

MEMORANDUM

Reference: PPSSWC-229 (Council Reference: DA22/0131)
To: Sydney Western City Planning Panel
From: Robert Walker, Senior Development Assessment Planner
Date: 1 December 2022
Subject: **Construction of a Warehouse (comprising of 4 occupancies) and associated works at No. 68 Lockwood Road, Erskine Park**

Attachments:

Memorandum Appendix A – Applicant email dated 29 November 2022

Memorandum Appendix B – Applicant's Fencing Plan as lodged with DA

Reference is made to the subject Development Application which was listed for determination at the Sydney Western City Planning Panel (the Panel) meeting on 28 November 2022. The application was recommended for Approval, subject to recommended conditions of consent.

The Panel resolved to allow the applicant time to provide a written document detailing objections raised during the determination meeting, in relation to three (3) recommended conditions, those being:

- (a) Condition 2 which relates to landscaping amendments,
- (b) Condition 3 which relates to fencing, and
- (c) Condition 25 which relates to noise from mechanical plant.

The applicant provided an email dated 29 November 2022 (refer **Appendix A**) which sets out the reasons for their objections and proposed amendments including to an additional condition, Condition 36 which requires an application to Council under the Roads Act 1993.

Council has reviewed the content of the email and the following is provided for the Panel's consideration in relation to each condition. Council also recommends an amendment to Condition 1 which lists approved plans, to delete reference to stamped approved Fencing plan (refer **Table 1**).

(a) Condition 2 – Landscape amendments

Council maintains that trees be provided along all frontages of the site. The provision of street trees along the frontages of the site is not onerous and will assist in mitigating the impacts of the development's bulk and scale, noting also that the application proposes to exceed the DCP maximum height limit.

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Council does not support the applicant's proposal for Development Contributions to 'offset' the installation of street trees.

Further, Council does not support the Applicant's request to defer the approval of the Landscape Plan required by amended Condition 2, until the '*Construction Certificate for the landscaping works*', as a Construction Certificate will likely not be required specifically for landscaping works and concerns are held that landscaping may not be delivered.

Notwithstanding the above, amended Condition 2 is proposed to build in flexibility surrounding fencing (as discussed under (b) below) and which would allow Council to agree to final species selection, and canopy tree cover percentage (should this be less than 40% to enable practical operations at the site). The Condition is also amended to reference Council's Development Assessment Coordinator rather than Landscape Architectural Supervisor, to enable a balanced planning approach to the request to satisfy the condition.

(b) Condition 3 - Fencing

In its assessment report, Council recommended that the existing galvanised steel chain link fencing positioned along the site's boundaries be removed and be replaced with higher quality black palisade fencing to the Lockwood Road and Compass Drive frontages.

Submitted plan no. DA062 Fencing Plan, revision 5 (**Appendix B**) which was lodged with the DA, indicates that metal chain link fence being 1.8m high with 3 rows of barbed wire over, is proposed for the frontage of the site to Compass Drive (refer blue line in **Figure 1** below) and to the intersection with Lockwood Road. The plan also indicates that black powder coated palisade fencing (refer orange line in below) is proposed to the remainder of the site's frontage to Lockwood Road.

Council maintains that fencing in the estate must be of high quality and be setback from the site's boundaries and be within the landscaping, in accordance with the requirements of Council's DCP, and so as not to detract from the high-quality design anticipated for contemporary industrial estates in the Penrith LGA.

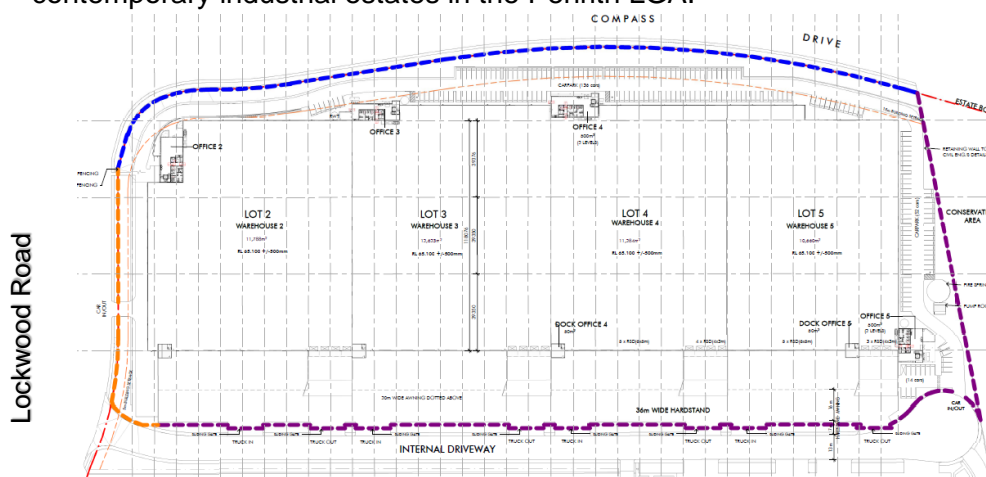


Figure 1: Applicant's Fencing plan as lodged with the DA (**Appendix B**).

