

PENRITH CITY COUNCIL

Our Reference: DA22/1080

Contact: Robert Walker

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15 March 2023

Fitzpatrick Investments Pty Ltd
C/- Bishops Real Estate
PO Box 232
GLEBE NSW 2037

Attention: Jamie Stewart

Dear Sir,

Development Application No.: DA22/1080

**Proposed: Construction of a Warehouse, Ancillary Office, Landscaping,
Parking, Hardstands and Civil Works**

Address: 68 Lockwood Road ERSKINE PARK NSW 2759

Reference is made to the subject application, following the undertaking of an initial assessment and the Sydney Western City Planning Panel briefing on 13 March 2023. The purpose of this letter is to advise that this assessment has identified the following issues, which require your consideration and action.

To enable Council to update the Sydney Western City Planning Panel, in accordance with the directions of the Panel Chair, it is requested that a written response be provided to this letter, within 10 days, advising as to whether you intend to directly address the issues raised. It is expected that the response detail your intentions to address key design issues of building setback non-compliances, street facing facade treatment, landscaping, tree canopy cover non-compliance matters and car parking.

1. Planning Matters

a) It is understood that a third party logistics operator has signed a lease agreement for the building, requiring the development to be completed as quickly as possible and that this has resulted in the commencement of associated proceedings in the Land and Environment Court. Confirmation is to be provided as to which warehouse the aforementioned operator is to occupy and that such only relates to one (1) of the two (2) proposed occupancies.

b) The layout is inconsistent with the applicable building setback requirements (as outlined within Part E6.3.3 of the Penrith Development Control Plan 2014) to all three (3) street frontages, and overall it is considered that the scale of the development is excessive. It is requested that a revised layout be provided, which incorporates substantial reductions to the footprint of the warehouse building and the loading dock awning, and which provides for 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.

c) The submitted Site Plan does not indicate dimensioned building setback distances. It is requested that a revised Site Plan be provided, which includes dimensioned building setbacks.

d) The proposal provides street facing elevations, which include expansive elements that are not adequately articulated or varied, and do not provide a suitable variety of finishes. Furthermore the overall relationship of the proposed development to the intersection of Lenore Drive and Compass Drive, is considered to be unsatisfactory from an urban design perspective and to not make a positive contribution to the urban environment. It is requested that amendments be made to the overall design which 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).

e) The overall layout provides inadequate setbacks, and does not provide sufficient landscaping to screen the built form and integrate the development into the existing streetscape. The proposed landscaping scheme fails to provide any shade trees within the proposed car parking areas, which is inconsistent with Part C6.1.3 (C3) of the Penrith DCP, whereby one (1) large shade tree is to be provided for every six (6) car spaces. It is requested that amendments be made to the overall layout to provide shade trees within the car parking areas, in accordance with the requirements of Part C6.1.3 of the Penrith DCP.

f) The Landscape Plan does not indicate existing street trees, and does not provide common species names, mature heights or foliage spread, as required by Part F3.4.4.2 of the Penrith DCP. Furthermore, the Landscape Plan is not supported by cross sections, which indicate level changes, retaining walls and other structural supports, and depth of planting media, as required by Part F3.4.4.2 of the Penrith DCP. In the absence of detailed cross sections the relationship of proposed landscape plantings, to retaining walls, the proposed awning and the proposed palisade fencing is unclear. It is requested that an amended Landscape Plan be provided which satisfies the associated requirements of Part F3.4.4.2 of the Penrith DCP.

g) The overall layout includes pedestrian pathways around the northern and western perimeter of the building, which appears to not provide for any meaningful purpose and restricts the provision of landscape screening. Justification is to be provided for the need of such or associated amendments made to the overall layout.

h) The submitted Cut and Fill Plan does not indicate the alignment of the 9m wide easement (burdening the site), along the northern edge of the site (adjacent to Lenore Drive) and it is noted that the prior written permission of Endeavor Energy is required prior to the altering of any surface level within this area. It is requested that an amended Cut and Fill Plan be provided which indicates the aforementioned easement. Furthermore, should the proposal involve earthworks within the easement area, then written endorsement of the proposed level changes from Endeavor Energy is to be provided.

