DEVELOPMENT ASSESSMENT PANEL REPORT	
Application No.	DA/2023/1123
Address	37 John Street LEICHHARDT
Proposal	Demolition of existing building and construction of a new two storey light industrial development to John Street and a new warehouse with mezzanine office over basement parking to Whites Creek Lane with associated site works
Date of Lodgement	29 December 2023
Applicant	JDS DP C/- Koturic & Co.
Owner	KRDJ Pty Ltd
Number of Submissions	Fifteen (15) submissions received, eleven (11) of which are unique
Cost of works	$1,889,070.00
Reason for determination at Planning Panel	Number of submissions received FSR variation exceeds 10%
Main Issues	Flooding and stormwater management, and design implications to address flooding and stormwater management issues. Proposed parking to the warehouse and industrial units are below the flood planning levels for both John Street and Whites Creek Lane. Unencumbered evacuation of the warehouse from Whites Creek Lane to John Street is not provided.
Recommendation	Refusal
Attachment A	Reasons for Refusal
Attachment B	Plans of proposed development
Attachment C	Recommended conditions of consent if approved
Attachment D	Stormwater Plans (Issue F)
Attachment E	Flood Risk Management Study

LOCALITY MAP			
Subject Site		Objectors	**N**
Notified Area		Supporters	
Note: Due to scale of map, not all objectors could be shown.			

1. Executive Summary

This report is an assessment of the application submitted to Council for demolition of the existing building and construction of a new two storey light industrial development to John Street and a new warehouse with a mezzanine office over proposed basement parking to Whites Creek Lane with associated site works at 37 John Street, Leichhardt.

The application was notified to surrounding properties and fifteen (15) submissions were received in response to the initial notification.

The main issues that have arisen from the application include:

- Flood Control Lot
    - The proposal including the basement carpark are inconsistent with the relevant matters for consideration under the *Inner West Local Environmental Plan 2022* and the Leichhardt Development Control Plan 2013.
    - The Flood Risk Management Study Report has identified that the development will have positive change in the flood levels post development which will have adverse impact to the locality. Further it identifies that the basement carpark is subject to H5 (unsafe for vehicles and people, and buildings require special engineering design and construction in a flood hazard, noting that H5 is the second highest flood hazard level).
    - Geotechnical Report recommends appropriate long-term drainage system is incorporated in the development including the proposed carpark – the application did not provide this information and no flood management report was provided at lodgement.
    - Amended plans were provided concurrent with amended landscaped plans. The amended plans demonstrate that the warehouse exit is to the internal courtyard of the industrial units at John Street. However, concerns are raised that extensive landscaping / planting / trees are proposed within this internal courtyard, and the industrial units may be locked. Any evacuation proposed to this courtyard are likely to trap any evacuees during a flood event which is unacceptable.
    - The basement car park can also trap persons during a flood event with the only exit towards Whites Creek Lane via the garage door or the access stairs into the warehouse. However, during flood events these exits are likely to be inundated by flood waters trapping persons in the basement.

Due to the above issues, and as will be discussed in this report, the application is recommended for refusal.

2. Proposal

The proposal includes the following works:

- Demolition of all existing built structures at the subject site.
- Construction of two-storey light industrial offices (x 8 offices) accessed via John Street with an internal courtyard.
- Construction of an independent warehouse unit with a mezzanine office level and an underground/basement carpark with a roller door accessed via Whites Creek Lane.
- Basement car parking for four vehicles for the warehouse unit on Whites Creek Lane, with an exit stair located adjacent to the driveway ramp.
- Associated landscaping to both frontages.

3. Site Description

The subject site is legally described as Lot 10 in DP742. John Street runs north to Hill Street and south to Styles Street. The subject site is on the eastern side of John Street, and it also has rear access via Whites Creek Lane. The site is rectangular with a total site area of 771.40sqm.

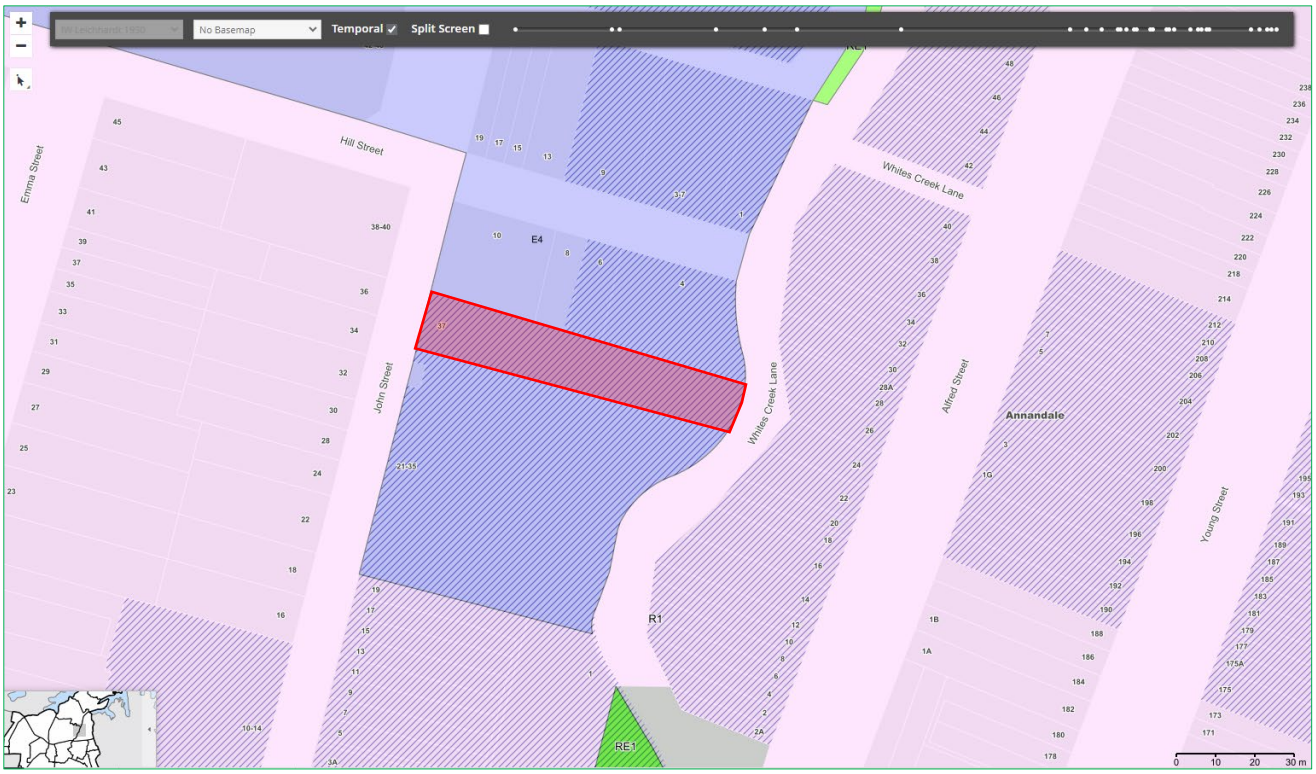
The site contains a long single-storey building with side passage from John Street to Whites Creek Lane. The rear of the subject site contains a metal shipping container and the metal awning notated on the submitted Boundary Plan did not exist at the time of the site inspection undertaken on 23 February 2024.

The western side of John Street contains single-storey residential dwellings, while the eastern side of the street contains multi-level light industrial structures. On the eastern side of White Creek Lane are residential dwellings for rear lane service and garage access for properties fronting Alfred Street. See Image 1.

The subject site is not heritage listed, nor located in the vicinity of any environmental heritage or located in a Heritage Conservation Area. It is zoned E4 General Industrial under the *Inner West Local Environmental Plan 2022*. The subject site is identified as contaminated lot and is a Flood Control Lot. See Image 2.

Image 1: The subject site in blue hatch, in relation to adjoining properties and locality.

Image 2: The subject site is in red border and is in E4 General Industrial zone (purple) and Flood Control Lot (blue hatching)



4. Background

Site History

The following application outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

Subject Site

Application	Proposal	Decision & Date
EPA-2022-0041	Unlawful building works – removal of carport/awning at the rear	Notice issued – 18 March 2022

Surrounding Properties

Application	Address	Proposal	Decision & Date
PDA/2024/0168	21-35 John Street LEICHHARDT	Change of use for Self-Storage Warehouse	Issued – 09 October 2024
BC/2023/0019	10 Hill Street LEICHHARDT NSW 2040	Building Certificate – unauthorised air conditioning units	Refused – 11 September 2024

Application History

The following table outlines the relevant history of the subject application.

Date	Discussion / Letter / Additional Information
17 May 2024	A Request for Further Information (RFI) was issued to address several concerns including traffic management and the subject site being a flood affected lot
11 June 2024	The applicant requested an extension of time. New RFI due date – 09 July 2024.
03 July 2024	RFI meeting was held with the applicant, town planner and Council.
19 July 2024	Partial information was provided in response to the RFI which included minor amended plans which included a warehouse exit into the internal courtyard of the industrial offices; amended SEE; Geotechnical Report; updated landscaped plan; Construction Traffic Management Plan; amended shadow diagrams; stormwater drainage plans; and Plan of Management.
12 September 2024	The applicant provided an updated Traffic Report and minor amended parking floor plan and ground floor plan
17 September 2024	A Flood Risk Management Study was provided following the RFI.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* (*EP & A Act 1979*).

A. Environmental Planning Instruments

The application has been assessed and the following provides a summary of the relevant Environmental Planning Instruments.

State Environmental Planning Policies (SEPPs)

SEPP (Resilience and Hazards) 2021

Chapter 4 Remediation of land

Section 4.6(1) of the *Resilience and Hazards SEPP* requires the consent authority not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

In considering the above, there is evidence of contamination on the site.

The applicant has provided a report prepared by JDS Developments Pty Ltd on 17 November 2023 and concludes:

> "*It is considered that the site will be rendered suitable for the redevelopment into a commercial development, including a warehouse and industrial units with associated car parking, and three deep soils landscaped areas subject to the implementation of remediation and validation works in accordance with this RAP.*"

On the basis of this report, the consent authority can be satisfied that the land will be suitable for the proposed use and that the land can be remediated.

Inner West Local Environmental Plan 2022 (*IWLEP 2022*)

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022* (*IWLEP 2022*).

Part 1 – Preliminary

Section	Proposed	Compliance
Section 1.2 Aims of Plan	The key concerns relating to the proposal are as follows: • The proposed warehouse unit on Whites Creek Lane and the industrial units on John Street do not respond to the flooding and stormwater requirements of the subject site. • The proposed parking to the warehouse and industrial units are below the flood planning levels for both John Street and Whites Creek Lane. • Unencumbered evacuation of the warehouse from Whites Creek Lane to John Street is not provided. • The proposed development which includes constructing boundary to boundary will adversely impact on the floodwater movement at the subject site which will increase flooding of the adjacent properties, and Whites Creek Lane. This is discussed in detail under Section 5.21 and Section 6.3 of *IWLEP 2022* discussions. Therefore, due to the above concerns, the proposal does not satisfy the section as follows: • The proposal does not encourage development that demonstrates efficient and sustainable use of energy and resources in accordance with ecologically sustainable development principles • The proposal does not reduce community risk from and nor does it improve resilience to urban and natural hazards • The proposal does not create a high-quality urban place through the application of design excellence in all elements of the built environment and public domain • The proposal does not prevent adverse social, economic and environmental impacts on the local character of Inner West, • The proposal does not prevent adverse social, economic and environmental impacts, including cumulative impacts	No

Section	Proposed	Compliance
	Therefore, for these reasons and other reasons discussed elsewhere in this report, the proposal is recommended for refusal	

Part 2 – Permitted or Prohibited Development

Section	Proposed	Compliance
Section 2.3 E4 Zone objectives and Land Use Table	The application proposes the demolition of existing structures and the construction of a two-storey light industrial units accessed via John Street, and a new warehouse with a mezzanine office and a basement carparking accessed via Whites Creek Lane; and associated site works. Light industries and warehouses are permissible with consent in the zone, and the associated works are considered ancillary to the proposed development. While the development plans labelled the proposed development on John Street as "industrial units", it is noted that the unit sizes vary from 15.42sqm (smallest unit) to 50.10sqm (largest unit). Concerns are raised as to the capacity of these individual units for any industrial activity noting that the *IWLEP 2022* define industrial activity as: *"Means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity".* It is noted that these spaces are akin to commercial uses or business offices which are prohibited development in the zone. Nevertheless, the proposal does not satisfy the relevant objectives of the E4 General Industrial zone as follows: • It does not ensure the viable use land for industrial uses. • It does not minimise adverse effect of the industry on other land uses. The subject site is a Flood Control Lot and the proposal will adversely impact on the existing overland flow at the subject site, the adjoining properties and the locality in general.	No

Section	Proposed	Compliance
	For this reason, and other reasons discussed elsewhere in this report, the proposal is recommended for refusal.	
Section 2.7 Demolition requires Development Consent	The proposal satisfies the section as follows: • While demolition works are permissible with consent in this instance the proposed development is recommended for refusal for reasons discussed elsewhere in this report	Yes

Part 4 – Principal Development Standards

Section	Proposed		Compliance
Section 4.4 Floor Space Ratio	Maximum	1:1 (771.4sqm)	Yes
	Proposed	0.95:1 (729.91sqm)	
	Variation	N/A	
Section 4.5 Calculation of Floor Space Ratio and Site Area	The Site Area and Floor Space Ratio for the proposal has been calculated in accordance with the section.		Yes

Part 5 – Miscellaneous Provisions

Section	Compliance	Compliance
Section 5.21 Flood Planning	The objectives and provisions of this party of the LEP are as follows: *(1) The objectives of this clause are as follows—* *(a) to minimise the flood risk to life and property associated with the use of land,* *(b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,* *(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,* *(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.* *(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—* *(a) is compatible with the flood function and behaviour on the land, and*	No

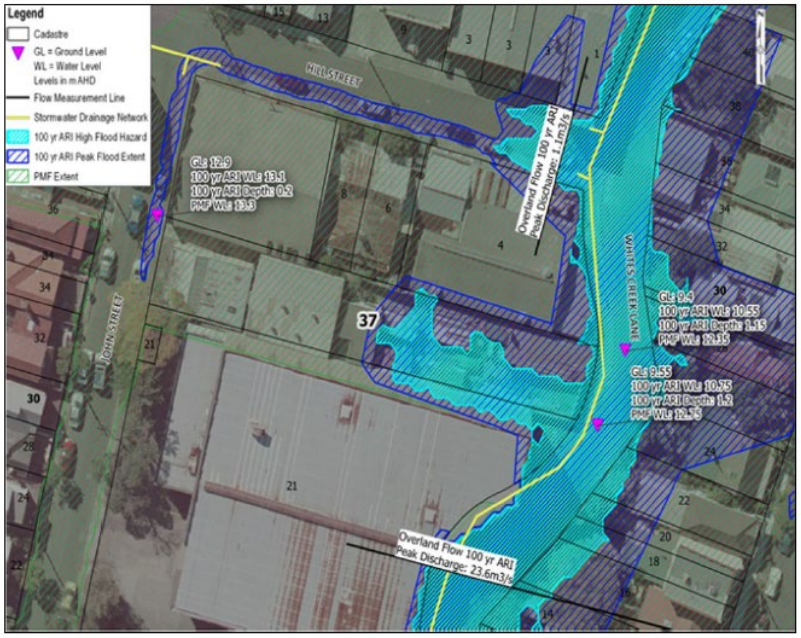
Section	Compliance	Compliance
	(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and *(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and* *(d) incorporates appropriate measures to manage risk to life in the event of a flood, and* *(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.* *(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—* *(a) the impact of the development on projected changes to flood behaviour as a result of climate change,* *(b) the intended design and scale of buildings resulting from the development, whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,* *(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.* The subject site currently has a northern side boundary setback, however, the proposal includes two independent developments (industrial units on John Street and a separate warehouse on Whites Creek Lane) which does not provide safe and unencumbered evacuation of Whites Creek Lane to John Street. Evacuation through the internal courtyard at the rear of the industrial units is considered unacceptable as this can trap evacuees, therefore the proposal does not satisfy objective (a) above. The submitted Flood Risk Management Study has also indicated that the changes in flood levels as a result of the proposed development shows adverse impacts. Further, the removal of the northern side setback will alter the flood function of the subject site with flooding of the proposed warehouse basement carpark, its adjacent properties, and increased flooding to Whites Creek Lane adversely impacted.	

Section	Compliance	Compliance
	It is considered that the proposed development is inconsistent with objectives (b), (c), and (d) of this section of the *IWLEP 2022*. Additionally, the proposed development is inconsistent with subsection (2) as the proposed development is incompatible with the flood behaviour and function of the subject site and locality; it will adversely impact the flood behaviour of the subject site and locality; and unacceptable measures to manage risks to lives in the event of a flood are proposed. Therefore, pursuant to subsection (3) of this part of the *IWLEP 2022*, the proposed development is recommended for refusal as the proposal adversely impacts on the flood behaviour and pattern of the subject site and the intended scale of the structures will adversely impacts on the flood pattern, and unacceptable measures to minimising risks to lives are proposed. Furthermore, the proposal will impact on the adjoining properties and Whites Creek Lane, and the proposed demolition and subsequent new buildings will adversely alter the flood function of the subject site and the locality.	

Part 6 – Additional Local Provisions

Section	Proposed	Compliance
Section 6.1 Acid Sulfate Soils	The site is identified as containing Class 5 Acid Sulfate Soils. The proposal is considered to adequately satisfy this section as the application does not propose any works that would result in any significant adverse impacts to the watertable.	Yes
Section 6.2 Earthworks	As discussed under Chapter 4: *Remediation of land* of *SEPP (Resilience and Hazards) 2021*, the proposed development is recommended for refusal despite the RAP's recommendation. In addition, the proposed earthworks are likely to change the ground level at the subject site which will have adverse and detrimental impacts on the environmental functions and process of a Flood Control Lot. It will alter the existing drainage patterns and soil stability of the lot. Overall, the proposed development is inconsistent with 1(a) as follows: *(1) The objectives of this clause are as follows—* *(a) to ensure earthworks for which development consent is required will not have a detrimental impact on*	No

Section	Proposed	Compliance
	environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land and 3(a) of this section of the LEP as follows: *(3) In deciding whether to grant development consent for earthworks, the consent authority must consider the following matters—* *(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality* Therefore, for these reasons and other reasons discussed elsewhere in this report, the proposal is recommended for refusal.	
Section 6.3 Stormwater Management	The objectives of this section of the LEP are: *(1) The objective of this clause is to minimise the impacts of urban stormwater on—* *(a) land to which this clause applies, and* *(b) adjoining properties, and* *(c) native bushland, and* *(d) receiving waters.* The development will not minimise the impacts of urban stormwater on the subject land and adjoining properties inconsistent with subsections 1(a) and 1(b). As can be seen in Image 2, most of the flooding is concentrated at Whites Creek Lane with a peak of 1% AEP with a depth of 1.2m flooding to the adjacent site as existing with unobstructed overland flow of water along the northern boundary. Image 2: Flood Certificate. Source: Figure 2 of the submitted Flood Risk Management Study prepared by HydroStorm Consulting dated 17 September 2024	No

Section	Proposed	Compliance
	 **Figure 2. Flood Certificate (provided by Council)** The submitted Flood Study has found that the proposed development will have adverse change in flood levels resulting in adverse impacts as discussed throughout this report. Further to the above: • The stormwater drainage concept plans provide insufficient level of information or detail on how the front carparking area will be contoured so as to capture stormwater and prevent water entering the industrial units noting that overland flood waters also enter the site from John Street. • The levels shown on the stormwater plans are not consistent with the architectural plans. • Direct connection to Whites Creek Stormwater Channel is required, and not to the kerb in Whites Creek Lane, noting there is no kerb in Whites Creek Lane. Given the above, the proposal has not satisfied the objectives of the clause. Furthermore, the provisions of subsection (3) of this part of the LEP states:	

Section	Proposed	Compliance
	(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development— *(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and* Comment: The proposed development does not satisfy subsection 3(a) in that the existing permeable surface at the subject site is reduced by 29% from 97.53sqm to 69.2sqm. As the subject site is a Flood Control Lot, the proposed development including the reduction in permeable surfaces and the intensification of use of the subject site, the proposed development is therefore unsupportable. *(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and* Comment: The proposal includes grated pits and an onsite detention tank at Whites Creek Lane. *(c) avoids a significant adverse impact of stormwater runoff on adjoining properties, native bushland and receiving waters, or if an impact cannot be reasonably avoided, minimises and mitigates the impact.* Comment: The proposal does not avoid adverse stormwater impacts to adjoining properties or the subject site. As can be seen in Image 2 above, the site is flood affected, particularly on the section of land on which the warehouse with basement parking is proposed to be constructed from the northern and southern boundaries. A small internal courtyard is proposed between the industrial offices and the warehouse with no overland flow other than an accumulation of flood waters at the subject site and onto the adjoining properties to the north. In this regard, the proposed development does not satisfy this sub-section of the IWLEP 2022.	

Section	Proposed	Compliance
Section 6.8 Development in areas subject to aircraft noise	The site is located within the ANEF 20-25 contour, and as such an Acoustic Report was submitted with the application. The proposal is capable of satisfying this section.	Yes

B. Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Leichhardt Development Control Plan 2013 (LDCP 2013).