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In email dated 29 November (**Appendix A**) the applicant proposes to provide the higher quality black palisade fencing to the site's frontage to Lockwood Road and for a 30m portion of the site's frontage to Compass Drive. No plan was provided.

Council maintains that the black palisade fencing shall be provided to the full length of the site's frontage noting that the proposed additional 30 metres of palisade fencing would likely not span the site's arc corner boundary to the intersection. Low quality fencing will be a detracting element in the site's context, particularly if located on the boundary line. No further plans are provided which detail where the fencing will be located within the landscaping setback, and the current plan indicates that fencing is positioned on the site boundary.

Notwithstanding the above, if the Panel is of a mind to support the use of black plastic-coated chain link fencing for a portion of the site's frontage to Compass Drive, Council would recommend that it be setback a minimum of 2m within the landscaping of the site and is not to be installed along the site's frontage to the roundabout or be within 100m of the intersection arc.

To ensure fencing and landscaping is designed and installed in accordance with the intent of the DCP, it is recommended that the applicant provide detail of the materials, locations and extent of fencing as part of amended Condition 2, which relates to landscaping. Refer **Table 1** below for amended Condition 2. The amendments are to be approved by Council and not a private certifier.

Council also recommends that fencing plan no. DA062 be deleted from the stamped approved plans referenced in Condition 1, as fencing will be managed by recommended amended Condition 2.

(c) Condition 25 – Acoustic impacts - Mechanical plant

No objections are raised to the applicant's suggested amended wording. Refer to amended wording to Condition 25 in Table 1 below.

(d) Further requested amendment – Condition 36

In email dated 29 November (**Appendix A**), the applicant requested further amendments to Condition 36 to insert after the words "Prior to the issue of any Construction Certificate the words ***for the road works listed below***".

No objections are raised to such an amendment however Council recommends slightly different wording to ensure that any works within the road reserve are not undertaken without the requisite approval under the Roads Act 1993. Refer to **Table 1** for recommended amended Condition 36.

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Table 1: Recommended amended recommended conditions.

Condition No.	Condition as Previously Recommended	Recommended Revised Condition
1.	... Fencing Plan, Drawing No. 12394_DA062, Issue 5, Prepared by Nettleton Tribe, dated 20 October 2022 ...	Deleted.
2.	<p>Prior to the issue of any Construction Certificate, the Landscape Plan (prepared by Cabbage Tree Landscape, Project No. 20210619, Issue DA_03D, Revision 10, dated 21 October 2022, submitted in support of the Development Application, is to be amended to incorporate the following and approved by the Landscape Architectural Supervisor, Penrith City Council:</p> <ul style="list-style-type: none"> - Provision of additional street trees along the Lockwood Road frontage of the development site, to provide for trees at increments of approximately 10m. - Provision of street trees along the full Compass Drive site frontage, utilising a Bottlebrush species (or similar suitable species), at increments of approximately 8m. - Blending the planting species allocation which are provided within the northern and eastern landscaped areas (i.e., rather than providing 2 distinctly varied landscaped type areas). - The positioning of tree and shrub plantings are to consider the mature canopy cover / growth. - A minimum of 40% tree canopy cover, is to be provided at maturity of the landscaping, over the total combined area of all car parking spaces and associated driveway areas. - Indicates that landscaped blister islands are spaced no further apart than 1 island per 10 car parking spaces, and that all islands are a 	<ul style="list-style-type: none"> - Prior to the issue of any Construction Certificate, the Landscape Plan (prepared by Cabbage Tree Landscape, Project No. 20210619, Issue DA_03D, Revision 10, dated 21 October 2022, submitted in support of the Development Application, is to be amended to incorporate the following (or as may be agreed to) by the Landscape Architectural Supervisor, Development Assessment Coordinator at Penrith City Council: - Provision of additional street trees along the Lockwood Road frontage of the development site, to provide for trees at increments of approximately 10m. - Provision of street trees along the full Compass Drive site frontage, utilising Bottlebrush species (or similar suitable species), at increments of approximately 8m. - Blending the planting species allocation which are provided within the northern and eastern landscaped areas (i.e., rather than providing 2 distinctly varied landscaped type areas). - The positioning of tree and shrub plantings are to consider the mature canopy cover / growth. - A minimum of 40% tree canopy cover, is to be provided at maturity of the landscaping, over the total combined area of all car parking spaces and associated driveway areas, excluding heavy vehicle loading areas. - Indicates that landscaped blister islands are spaced no further apart than 1 island per 10 car parking spaces, and that all islands are a

