

14 December 2021

Pukar Pradhan  
Senior Development Assessment Planner  
Penrith City Council

Dear Pukar

**RE: DA21/0358 -Warehouse and Distribution Facility at 75-87 Dunheved Circuit**

This submission provides a response to Penrith City Council's Request for Additional Information (RFI) dated 21 June 2021 in relation to DA referenced: A21/0358 -Warehouse and Distribution Facility at 75-87 Dunheved Circuit.

**Table 1** (attached) identifies the issues raised in the aforementioned RFI and provides our responses to these issues.

The attached response has been informed by a meeting held between Council and the Applicant on the 2 September 2021 and subsequent meeting held with Council on the 26 October 2021. We have also appended this response to the amended Statement of Environmental Effects (SEE).

Furthermore, as provided in an email to Council dated 15 November 2021, the team has collaborated with the applicant of DA21/0013 (subdivision) to address Council's concerns relating to contamination and remediation of the site. We propose the following way forward to address the remediation issues whilst enabling both DAs to proceed to a favourable outcome for both Council and respective Applicants:

- DA21/0358 – Warehouse: we have amended our DA (DA21/0358) to reference the RAP, including the recommendations and subsequent remediation works as required by the RAP. Our DA description and SEE has been updated to reflect the recommendations of the RAP and remediation works, which would satisfy Subclause 7(1)(c) of SEPP 55. The DA documentation will also be updated to reference the DA for the subdivision to strengthen the narrative that the two applications are intrinsically related and should be assessed concurrently.
- DA21/0013 – Subdivision: The applicants of DA21/0013 have proposed a restrictive covenant being placed on the Title which ensures that no works can be undertaken on the site without remediation works being undertaken in accordance with the RAP. This would be imposed by way of a condition of consent (i.e. prior to issue of a subdivision certificate). The DA documentation will also be updated to include reference to the RAP, where relevant.

The above approach will ensure that there is no inherit risk of the site being developed without the appropriate remediation as recommended in the RAP, where the subject DA for the warehouse (works) will implement the recommendations of the RAP and the DA for subdivision will include the mechanisms to ensure works cannot be undertaken on the site without remediation. Once the remediation works have been undertaken in accordance with the RAP and the site is suitable for development, the restrictive covenant can then be lifted from the Title.



We thank Council for the opportunity to submit this response and for your ongoing support throughout the application process. We believe we have adequately addressed all the issues raised to enable Council to support the modification.

Please contact me should you have any further questions or require additional information.

Yours sincerely

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Attachments:

1. Response to Council RFI Table 1
2. Amended SEE
3. Remediation Action Plan (RAP)
4. Amended Architectural Plans
5. Amended Traffic and Car Parking Assessment Report
6. Amended Stormwater Plans
7. Amended Landscape Plans
8. Visual Impact Photomontages



**Table 1 Council request for additional information and responses**

Matter	Response
Environmental matters	
<p><b>PVC pipe manufacture and storage of chemicals</b></p> <ul style="list-style-type: none"><li>• The SEE states that the proposal is for the storage and distribution of PVC pipes only, however, it is noted that there is to be storage silos constructed outside of the warehouse. You are requested to provide further information to Council which clarifies the purposes of these silos.</li><li>• It is also mentioned that some chemicals are to be stored internally within the proposed warehouse, but no details have been provided. You are requested to provide further information in relation to these chemicals such as quantity and types of chemicals, where exactly they will be located and what measures will be in place to prevent spills, contamination or release of polluted liquids into the stormwater drainage system.</li><li>• You are requested to also clarify and provide information which clarifies whether the development application proposes to undertake vehicle repairs/servicing or activities of similar nature on the subject property which may cause water pollution if not managed correctly.</li></ul>	<p>The storage silos have been removed from the plans. No storage of chemicals internally or externally is proposed. No vehicle repairs will be undertaken on the site.</p>



Matter	Response
<p><b>Environmental and Geotechnical Site Assessment</b></p> <p>It is noted that there is reference made to an Environmental and Geotechnical Site Assessment prepared by WSP (dated 13 May 2021). However, this Assessment cannot be identified and as such you are requested to provide the document to Council for review.</p>	<p>The Environmental and Geotechnical Site Assessment prepared by WSP (dated 13 May 2021) has been sent to Council previously.</p> <p>A Remediation Action Plan prepared by EP Risks has also been provided, which includes appropriate remediation measures including capping of the contaminated fill. It is understood that remediation must be undertaken prior to works commencing, and this can be ensured by way of a condition of consent.</p>
<p><b>Manufacture of PVC pipes</b></p> <p>As mentioned previously, it is not yet clear whether any other proposed use has been nominated as part of this development application apart from warehousing and distribution of pipes. Given the scale of the proposed development, additional information is requested to be provided in relation to potential hazardous or offensive development, and if SEPP 33 is to be considered as part of the proposal</p>	<p>The proposal seeks the warehousing and distribution of PVC pipes only, and the manufacture of PVC pipes will not be undertaken on site.</p> <p>There will be no hazardous or offensive chemicals stored on site as part of the proposed warehousing and distribution use sought under the DA, thus an assessment against the provisions of SEPP 33 and an Offensive/Hazardous Development Report is not required.</p> <p>The storage tanks have been removed from the amended plans.</p>
<b>Engineering matters</b>	
<p><b>Stormwater pipes</b></p> <p>All stormwater pipes are to achieve a minimum 1:100 (1%) fall in line with best practice and to allow construction tolerances.</p>	<p>While pipe grades just under 1% are possible, Council's design guidelines for engineering works for subdivisions and developments notes that 1% pipe grades are desirable/preferred, but this is not a hard requirement (see snapshot extract below). The current pipe design grades are in line with AS 3500.3 which allow pipe grades shallower than 1% depending on the pipe size. While 1% pipe grade is an ideal scenario, the specification of 1% pipe grades for this site will lead to a greater length of pipes at depths of over 3m. Construction of pipes at such depths should be avoided where possible due to the requirement for shoring support for trenches, which in turn has implications for</p>