LDCP2013	Compliance
Part C: Section 1 – General Provisions	
C1.1 Site and Context Analysis	No – see discussion
C1.7 Site Facilities	Yes
C1.8 Contamination	Yes
C1.10 Equity of Access and Mobility	Yes
C1.11 Parking	No – see discussion
Part C: Place – Section 2 Urban Character	
C2.2.3.3 Piperston Distinctive Neighbourhood	Yes
Part C: Place – Section 4 – Non-Residential Provisions	
C4.3 Ecologically Sustainable Development	No – see discussion
C4.5 Interface Amenity	Yes
C4.7 Bulky Goods Premises	Yes
C4.10 Industrial Development	No – see discussion
Part D: Energy	Yes
Section 1 – Energy Management	
Section 2 – Resource Recovery and Waste Management	
D2.1 General Requirements	
D2.2 Demolition and Construction of All Development	
D2.4 Non-Residential Development	

LDCP2013	Compliance
Part E: Water	
Section 1 – Sustainable Water and Risk Management	
E1.1.1 Water Management Statement	No – see discussion
E1.1.3 Stormwater Drainage Concept Plan	No – see discussion
E1.1.4 Flood Risk Management Report	No – see discussion under Part 5.21 of IWLEP 2022
E1.2.2 Managing Stormwater within the Site	No – see discussion
E1.2.3 On-Site Detention of Stormwater	No – see discussion
E1.2.5 Water Disposal	No – see discussion
E1.3.1 Flood Risk Management	No – see discussion

C1.1 Site and Context Analysis

The proposed development does not satisfy the objective O1(a), and (f) of this part of the DCP for the following reasons:

a. The site is a flood control lot, and the proposal does not appropriately manage stormwater flows that take into consideration its impacts on the subject site, adjoining properties, Whites Creek Lane and the properties on Alfred Street with rear lane access to Whites Creek Lane. The submitted Flood Risk Management Study prepared by HydroStorm Consulting does not support aspects of the proposed development specifically the underground/basement carparking.

   In addition to this, as the subject site currently has unencumbered stormwater overflow from John Street to Whites Creek Lane along the northern boundary, the proposed construction of two distinct developments (industrial units at John Street, and an independent warehouse on Whites Creek Lane) which removes the northern boundary side setback is unacceptable as this will alter overland flow which adversely impacts on adjoining properties to the north, and adversely impacts Whites Creek Lane and other developments within proximity of the subject site.

   Therefore, the proposal is inconsistent with O1 (a) and O1 (f) of this part of the DCP as follows:

O1 To encourage property owners to ensure that the planning and design of their development takes into account:

a. existing site conditions on the site and adjacent and nearby properties;

f. the special qualities of the site and its context including urban design, streetscape and heritage considerations.

C1.11 Parking

Pursuant to the requirements of Part C1.11 of the LDCP 2013, the industrial office units are required to provide a minimum of two parking spaces and a maximum of three.

The industrial units propose three car parking spaces, one of which is an accessible parking space and one shared zone parking space with a minimum width of 2.4m. While the proposal meets the required number of parking spaces, the minimum width required by the DCP is 2.7m. The proposal does not meet this minimum requirement and is therefore unsatisfactory. With respect to the warehouse unit fronting Whites Creek Lane, only one car space is required, and the application proposes four underground/basement carparking spaces.

However, as the subject site is a flood affected lot the proposed parking on both John Street and Whites Creek Lane are not supported for the following reasons:

a. The entry to the basement car park is from Whites Creek Lane, which is subjected to high hazard flooding during the 1% AEP event.

   The Flood Risk Management Study prepared by HydroStorm dated 17 September 2024 has found that the level of basement car park entry or crest level does not comply with Control C8 of Clause E1.3.1 Part E – Water of LDCP and recommends either the deletion of the carpark or that the entry be set at 12.75m AHD.

   The current carpark entry crest level is at 9.9m AHD which is 850mm below the 1 in 100 year flood level at the rear which is not acceptable. The plans have not changed to reflect the recommendations of the Flood Risk Management Study.

b. The floor levels at the John Street frontage have not been set at the flood planning level for John Street as required by Control C4 (E1.3.1).

   The Flood Certificate indicates that the 1 in 100 year flood level in John Street adjacent to the site is 13.1m AHD which is 110mm above the driveway/footpath level and therefore overland flows will enter the property from John Street and flood the garage and industrial units which are below the footpath level. A side setback may be required to address these overland flows and prevent inundation of the Industrial units C2 (E1.2.2);

c. The stormwater drainage concept plans provided insufficient level of information or detail on how the front carparking area will be contoured so as to capture stormwater and prevent water entering the industrial units noting that overland flood waters also enter the site from John Street.

d. As vehicle access to the site is proposed directly over the top of the Sydney Water Channel, approval is required from Sydney Water. (The applicant did not provide a copy of this approval to Council).

e. The ramp grades and changes in grade do not comply with Table 3.2 (including note (a)) and Table 3.3 of AS2890.2 for a small rigid vehicle.

f. Further the loading area/dock for the warehouse is located on a steep ramp which is unacceptable.

Further to the above, the applicant's Flood Risk Management Study indicates that any access to car parking needs to be provided above the flood planning level of 11.25AHD or at the PMF of 12.75AHD, whichever is higher. Therefore, any car parking should be above the PMF of 12.75AHD.

In addition, this report recommends a clearly signposted flood free pedestrian evacuation route separate from the basement level and separate to the vehicular access ramps, and a separate staircase. However, Council notes that the staircase is located at the entry point of the vehicular access ramps which would already be inundated by flood waters, trapping any persons in the basement car park.

Given the above, the proposal is not acceptable having regard to the parking requirements of the DCP.

C4.3 Ecologically Sustainable Development

The subject site is a flood control lot, and the proposed development has not been designed to respond sensitively with respect to flooding and stormwater management. The proposal does not enable a resilient development which responds positively to climate change, and the proposed design solution (a central courtyard which presents high danger and hazard during flood events) are unsupportable. Further, none of the industrial units have access solar access and the fenestration does not provide architectural interest to the building.

The proposed development is inconsistent with O1(b), (d), and (e); and Controls C7 and C9 as follows:

O1 Development achieves a high level of environmental performance by:

b. incorporating water sensitive urban design to reduce stormwater quantity, improve stormwater quality and optimise the use of rainwater on site;
d. building resilience to climate change, including to the increased frequency and severity of hazards;

e. adopting design solutions that are compatible with the streetscape and character of the neighbourhood.

C7 Where for new office development, a minimum of 50% of workspaces are located within 6m of a window.

Note: Courtyards, atria and light wells can be used to break up larger floor plates to provide access to windows and sunlight.

C9 Windows that face north, east or west incorporate moveable external shading devices that provide architectural interest to the building.

Having regard to the above the proposal is unsatisfactory.

C4.10 Industrial Development

The subject site is a flood control lot and the proposal does not achieve, nor provide, a high level of environmental performance. The proposal will adversely alter the stormwater flow path at the subject site, the adjoining properties, Whites Creek Lane and the residential developments within proximity of the subject site. The proposal is inconsistent with Objective O1(f) of this part of the DCP.

The proposal does not satisfy the requirements of Control C1 in terms of parking, and C21. As vehicle access to the site is proposed directly over the top of the Sydney Water Channel, approval is required from Sydney Water.

Thus, the development fails to satisfy this part of the DCP.

E1.1.1 Water Management Statement

The submitted application did not address this part of the DCP and a Water Management Statement was not provided. Nevertheless, the subject site is a Flood Control Lot and the proposal will have adverse impacts on the floodwater and stormwater flow at the subject site and the locality.

The Flood Risk Management Study found that the proposed development would have adverse impacts of up to 30mm on properties to the east side of Whites Creek Lane. This was difficult to assess as Figure 4 did not have a legend. However best practice is to reduce impacts to no more than 10mm so as to avoid adverse impacts due to cumulative impacts of development.

E1.1.3 Stormwater Drainage Concept Plan

As discussed under Section 6.3 Stormwater Management, the development will not minimise the impacts of urban stormwater on the subject land and adjoining properties. Flooding is concentrated at Whites Creek Lane with a peak of 1% AEP with a depth of 1.2m flooding to

the adjacent site as existing with unobstructed overland flow of water along the northern boundary.

Further, the submitted Stormwater Concept Plan provided insufficient level of information or detail on how the front carparking area will be contoured so as to capture stormwater and prevent water entering the Industrial units noting that overland flood waters also enter the site from John Street.

In addition, the levels shown on the stormwater plans are not consistent with the architectural plans.

Direct connection to Whites Creek Stormwater Channel is required; and not to the kerb in whites Creek Lane noting there is no kerb in Whites Creek Lane.

Having regard to the above, the development fails to satisfy this part of the DCP.

E1.1.4 Flood Risk Management Report

The applicant provided a Flood Risk Management Study prepared by HyrdoStorm, dated 17 September 2024.

The following assessment is reiterated:

a. The entry to the basement car park is from Whites Creek Lane, which is subjected to high hazard flooding during the 1% AEP event. The Flood Risk Management Study prepared by HydroStorm dated 17 September has found that the level of basement car park entry or crest level does not comply with Control C8 of Clause E1.3.1 Part E - Water of LDCP 2013 and recommends that the entry be set at 12.75m AHD. The current carpark entry crest level is at 9.9m AHD which is 850mm below the 1 in 100 year flood level at the rear which is not acceptable. The plans have not changed to reflect the recommendations of the Flood Risk Management Study.

b. The Flood Risk Management Study found that the proposed development would have adverse impacts of up to 30mm on properties to the east side of Whites Creek Lane. This was difficult to assess as Figure 4 did not have a legend. However best practice is to reduce impacts to no more than 10mm so as to avoid adverse impacts due to cumulative impacts of development.

c. The floor levels at the John Street frontage have not been set at the flood planning level for John Street as required by Control C4 (E1.3.1). The Flood Certificate indicates that the 1 in 100 year flood level in John Street adjacent to the site is 13.1m AHD which is 110mm above the driveway/footpath level and therefore overland flows will enter the property from John Street and flood the garage and industrial units which are below the footpath level. A side setback is required to address these overland flows and prevent inundation of the Industrial units in accordance with Control C2 (E1.2.2);

d. The current design does not allow for suitable evacuation of the Warehouse Unit facing Whites Creek Lane. Shelter in place is not acceptable as the development should be designed to allow evacuation to John Street where flood waters are low hazard. This is best done via a side setback that does not rely on evacuation through trapped courtyard where doors may be locked with resultant evacuation being problematic. All units must have pedestrian access to John Street.

Having regard to the above, the development fails to satisfy this part of the DCP.

E1.2.2 Managing Stormwater within the Site

The proposed development does not integrate site layout and the drainage system to avoid nuisance flows and flooding within the development and onto neighbouring properties which is inconsistent with O1 of this part of the DCP.

Further, the development has not been designed as to:

a. Minimise disruption or disturbance of land surfaces or natural drainage patterns

b. Side setbacks are not provided where overland flow path is required

c. The proposed development will remove existing overland flow path which diverts stormwater runoff to another property.

d. The proposal would cause the existing and/ or natural drainage patterns in the vicinity of the site to be blocked or diverted or otherwise concentrate flows onto another property.

The proposal is inconsistent with O1, C1, C2, C3, C4, C5 and C6 as follows:

O1 To integrate site layout and the drainage system to avoid nuisance flows and flooding within the development and onto neighbouring properties.

C1 Site layout must be designed to minimise disruption or disturbance of land surfaces or natural drainage patterns. Where natural surface flows from uphill lands, have the potential to flow through the property, notwithstanding the presence of fences, walls and minor structures, they must not be blocked or redirected as a consequence of the proposal.

C2 Buildings are to be setback where overland flow paths are needed in that location due to site constraints to convey flows across the surface.

C3 Solid or masonry boundary fences should not be erected where they will divert stormwater runoff to another property. Boundary fences should be of lightweight or partially open construction in these circumstances.

C4 The site drainage system must be designed to collect and convey flows by gravity and include a pipe system for frequent rainfall events combined with an overland flow path to convey larger flows that are generated during storms.

C5 Where an overland flow path cannot be provided due to the position of existing buildings and structures that are to be retained, the capacity of the pipe system must be designed to capture and convey the 100 year Average Recurrence Interval storm event flow from the contributing catchment assuming 80% blockage of the inlet and 50% blockage of the pipe.

C6 Where the development would cause the existing and/ or natural drainage patterns in the vicinity of the site to be blocked or diverted or otherwise concentrate flows onto another property, an inter allotment drainage system must be constructed to collect and convey those flows, and an associated drainage easement created.

Having regard to the above, the development fails to satisfy this part of the DCP.

E1.2.3 On-Site Detention of Stormwater and E1.2.5 Water Disposal

While the submitted stormwater drainage concept plans indicate several grated pits connecting to an OSD tank at Whites Creeks Lane, it is noted that:

a. The stormwater drainage concept plans provided insufficient level of information or detail on how the front carparking area will be contoured so as to capture stormwater and prevent water entering the Industrial units noting that overland flood waters also enter the site from John Street.

b. The levels shown on the stormwater plans are not consistent with the architectural plans.

c. Direct connection to Whites Creek Stormwater Channel is required not to the kerb in whites Creek Lane. Note there is no Kerb in Whites Creek Lane.

Overall, the proposal does not satisfy the objectives and controls of this part of the DCP.

E1.3.1 Flood Risk Management

As noted in other areas of this report, the subject site is a Flood Control Lot and the proposed development will have adverse impact to flood water and storm water flow at the subject site and adjoining properties.

The proposal will not reduce the risks and costs associated with flooding as the proposal included the removal of the existing northern side boundary setback, which is inconsistent with O1 of this part of this part of the DCP.

In summary:

a. *Flood Affected Site*

- The basement car park entry on Whites Creek Lane is prone to high hazard flooding during a 1% AEP event. Current entry level is 9.9m AHD, 850mm below the required 12.75m AHD, inconsistent with local flood management guidelines.
- The proposed development would have up to 30mm of flooding impact on neighbouring properties on the east side of Whites Creek Lane, exceeding the acceptable limit of 10mm.
- John Street floor levels do not meet flood planning requirements, risking overland flow inundation of the industrial units.
- The design lacks adequate evacuation routes for the warehouse unit which does not lead to a trapped internal courtyard; all units must have direct access to John Street for safe evacuation.

b. *Stormwater Drainage*

- Current stormwater plans lack necessary detail to manage drainage effectively and prevent flooding in industrial units.
- Levels in stormwater plans are inconsistent with architectural plans.
- Direct connection to Whites Creek Stormwater Channel is essential, as there is no kerb in Whites Creek Lane.

c. *Traffic and Parking*

- The loading dock is situated on a steep ramp.
- Ramp grades do not comply with safety standards for vehicle access.
- Vehicle access proposed over Sydney Water Channel requires prior approval from Sydney Water.

Having regard to the above, the development fails to satisfy this part of the DCP.

C. The Likely Impacts

These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will have significant adverse environmental, social or economic impacts upon the locality.

D. The Suitability of the Site for the Development

The proposal is not of a nature in keeping with the overall function of the site.

The premises are in a residential and commercial surrounding and amongst similar uses to

that proposed.

The proposed development is likely to cause adverse stormwater impacts to the subject site, adjoining properties, Whites Creek Lane and other developments within the vicinity of the subject site.

E. Submissions

The application was required to be notified in accordance with Council's Community Engagement Strategy between 17 January 2024 to 07 February 2024.

A total of 15 submissions were received in response to the initial notification of which 11 are considered unique submissions.

A summary of the concerns raised regarding the proposed development and its potential impacts on the surrounding area are outlined in the table below, highlighting a range of concerns regarding the proposal's compatibility with the existing neighbourhood and its potential impacts on residents' quality of life, safety, and the environment.

Concerns	Comments
Site Suitability and Planning Concerns: a. increased traffic, parking issues, and impact on existing infrastructure. b. Loss of heritage character of the locality.	a. The proposed development is not suitable for the subject site and is recommended for refusal. b. The existing building is not heritage listed and there are no controls which would require retention of the existing built form. Whilst it is acknowledged the residences in the vicinity of the site are comprised of traditional single storey dwellings, the site is zoned E4 and is adjoined by other industrial development and controls applicable to the site afford redevelopment in manner according to those controls.
Traffic Management and Parking: a. Concerns about the narrowness of John Street, potential damage to cars by trucks and pedestrian safety railings which has occurred, and the impact of construction on traffic flow and parking availability. b. Lack of timed parking for non-residents, leading to congestion and difficulty for residents to find parking.	a. Potential damage to private vehicles and other road infrastructure is outside the scope of an assessment under s4.15 of the *EP&A Act 1979.* Traffic studies has found that the traffic impacts are acceptable b. Timed parking on residential streets is outside the scope of an assessment under s4.15 of the *EP&A Act 1979.*

Concerns	Comments
c. Increased traffic flow may pose risks to pedestrian safety, particularly for children accessing the area.	c. A pedestrian footpath is provided on the western side of John Street. Whites Creek Lane is a service lane, and a pedestrian footpath is also provided on the western side of Whites Creek Lane.
Access and Use of Whites Creek Lane: a. Potential loss of parking spaces and increased flood risk due to increased site coverage.	a. Due to the adverse impacts on flooding, the proposed development is recommended for refusal.
Environmental and Liveability Concerns: a. Impact on visual privacy, noise levels, air quality, and heritage character of the locality. b. Loss of income as existing residential tenants may vacate due to concerns about asbestos and the proposed development. c. Potential loss of natural breezes and increased use of air conditioners. d.	a. The proposed development is not inconsistent with the objectives and controls of C3.11 Visual Privacy of the LDCP 2013. The proposed development is unlikely to have any adverse impacts on the air quality of the subject site, notwithstanding there are no uses proposed. Concerns regarding noise levels could be managed by conditions or a comprehensive Plan of Management however the proposal is not supported in its current form. b. If the proposal were to be approved, appropriate conditions of consent to mitigate any adverse impacts during the removal of any (if any) asbestos materials would be imposed. Loss of income due to tenants' potentially vacating is outside the scope of the assessment under s4.15 of the *EP&A Act 1979.* c. Any natural ventilation to any immediately adjoining dwellings abutting the subject site is unlikely to be adversely impacted. The two semi-detached structures at Hill Street are setback from the boundary, and an internal courtyard is proposed to the industrial units at the subject site.

Infrastructure and Property Impacts: a. Risks of visual privacy issues and trespassing by workers due to proposed rear fences. b. Concerns regarding timber fencing at No. 8 Hill Street and a retaining wall at No 6. Hill Street. c. Potential damage to property from falling leaves and flowers from the proposed two 8ft tall trees blocking drainage and gutter.	a. The proposed development is not inconsistent with the objectives and controls of C3.11 Visual Privacy of the LDCP 2013. Further, behaviour of the public regarding trespassing onto private property following the construction of the proposal; and the behaviour of construction workers during construction is outside the scope of an assessment under s4.15 of the *EP&A Act 1979.* b. The proposal includes a new timber fence and a new retaining wall along the central courtyard abutting both No. 8 Hill Street and No. 6 Hill Street. Any boundary fences at the subject site will have to meet the requirements of a Flood Control Lot. c. It is considered unlikely that damage would occur as a result of leaves and flowers from the tree planting proposed.
Other Matters: a. No indicated hours of operation for the industrial and warehouse which will impact on acoustic privacy. b. Material proposed will increase heat absorption and radiation and reflected UV and glare to residential properties.	a. The submitted Plan of Management provided hours of operation. b. The proposed materials and finishes are considered satisfactory and unlikely to create glare

F. The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

In this instance, having regard to the adverse impact the proposal would have on the locality, the proposed development is not in the public interest.

6. Section 7.11 / 7.12 Contributions

Section 7.11 contributions are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of $28,651.00 would be required for the development under the Inner West Local Infrastructure Contributions Plan 2023.

7. Referrals

The following internal referrals were made, and their comments have been considered as part of the above assessment:

- Building Certification
- Development Engineer;
- Environmental Health
- Urban Forest;
- Resource Recovery;

The following external referrals were made, and their comments have been considered as part of the above assessment:

- Ausgrid;

8. Conclusion

The proposal does not comply with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* and Leichhardt Development Control Plan 2013.

The development would result in significant adverse impacts on the amenity of the adjoining premises/properties and is not considered to be in the public interest.

The application is considered unsupportable and in view of the circumstances of the proposal, refusal of the application is recommended.

9. Recommendation

A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979,* refuse Development Application No. DA/2023/1123 for the demolition of an existing building and construction of new two storey light industrial development to John Street and new warehouse with mezzanine office over basement parking to Whites Creek Lane with associated site works at 37 John Street, LEICHHARDT for the following reasons:

Attachment A – Reasons for Refusal

1. The proposal does not satisfy Section 4.15(1)(a) of the *Environmental Planning and Assessment Act 1979 in the following manner:*

    a. The proposal is inconsistent with the *Inner West Local Environmental Plan 2022* as follows:

        (i) Section 1.2 (a), (c), (g), (h) and (i) – Aims of Plan, as the proposal: will not encourage ecologically sustainable development; does not reduce community risk, nor does it improve resilience to natural hazards; and does not prevent adverse (cumulative) social and environmental impacts to the locality.

        (ii) Section 2.3 – Zone objectives and Land Use Table, as the proposal: does not ensure the viable use land for industrial uses; and does not minimise adverse effect of the industry on other land uses.

        (iii) Section 5.21 – Flood Planning, as the proposal is inconsistent with the objectives of subsection (1) and matters for consideration of subsections (2) and (3) given that it: does not minimise the flood risk to life and property associated with the use of land; does not allow development on land that is compatible with the flood function and behaviour on the land, does not avoid adverse or cumulative impacts on flood behaviour and the environment; and does not enable the safe occupation and efficient evacuation of people in the event of a flood.

        (iv) Section 6.2 – Earthworks, as the proposal is inconsistent with 1(a) and 3(a) given that the proposed earthworks are likely to: change the ground level at the subject site which will have adverse and detrimental impacts on the environmental functions and process of a Flood Control Lot; and will alter the existing drainage patterns and soil stability of the lot.

        (v) Section 6.3 – Stormwater Management, as the development will not minimise the impacts of urban stormwater on the subject land and adjoining properties and is inconsistent with subsections 1(a) and 1(b), given that the proposed development: does not satisfy subsection 3(a) in that the existing permeable surface at the subject site is reduced; and does not satisfy 3(c) as the proposal does not avoid adverse stormwater impacts to adjoining properties or the subject site.