i) The proposed landscaping scheme is inconsistent with Part C14.2.1.4 of the Penrith DCP, which requires open car parking areas to be provided with a minimum 40% tree canopy cover. It is requested that amendments be made to the proposed landscaping scheme which provides tree canopy cover over associated car parking areas, in accordance with the requirements of Part C14.2.1.4 of the Penrith DCP. Furthermore, the application does not demonstrate the provision of adequate soil volumes for tree planting areas, as required by Part C14.2.1.3 of the Penrith DCP. Accordingly, it is requested that details be provided demonstrating compliance with the soil

volume requirements of Part C14.2.1.3 of the Penrith DCP.

j) The proposed landscaping scheme fails to provide any additional street trees. It is requested that amendments be provided to the proposed landscaping scheme, to address the provisions of Part C14.2.1.7 of the Penrith DCP, whereby street trees are to be provided at a rate of one (1) tree for every 10m of site frontage.

2. Car Parking

a) The overall layout provides a total of 146 car parking spaces, which is insufficient for the use and less than half the amount required by Part C10.5.1 of the Penrith DCP and the application is not supported by comprehensive operating details of the use of the premises to justify the significant car parking non-compliance. It is requested that additional car parking be provided or comprehensive operating details be provided in relation to the use of the premises.

b) The configuration of the car parking areas provides a substantial number of spaces where users are required to walk a significant distance to enter the proposed building. The travel path, which is uncovered and along driveway areas, is unsatisfactory from a worker amenity and a pedestrian safety perspective. It is requested that the configuration of the car parking areas be reconsidered, or design features introduced which ameliorate worker amenity and a pedestrian safety issues.

In addition to the aforementioned issues, the following relate to matters of insufficient detail or are technical in nature, which will also need to be addressed. Where details or documentation has not been provided, it is noted that additional or revised material will need to be submitted.

3. Operational Details

a) While the application does not seek approval for the use of the warehouse, the accompanying Statement of Environmental Effects specifies operational hours as being 24 hours a day, seven (7) days a week. No details have been provided in support of the proposed operational hours or any associated environmental impacts of the hours sought, including noise impacts.

4. Bushfire Prone Land

a) The site is identified as being 'bushfire prone land'. However, a Bush Fire Assessment Report, which addresses and demonstrates compliance with the relevant criteria of Planning for Bush Fire Protection 2019, has not been provided.

5. Engineering Matters

a) Invert levels for the proposed internal pit and pipe network have not been provided.

b) Inadequate details have been provided in relation to the connection to the proposed stormwater system to the existing trunk drainage network.

c) A Hydraulic Grade Line (HGL) analysis has not been provided.

d) A longitudinal section of the relocated drainage line, has not been provided, which demonstrates that such is adequately sized for stormwater flows to be

generated by the proposed development.

e) It appears that a trapped low point may be created immediately to the north of the proposed building and it is unclear how the area will be drained, including in a major design storm event (1% annual exceedance probability).

f) A MUSIC Model (i.e., an electronic copy, in sqz format) has not been provided, in accordance with Section 3.1 of Penrith City Council's WSUD Technical Guidelines, which demonstrates that the development will achieve an 80% non-potable water reuse demand, as required by Part C3.2 of the Penrith DCP.

g) It is considered that the 1 in 2.5 gradients of battered areas within the northern setback area, may provide structural integrity issues.

h) Dimensions of the car parking module and driveway access points are not provided on the architectural plans, and therefore it cannot not be confirmed whether the layout provides for compliance with the relevant standards of AS 2890.

i) The accompanying schedule of finishes does not include details of the pavement and hardstand areas, or of the retaining walls.

6. Ecological Sustainable Development

a) The architectural plans do not provide detail of all ecological sustainable development associated commitments made within the accompanying Ecological Sustainable Development Statement. Furthermore in this regard, it is unclear whether the proposal involves the provision for (future) electric vehicle charging stations within car parking areas.

7. Fencing

a) Details in elevations or specifications of the proposed fencing are not provided.

It is advised that external referral comments are pending from the Department of Planning and Environment (in relation to satisfactory arrangements for the provision of regional transport infrastructure and services, pursuant to Section 2.28 of State Environmental Planning Policy (Industry and Employment) 2021) and you will be advised separately once this referral has been completed.

Should you have any further queries on this matter, please contact me on +61247327409.

Yours sincerely

Robert Walker
Senior Development Assessment Planner