complies with outdoor space requirements of the Child Care Planning Guideline.

Particulars:

- a) The outdoor play areas are not provided in accordance with Part 3, Clause 4.9 – Outdoor Space Requirements of the Childcare Planning Guideline 2017 and Regulation 108 of the Education and Care Services National Regulations as the proposal provides approximately 6.25m² of useable outdoor play space per child for 0-2 years old group, approximately 6.33m² of useable outdoor play space per child for 2-3 years old group, and approximately 5.95m² of useable outdoor play space per child for 3-5 years old group respectively. The proposal is required to provide at least 7m² of useable outdoor play space per child.
- b) The required concurrence under Clause 22 of the SEPP (Educational establishments and Childcare facilities) 2017 from the NSW Department of Education has not been received.

2. Does not comply with Hawkesbury Local Environmental Plan 2012

The development application should be refused as it has not demonstrated that the proposed development complies with the requirements of Hawkesbury Local Environmental Plan 2012.

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Particulars:

- a) The proposed development is inconsistent with the zone objectives of R3 Medium Density Residential, as the land is not considered suitable to enable other land uses (child care centre) that provides facilities to meet the day to day needs of residents.
- b) The proposed development is unsatisfactory because the proposal is inconsistent with the aims of Hawkesbury Local Environmental Plan 2012, in particular clause 4.3(1)(b) as the bulk of the development is excessive, not consistent with the anticipated future character of the locality and does not relate well to the local context.

3. Inconsistent with NSW Child Care Planning Guidelines

The development application should be refused as it has not demonstrated that the proposed development complies with the requirements the NSW Child Care Planning Guidelines (2017)..

Particulars:

- a) The proposal is inconsistent with Section 3.8 'Traffic, Parking and Pedestrian Circulation' as the proposal fails to minimise the potential for pedestrian/vehicle and vehicle/vehicle conflict.
- b) The proposal is inconsistent with Section 3.8 'Traffic, Parking and Pedestrian Circulation' as the proposal will have potential for on-street queuing. There is no standing area or dedicated turning bay provided for vehicles entering the basement car parking area. Vehicle accessing the driveway will conflict with vehicles entering or exiting parking spaces, resulting in vehicles queuing on the driveway and the local street.

4. Unacceptable amenity impact

The development application should be refused as the proposed development is likely to cause unacceptable amenity impact to the residents of the immediate locality.

Particulars:

- a) The proposed development will result in unacceptable noise impact on adjoining residential properties.
- b) The proposal relies on restricting the number of children during outdoor play in addition to installation of the acoustic fence to manage noise emissions. The proposed methods are not appropriate for the management of noise emissions and compromises the amenity and usability of the centre by the children.
- c) The acoustic walls proposed to manage the noise impacts of the development will result in an unacceptable visual impact to the adjoining properties.
- d) External windows and doors are required to be closed when children are involved in indoor play. Due to the restrictions on the number of children to be playing in the outdoor area at any one time, for the majority of the day the glazing will be closed. This will have an adverse amenity impact on the children due to lack of natural ventilation.
- e) The indoor playroom and outdoor play area for 2-3 years old children are located to the south western part of the site and will be under shadow for most of the daytime during winter.

5. Inadequate Plan of Management

The development application should be refused as the proposed development did not provide an adequate Plan of Management.

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Particulars:

- a) The proposal has not provided an adequate Plan of Management (PoM) which fully details how the child care centre will operate in accordance with the recommendations of Acoustic Report.
- b) No details have been provided how the number of children of certain age groups will be managed to play outdoors at any one time.
- c) No details have been provided how the service vehicles will be managed to provide food and other necessary deliveries for the centre.
- d) No details have been provided how the car parking in the basement will be managed during peak periods when all the car spaces are occupied to avoid potential queuing on the local street.
- e) No details have been provided how the additional car parking will be managed during special event days usually organised by the child care centre.

6. Unacceptable impact on landscape

The development application should be refused as the proposed development is likely to cause unacceptable impact on landscape.

Particulars:

- a) The proposed removal of a Council street tree with high retention value will result in adverse impact to the landscape and streetscape character.
- b) The proposed OSD at the front setback combined with driveway and pathway precludes establishment of any meaning landscaping which is capable of softening the built form in consistent with the existing streetscape.
- c) The proposed perimeter walling associated with the OSD basin will result in a major and unsustainable impact on the two neighbouring trees.
- d) The proposed 2.2m acoustic fence with 45⁰ angle above finished ground level will impede the natural form and structure of the proposed trees to reach full dimensions and a form typical for the species.
- e) The pathway to the perimeter of the outdoor play area does not provide suitable access to facilitate regular maintenance of the proposed screen planting. The pathway is impeded by storage areas, retaining walls and existing trees.

7. Unsuitability of the site

The development application should be refused as it has failed to demonstrate that the subject site is suitable for the proposed development.