2. The proposal is inconsistent with the Leichardt Development Control Plan 2013 as follows:

    a. Part C1.1 – Site and Context Analysis, as the proposed development does not satisfy the objective O1(a), and (f) given that the proposal does not respond positively to the subject site being a Flood Control Lot.

b. Part C1.11 – Parking, as the subject site is a Flood Control Lot and the proposed on-site parking provision will be constructed below the flood planning levels.

c. Part C4.3 – Ecologically Sustainable Development, as the proposed development is inconsistent with O1(b), (d), and (e), and Control C7 and C9, given that the development: does not enable a resilient development which responds positively to climate change; and the industrial office units have not been designed to receive adequate solar access.

d. Part C4.10 – Industrial Development, as the proposal is inconsistent with O1(f), given that the development will adversely alter stormwater flows at the subject site, the adjoining properties, Whites Creek Lane and the residential developments within proximity of the subject site.

e. Part E1.1.3 – Stormwater Drainage Concept Plan, as: insufficient details have been provided on the stormwater plans; the development will not minimise the impacts of urban stormwater on the subject land and adjoining properties; and the levels shown on the stormwater plans are not consistent with the architectural plans.

f. Part E1.2.2 – Managing Stormwater within the Site: as the proposal is inconsistent with O1 given the development fails to integrate site layout and the drainage system to avoid nuisance flows and flooding within the development and onto neighbouring properties.

g. Part E1.2.3 – On-Site Detention of Stormwater, as the submitted stormwater drainage plans provide insufficient information to assess how stormwater is captured at the subject site, and does not demonstrate that there is a direct connection to Whites Creek Stormwater Channel.

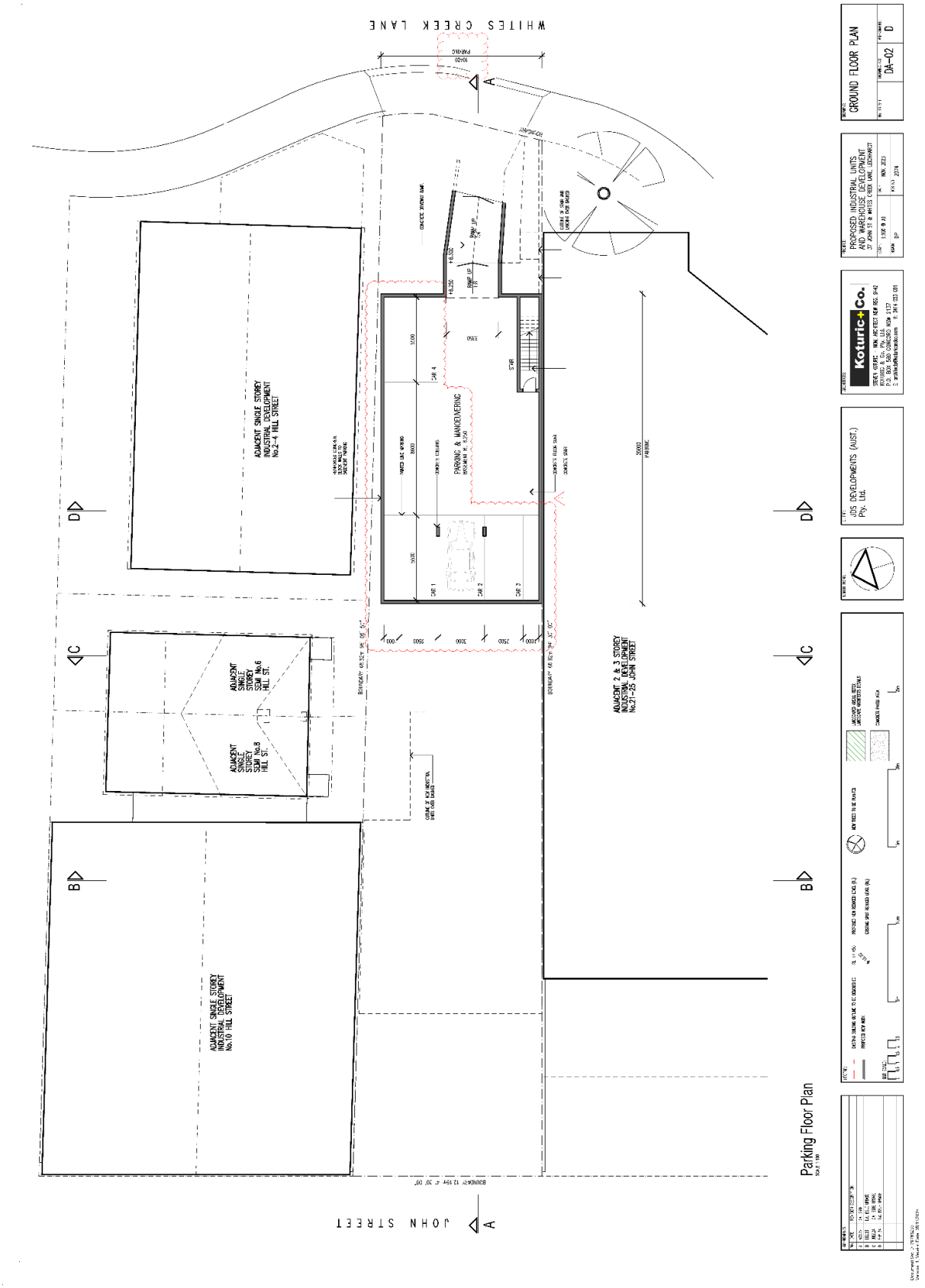
h. Part E1.3.1 – Flood Risk Management, as the proposal: is inconsistent with O1 as it will not reduce the risks and costs associated with flooding; and will have adverse impact to flood water and storm water flow at the subject site and adjoining properties.

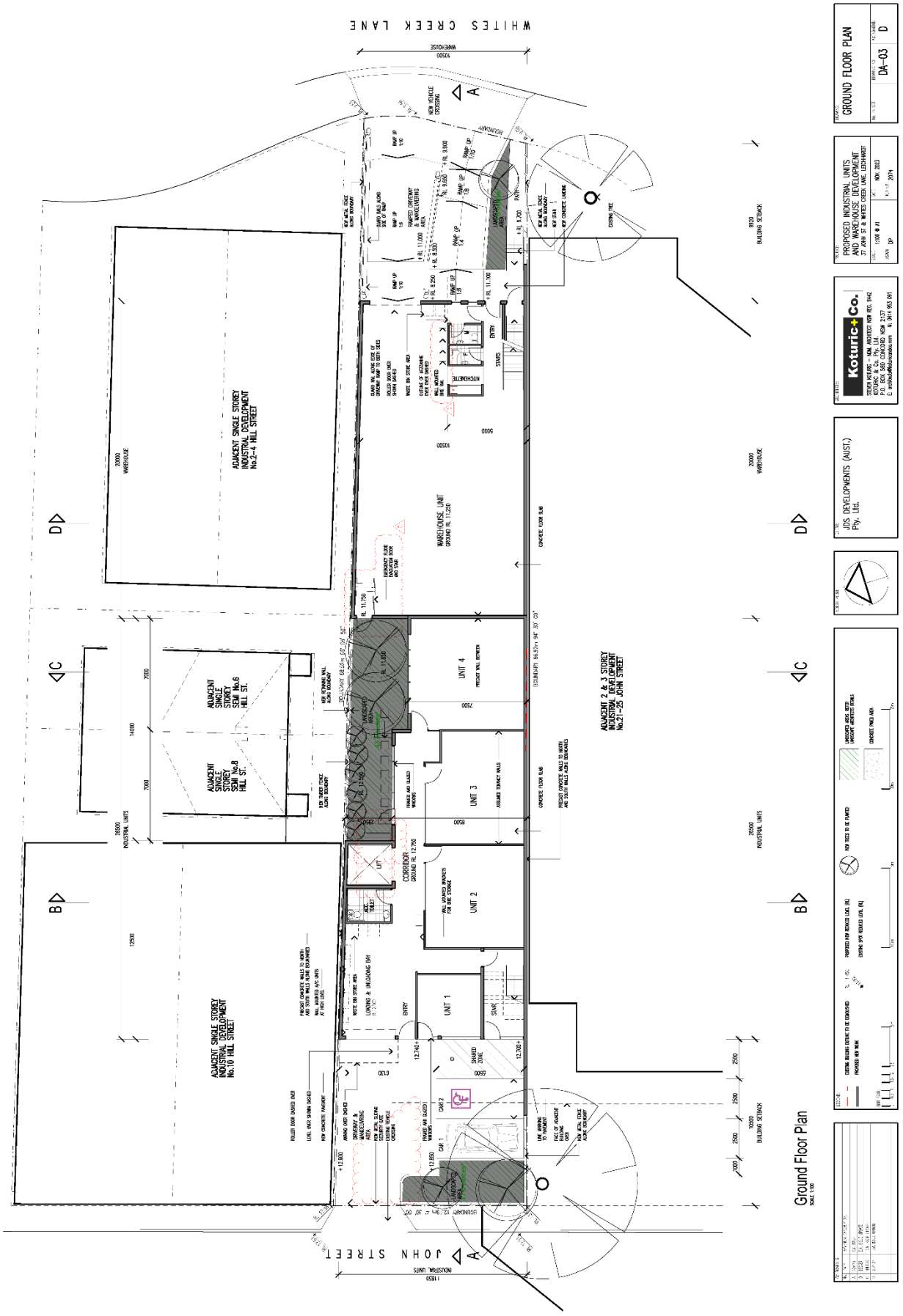
3. The proposal is considered to result in adverse environmental impacts pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979.*

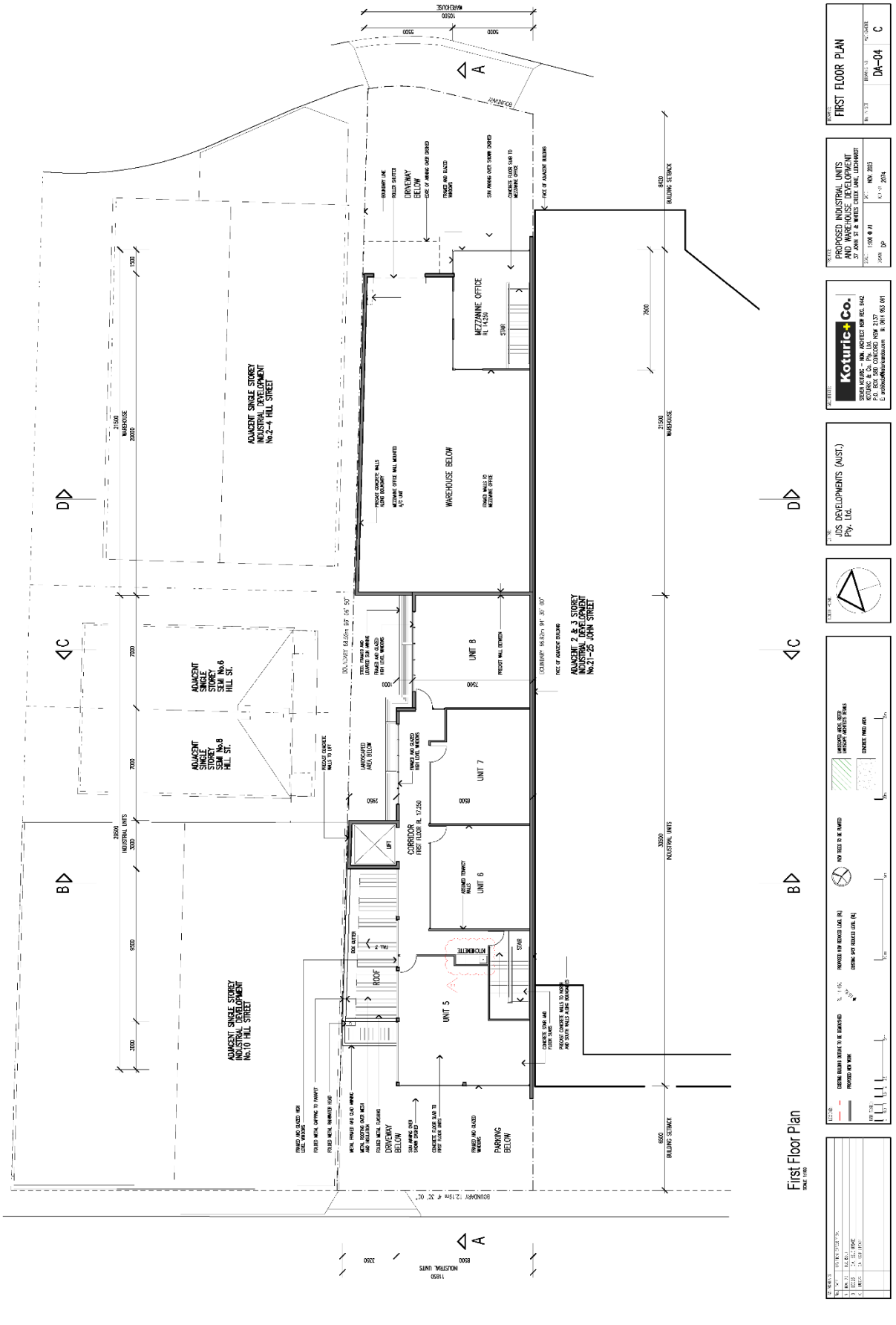
4. The subject site is considered unsuitable for the proposed development pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979.*

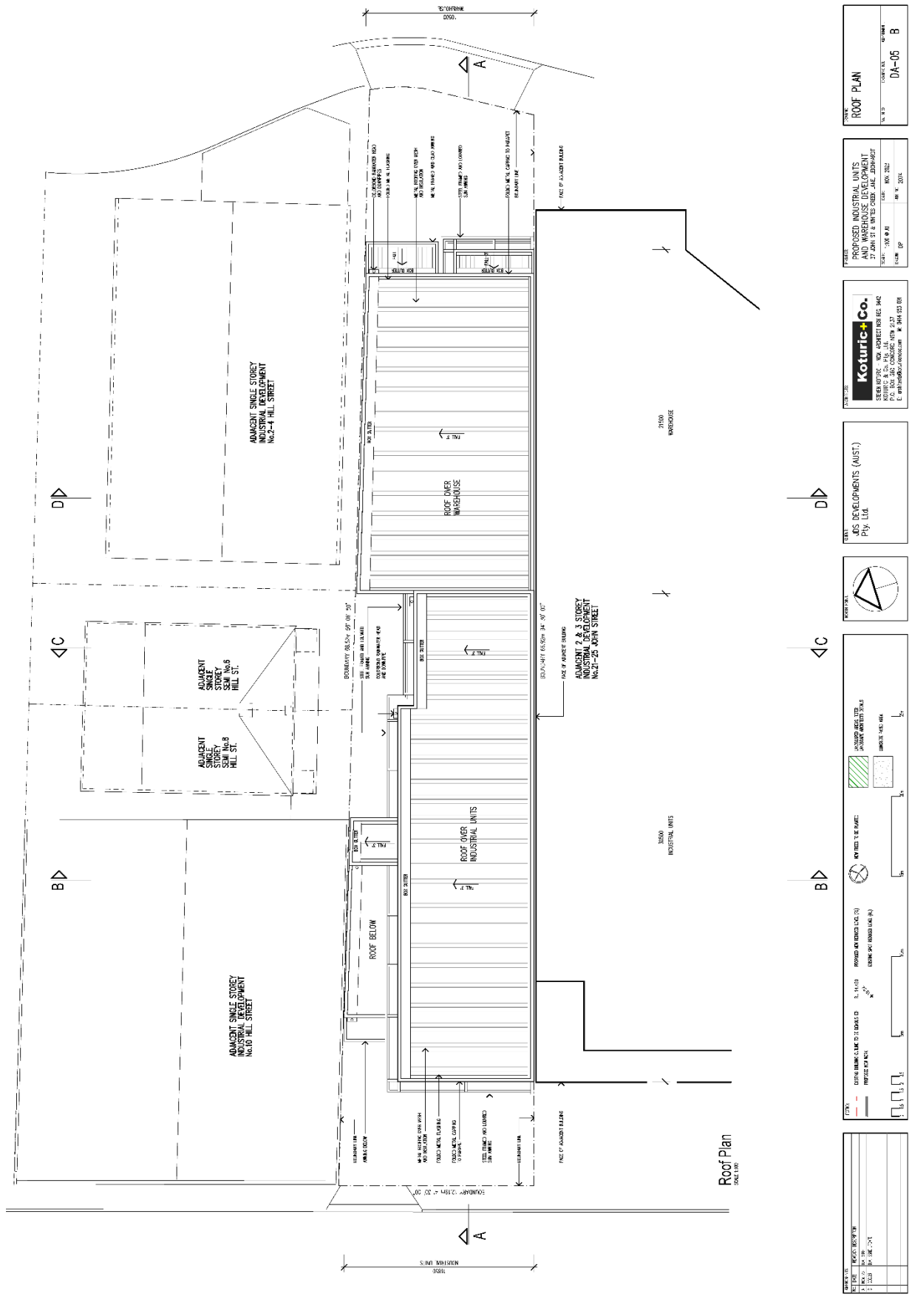
5. The proposal is considered contrary to public interest pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979.*

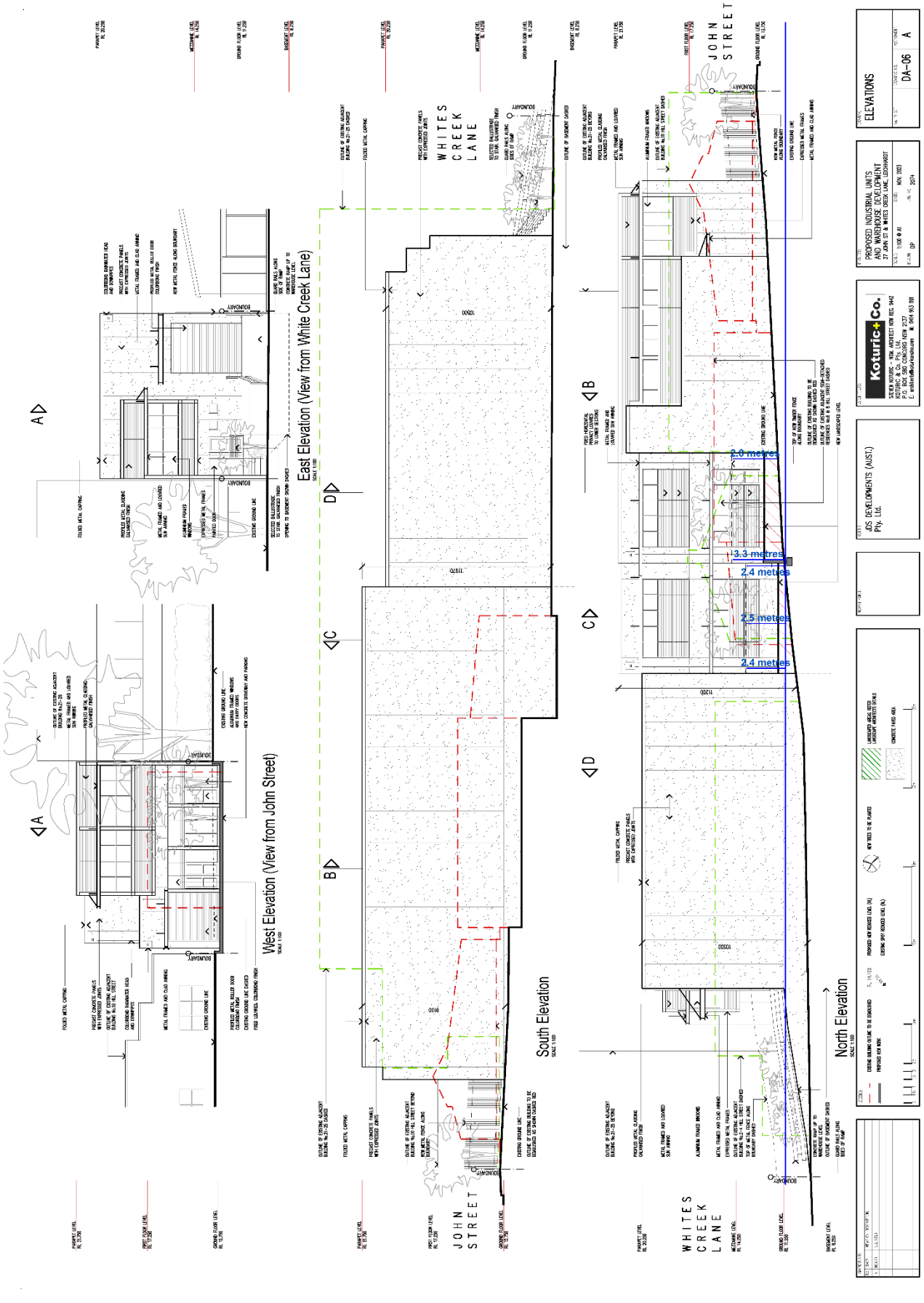
Attachment B – Plans of proposed development