Matter	Response
	construction time, cost and worker safety. For this reason, we have specified 0.5% grades for pipes greater than 150mm in diameter which is compliant with AS3500.3 and allows for shallower pipe depths.
<b>OSD overflow</b> In a flooding event greater than the 1% AEP or blockage of the outlet, the OSD tank will overflow through the access grates. Given the ground surface slope, the overflow will be directed into the adjacent lot to the north. As such, you are requested to provide a method of directing OSD overflow to the point of discharge at the rear of the property.	The proposed ground surface at the rear of the property will be regraded to provide an overflow path for the OSD at the discharge point at the rear of the property to ensure overflow in a greater than 1% AEP or blockage will not be diverted to adjoining properties.
<b>DRAINS model</b> You are requested to provide a summary of the DRAINS model (or similar) output, including the discharge flowrate from the OSD system. They must demonstrate that there will be no increase in runoff from the site as a result of the development under all durations for all the storms up to and including the 1% AEP event. All assumptions and model parameters used shall be submitted with the DA. The applicant must also provide the RAW DRAINS file.	DRAINS model summary provided in the amended Stormwater Management Plan.
<b>Retaining wall levels</b> Retaining wall levels are to be provided on the Civil plans and must not adversely impact adjoining properties with regard to overland runoff.	The retaining wall plans have been updated to note that existing ground levels at the bottom of the wall are to be retained, and the top of the wall is to match the top of kerb levels as per the proposed contours.



Matter	Response
<p><b>Future warehouse</b></p> <p>The plans indicate the location of a possible 600m<sup>2</sup> future warehouse. You may consider designing the OSD stormwater system to cater for this additional development upfront, to avoid significant modifications to the system in the future.</p>	<p>The OSD design has been modified to cater for the 600m<sup>2</sup> future warehouse. It is not expected to have a significant impact to the OSD size due to the increase in landscaped areas on the site which will offset the increase in impervious area caused by the future warehouse.</p>
<b>Traffic</b>	
<p><b>Accessible parking spaces</b></p> <p>Whilst the onsite provision of 53 car parking spaces complies with DCP C10, however, 3 accessible spaces are required to be provided as per AS2890.6 and located close to the building entrance point.</p>	<p>53 car spaces are maintained, including 2 accessible spaces (previously 1) relocated north and closer to the office entrance.</p>
<p><b>Pedestrian walkways</b></p> <p>Pedestrian walkways shall be provided within the carpark and be a minimum 1.5m wide. The parking spaces adjacent to the pathway must feature wheel stops to prevent vehicles overhanging. The plans must enable safe pedestrian movements across the site in accordance with AS2890.1 &amp; 2.</p>	<p>Amended plans have been provided with a 1.5m pedestrian path shown.</p> <p>Wheel stops are also shown for car spaces abutting walkway.</p>
<p><b>Signage</b></p> <p>Due to site constraints, both light and heavy vehicles access the site from the same VC, but diverge once past the property boundary. The applicant must provide adequate signage and line marking measures, such that it is clear which entrance is for customers/cars verses.</p>	<p>Truck and car circulation, car parking, and crossover design revised to minimise vehicle overlap and traffic confusion.</p>



Matter	Response
<p>heavy vehicles. Similarly, a priority control must be provided, should a heavy vehicle and car be exiting the site simultaneously.</p>	
<p><b>Vehicle movements</b></p> <p>Heavy vehicles enter and exit the site from the north and south side of the VC respectively, which is contradictory to the road rules in which motorists drive on the left. Therefore consideration should be given to consider reversing the direction of heavy vehicle circulation within the site, such that vehicles enter/exit towards the left side of the VC to avoid confusion and crossing movements.</p>	<p>Truck and car circulation, car parking, and crossover design has been revised to minimise traffic confusion.</p>
<p><b>Swept paths</b></p> <p>Swept paths must be provided that demonstrate B-double access to the service bays. No more than a 3-point turn should be required.</p>	<p>Swept paths showing B-double going to loading bays have been provided.</p>
<p><b>Australian Standards</b></p> <p>Carpark, driveway, and circulation roadway grades are to be provided on the plans and should comply with AS2890.2.</p>	<p>Amended plans are provided demonstrating compliance with AS2890.2. .</p>
<p><b>Bike and end of trip facilities</b></p> <p>As per DCP C10.5.1, the development is likely to employ more than 20 staff, thus the proposed bicycle parking is to be supported with change room and shower facilities for cyclists which are to be conveniently located close to the bicycle storage areas. Bicycle parking is to comply with</p>	<p>End of trip facilities (shower and lockers) are shown on the Office Layout Plan. Bicycle racks have been relocated and increased to 8x bicycle capacity.</p>