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Condition No.	Condition as Previously Recommended	Recommended Revised Condition
	<p>minimum of 1.5m wide (internal) and contain a tree.</p> <ul style="list-style-type: none"> - Where tree roots are expected to grow beneath car parking / driveway or vehicle manoeuvring areas, engineered tree pits or vaults and aeration infrastructure, is to be provided and designed in accordance with design guidance provided in engineering design guidelines, the Penrith Street and Park Tree Management Plan and the Penrith Development Control Plan 2014. - Trees and woody plants above 200mm high are to be positioned a minimum of 600mm back from the wheel stop, measured from their trunks, and low planting provided in the space between. - Reference to 'sandstone spall' is to be deleted from the Landscape Specifications. - Ground cover plantings are to be provided in areas alongside retaining walls, which are vacant. 	<p>minimum of 1.5m wide (internal) and contain a tree.</p> <ul style="list-style-type: none"> - Where tree roots are expected to grow beneath car parking / driveway or vehicle manoeuvring areas, engineered tree pits or vaults and aeration infrastructure, is to be provided and designed in accordance with design guidance provided in engineering design guidelines, the Penrith Street and Park Tree Management Plan and the Penrith Development Control Plan 2014. - Trees and woody plants above 200mm high are to be positioned a minimum of 600mm back from the wheel stop, measured from their trunks, and low planting provided in the space between. - Reference to 'sandstone spall' is to be deleted from the Landscape Specifications. - Ground cover plantings are to be provided in areas alongside retaining walls, which are vacant. - <i>The amended plan shall detail fencing extents, locations, materials and heights and shall indicate that fencing is setback a minimum of 2m within the site's landscape setback. No barbed wire is permitted.</i>
3.	<p>The following amendment shall be incorporated into the development:</p> <p>The existing chain link (galvanised steel type colour) fencing along the Compass Drive frontage, is to be replaced with 2.1m high black palisade type fencing (as proposed along the Lockwood Road frontage).</p>	<p>The following amendment shall be incorporated into the development:</p> <p>The existing chain link (galvanised steel type colour) fencing is to be removed. All fencing for the site shall be in accordance with the Council approved plans as required by Condition 2 of this consent.</p> <ul style="list-style-type: none"> - along the Compass Drive frontage, is to be replaced with 2.1m high black palisade type fencing (as proposed along the Lockwood Road frontage).

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Condition No.	Condition as Previously Recommended	Recommended Revised Condition
25.	<p>Prior of the issue of the Construction Certificate, a Noise Impact Assessment, which includes details on the type and location of all mechanical plant and equipment associated with the development, is to be provided to Council for consideration and approval.</p> <p>The Noise Impact Assessment is to be prepared by a suitably qualified acoustic consultant and is to provide suitable data and information to demonstrate compliance with applicable noise criteria.</p> <p>For the purpose of this condition, a suitably qualified acoustic consultant, means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.</p> <p>Should no mechanical plant or mechanical equipment be installed as part of the development, the above information will not need to be submitted.</p>	<p>Prior to the issue of any Construction Certificate, <i>which provides for the installation of any mechanical plant or mechanical equipment</i>, a Noise Impact Assessment, which includes details on the type and location of all mechanical plant and equipment associated with the development, is to be provided to the Principal Certifying Authority for consideration and approval.</p> <p>The Noise Impact Assessment is to be prepared by a suitably qualified acoustic consultant and is to provide suitable data and information to demonstrate compliance with applicable noise criteria.</p> <p>For the purpose of this condition, a suitably qualified acoustic consultant, means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.</p> <p>Should no mechanical plant or mechanical equipment be installed as part of the development, the above information will not need to be submitted.</p>
36.	<p>Prior to the issue of any Construction Certificate a Section 138 Roads Act application, including payment of application fees...</p> <p>...</p>	<p>Prior to the issue of any Construction Certificate <i>for any works within the road reserve which require approval under the Roads Act 1993, including that which is listed below</i>, a Section 138 Roads Act application, including payment of application fees...</p> <p>...</p>

Robert Walker
Senior Development Assessment Planner