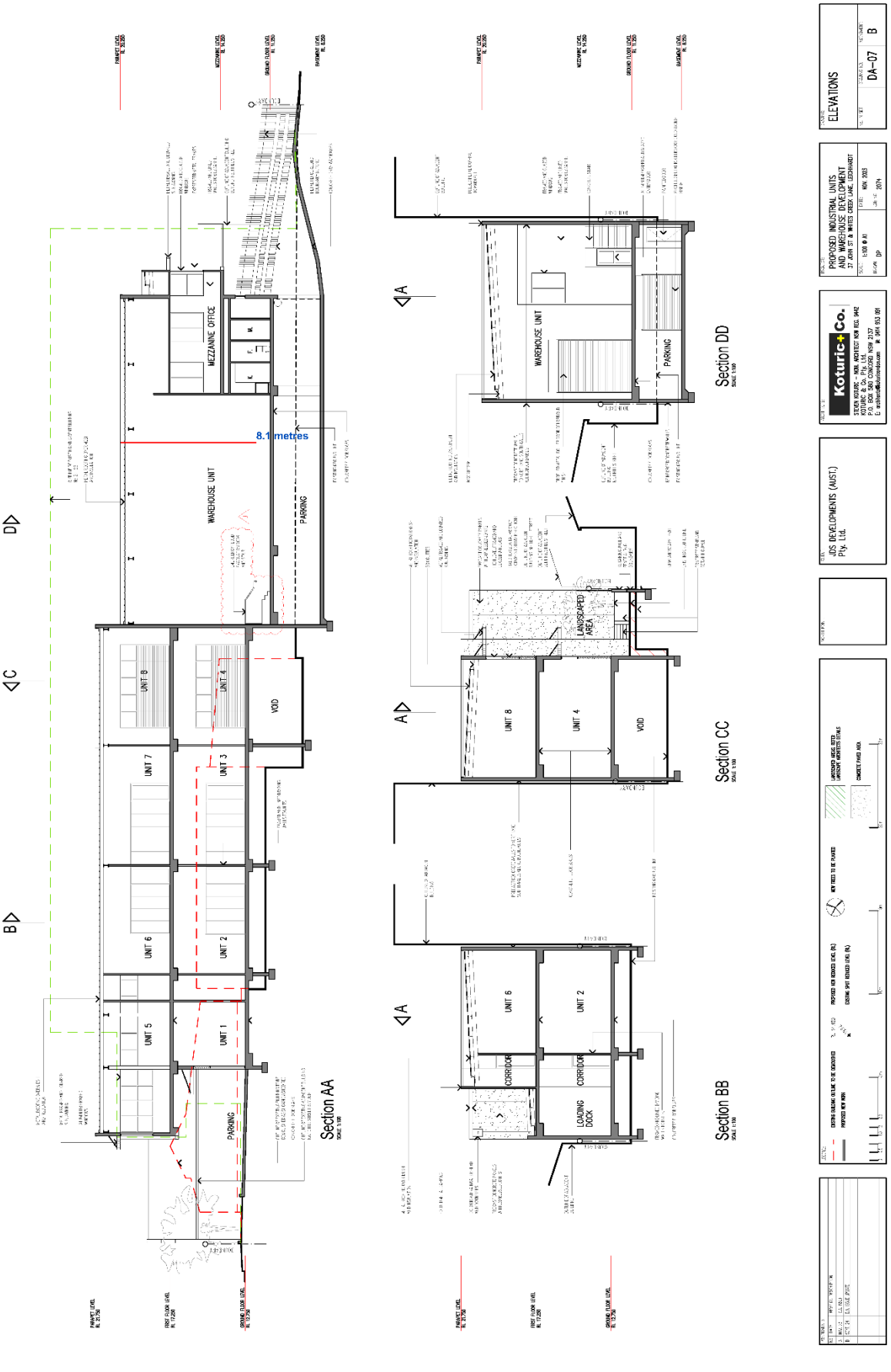


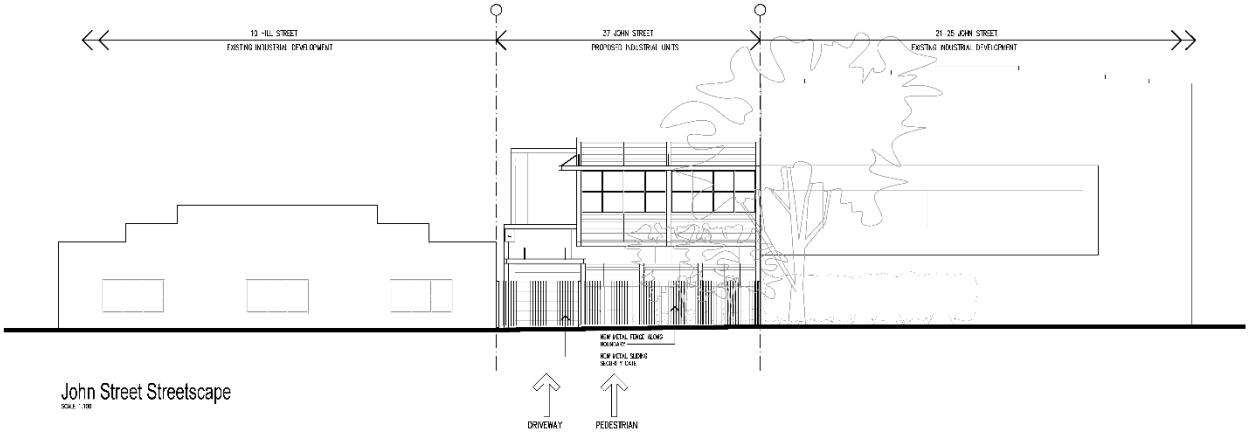

WHITES CREEK LANE
JOHN STREET
WAREHOUSE UNIT
UNIT 1
UNIT 2
UNIT 3
UNIT 4
CORRIDOR
ADJACENT SINGLE STOREY INDUSTRIAL DEVELOPMENT No.2-4 HILL STREET
ADJACENT SINGLE STOREY No.6 HILL ST.
ADJACENT SINGLE STOREY No.8 HILL ST.
ADJACENT SINGLE STOREY INDUSTRIAL DEVELOPMENT No.10 HILL STREET
ADJACENT 2 & 3 STOREY INDUSTRIAL DEVELOPMENT No.21-25 JOHN STREET
BUILDING SETBACK
Ground Floor Plan
SCALE 1:100
GROUND FLOOR PLAN
DA-03
D
PROPOSED INDUSTRIAL UNITS AND WAREHOUSE DEVELOPMENT
37 JOHN ST & WHITES CREEK LANE, LEICHHARDT
NOV. 2013
JDS DEVELOPMENTS (AUST.) Pty. Ltd.
Koturic+Co.


First Floor Plan
FIRST FLOOR PLAN
DA-04
PROPOSED INDUSTRIAL UNITS AND WAREHOUSE DEVELOPMENT
37 JOHN ST & WATTLE CREEK LANE, LEICHHARDT
JDS DEVELOPMENTS (AUST.) Pty. Ltd.
Koturic+Co.
WAREHOUSE BELOW
MEZZANINE OFFICE
UNIT 8
UNIT 7
UNIT 6
UNIT 5
CORRIDOR
ROOF
DRIVEWAY BELOW
PARKING BELOW
ADJACENT SINGLE STOREY INDUSTRIAL DEVELOPMENT No.2-4 HILL STREET
ADJACENT SINGLE STOREY SEMI No.6 HILL ST.
ADJACENT SINGLE STOREY SEMI No.8 HILL ST.
ADJACENT SINGLE STOREY INDUSTRIAL DEVELOPMENT No.10 HILL STREET
ADJACENT 2 & 3 STOREY INDUSTRIAL DEVELOPMENT No.21-25 JOHN STREET
BUILDING SETBACK
INDUSTRIAL UNITS
WAREHOUSE

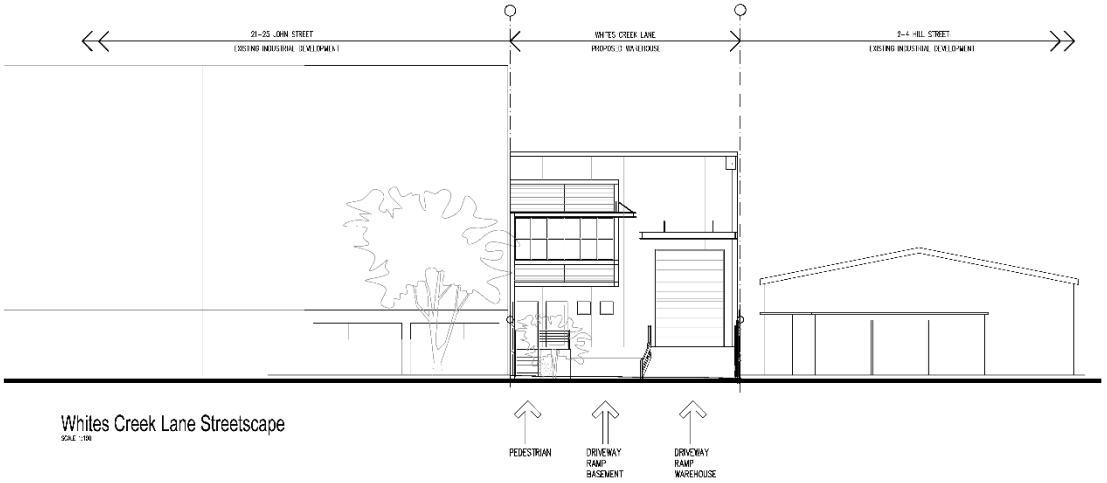

ADJACENT SINGLE STOREY INDUSTRIAL DEVELOPMENT No.2-4 HILL STREET
ADJACENT SINGLE STOREY No.6 HILL ST.
ADJACENT SINGLE STOREY No.8 HILL ST.
ADJACENT SINGLE STOREY INDUSTRIAL DEVELOPMENT No.10 HILL STREET
ADJACENT 2 & 3 STOREY INDUSTRIAL DEVELOPMENT No.21-25 JOHN STREET
ROOF OVER WAREHOUSE
ROOF OVER INDUSTRIAL UNITS
ROOF BELOW
21500 WAREHOUSE
39500 INDUSTRIAL UNITS
Roof Plan
ROOF PLAN
DA-05 B
PROPOSED INDUSTRIAL UNITS AND WAREHOUSE DEVELOPMENT
Koturic+Co.
JDS DEVELOPMENTS (AUST.) Pty Ltd


East Elevation (View from White Creek Lane)
West Elevation (View from John Street)
South Elevation
North Elevation
WHITES CREEK LANE
JOHN STREET
2.0 metres
3.3 metres
2.4 metres
2.5 metres
2.4 metres
ELEVATIONS
DA–06
PROPOSED INDUSTRIAL UNITS AND WAREHOUSE DEVELOPMENT
37 JOHN ST & WHITES CREEK LANE, LEICHHARDT
JDS DEVELOPMENTS (AUST) Pty. Ltd.
Koturic+Co.


Section AA
Section BB
Section CC
Section DD
8.1 metres
MEZZANINE OFFICE
WAREHOUSE UNIT
PARKING
UNIT 1
UNIT 2
UNIT 3
UNIT 4
UNIT 5
UNIT 6
UNIT 7
UNIT 8
VOID
LANDSCAPED AREA
CORRIDOR
LOADING DOCK
ELEVATIONS
DA–07
PROPOSED INDUSTRIAL UNITS AND WAREHOUSE DEVELOPMENT
JDS DEVELOPMENTS (AUST) Pty. Ltd.
Koturic+Co.



John Street Streetscape
SCALE 1:100



Whites Creek Lane Streetscape
SCALE 1:100

AMENDMENTS		
NO	DATE	REVISION DESCRIPTION
A	NOV 22	DA ISSUE

SCALE

CLIENT
JDS DEVELOPMENTS (AUST.) Pty. Ltd.

ARCHITECTS
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PROJECT
PROPOSED INDUSTRIAL UNITS AND WAREHOUSE DEVELOPMENT
27 JOHN ST & WHITES CREEK LANE, LEICHHARDT

SCALE:	1:100 @ A1	DATE:	NOV. 2022
DRAWN	DP	JOB NO.	2074

DRAWING
STREETSCAPE CHARACTER ANALYSIS

DA NO.	DRAWING NO.	AMENDMENT
	DA-10	A


East Elevation
West Elevation
MATERIAL/COLOUR SCHEDULE
DA-12
PROPOSED INDUSTRIAL UNITS AND WAREHOUSE DEVELOPMENT
JDS DEVELOPMENTS (AUST.) Pty. Ltd.
Koturic+Co.


PLANT SCHEDULE
CODE
PLANT NAME
COMMON NAME
AV. MATURE HT.
No.
POT SIZE (mm)
SITE KEY
LANDSCAPE PLAN KEY
WHITES CREEK LANE
JOHN STREET
EXISTING SITE
ADJACENT SINGLE STOREY INDUSTRIAL DEVELOPMENT No.2-4 HILL STREET
ADJACENT SINGLE STOREY SEMI No.6 HILL ST.
ADJACENT SINGLE STOREY SEMI No.8 HILL ST.
ADJACENT SINGLE STOREY INDUSTRIAL DEVELOPMENT No.10 HILL STREET
WAREHOUSE UNIT
GROUND RL 11.250
ADJACENT 2 & 3 STOREY INDUSTRIAL DEVELOPMENT No.21-25 JOHN STREET
SPECIFICATION
LANDSCAPE PLAN

Attachment C – Recommended conditions of consent if approved

GENERAL CONDITIONS

	Condition
1.	**Signage Lighting** No signage lighting is approved as part of the proposed development. Reason: To protect the amenity of the neighbourhood.
2.	**Works Outside the Property Boundary** This development consent does not authorise works outside the property boundaries on adjoining lands. Reason: To ensure works are in accordance with the consent.
3.	**Car Parking** Prior to the issue of a Construction Certificate, the Certifying Authority is to be provided with amended plans which demonstrate: 1. the deletion of the basement/underground carpark to the warehouse on Whites Creek Lane a. an open car space (x 1 car space) above the flood planning level is provided to the warehouse at Whites Creek Lane. 2. the loading/unloading dock to the warehouse on Whites Creek Lane is to be provided inside the warehouse and not on a steep ramp. a. the ramp grades and changes in grade are to be amended to comply with Table 3.2 (including note (a)) and Table 3.3 of AS2890.2 for a small rigid vehicle. 3. the deletion of the carparking to the industrial units on John Street. a. an open car space (minimum of x2 car spaces, and a maximum of x3 car spaces) above the flood planning level is provided to the industrial units on John Street. Reason: To ensure parking facilities are designed in accordance with the Australian Standard and Council's DCP; and are constructed above the flood planning levels for the flood identified lot.
4.	**Documents related to the consent** The development must be carried out in accordance with plans and documents listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
2074 – DA-02 – D	Ground Floor Plan	Sept 2024	Koturic & Co.
2074 – DA-03 – D	Ground Floor Plan	Sept 2024	Koturic & Co.
2074 – DA-04 – C	First Floor Plan	July 2024	Koturic & Co.
2074 – DA-05 – B	Roof Plan	Dec 2023	Koturic & Co.
2074 – DA-06 – A	Ground Floor Plan	Nov 2023	Koturic & Co.

2074 – DA-07 – B	Ground Floor Plan	Sept 2024	Koturic & Co.
2074 – DA-10 – A	Streetscape Character Analysis	Nov 2023	Koturic & Co.
2074 – DA-12 – A	Material/Colour Schedule	Nov 2023	Koturic & Co.
601-L1 – Rev C	Landscape Plan	01 June 2023	Impact Planners
1999.01H – Sheet 1 of 9 – Issue F	Notes & Standard Details	15 July 2024	Nitma Consulting
1999.01H – Sheet 2 of 9 – Issue F	Erosion & Sediment Control Plan	15 July 2024	Nitma Consulting
1999.01H – Sheet 3 of 9 – Issue F	Drainage Plan	15 July 2024	Nitma Consulting
1999.01H – Sheet 4 of 9 – Issue F	Drainage Plan	15 July 2024	Nitma Consulting
1999.01H – Sheet 5 of 9 – Issue F	Drainage Plan	15 July 2024	Nitma Consulting
1999.01H – Sheet 6 of 9 – Issue F	Drainage Plan	15 July 2024	Nitma Consulting
1999.01H – Sheet 7 of 9 – Issue F	OSD Details	15 July 2024	Nitma Consulting
1999.01H – Sheet 8 of 9 – Issue F	Pumpwell Details	15 July 2024	Nitma Consulting
1999.01H – Sheet 9 of 9 – Issue F	Drains Results	15 July 2024	Nitma Consulting
R-J1104-092024-V1	Flood Risk Management Study	17 September 2024	HydroStorm Consulting
GS6243-2A	Geotechnical Investigation Report	15 July 2024	Aargus
ES9139	Remediation Action Plan	17 November 2023	Aargus
C2023060	Building Code of Australia Report	16 December 2023	360 Certification (Mosman Certifiers)
nss23972 – Final Rev. A	Commercial Noise Assessment for a Proposed Industrial Development	November 2023	Noise and Sound Services
Document Name		**Date Issued**	**Prepared By**
Traffic Impact Assessment with Car Park Certification		July 2024	Solution Traffic Engineers

As amended by the conditions of consent.

Reason: To ensure development is carried out in accordance with the approved documents.

5.	**Bin Storage**
	All bins are to be stored within the site. Reason: To ensure resource recovery is promoted and residential amenity is protected.
6.	**Asbestos Removal**
	A demolition or asbestos removal contractor licensed under the Work Health and Safety Regulations 2011 must undertake removal of more than 10m2 of bonded asbestos (or otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by a contractor that holds a current Class A Friable Asbestos Removal Licence. Demolition sites that involve the removal of asbestos must display a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to an approved waste facility. All asbestos waste must be stored, transported and disposed of in compliance with the Protection of the Environment Operations (Waste) Regulation 2014. All receipts detailing method and location of disposal must be submitted to Council as evidence of correct disposal. Reason: To ensure compliance with the relevant environmental legislation.
7.	**Storage of Hazardous and Dangerous Goods**
	Dangerous and hazardous goods must be stored in accordance with NSW WorkCover requirements and AS1940-2004, The Storage and Handling of Flammable and Combustible Liquids. Reason: To ensure compliance with the relevant environmental legislation and Australian Standards.
8.	**Contamination – Remedial Action Plan (No Site Auditor Engaged)**
	The site is to be remediated and validated in accordance with the recommendations set out in the Remedial Action Plan, prepared by Aargus Pty Ltd, reference Document Number: ES9139 dated 17th November 2023, the *Contaminated Land Management Act 1997* and Chapter 4 - Remediation of Land of the *State Environmental Planning Policy (Resilience and Hazards) 2021.* Reason: To protect the amenity of the neighbourhood from contamination and ensure that the development is carried out in accordance with the consent.

9.	**Noise – Consultant's Recommendations**
	The recommendations contained in the acoustic report prepared by Noise and Sound Services Pty Ltd, reference Report No. nss23972-Final Rev.A dated November 2023 must be implemented. Reason: To protect the amenity of the neighbourhood and ensure that the development is carried out in accordance with the consent.
10.	**Tree Pruning or Removal (including root pruning/mapping)**
	Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and must be retained and protected in accordance with the approved Tree Protection Plan. Reason: To protect and retain trees.
11.	**Consent of Adjoining Property and Owners**
	This consent does not authorise the applicant, or the contractor engaged to do the tree works to enter a neighbouring property. Where access to adjacent land is required to carry out approved tree works, Council advises that the owner's consent must be sought. Notification is the responsibility of the person acting on the consent. Should the tree owner/s refuse access to their land, the person acting on the consent must meet the requirements of the Access To Neighbouring Lands Act 2000 to seek access. Reason: To meet the requirements of the Access to Neighbouring Lands Act 2000.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
12.	**Hazardous Materials Survey**
	Prior to any demolition or the issue of a Construction Certificate (whichever occurs first), the Certifying Authority must provide a hazardous materials survey to Council. The survey shall be prepared by a suitably qualified Occupational Hygienist and is to incorporate appropriate hazardous material removal and disposal methods in accordance with the requirements of SafeWork NSW. A copy of any SafeWork NSW approval documents is to be included as part of the documentation. Reason: To ensure compliance with the requirements of SafeWork NSW.
13.	**Design Change**
	Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans demonstrating the following: a. An unencumbered overland flow path of stormwater and flood water is provided to the northern boundary of the subject site by a minimum of 900mm. This also allows an unencumbered evacuation of the Warehouse

	Unit at Whites Creek Lane to John Street is provided via a side boundary setback to the northern boundary. Shelter in place is not acceptable. Reason: To ensure that the design changes respond to the subject site being a Flood Identified Lot.
14.	**Long Service Levy**
	Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid at the prescribed rate of 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing $250,000 or more. Reason: To ensure the long service levy is paid.
15.	**Waste Transfer Route**
	Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a plan demonstrating that the path of travel between the bin storage area and the designated waste/recycling collection point has a minimum 1200mm wall-to-wall clearance, is slip-proof, of a hard surface, free of obstructions and at no point has a gradient exceeding 1:14 if 240L bins are used, and 1:40 if 660L bins are used. Reason: To require details of measures that will protect residents and staff or tenants during the operational phase of the development.
16.	**Resource Recovery and Waste Management Plan - Demolition and Construction**
	Prior to any demolition works, the Certifying Authority must be provided with a Resource Recovery and Waste Management Plan - Demolition and Construction that includes details of materials that will be excavated and their proposed destination or reuse. Reason: To ensure resource recovery is promoted and local amenity protected during construction.
17.	**Aircraft Noise – Acoustic Report (ANEF20-25 or Greater)**
	Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an acoustic report that meets the relevant provisions of Australian Standard AS 2021:2000 Acoustics – Aircraft noise intrusion – Building siting and construction. The recommendations of the report are to be indicated on the architectural plans. Reason: To ensure compliance with the relevant Australian Standard.
18.	**Bin Storage Area**
	Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a Waste and Recycling Management Plan. The submitted Waste and Recycling Management Plan must demonstrate that that the bin storage area will accommodate the number of bins required for all waste and recycling generated by a development of this type and scale. The number of bins required must be calculated based on a weekly collection of garbage, a weekly collection of organics which includes food and garden organics (FOGO), and a fortnightly collection of mixed recycling.

The area must also include 50% allowance for manoeuvring of bins. The bin storage area is to be located away from habitable rooms, windows, doors and private useable open space, and to minimise potential impacts on neighbours in terms of aesthetics, noise and odour.

The bin storage area is to meet the design requirements detailed in the Development Control Plan.

Reason: To ensure resource recovery is promoted and local amenity protected.