Particulars:

- a) The proposed development would have an adverse impact on the amenity of residents in the immediate locality in terms of noise, traffic and visual amenity.
- b) The proposed development is inconsistent with the established character of the locality.
- c) The site is not accessible via a network of pedestrian paths.

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8. Public Interest

In the circumstances, approval of the development may create an undesirable precedent for similar inappropriate development which would not be in the public interest.

The panel members voted on the proposal and the results of which were as follows:

For the Motion	Against the Motion
David Ryan	NIL
John Brunton	
Jane Fielding	
Graham Edds	

The meeting terminated at 10:56am.

Submitted to and confirmed at the meeting of the Hawkesbury Local Planning Panel held on a date to be advised

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TABLED CORRESPONDENCE



14 April 2021

Chairperson
Hawkesbury Local Planning Panel

**Re: Development Application No. DA0233/20
6 Keda Circuit North Richmond
Address to Local Planning Panel**

Dear Chair,

I am the town planner on behalf of the applicant on this item.

Unfortunately I am involved in a Land and Environment Court matter and therefore cannot address you in person at the 930am meeting. I would respectfully request that the Panel considers this short written submission in their deliberations on the development application. Our designer, George Arida from Baini Design, is attending the meeting who can respond to questions.

We have read the report and recommendation for refusal that sets out refusal of the child care centre owing to a number of key reasons. In reviewing the report we are of the view that changes can be made to address the issues raised and I have set these out below.

- **Plan of Management:** We agree the proposal should be supported by a comprehensive and detailed plan of management to enable a more detailed assessment of the operation of the facility- as well as the relevant play times noting that it is essential that at least 2 hours of outdoor play per child is achieved and demonstrating. This PoM will clarify this aspect and also ensure it is coordinated with the traffic and acoustic matters. The current information submitted were typical class timetables and on review we agree a comprehensive POM is appropriate for this use to ensure that it can be demonstrated the development can operate appropriately.
- **Acoustic Report:** We are obtaining advice from our acoustic consultant with regard to the content of the Council assessment report with the minor exceedance of the criteria- noting that the report notes a 1 dB(A) exceedance is 'generally regarded as being acoustically insignificant'. Notwithstanding and in the context of the other matters we are exploring whether a further reduction in numbers would enable strict compliance on the acoustic criteria to resolve this issue.

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- **Outdoor Space Calculations:** We are of the view that the extent of outdoor space is compliant and things such as veggie patches and the like are part of the interactive program for the children. This is similar to the rock feature areas and the like- they are designed to be interactive and form part of the natural environment for children and should be included in the 7sqm per child unencumbered outdoor play space. However we are preparing further calculation diagrams to demonstrate that the required areas are excluded -i.e. dense planting and the like. However interactive garden elements are to be included as part of the natural environment for the children. Should there be a shortfall on this review the number of children would be adjusted- and this would likely assist in relation to the minor acoustic exceedance.
- **Landscape Plan:** A revised landscape plan was not submitted with the most recent amendments and we agree a revised plan, that demonstrates particularly how the front OSD can still achieve a landscape setting is important in the residential context.
- **Traffic:** As noted in the report the proposal complies with the required parking standards- there is actually a surplus of 5 spaces to provide additional on site parking. The concern regarding the 'turning bay' and concerns on 'queuing' are noted however our traffic expert indicates that this is not considered an issue and a turning bay could be provided through conversion of one of the surplus parking spaces- hence we can achieve the turning bay should the carpark ever be full. In relation to the loading the PoM will detail that the loading occurs outside of peak drop-off and pickup times- such that a dedicated loading bay is not necessary and all deliveries occur via a standard utility or van- such that they can park in a visitor space and unload between 10am and 2:30pm. In relation to the comment on the queuing the proposal has a 2 way ramp so 2 cars can pass- i.e. 1 in and 1 out at the same time so queuing is not likely.
- **Design of Centre:** We note that the child care centre is in an R3 zone, and whilst not looking the same as residential development, it is designed to take cues from what would otherwise be permitted in the R3 zone- i.e. multi dwelling housing. Therefore we don't accept or agree that the bulk and scale and size of the development is out of character. If the site was R2 low density it would be something that might be of concern- however the R3 context and planning controls that apply to redevelopment in that zone mean that we are of the view the bulk and scale is appropriate.

The above additional detail and amendments will address the key reasons for refusal and in our view allow a more informed assessment and potentially a positive determination for a land use that will expand child care placements in the area.

Therefore I would request that the Panel considers the above and we would seek a deferral of determination to enable the above changes to occur- rather than the need to submit an 8.3A Review request.

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It would be expected a revised package would be provided within 3 weeks to the Council for their consideration and final assessment and reporting to the panel.

Thank you for your time in considering this written submission.

Please don't hesitate to contact me to discuss any of the matters in this letter on [REDACTED]
[REDACTED] or [REDACTED]

Regards,

Jonathon Wood
Think Planners Pty Ltd

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