

MEMORANDUM

Reference: PPSSWC-289 (Council Reference: DA22/1080)

To: Sydney Western City Planning Panel

From: Robert Walker, Senior Development Assessment Planner

Date: 5 April 2023

Subject: Response to Sydney Western City Planning Panel - Post Briefing Update

Proposed Warehouse Development at No. 68 Lockwood Road, Erskine Park

Reference is made to the above Development Application, which was subject of a joint Applicant and Council briefing with the Sydney Western City Planning Panel on 13 March 2023.

The proposal is also subject to 'deemed refusal' proceedings in the Land and Environment Court and the matter is listed for a 'Section 34 Conciliation Conference' on 18 May 2023.

The Panel encouraged Council to continue discussions with the Applicant in advance of the 'Section 34 Conciliation Conference' to see whether the landscaping, parking and setback matters can be resolved, and directed Council to revert with an update on discussions with the Applicant.

Accordingly, Council issued a detailed letter to the Applicant on 15 March 2023 (attached), advising of issues identified in assessment of the application which require consideration and action. Further the letter requested that the Applicant provide a written response to Council's letter, advising as to whether they intend to directly address the issues raised.

The Applicant has now provided a response to Council's letter (**also attached**), advising of their intentions to respond to the issues raised.

The Applicant has indicated their intention is to substantially maintain the proposed building footprint, which is considerably non-compliant with the minimum setback requirement to all three (3) street frontages. The response is insufficient to address and resolve the concerns raised by Council in the assessment of the Development Application.

Accordingly, it is intended that Council finalise its assessment of the Development Application and reported the matter to the Sydney Western City Planning Panel for determination. As a result the Panel Secretariat is requested to provide Council with an

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indicate determination meeting / briefing date or provide written advice to Council confirming if the Panel seeks an alternate approach.

List of Appendices

Appendix A – Council Advice on Key Issues Identified by the SWCPP

Appendix B – Council's letter to Applicant dated 15 March 2023

Appendix C – Response from Applicant to Council's letter

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APPENDIX A

Key Issues:

(a) Building Setbacks

Council's letter requested that a revised layout be provided, incorporating substantial reductions to the footprint of the warehouse building and the loading dock awning, to achieve compliance with the minimum setback requirements of Part E6.3.3 of the Penrith DCP, being of 20m to Lenore Drive, and 15m to Lockwood Road and Compass Drive.

In response, the Applicant has indicated their intention to reduce the loading dock hardstand depth by 2m (to 36m). While the supplementary material provided with the Applicant's response is not definitive in terms of the loading dock awning setback to Lockwood Road, such would still be considerably non-compliant with the 15m minimum setback requirement to Lockwood Road.

In relation to the setback of the building to Lenore Drive and Lockwood Road, the Applicant has indicated their intentions are to maintain the layout of the building, which extends to 12.53m, being within the required 20m minimum setback to Lenore Drive and to 10.82m, being within the required 15m minimum setback to Lockwood Road.

It is advised that the intentions of the Applicant, would not resolve Council's concerns in relation to the building setback non-compliances.

(b) Streetscape Presentation and Facade Treatment

Council's letter requested that amendments be made to the overall design, to provide increased building articulation and / or variation, revisions to elements of the facade finishes, and the introduction of features to the north western portion of the building (being adjacent to the intersection of Lenore Drive and Compass Drive).

In response, the Applicant has indicated a willingness to look at providing an increase in the variation facade finishes (with a particular focus on the north western portion of the building).

While the intentions of the Applicant may provide for overall improvements in this regard, it is expected that a building layout which satisfies the minimum building setback requirements to the street frontages should be provided, which would offer opportunities for meaningful building articulation. Accordingly, it is advised that the intentions of the Applicant, would not resolve Council's concerns in relation to the street facing facades.

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(c) Landscaping and Tree Canopy Cover

Council's letter requested that amendments be made to the overall layout to provide shade trees within the car parking areas and to provide required tree canopy cover over open car parking spaces, and that an amended Landscape Plan be provided which includes further required details, in order to satisfy associated requirements of the Penrith DCP.

In response, the Applicant has indicated intentions to provide 'tree blister islands', in portions of the car parking area 1 island for every 10 car parking spaces (being short of the requirement of the Penrith DCP, which is 1 island for every 6 car parking spaces).

Supplementary material provided with the Applicant's response, included a 'tree canopy schedule', however the calculations within appear to incorrectly rely upon canopy cover over the tree blister islands and do not show all open car parking areas.

The Applicant has indicated their willingness to provide an amended Landscape Plan, which includes cross sections and details of existing street trees.

Overall, given that the Applicant has indicated that they are intending to still pursue an overall layout which is considerably non-compliant with the minimum setback requirement to all 3 street frontages, Council's concerns in relation to overall landscaping matters remain unresolved.

(d) Car Parking

In response, the Applicant has provided operational details of the use of the two (2) occupancies, including approximate staffing numbers and overall people on site.

(e) Additional Advice Impacting Assessment and Determination Pathway

It is also noted that the Panel briefing record outlines that, the Applicant informed the Panel that *a large third party logistics firm has signed an agreement for the lease of the building, requiring it to be completed as quickly as possible and that this is the reason for the appeal* to the Land and Environment Court. In responding to Council's letter, the Applicant has indicated that the subject Development Application is seeking approval for (2) warehouse occupancies and *that should a tenant propose to use both tenancies for a single operation, then a modification for that use would be required*. It is noted that pursuant to Schedule 1, Section 12 of State Environmental Planning Policy (Planning Systems) 2021, warehouses or distribution centres, which have a capital investment value of more than \$30 million, at one location and related to the same operation are deemed as State Significant Development.