19. **Section 7.11 Contribution**

In accordance with section 7.11 of the *Environmental Planning and Assessment Act 1979* and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), the following monetary contributions shall be paid to Council to cater for the increased demand for local infrastructure resulting from the development:

Contribution Category	**Amount**
Open Space & Recreation	$6,441.00
Community Facilities	$0.00
Transport	$16,490.00
Plan Administration	$831.00
Drainage	$4,438.00
TOTAL	**$28,651.00**

At the time of payment, the contributions payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:

Cpayment = Cconsent x (CPIpayment ÷ CPIconsent)

Where:

Cpayment = is the contribution at time of payment

Cconsent = is the contribution at the time of consent, as shown above

CPIconsent = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being 139.8 for the quarter of September 2024.

CPIpayment = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment

Note: The contribution payable will not be less than the contribution specified in this condition.

The monetary contributions must be paid to Council (i) if the development is for subdivision – prior to the issue of the subdivision certificate, or (ii) if the development is for building work – prior to the issue of the first construction certificate, or (iii) if the development involves both subdivision and building work – prior to issue of the subdivision certificate or first construction certificate, whichever occurs first, or (iv) if

	the development does not require a construction certificate or subdivision certificate – prior to the works commencing. It is the professional responsibility of the principal certifying authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes. Council's Plan may be viewed at www.innerwest.nsw.gov.au or during normal business hours at any of Council's customer service centres. Please contact any of Council's customer service centres at council@innerwest.nsw.gov.au or 9392 5000 to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued. Once the invoice is obtained, payment may be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to www.innerwest.nsw.gov.au/invoice; please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049). The invoice will be valid for 3 months. If the contribution is not paid by this time, please contact Council's customer service centres to obtain an updated invoice. The contribution amount will be adjusted to reflect the latest value of the Consumer Price Index (All Groups Index) for Sydney. Reason: To ensure payment of the required development contribution.
20.	**Overland Flow path**
	Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans certified by a suitably qualified Civil Engineer detailing hydrologic and hydraulic calculations for the overland flow path along the northern side boundary setback for the entirety of the subject site from John Street through to Whites Creek Lane, and the capacity of the system and measures necessary to protect the premises in a 1 in 100 year ARI storm event and the requirements of Council's Flood Planning Policy. Reason: To ensure that the adequate provision of stormwater drainage is provided.
21.	**Concealment of Plumbing and Ductwork**
	Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with plans detailing the method of concealment of all plumbing and ductwork (excluding stormwater downpipes) within the outer walls of the building so they are not visible. Reason: To protect the visual amenity of the neighbourhood.
22.	**Fibre-ready Facilities**
	Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with evidence that arrangements have been made for: The installation of fibre-ready facilities to all individual lots and/or premises the development so as to enable fibre to be readily connected to any premises that is

	being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose. The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises the development demonstrated through an agreement with a carrier. Reason: To ensure relevant utility and service provides' requirements are provided to the certifier.
23.	**Acoustic Report – Aircraft Noise** Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with amended plans detailing the recommendations of an acoustic report prepared by a suitably qualified Acoustic Engineer demonstrating compliance of the development with the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction. Reason: To ensure all noise attenuation is in accordance with the relevant Australian Standard.
24.	**Sydney Water – Tap In** Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Note: Please refer to the web site http://www.sydneywater.com.au/tapin/index.htm for details on the process or telephone 13 20 92. Reason: To ensure relevant utility and service provides requirements are provided to the certifier.
25.	**Noise General – Acoustic Report** Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with an acoustic report demonstrating that noise and vibration from the operation of the premises will satisfy the relevant provisions of the *Protection of the Environment Operations Act 1997* and Regulations and relevant state and local policies and guidelines. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans. Reason: To protect the amenity of the neighbourhood.
26.	**Construction Methods to Minimise Impact on Trees** Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with details certified by the Project Arborist demonstrating that the concrete slab of the approved driveway and carparking area on the John STreet frontage will utilise tree sensitive construction techniques within the specified radius of the trunk/s of the following tree/s should woody roots that are not approved for pruning be encountered:

Tree No.	Species	Radius in metres
1	Jacaranda mimosifolia	5.9m

	Prior to the issue of a Construction Certificate, the Certifying Authority must verify that no proposed underground services are located beneath the canopy of any prescribed tree/s located on the subject site and adjoining sites (including trees located within the public domain). Reason: To mitigate the impact of the work on trees to be retained.

BEFORE BUILDING WORK COMMENCES

	Condition
27.	**Construction Fencing** Prior to the commencement of any works (including demolition), the site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property. Reason: To protect the built environment from construction works.
28.	**Erosion and Sediment Control** Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site. Reason: To ensure resource recovery is promoted and local amenity is maintained.
29.	**Waste Management Plan** Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan. Reason: To ensure resource recovery is promoted and local amenity is maintained.
30.	**Construction Traffic Management Plan** Prior to any works commencing, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP) to cater for construction prepared by a person with RMS accreditation to prepare a work zone traffic management plan. Details must include haulage routes, estimated number of vehicle movements, truck parking areas, work zones, crane usage, etc., related to demolition/construction activities. A work zone approval must be obtained. If in the opinion of Council, TfNSW or the NSW Police the works results in unforeseen traffic congestion or unsafe work conditions the site may be shut down and alternative Traffic Control arrangements shall be implemented to remedy the situation. In this regard you shall obey any lawful direction from the NSW Police or a Council officer if so required. Any approved CTMP must include this as a note." Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

31.	**Construction Traffic Management Plan – Detailed**
	Prior to any building work, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP), prepared by an appropriately qualified Traffic Management Consultant with Transport for NSW accreditation. The Certifying Authority must approved by the CTMP prior to the commencement of any works, including demolition. The Certifying Authority must ensure that the CTMP instructs vehicles to use State and Regional and Collector Roads to the maximum extent with the use of Local Roads as final approach to the development site via the most suitable direct route. The following matters should be addressed in the CTMP (where applicable): a. Description of the demolition, excavation and construction works; b. Site plan/s showing the site, roads, footpaths, site access points and vehicular movements; c. Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site); d. Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network; e. Impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways; f. Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.); g. Proposed hours of construction related activities and vehicular movements to and from the site; h. Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority); i. Any activities proposed to be located or impact upon Council's road, footways or any public place; j. Measures to maintain public safety and convenience; k. Any proposed road and/or footpath closures; l. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site; m. Locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council; n. Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road); o. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries; p. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected; q. On-site parking area for employees, tradespersons and construction vehicles as far as possible; r. Proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and s. How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways. t. Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance.

	If in the opinion of Council, TfNSW or the NSW Police the works results in unforeseen traffic congestion or unsafe work conditions the site may be shut down and alternative Traffic Control arrangements shall be implemented to remedy the situation. In this regard you shall obey any lawful direction from the NSW Police or a Council officer if so required. Any approved CTMP must include this as a note. Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.
32.	**Hoardings**
	The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing. If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property. Separate approval is required from the Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property. Reason: To ensure the site is secure and that the required permits are obtained if enclosing public land.
33.	**Project Arborist**
	Prior to the commencement of any demolition or construction works within close proximity to protected trees a Project Arborist must be engaged for the duration of the site preparation, demolition, construction and landscaping to supervise works. Details of the Project Arborist must be submitted to the Certifying Authority before work commences. Reason: To protect and retain trees.

DURING BUILDING WORK

	Condition
34.	**Advising Neighbours Prior to Excavation**
	At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, reasonable notice must be provided to the owner of the adjoining allotment of land including particulars of the excavation. Reason: To ensure surrounding properties are adequately notified of the proposed works.
35.	**Construction Hours – Class 1 and 10**
	Unless otherwise approved by Council, excavation, demolition, construction or subdivision work are only permitted between the hours of 7:00am to 5.00pm, Mondays to Saturdays (inclusive) with no works permitted on, Sundays or Public Holidays. Reason: To protect the amenity of the neighbourhood.

36.	**Imported Fill Materials**
	All imported fill on the site shall be validated as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM), in accordance with NSW Environment Protection Authority guidelines, 'Consultants Reporting on Contaminated Sites' (August 2011) to ensure the imported fill is suitable for the proposed land use. All fill imported onto the site shall be validated by either one or both of the following methods: a. Imported fill be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or b. Sampling and analysis of the fill material be conducted in accordance with NSW Environment Protection Authority's Sampling Design Guidelines (September 1995). Reason: To protect the amenity of the neighbourhood from contamination.
37.	**Contamination – New Evidence**
	Any new information revealed during demolition, remediation or construction works that have the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Certifying Authority. Reason: To protect the amenity of the neighbourhood from contamination.
38.	**Tree Protection Works**
	All tree protection for the site must be undertaken in accordance with Council's Development Fact Sheet—Trees on Development Sites and AS4970—Protection of trees on development sites. Reason: To protect and retain trees.
39.	**Arborists standards**
	All tree work must be undertaken by a practicing Arborist. The work must be undertaken in accordance with AS4373—Pruning of amenity trees and the Safe Work Australia Code of Practice—Guide to Managing Risks of Tree Trimming and Removal Work. Any works in the vicinity of the Low Voltage Overhead Network (including service lines—pole to house connections) must be undertaken by an approved Network Service Provider contractor for the management of vegetation conflicting with such services. Contact the relevant Network Service Provider for further advice in this regard. Reason: To ensure compliance with legislative requirements.
40.	**Limited Root Pruning**
	No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following tree/s may be severed or injured in the process of any works during the construction period:

Tree No.	Species	Radius in metres
1	Jacaranda mimosifolia	5.9m

	All excavation within the specified radius of the trunk of the following tree(s) being hand dug to a depth of 1m under direct supervision of the Project Arborist and then by mechanical means as agreed by the Project Arborist. If tree roots less than 50mm diameter are required to be severed for the purposes of constructing the approved works, they must be cut cleanly using a sharp and fit for purpose tool. The pruning must be undertaken by a practicing Arborist. Note – The installation of services must be undertaken accordingly. Reason: To protect and retain trees.
41.	**Canopy and Root Pruning** Canopy pruning of the following tree which is necessary to accommodate the approved building works must be undertaken by, or directly supervised by, the Project Arborist. **Tree No.** | **Species** | **Location** 2 | Celtis sinensis | adjacent south-eastern corner - within 35 John Street The person acting on this consent has approval under Council's Tree Management Controls to; prune the above tree to achieve a clearance of the structure. Pruning is limited to those branches that will come into direct contact the built structure and where branch diameter (at its point of attachment) does not exceed 40 mm. Reason: To protect and retain trees.
42.	**Inspections by Project Arborist** An Arborist with minimum qualifications in Arboriculture of Level 5 (under the Australian Qualification Framework) must oversee various stages of work within the Tree Protection Zone of any tree listed for retention including street trees. The Arborist must certify compliance with each key milestone detailed below: 1. The installation of tree protection measures prior to the commencement of any construction works; a. During demolition of any ground surface materials (pavers, concrete, grass etc.) within the Tree Protection Zone (TPZ) of any tree to be retained; b. During construction of the new driveway and carparking area within the TPZ of tree 1; c. During any excavation and trenching within the Tree Protection Zone; d. During any Landscape works within the TPZ which has been approved by Council. 2. An Aboricultural Compliance Report which includes photographic evidence and provides details on the health and structure of tree/s must be submitted to and acknowledged by PCA at each hold-point listed below: a. Certification that tree protection measures have been installed in accordance with these consent conditions.

	b. Certification of compliance with each key milestone listed above within 48 hours of completion; c. Monthly reporting for the duration of construction and development works within the site; d. Details of any other works undertaken on any tree to be retained or any works within the TPZ which has been approved by Council. e. A final compliance report must be submitted to and approved by PCA prior to the issue of any Occupation Certificate. Reason: To protect and retain trees.
43.	**Tree Protection** No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent. Prescribed trees protected by Council's Tree Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent. Any public tree within five (5) metres of the development must be protected in accordance with AS4970—Protection of trees on development sites and Council's Development Fact Sheet—Trees on Development Sites. No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time. The existing trees detailed in Table 2 below must be retained and protected throughout construction and development in accordance with all relevant conditions of consent.

Tree Number	Species	Location
1	Jacaranda mimosifolia	Adjacent south-western corner - within 35 John Street

Reason: To ensure that trees to be retained are protected.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
44.	**Resident Parking Scheme Not Applicable** Prior the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that measures have been put in place to advise future owners and occupants or tenants of the proposed building that they are not eligible to obtain parking permits under any existing or future resident parking scheme for the area. The person acting on this Development Consent shall advise any purchaser or prospective tenant of this condition. All developments that are excluded from Permit Parking Schemes can be found in Councils Public Domain Parking Policy. Reason: To provide transparency in the application of the Resident Parking Scheme.

45.	**Contamination – Validation (Site Audit Statement Required)**
	Prior to the issue of an Occupation Certificate, the Principal Certifier and Council must be provided with a Section A Site Audit Statement prepared by a NSW Environment Protection Authority accredited Site Auditor. The Site Audit Statement must confirm that the site has been remediated in accordance with the Remedial Action Plan and clearly state that the site is suitable for the proposed use. Reason: To protect the amenity of the neighbourhood from contamination.
46.	**Plan of Management**
	Prior to the issue of a Construction Certificate, the Principal Certifier must be provided with a Plan of Management for the operation of the premises that addresses the following: a. Compliance with the relevant conditions of approval; b. Minimise the potential impact of the operation of the premises on nearby residents; c. Effectively minimise and manage anti-social behaviour; d. Minimise noise emissions and associated nuisances; e. Effectively manage and respond to resident complaints; and f. Outlines the approved trading hours. Reason: To protect the amenity of the neighbourhood.
47.	**Light Duty Vehicle Crossing**
	Prior to the issue of a Construction Certificate, the Principal Certifier must ensure that a light duty concrete vehicle crossing(s) to both Whites Creek Lane and John Street, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" have been constructed at the vehicular access locations. Prior to the commencement of any demolition works and prior to the issue of a Construction Certificate the Principal Certifier is to be provided with evidence that approval from Sydney Water was obtained by the applicant to create a vehicle crossover and driveway over the Canal on Whites Creek Lane. Reason: To ensure parking facilities are designed in accordance with the Australian Standard and council's specifications, and to ensure that appropriate Landowners Consent is obtained prior to any works. .
48.	**No Encroachments**
	Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council. Reason: To maintain and promote vehicular and pedestrian safety.

49.	**Contamination – Validation (No Site Audit Statement Required)**
	Prior to the issue of an Occupation Certificate, the Principal Certifier and Council must be provided with a Site Validation Report prepared by a suitably qualified environmental consultant with experience in land contamination. The Validation report must be prepared in accordance with relevant NSW Environment Protection Authority guidelines, including the guidelines *Consultants Reporting on Contaminated Sites* and must confirm that the site has been remediated in accordance with the Remedial Action Plan and clearly state that the site is suitable for the proposed use. Reason: To protect the amenity of the neighbourhood from contamination.
50.	**Contamination – Disposal of Soil**
	Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a validation report confirming that all off site disposal of soil has been classified, removed and disposed of in accordance with the NSW DECC Waste Classification Guidelines, Part 1: Classifying Waste (EPA 2014), Protection of the Environment Operations (Waste) Regulation 2014 and the *Protection of the Environmental Operations Act 1997*. Reason: To ensure compliance with the relevant environmental legislation.
51.	**Noise – Acoustic Report**
	Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an acoustic report prepared by suitably qualified acoustic consultant which demonstrates and certifies that noise and vibration emissions from the development comply with the relevant provisions of *the Protection of the Environment Operations Act 1997* and conditions of Council's approval, including any recommendations of the acoustic report referenced in the conditions of the approval. The acoustic report is to be prepared by a suitably qualified and experienced acoustic consultant and any recommendations must be consistent with the approved plans. Reason: To ensure compliance with the relevant Australian Standard.
52.	**Project Arborist Certification**
	Prior to the issue of an Occupation Certificate, the Principal Certifier is to be provided with certification from the Project Arborist that the requirements of the conditions of consent related to the landscape plan/approved tree planting plan and the role of the project arborist have been complied with. Reason: To ensure the protection and ongoing health of trees to be retained.
53.	**Certification of Tree Planting**
	Prior to the issue of any Occupation Certificate a Final Landscape Inspection must be carried out and a certificate issued by Council's Urban Forest officer. This certificate is required to ensure that all tree protection measures, landscaping works, replacement tree planting and the deep soil percentage requirements have been carried out in accordance with the conditions of this consent. To arrange a Final Landscape Inspection please phone 9392-5000 a minimum of 48 hours prior to the required inspection date. An inspection fee will be charged in accordance with the current schedule of rates listed on Council's website. Any secondary inspections will incur a reinspection fee.

	A minimum of 3 x 75 litre size trees, which will attain a minimum mature height of eight (8) metres, must be planted in a suitable locations in the deep soil landscape areas within the property. The purchased trees must meet the requirements of AS2303—*Tree stock for landscape use*. Trees listed as exempt species from Council's Tree Management Development Control Plan, which include fruit trees and species recognised to have a short life span, will not be accepted as suitable replacements. Trees required by this condition must be maintained and protected until they are protected by Council's Tree Management DCP. Any replacement trees found damaged, dying or dead must be replaced with the same species in the same container size within one month with all costs to be borne by the owner. Reason: To ensure appropriate landscaping is undertaken.

OCCUPATION AND ONGOING USE

	Condition
54.	**Ongoing Condition - Use of Industrial Offices and Warehouse** 1. The industrial offices are only to be utilised for the following usage: a. manufacturing of; or b. production of; or c. assembling of; or d. altering of; or e. formulating of; or f. repairing of; or g. renovating of; or h. ornamenting of; or i. finishing of; or j. cleaning of; or k. washing of; or l. dismantling of; or m. transforming of; or n. processing of; or o. recycling of; or p. adapting or servicing of; or q. the research and development of; any goods, substances, food, products or articles for commercial purposes and includes any storage or transportation associated with any of the above activities.

<table>
<tr><td></td><td>These industrial tenancies are not permitted to be used as commercial or business premises or offices.

2. No retail sales are permitted at the warehouse.

Reason: To ensure that the functions of the development are aligned as permitted in the E4 General Industrial Zone of the Inner West Local Environmental Plan 2022.</td></tr>
<tr><td>55.</td><td>Hours of Operation
a. The hours of operation of the premises must not exceed the following:
<table><tr><th>Day</th><th>Hours</th></tr><tr><td>Monday to Friday</td><td>7am to 7pm</td></tr><tr><td>Saturday</td><td>8am to 1pm</td></tr><tr><td>Sunday and Public Holidays</td><td>No hours of operation are permitted on these days</td></tr></table>b. Within the hours of operation, trading hours of the premises must not exceed the following:
<table><tr><th>Day</th><th>Hours</th></tr><tr><td>Monday to Friday</td><td>8:30am to 5:30pm</td></tr><tr><td>Saturday</td><td>9am to 12:30pm</td></tr><tr><td>Sundays and Public Holidays</td><td>No trading hours are permitted on these days</td></tr></table>c. Service is to cease 30 minutes before ceasing of trading hours.

Reason: To protect the amenity of the neighbourhood.</td></tr>
<tr><td>56.</td><td>Noise General
The proposed use of the premises and the operation of all plant and equipment must not give rise to an ‘offensive noise’ as defined in the Protection of the Environment Operations Act 1997 and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government.

Reason: To protect the amenity of the neighbourhood.</td></tr>
<tr><td>57.</td><td>Tree Establishment
If any of the trees planted as a part of this consent are found dead or dying before they reach dimensions where they are subject to the Tree Management Controls/Tree Management DCP they must be replaced in accordance with the relevant conditions.

Reason: To protect and retain trees.</td></tr>
</table>

DEMOLITION WORK

BEFORE DEMOLITION WORK COMMENCES

	Condition
58.	**Construction Traffic Management Plan** Prior to any works commencing, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP) to cater for construction prepared by a person with RMS accreditation to prepare a work zone traffic management plan. Details must include haulage routes, estimated number of vehicle movements, truck parking areas, work zones, crane usage, etc., related to demolition/construction activities. A work zone approval must be obtained. If in the opinion of Council, TfNSW or the NSW Police the works results in unforeseen traffic congestion or unsafe work conditions the site may be shut down and alternative Traffic Control arrangements shall be implemented to remedy the situation. In this regard you shall obey any lawful direction from the NSW Police or a Council officer if so required. Any approved CTMP must include this as a note." Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.
59.	**Construction Traffic Management Plan – Detailed** Prior to any building work, the Certifying Authority, must be provided with a detailed Construction Traffic Management Plan (CTMP), prepared by an appropriately qualified Traffic Management Consultant with Transport for NSW accreditation. The Certifying Authority must approved by the CTMP prior to the commencement of any works, including demolition. The Certifying Authority must ensure that the CTMP instructs vehicles to use State and Regional and Collector Roads to the maximum extent with the use of Local Roads as final approach to the development site via the most suitable direct route. The following matters should be addressed in the CTMP (where applicable): a. Description of the demolition, excavation and construction works; b. Site plan/s showing the site, roads, footpaths, site access points and vehicular movements; c. Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site); d. Proposed route(s) from the arterial (state) road network to the site and the proposed route from the site back to the arterial road network; e. Impacts of the work and vehicular movements on the road network, traffic and pedestrians and proposed methods to safely manage pedestrians and construction related vehicles in the frontage roadways; f. Any Traffic Control Plans (TCP's) proposed to regulate traffic and pedestrian movements for construction activities (such as concrete pours, crane installation/removal etc.); g. Proposed hours of construction related activities and vehicular movements to and from the site; h. Current/proposed approvals from other Agencies and Authorities (including Roads and Maritime Services, Police and State Transit Authority); i. Any activities proposed to be located or impact upon Council's road, footways or any public place; j. Measures to maintain public safety and convenience;

	k. Any proposed road and/or footpath closures; l. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site; m. Locations of work zones (where it is not possible for loading/unloading to occur on the site) in the frontage roadways accompanied by supporting documentation that such work zones have been approved by the Local Traffic Committee and Council; n. Location of any proposed crane and concrete pump and truck standing areas on and off the site (and relevant approvals from Council for plant on road); o. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries; p. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected; q. On-site parking area for employees, tradespersons and construction vehicles as far as possible; r. Proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period; and s. How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways. t. Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance. If in the opinion of Council, TfNSW or the NSW Police the works results in unforeseen traffic congestion or unsafe work conditions the site may be shut down and alternative Traffic Control arrangements shall be implemented to remedy the situation. In this regard you shall obey any lawful direction from the NSW Police or a Council officer if so required. Any approved CTMP must include this as a note. Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.
60.	**Hoardings**
	The person acting on this consent must ensure the site is secured with temporary fencing prior to any works commencing. If the work involves the erection or demolition of a building and is likely to cause pedestrian or vehicular traffic on public roads or Council controlled lands to be obstructed or rendered inconvenient, or building involves the enclosure of public property, a hoarding or fence must be erected between the work site and the public property. An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling onto public property. Separate approval is required from the Council under the Roads Act 1993 to erect a hoarding or temporary fence or awning on public property. Reason: To ensure the site is secure and that the required permits are obtained if enclosing public land.

