

Rhian Greenup

From: Jamie Stewart <jamie.stewart@fitzpatrickproperty.com.au>
Sent: Tuesday, 29 November 2022 9:43 AM
To: Robert Walker
Cc: Kathryn Saunders; Gavin Cherry; will.dwyer@jws.com.au; Cameron Gray (cgray@willowtp.com.au)
Subject: DA 22/0131- Draft Conditions- Applicants Proposed Amendments

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Robert,

Given we have not had any response from Council following our email and call at around 1:30pm and call again at 4:30pm yesterday, please find below our proposed amendments if Council would like to have a discussion about them.

Applicant's Suggested amendments to draft Conditions DA 22/0131

Noise Assessment (25)

The Applicant contends that this condition is not required and should be deleted. Any noise impact assessment that relates to future use will be dealt with by condition (14) which requires a separate development application for any use of any tenancy. The issue in relation to noise impacts during construction is dealt with under conditions (17) and (18). Having the benefit of hearing the Panel's comments with respect to this condition, the applicant accepts that the following amendment to the condition would be satisfactory.

Condition (25) insert the words: *"that approves the installation of any mechanical plant or equipment"* **after** the words *"Prior to the issue of the Construction Certificate"*.

Fencing Condition (3)

Contrary to the Council submission, the DCP 2014, section 6 does not require fencing, though it does specify that if the applicant wishes to install fencing either for security or as a landscaping element, that the fencing should be of an open style and located behind or within the landscaping itself. The applicant has proposed palisade fencing to Lockwood Rd and has shown images that indicate this style of fencing continue for a portion of Compass Drive, but not to the whole of the Compass Drive frontage.

The council condition would require palisade fencing to the whole of Compass Drive which is a significant cost impost. The Applicant submits that, firstly, this is not required under the DCP. Secondly, that condition would then make the fencing treatments to the (2) sides of Compass Drive different, as the fencing on the eastern side of Compass Dr is predominantly black PVC chain link fencing. Nevertheless, the applicant is willing to continue the palisade fencing from Lockwood Rd, around onto Compass Dr and for a length commensurate with the fencing detail on the opposite side of the road, which is approximately 30m. A condition drafted in those terms would give the Lockwood/Compass Drive intersection a more formalised presentation, signifying the east/west entry into the active industrial estate.

Accordingly the **condition (3) should be deleted and replaced** with the following condition.

Condition (3) *The Landscape plan submitted in accordance with condition (2) is to be accompanied by an updated fencing plan that shows a 2.1 high palisade fence on the Lockwood Street frontage, continuing onto Compass Drive and continuing for a length equalling the palisade fencing detail that exists on the eastern side of Compass Drive. The fencing detail for the remaining Compass Drive boundary is to be shown as black PVC coated Chain-link fencing. The location of the fencing is to be shown in accordance with the DCP 2014 controls. The fencing plan is to be provided to the Principal Certifying Authority for approval prior to the issue of a construction certificate for the fencing installation."*

Landscaping (2)

The applicant will accept the Condition (2) on the basis that the **bullet points 2 and 3 are be deleted.**

Bullet point 2 requires some 30 additional street trees. For reasons already provided, this seems to be an unfair and arbitrary burden placed upon the applicant to fix the situation that was left by either the poorly designed landscape plan that was approved as part of the Compass Dr road project or a failure of the developer to carry out the works. See condition D46 of development consent SSD7348 pursuant to which Council's approval for the design of the Compass Drive upgrade was required.

The DCP 2014 requires street trees to the main frontage of the site, which is Lockwood Road, not to the side boundary. If the bullet point 2 is to remain then the applicant should be given an offset to the amount of its developer contribution obligations as to the cost of the street trees and their planting.

Bullet point 3 seems to ignore the proposed formalised treatment of the estate entry focal point at the roundabout intersection to Lockwood Road. The landscaping proposed by the applicant seeks to differentiate the intersection from the compass Drive corridor, by using different species and overall design to make an entry statement to the estate. That focal address statement should not be lost by the blending of plant species.

Additional Minor Amendments

In order to enable the orderly issue of construction certificates, the following minor amendments are sought to the following conditions.

Conditions (2) after the words "*Prior to the issue of any construction certificate*" insert the words "*for the landscaping works*"

Condition (36) after the words "*Prior to the issue of any construction certificate*" insert the words "*for the road works listed below*"

Regards,

Jamie

Project Director
Fitzpatrick Investments Pty Ltd



22-24 Junction Street Forest Lodge NSW 2037

T - 02 8117 5105

M - 0410 579 154

E - jamie.stewart@fitzpatrickproperty.com.au

W - www.fitzpatrickproperty.com.au

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