Matter	Response
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AS 2890.3, noting eight bicycle parking spaces are required.

Planning	
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<b>Scenic protection</b>	
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The site is partly located within Scenic and Landscape Values and any developments located on this site should be of high quality and carefully designed so as not to detract from Scenic and Landscape Values of the area. As the proposed building is of a large scale, with building length of 132.50m and building height of 13m (which exceeds the height limit allowed by the DCP) and in considering the bulk and scale of the building, the excess in building height over the length of over 120m across the site is considered to be excessive in height and is inconsistent with other built form and building design existing in the area and consideration should be given to reducing the building height in order for the building to be compatible with other buildings of the area and also to comply with the DCP.

Enhanced articulation by virtue of vertical elements / finishing on the metal sheet cladding is provided to reduce the perception of bulk and scale.

Furthermore, a 2.4m landscape strip is provided to the western boundary which is proposed to be planted with a mix of native evergreen trees, shrubs and ground cover as per Landscape plan.

The landscaping will serve to both screen the development from the public domain/scenic protection area and provide enhanced/extended biodiversity corridor connectivity to the existing corridor on council land along the south of the site.

Photomontages have been provided which demonstrate how the development will be screened as result of the proposed landscaping. The images show a Year 0 (pre-establishment) and Year 15 (established) scenario, with the Year 15 establishment demonstrating how we have introduced significant landscaping to address the visual concerns to the east/southeast (below).







**Matter**

**Response**

**Landscaping**

The site is unique in that it has two street frontages and as the rear elevation will be visible from Links Road, the rear elevation should be designed with architectural features to have a good presentation and provide substantial amount of landscaping treatments along the rear part of the site so that the development will present as high quality development when viewed from both Links Road and Dunheved Circuit.

The site currently provides large paving areas and insufficient landscaping along the side boundaries and along the eastern side of he building. This is inconsistent with Council's Cooling the City Strategy and hence will require provision of additional landscaping within these areas. Additional landscaping will need to be provided along the southern and northern boundaries at a distance of 6m to 8m apart and in the large paving areas south of the building to soften the paving area.

Increased landscaping has been provided on the site (refer to amended Landscape Plan), including a 1m landscape strip along the northern boundary, and at least 2.4m along the western boundary where the AEP is located. Landscaping is also increased at the crossover entrance to allow more tree planting. Landscaping to the north and south boundaries cannot be provided where this would significantly impeded truck movements on the site.



**South elevation**

The southern elevation can be improved by providing a break along the awning of southern elevation where there is no roller door at the fourth section of that elevation to assist in design improvement along southern elevation.

A break in the southern façade cannot be provided as it will significantly impact upon the effectiveness of the 15m awning to provide shelter to loading operations during wet weather.

Notwithstanding, the south elevation will not be readily visible from the public domain (Links Road), where the adjacent land is densely vegetated thus redesign is not warranted in this instance.

**Awnings**

It is unclear how the 14m wide awning will be supported structurally by the vertical wall without

Struts have been shown on the plans which will support the 15m long awning.



**Matter**

**Response**

any supports. You are requested to provide details as it may have impact on the aesthetics of the building design.

**Setback of future warehouse, sprinkler tank and pump room**

The proposed structures e.g. plant room, sprinkling tank and future warehouse will not be supported as they will be within the required 15m building setback as well as within the required front 4.0m landscaped areas resulting in reduced front landscape area and also diminish the streetscape and amenity of the area. These will need to be relocated to the area behind indicative location of future warehouse building and the area landscaped.

The objectives of the landscaping and front setback controls in the Penrith DCP is largely to minimise bulk and scale impacts from the public domain.

The site is unique in that the irregular shaped frontage adjacent to the proposed future warehouse site adjoins another property and the pump room, sprinkler tank and proposed location of the future warehouse will not be visible from the public domain, thus strict compliance with the landscape and setback requirements is not warranted in this instance. We also content that this part of the eastern boundary is not a street boundary, but a side boundary, as it is behind a neighbouring lot.



Adjoining site adjacent to proposed future warehouse, sprinkler tank and pump room which will screen development from the public domain



Matter	Response
	<p>Furthermore, the future warehouse is setback 40m from the public road. The sprinkler tank and pump room is technically setback 34m from the public road. Accordingly, these structures are well beyond the required 15m building setback required by the control.</p>