GENERAL NOTES

1. THE PLUMBER/ DRAINER SHALL INSPECT THE SITE AND CONFIRM THE EXISTING SITE STRUCTURES, SERVICES AND CONDITIONS PRIOR TO PROCEEDING. IF ANY DISCREPANCIES FOUND, CONTACT THE ENGINEER FOR DISCUSSION.

2. ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH RELEVANT AUSTRALIAN STANDARDS, BUILDING CODE OF AUSTRALIA AND LOCAL GOVERNMENT'S REQUIREMENTS. IT IS THE RESPONSIBILITY OF THE PLUMBER/ DRAINER TO OBTAIN ANY APPROVALS/ PERMITS/ LICENSES ISSUED BY THE AUTHORITIES PRIOR TO PROCEEDING WITH STORMWATER WORKS.

3. UNLESS NOTED AS OTHERWISE, ALL DOWNPIPES TO BE Ø100 ROUND (OR 100x75 RECTANGULAR) AND FULLY SEALED; ALL STORMWATER PIPES TO BE Ø100 SEWER GRADE AND LAID AT 1% MIN. FALL. ALL MATERIALS USED IN THE WORK SHALL BE NEW AND CONFORM WITH RELEVANT AUSTRALIAN STANDARDS AND BEAR THE REQUIRED STANDARDS MARK.

4. LOCATION OF STORMWATER SYSTEMS, INCLUDING DOWNPIPES, PIPES, PITS AND RAINWATER TANK ARE INDICATIVE ONLY. EXACT LOCATION SHALL BE DETERMINED ON SITE TO SUIT SITE CONDITIONS.

5. SUB-SOIL DRAINS FOR RETAINING WALL SHALL BE INSTALLED BY THE BUILDER AND CONNECTED TO STORMWATER LINES. ALL AGG. LINES SHALL BE 100mm DIA., UNLESS NOTED OTHERWISE.

6. NATURAL GROUND LEVELS ALONG ALL BOUNDARIES MUST BE MAINTAINED UNALTERED. ALL RETAINING WALLS TO BE SETBACK FROM BOUNDARIES TO AVOID CONCENTRATION OF STORMWATER FLOWS.

7. LEVELS ARE APPROXIMATE ONLY. THE PLUMBER/ DRAINER SHALL CONFIRM THE LEVELS PRIOR TO PROCEEDING. IF ANY DISCREPANCIES FOUND, CONTACT THE ENGINEER FOR DISCUSSION.

8. INSPECTION AND CERTIFICATION, IF REQUIRED, SHALL BE DONE PRIOR TO BACKFILLING. ALLOW 24 HOUR NOTICE FOR THE ENGINEER TO CARRY OUT INSPECTION.

9. ANY DAMAGE TO SERVICES DURING CONSTRUCTION SHALL BE REPAIRED IMMEDIATELY AT THE PLUMBER/ DRAINER'S OWN EXPENSE.

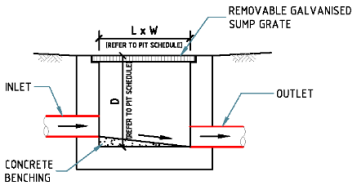
10. THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH:
- ARCHITECTURAL PLAN BY KOTURIC & CO. PTY. LTD, JOB No. 2074, DATED 29-03-23

BASIX REQUIREMENTS

THIS DEVELOPMENT HAS NO COMMITMENT ON RAINWATER REUSE UNDER BASIX CERTIFICATE.

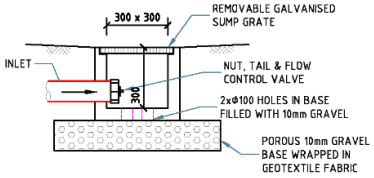
OSD REQUIREMENTS

THIS DEVELOPMENT IS PROPOSED INDUSTRIAL BUILDING.
OSD IS REQUIRED.



GRATED PIT DETAILS

SCALE 1:20



CLEAN-OUT/FIRST FLUSH PIT DETAILS

SCALE 1:20

MINIMUM PIPE COVER
(FROM FINISHED SURFACE TO TOP OF PIPE)

LOCATION	MINIMUM COVER (mm)	
	CAST/DUCTILE IRON GAL STEEL	OTHER AUTHORISED PRODUCTS (~)
1. NOT SUBJECT TO VEHICULAR LOADING:		
A. WITHOUT PAVEMENT		
i. FOR SINGLE DWELLING	0	100
ii. OTHER THAN SINGLE DWELLING	0	300
B. WITH PAVEMENT OF BRICK/UNREINFORCED CONCRETE	0(~~)	50(~~)
2. SUBJECT TO VEHICULAR LOADING:		
A. OTHER THAN ROAD:		
i. WITHOUT PAVEMENT	300	450
ii. WITH PAVEMENT OF:		
– REIFORCED CONC. FOR HEAVY VEHICLE	0(~~#)	100(~~#)
– BRICK/UNREINF. CONC. LIGHT VEHICLE	0(~~#)	75(~~#)
B. ROAD		
i. SEALED	300	500(#)
ii. UNSEALED	300	500(#)
3. SUBJECT TO CONSTRUCTION VEHICLE OR IN ENBANKMENT CONDITION	300	500(#)

(~) INCLUDES OVERLAY ABOVE THE TOP OF THE PIPE OF NOT LESS THAN 50mm THICK
(~~) BELOW THE UNDERSIDE OF THE PAVEMENT
(#) SUBJECT TO COMPLIANCE WITH AS1762, AS2033, AS/NZS2566.1, AS3725 OR AS4060

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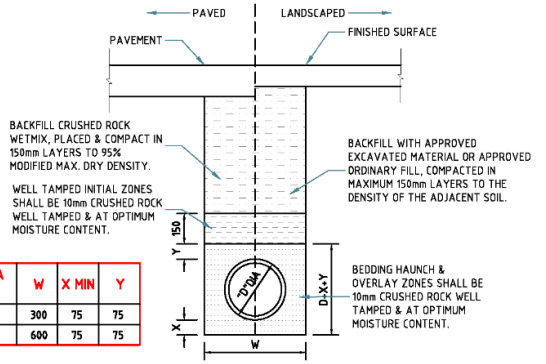
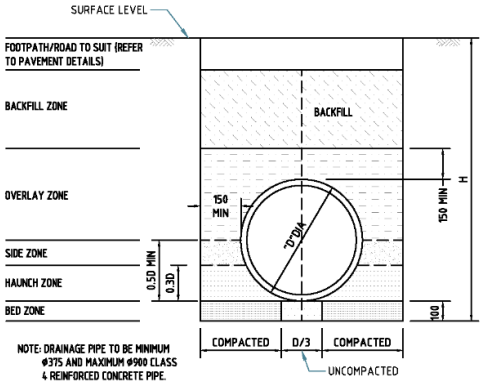


PIPE DIA "D"	W	X MIN	Y
100-150	300	75	75
225-300	600	75	75

UPVC PIPE TRENCH BACKFILL TYP. DETAILS

SCALE 1:20



CONCRETE PIPE TRENCH BACKFILL TYP. DETAILS

SCALE 1:20

Paper size: A3

All dimensions are in millimetres. Do not scale the drawing. Use written dimensions. Dimensions must be confirmed prior to commencement. Location of services are approximate only. Dial 1100 before any excavation or demolition.

Revisions: DRAINS Models added

Designed: JV | Checked: HL

Approved:
Quoc Huy Nguyen
PhD (Eng), MIEAust, CPEng, NER Reg. No. 208 2513

NITMA CONSULTING PTY LTD
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PROJECT: PROPOSED WAREHOUSE
ADDRESS: 37 JOHN STREET, LEICHHARDT
LGA: INNER WEST COUNCIL

NOTES & STANDARD DETAILS

Project No: 1999.01H | Issue: F | Date: 15.07.2024 | Sheet No: 1 of 9

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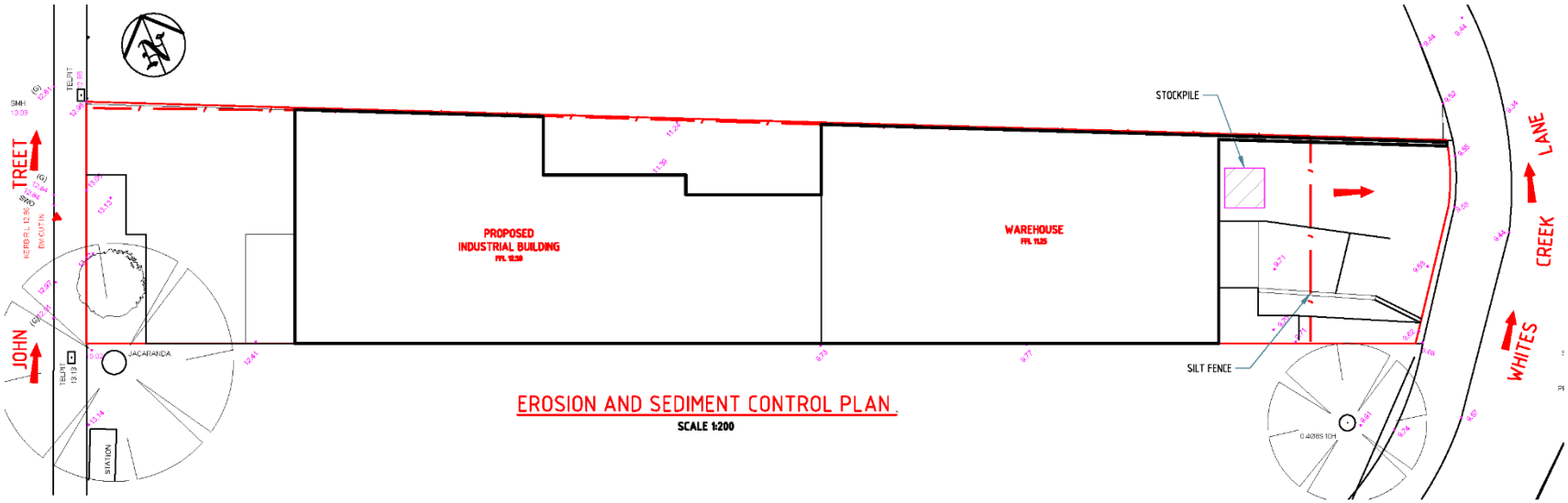
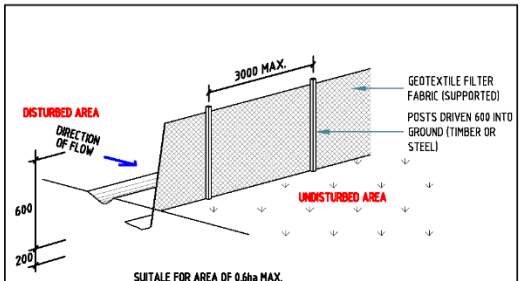


EROSION AND SEDIMENT CONTROL PLAN.

SCALE 1:200

NOTES:

1. ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSPECTED AND MAINTAINED DAILY BY SITE MANAGER
2. MINIMISE DISTURBED AREA
3. ALL STOCKPILES TO BE CLEAR FROM DRAINS, GUTTERS AND FOOTPATH
4. DRAINAGE IS TO BE CONNECTED TO STORMWATER SYSTEM AS SOON AS POSSIBLE
5. ROADS AND FOOTPATH TO BE SWEPT DAILY
6. KERB SIDE INLET TO BE PROTECTED WITH FABRIC FILLED WITH GRAVEL



SEDIMENT FENCE DETAILS

Paper size A3	All dimensions are in millimetres. Do not scale the drawing. Use written dimensions. Dimensions must be confirmed prior to commencement. Location of services are approximate only. Dial 1100 before any excavation or demolition.	Revisions: DRAINS Models added	Designed: JV	Checked: HL	Approved: Quoc Huy Nguyen PhD (Eng), MIEAust, CPEng. NER Reg. No. 208 2513

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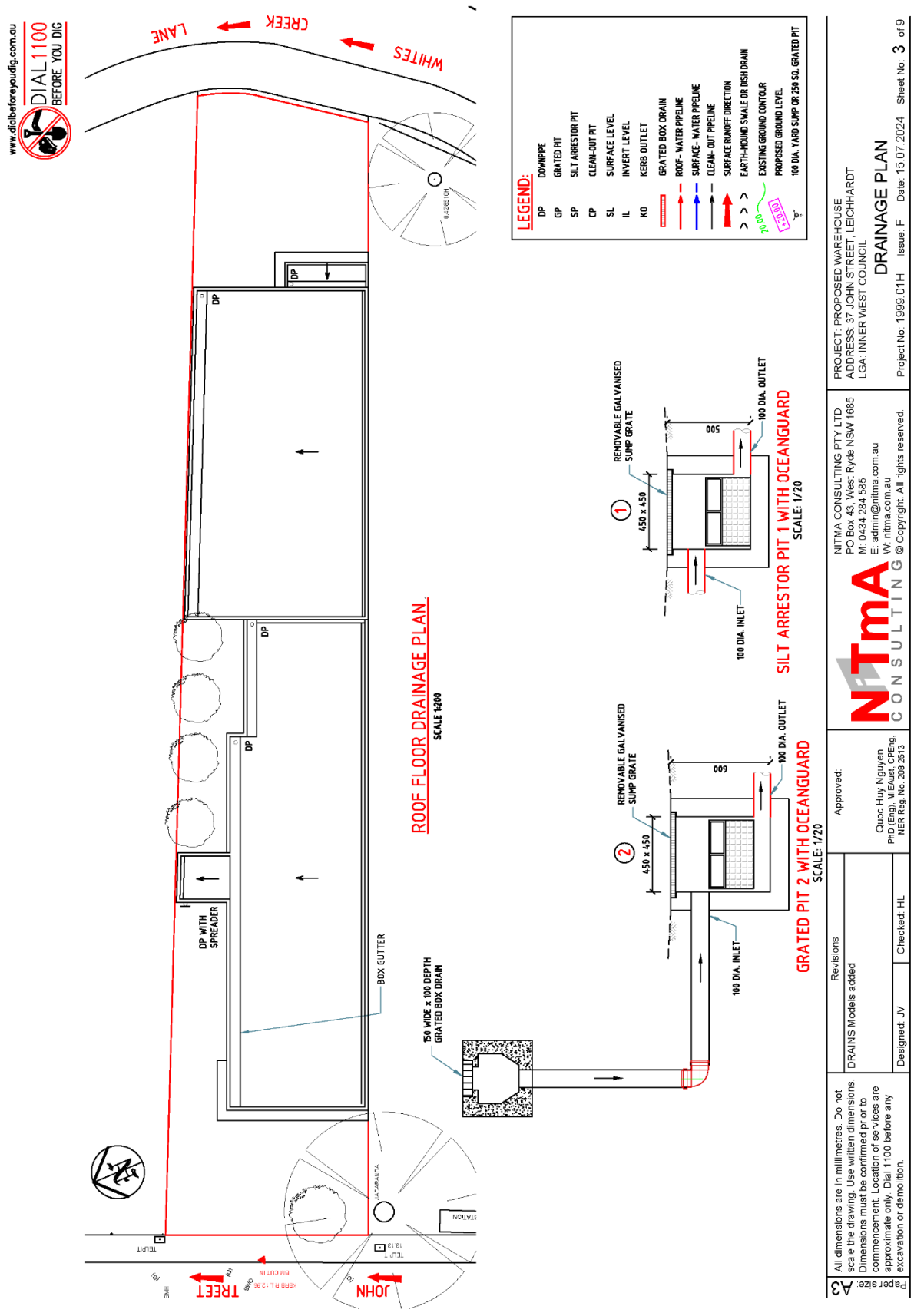
EROSION & SEDIMENT CONTROL PLAN

Project No: 1999.01H Issue: F Date: 15.07.2024 Sheet No: 2 of 9



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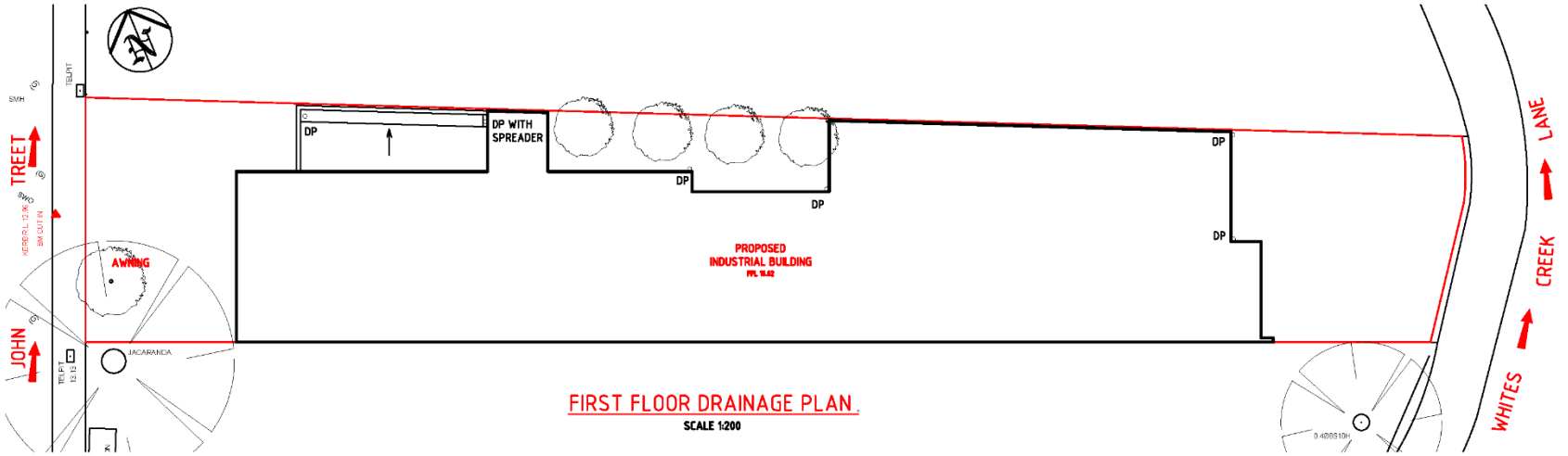

FIRST FLOOR DRAINAGE PLAN

SCALE 1:200

LEGEND:

DP	DOWNPIPE
GP	GRATED PIT
SP	SILT ARRESTOR PIT
CP	CLEAN-OUT PIT
SL	SURFACE LEVEL
IL	INVERT LEVEL
KO	KERB OUTLET
	GRATED BOX DRAIN
	ROOF- WATER PIPELINE
	SURFACE- WATER PIPELINE
	CLEAN- OUT PIPELINE
	SURFACE RUNOFF DIRECTION
> > >	EARTH-MOUND SWALE OR DISH DRAIN
20.00	EXISTING GROUND CONTOUR
+20.00	PROPOSED GROUND LEVEL
	100 DIA. YARD SUMP OR 250 SQ. GRATED PIT

Paper size A3

All dimensions are in millimetres. Do not scale the drawing. Use written dimensions. Dimensions must be confirmed prior to commencement. Location of services are approximate only. Dial 1100 before any excavation or demolition.

Revisions

DRAINS Models added

Designed: JV | Checked: HL

Approved:

Quoc Huy Nguyen
PhD (Eng), MIEAust, CPEng.
NER Reg. No. 208 2513

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DRAINAGE PLAN

Project No: 1999.01H | Issue: F | Date: 15.07.2024 | Sheet No: 4 of 9

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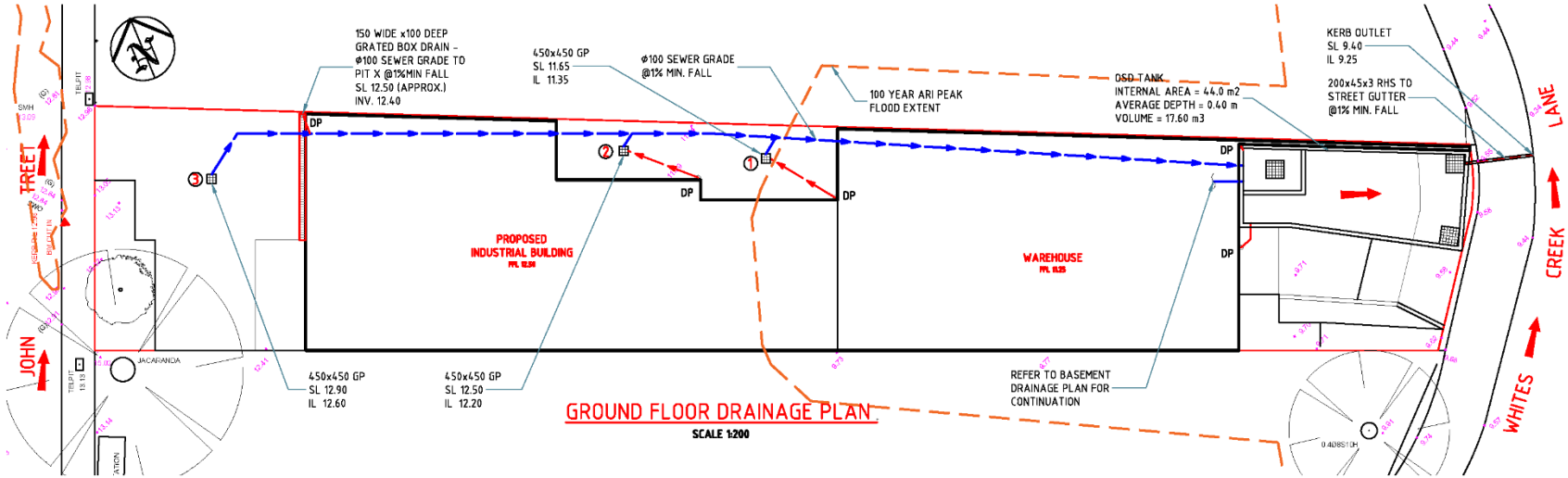

GROUND FLOOR DRAINAGE PLAN

SCALE 1:200

LEGEND:

DP	DOWNPIPE
GP	GRATED PIT
SP	SILT ARRESTOR PIT
CP	CLEAN-OUT PIT
SL	SURFACE LEVEL
IL	INVERT LEVEL
KO	KERB OUTLET
	GRATED BOX DRAIN
	ROOF- WATER PIPELINE
	SURFACE- WATER PIPELINE
	CLEAN- OUT PIPELINE
	SURFACE RUNOFF DIRECTION
> > >	EARTH-MOUND SWALE OR DISH DRAIN
20.00	EXISTING GROUND CONTOUR
+20.00	PROPOSED GROUND LEVEL
	100 DIA. YARD SUMP OR 250 SQ. GRATED PIT

Paper size A3

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Revisions
DRAINS Models added

Designed: JV | Checked: HL

Approved:
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NER Reg. No. 208 2513

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PROJECT: PROPOSED WAREHOUSE
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DRAINAGE PLAN

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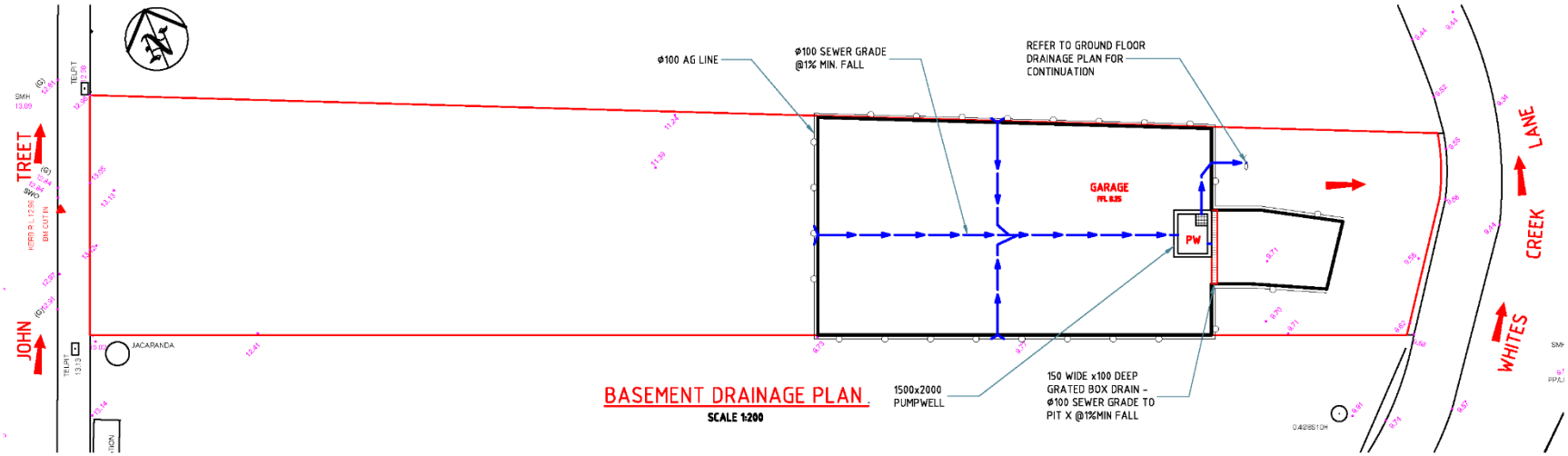

BASEMENT DRAINAGE PLAN

SCALE 1:200

LEGEND:

DP	DOWNPIPE
GP	GRATED PIT
SP	SILT ARRESTOR PIT
CP	CLEAN-OUT PIT
SL	SURFACE LEVEL
IL	INVERT LEVEL
KO	KERB OUTLET
	GRATED BOX DRAIN
	ROOF- WATER PIPELINE
	SURFACE- WATER PIPELINE
	CLEAN- OUT PIPELINE
	SURFACE RUNOFF DIRECTION
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20.00	EXISTING GROUND CONTOUR
+20.00	PROPOSED GROUND LEVEL
	100 DIA. YARD SUMP OR 250 SQ. GRATED PIT

Paper size: A3

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Revisions	
DRAINS Models added	
Designed: JV	Checked: HL

Approved:

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DRAINAGE PLAN

Project No: 1999.01H Issue: F Date: 15.07.2024 Sheet No: 6 of 9

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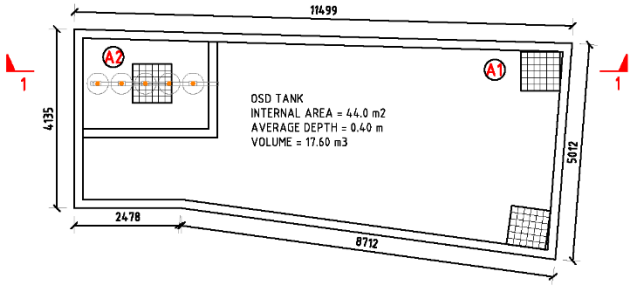
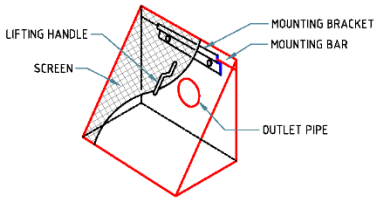
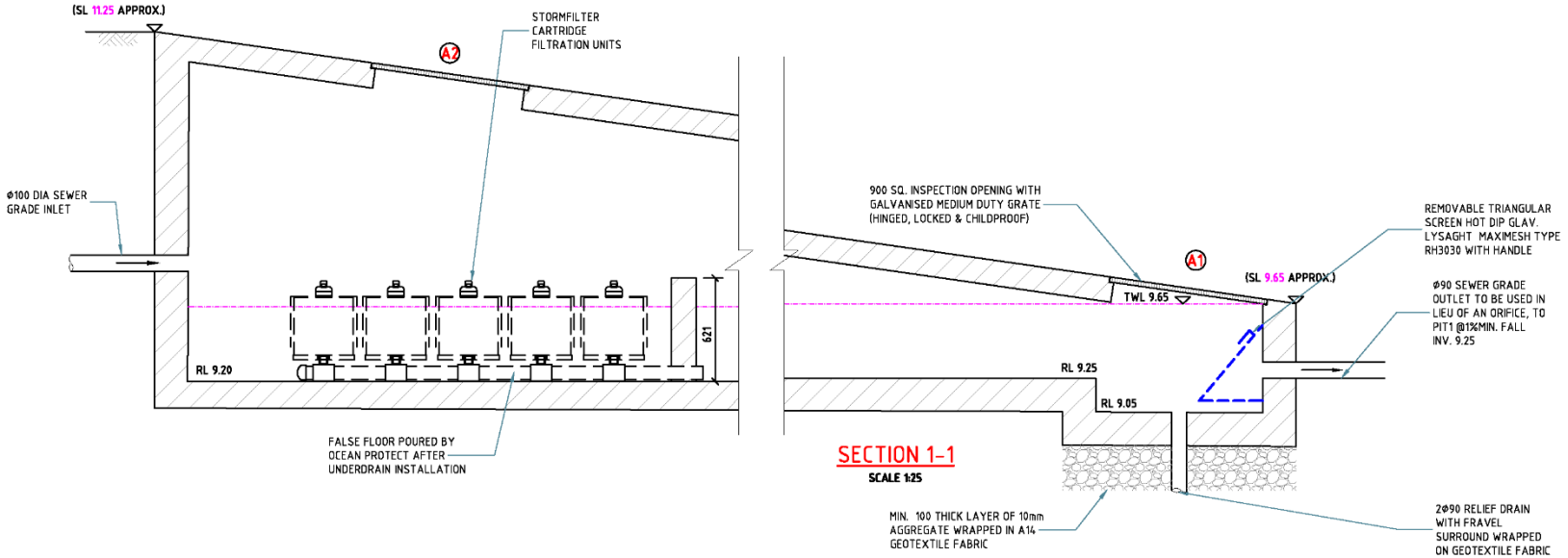


OSD PLAN
SCALE 1:100



DEBRIS SCREEN DETAILS
NOT TO SCALE



SECTION 1-1
SCALE 1:25

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		Designed: JV / Checked: HL			OSD DETAILS
					Project No: 1999.01H Issue: F Date: 15.07.2024 Sheet No: 7 of 9

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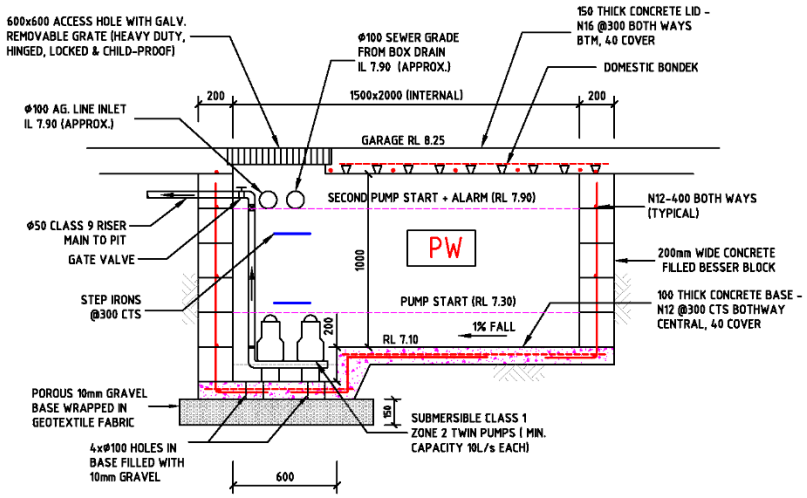
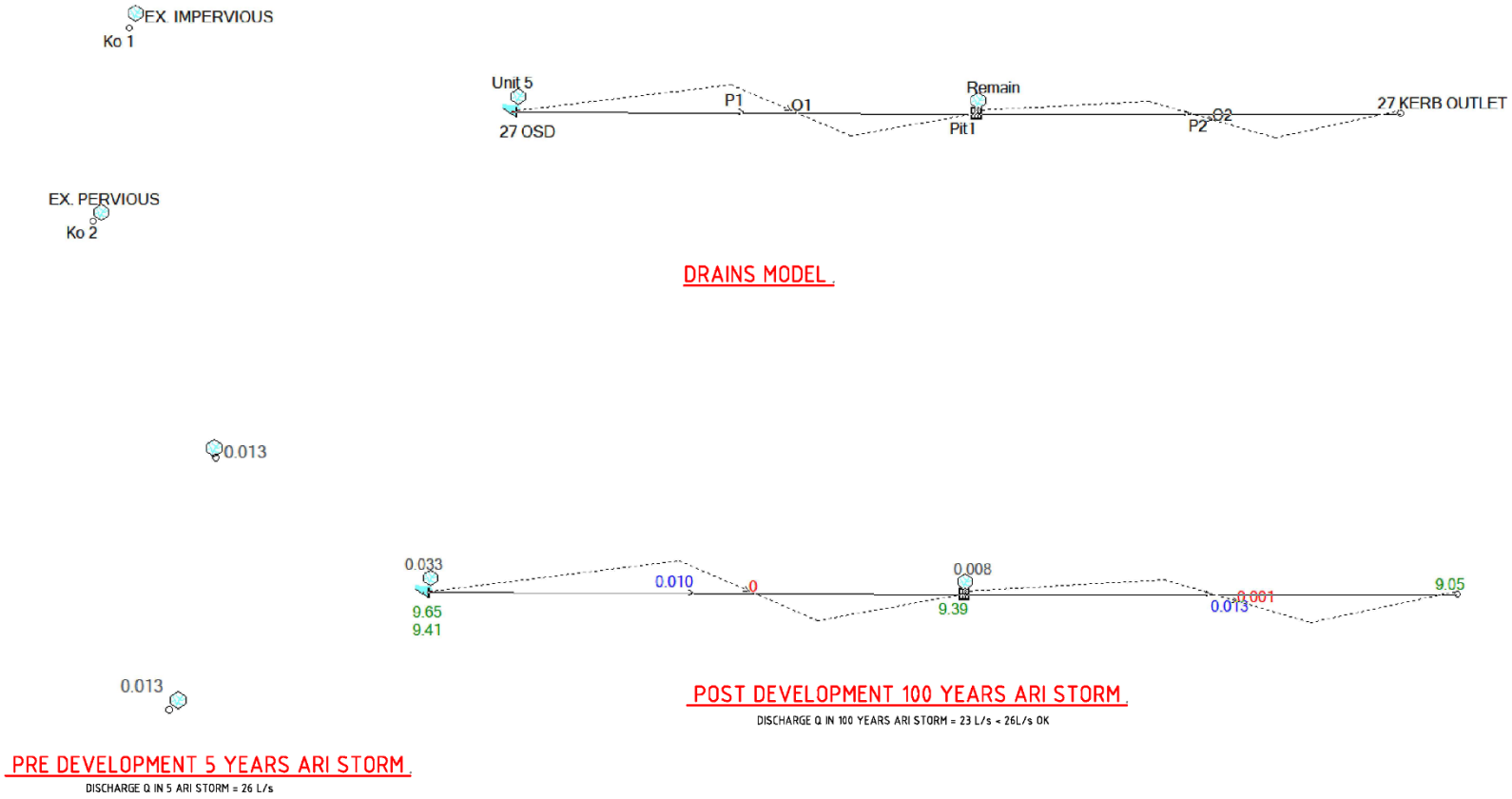


PUMP WELL PW DETAILS

SCALE 1:25 (A3)

Paper size A3	All dimensions are in millimetres. Do not scale the drawing. Use written dimensions. Dimensions must be confirmed prior to commencement. Location of services are approximate only. Dial 1100 before any excavation or demolition.	Revisions: DRAINS Models added	Approved: Quoc Huy Nguyen PhD (Eng), MIEAust, CPEng. NER Reg. No. 208 2513	NITMA CONSULTING PTY LTD PO Box 43, West Ryde NSW 1685 M: 0434 284 585 E: admin@nitma.com.au W: nitma.com.au	PROJECT: PROPOSED WAREHOUSE ADDRESS: 37 JOHN STREET, LEICHHARDT LGA: INNER WEST COUNCIL PUMPWELL DETAILS Project No: 1999.01H Issue: F Date: 15.07.2024 Sheet No: 8 of 9
		Designed: JV Checked: HL			



Paper size A3	All dimensions are in millimetres. Do not scale the drawing. Use written dimensions. Dimensions must be confirmed prior to commencement. Location of services are approximate only. Dial 1100 before any excavation or demolition.	Revisions: DRAINS Models added	Approved: Quoc Huy Nguyen PhD (Eng), MIEAust, CPEng. NER Reg. No. 208 2513	NITMA CONSULTING PTY LTD PO Box 43, West Ryde NSW 1685 M: 0434 284 585 E: admin@nitma.com.au W: nitma.com.au	PROJECT: PROPOSED WAREHOUSE ADDRESS: 37 JOHN STREET, LEICHHARDT LGA: INNER WEST COUNCIL
		Designed: JV / Checked: HL			DRAINS RESULTS
					Project No: 1999.01H Issue: F Date: 15.07.2024 Sheet No: 9 of 9

Attachment E – Flood Risk Management Study

JDS DEVELOPMENTS

Proposed Development at 37 John Street Leichhardt

Flood Risk Management Study

HydroStorm Consulting

Document Set ID: 39786234
Version: 1, Version Date: 05/11/2024

Proposed Development at

37 John Street Leichhardt

Flood Risk Management Study

Report

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Client:	**JDS Developments (Australia) Pty Ltd**
Contact:	**C/O Steven Koturic (KOTURIC+Co. Architects)**
Report Version:	**V1 – FINAL**
Dated:	**17 September 2024**

Cover Photo: Development at 37 John Street Leichhardt

Table of Contents

List of Figures

APPENDICES

1 Introduction

An industrial development is proposed at 37 John Street in Leichhardt. The development site is flood affected from Whites Creek and therefore a flood risk management report is required as per Inner West Council requirements.

This report provides details of the flood modelling undertaken for flood impact assessment and the measures required to manage the flood risk for the proposed development.

Figure 1 shows the location of the development site.

Figure 1. Site Location

2 Study Data

The following data was used in undertaking this study:

- Development Plans provided by Koturic+Co. Architects
- Cadastre, Imagery and Topographic Data from NSW Spatial Services
- Flood Models from Inner West Council

3 Existing Site

The site has dual frontages, from John Street on the west and Whites Creek Lane on the east. Whites Creek Lane overlies Sydney Water's major under-ground drainage line, the Stormwater Channel No. 95, which drains the Whites Creek catchment to Rozelle Bay in the north.

The site is subject to major overland flow flooding. The Flood Certificate obtained from Council previously (Figure 2) shows that the eastern half of the site is affected by flooding from Whites Creek Lane. The peak 1% AEP depth of flooding is 1.2m adjacent to the site. The flood risk has been determined to be High. However, this risk definition has now been superseded and the new NSW Flood Risk Management Manual (2024) provides a more refined definition of risk, which has been used in this report.

The Flood Certificate also shows a small area of John St near the front boundary of the property to be affected by the 1% AEP flood. However, this flooding is not significant and is likely due to a minor local drainage issue at the corner of Hill Street and John Street. Hence this flooding has not been considered in the flood risk assessment for the proposed development.

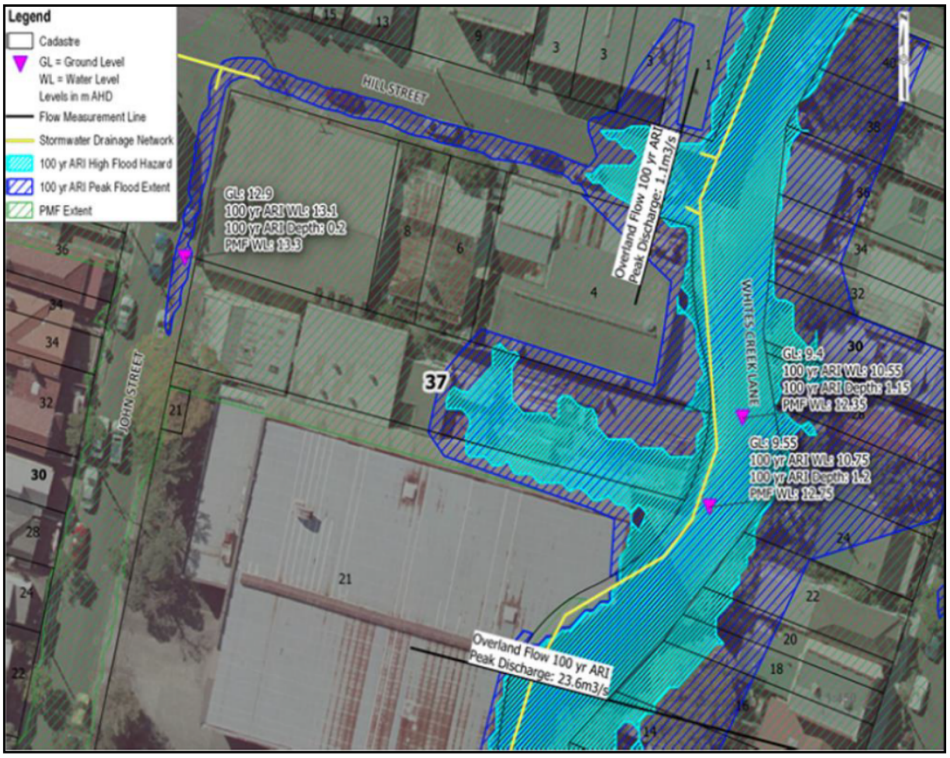


Figure 2. Flood Certificate (provided by Council)

4 Proposed Development

The proposed development comprises eight industrial units in a double storey building, including a warehouse with access from Whites Creek Lane. A basement car park is also provided with entry from Whites Creek Lane. The proposed building line is approximately 9m from the Whites Creek Lane boundary. The development plans are presented in Appendix A.

5 Site Catchment

The catchment draining to the site is approximately 120 ha. The catchment has urban residential landuse and has street drainage to convey runoff from frequent storm events. In rare storm events such as the 1%

AEP event, overland flow flooding would occur and affect the site, primarily from the Whites Creek Lane. This overland flow path along with the below- ground drainage line ultimately discharges to an open channel in Whites Creek Valley Park near Wisdom Street. After crossing several streets including Booth Street, Piper Street and Brenan Street, the Whites Creek discharges to Rozelle Bay to the north-east of the site

Figure 3 show the catchment layout.

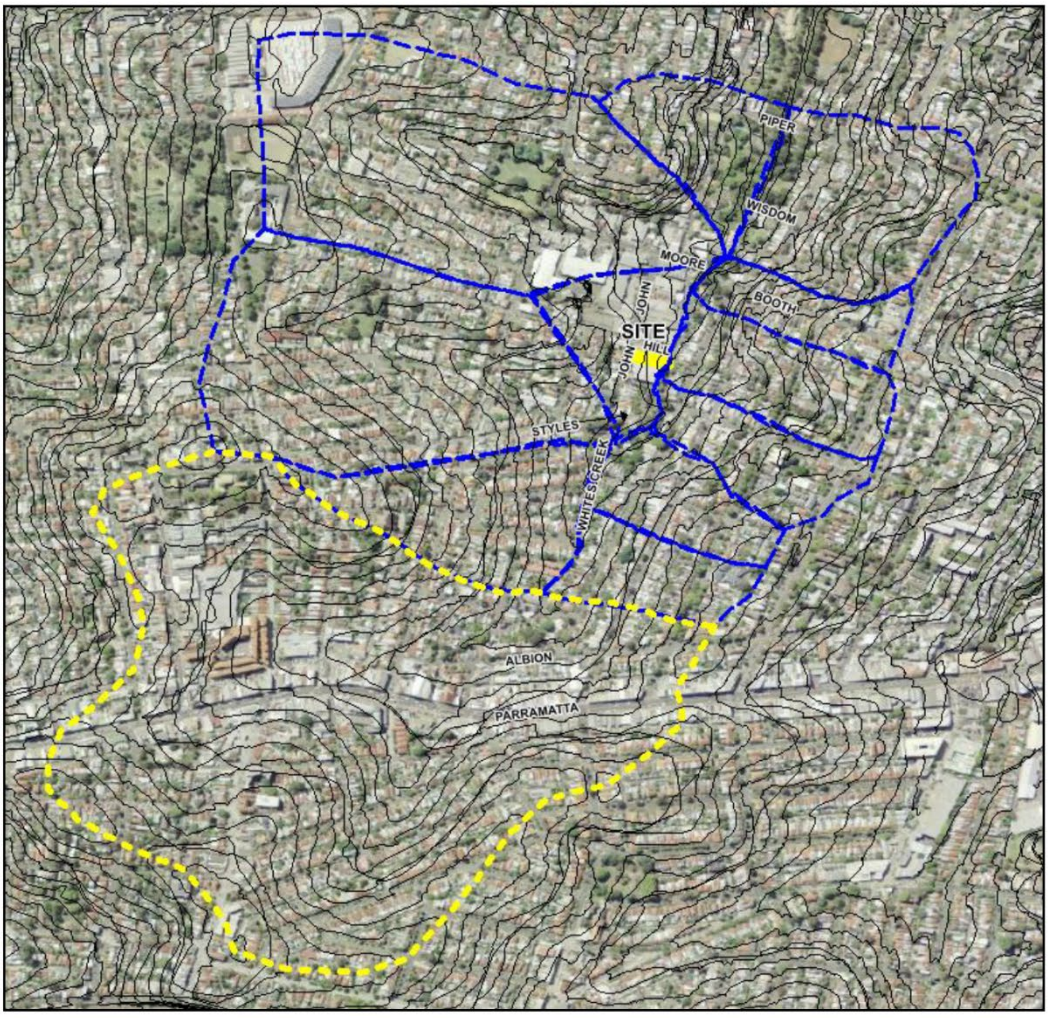


Figure 3. Catchment Layout

6 Flood Modelling Approach

Two separate flood models were obtained from the Council; one developed recently for the upper reaches of the Whites Creek catchment (TUFLOW) and the other older model for the lower reaches (SOBEK). The latest flood model for the upper reaches did not extend to the development site and therefore data from the older downstream model was used to update the latest model. This updated model was used in the current study.

6.1 Flood Model Update

The DRAINS hydrological model for estimation of catchment runoff was extended first to incorporate sub-catchments to a location downstream of the site, which marked the downstream boundary of the hydraulic model.

Figure 3 shows the additional sub-catchments in blue, which were included in the DRAINS model. The same model parameters were used for the additional sub-catchments as used in the Council's model.

The hydraulic model was extended to incorporate the entire Whites Creek Lane underground drainage line. In addition, major drainage pipes connecting to this drainage line were also included in the model. The hydraulic structures at Booth Street and Piper Street crossings were also incorporated in the model. A roughness map was created from the data obtained from the older model and used in the updated model.

The runoff hydrographs obtained from the hydrological model were applied as boundaries to the hydraulic model. The downstream boundary of the model was established downstream of Piper Street crossing, to prevent any boundary effects at the development site.

6.2 Design Flood Modelling

The updated flood model was run for the 1% AEP event. The model results were compared with those provided by the Council and a reasonable match was obtained. The updated model was therefore found suitable for the assessment of the proposed development.

The model was then updated with the proposed development footprint and model re-run for the 1% AEP event. The results from the pre and post development modelling were processed and analysed for flood risk management.

7 Flood Risk Management

There are two elements of flood risk management. The first element relates to impact of the proposed development on the existing flood risk to the surrounding areas and the second element relates to flood risk to the proposed development itself. Both elements of flood risk and their management are discussed in the following sections.

The relevant assessment guidelines for flood risk assessment are provided in section E1.3.1 and Appendix E- Section 2 of Leichhardt Development Control Plan 2013.

7.1 Impact of the Proposed Development

The model results for the pre and post development of the site were compared and a difference map was prepared to highlight the areas of impact. Figure 4 shows the difference in 1% AEP flood levels between the developed and the existing site conditions (Developed minus Existing). The positive change in flood levels shows adverse impact of the development.

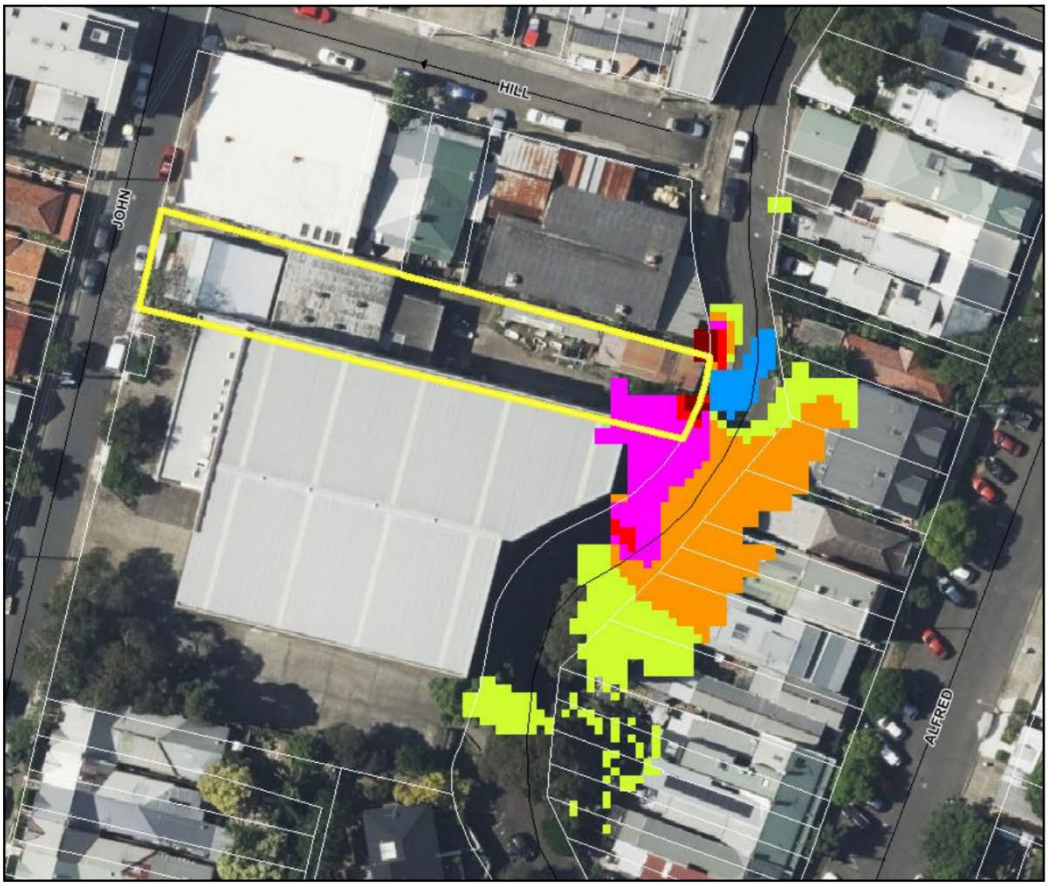


Figure 4. Impact of Proposed Development (1% AEP Flood Level Difference)

The impact varies from 1-3 cm on the properties along Whites Creek Lane, to the east of the proposed development

7.1.1 Flood Hazard

The flood hazard definition has been refined in the newly gazetted Flood Risk Management Manual (2024) as compared to the old Floodplain Development Manual (2005). Different hazard categories and the likely consequences from these hazard, as defined in the new Manual, are shown in Figure 5.

The new Manual also provides equivalence of hazard with the old Manual. It states that hazard categories H1-H4 are equivalent to "Low" hazard and H5-H6 are equivalent to "High" hazard, as defined in the old Manual (Flood Risk Management Guide FB03).

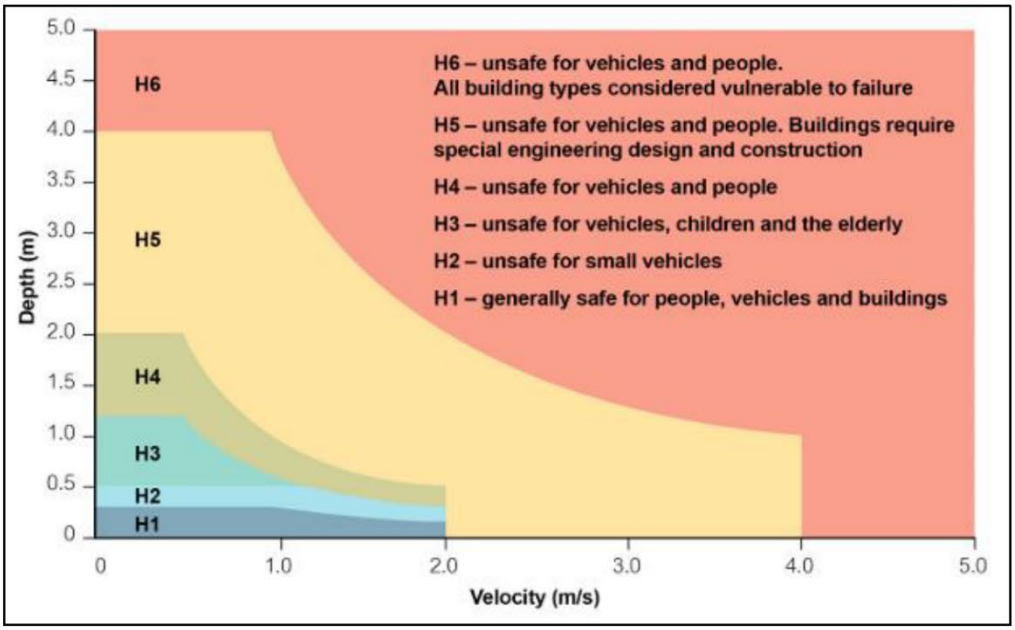


Figure 5. Flood Hazard Categories (Flood Risk Management Manual (2024))

Figure 6 shows the flood hazard under the existing site conditions and Figure 7 shows the hazard for the developed conditions.

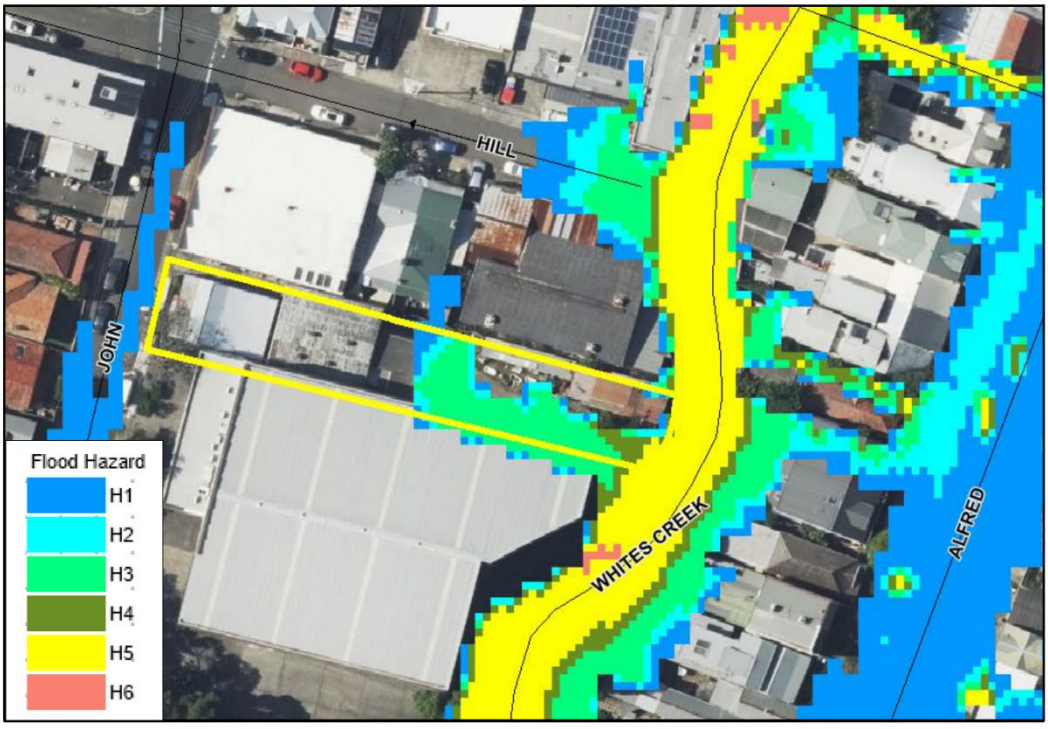


Figure 6. Flood Hazard (H1-H6) Existing Conditions – 1% AEP Flood

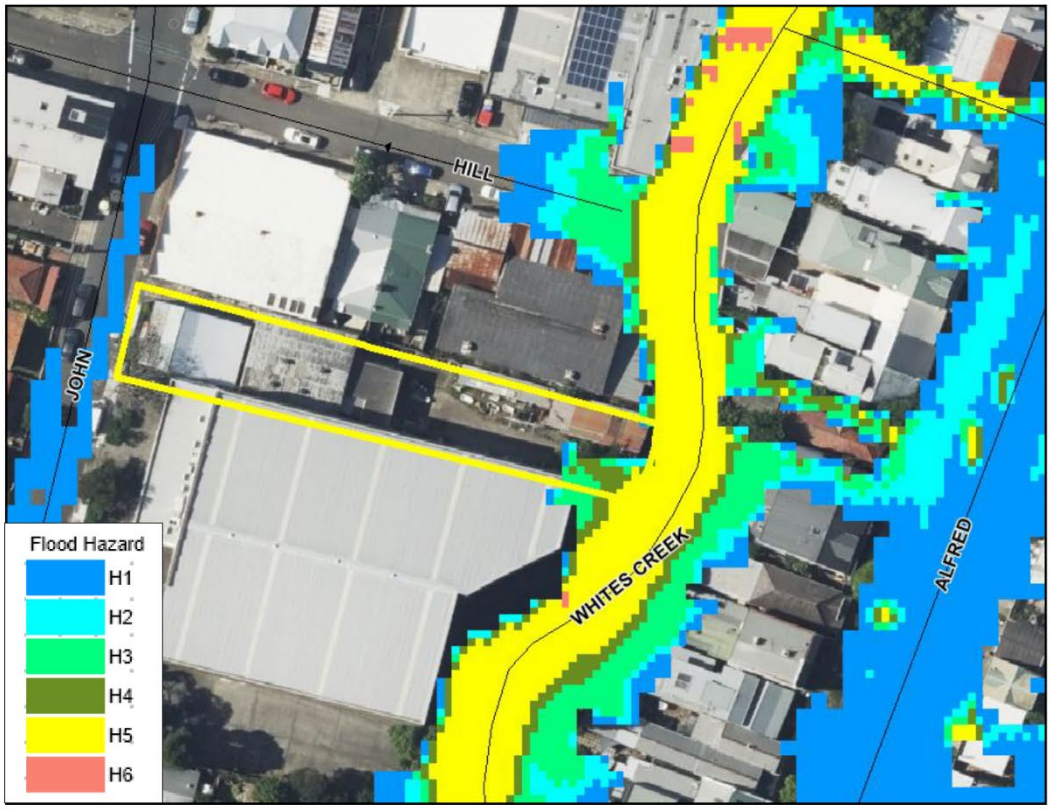


Figure 7. Flood Hazard (H1-H6) Developed Conditions – 1% AEP Flood

The flood hazard is primarily H3 under existing conditions (Figure 6), with small areas of H4 near the eastern boundary of the site. Under developed conditions, the hazard is removed from the site in a 1% AEP flood.

7.2 Flood Risk Management for the Proposed Development

The DCP 2014 of Inner West Council specifies measures to be adopted for managing the flood risk to the development. These measures with respect to the proposed development are discussed in the following sections.

7.2.1 Flood Planning Level and Floor Level of the Development

The flood planning level is derived by adding a freeboard of 0.5m to the 1% AEP flood level at the site. The flood planning level for the site is therefore 11.25m AHD (10.75 +0.5). The proposed development has habitable floor levels at 11.25m AHD.

7.2.2 Structural Soundness

The proposed building should provide structural integrity to withstand the forces of floodwater in a PMF event. The flood depth for the PMF event is provided in the Council's flood certificate. The estimate of flow velocity can be obtained from the Council.

The impact of any floating debris should also be considered in the structural design of the development.

7.2.3 Waterproofing

Suitable building materials should be used for parts of the structure that are exposed to the flood waters, up to the flood planning level and preferably PMF level.

All electrical equipment, wiring, fuel lines or any other service pipes or connections should be located above the flood planning level as a minimum and preferably to PMF level.

7.2.4 Storage of Hazardous Materials

All hazardous materials should be stored above the flood planning level and preferably the PMF level. This is to prevent potential contamination and risk to the downstream environment.

7.2.5 Basement Car Park

The entry to the basement car park is from Whites Creek Lane, which is subjected to H5 hazard during the 1% AEP event. Entry to the car park should therefore be provided at the PMF or the flood planning level, whichever is higher. For the proposed development site the PMF level is 12.75m AHD and the flood planning level is 11.25m AHD. Therefore the entry level to the basement car park should be at 12.75m AHD.

In addition, all access and potential water entry points to the basement car park should be above the PMF level. A clearly signposted flood free pedestrian evacuation route should also be provided from the basement area separate to the vehicular access ramps. The proposed development provides for a separate staircase. This staircase should be signposted for flood evacuation purposes.

8 Emergency Evacuation

Flood warning for preparation and effective evacuation can range from 6-12 hours. The flood arrival time for the study catchment is likely to be in minutes, thus hindering any evacuation. Trying to evacuate from the development during flooding, where the rate of rise of floodwaters is likely to be high, can create hazardous conditions for the evacuees. Staying at the property during the flood event for the duration of flooding (likely to be for a few hours only) is likely to be a safer option than trying to leave during a flood event.

The second storey of the proposed development can potentially provide a safe refuge for the occupants during a flood event that requires evacuation.

The site should only be evacuated when instructed to do so by the SES or the Police. In the event, a self-evacuation is required, a potential evacuation route is from John Street exit to Hill Street and then heading west along Hill Street to higher ground and seeking shelter in the Sydney Secondary College Leichhardt. The nearby Leichhardt Community Recycling Centre can also provide a potential place for temporary shelter.

Figure 8 shows the flood hazard map for the PMF event and the potential evacuation route discussed above. The proposed evacuation route is affected by Low hazard flooding.

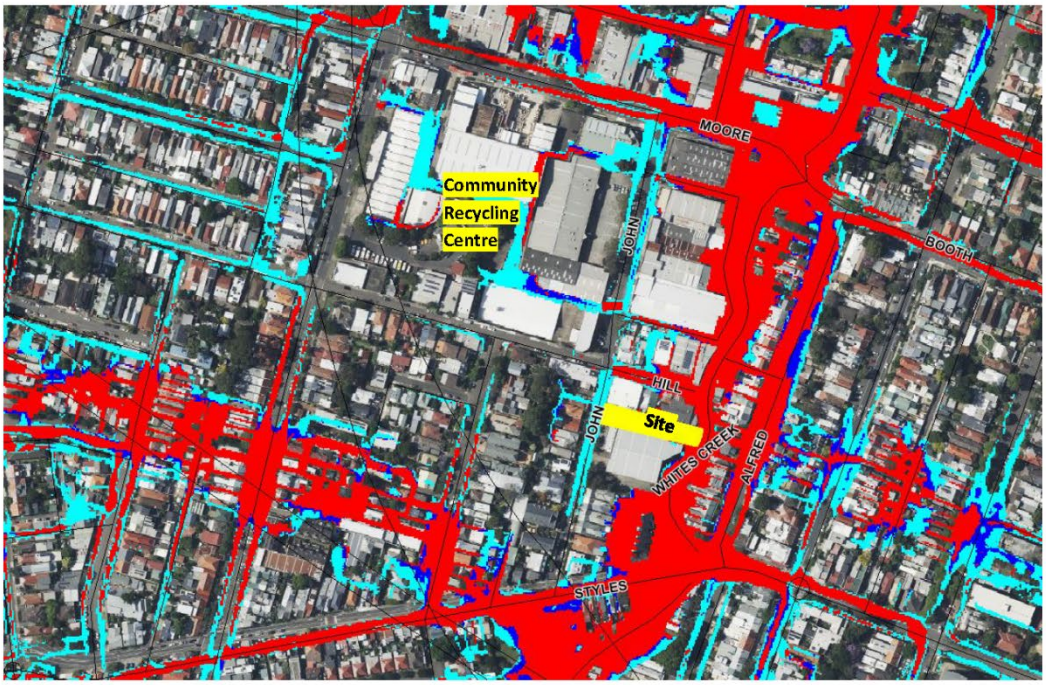


Figure 8. Potential Flood Evacuation Route for Self-Evacuation (Based on Model results provided by the Council)

9 Summary and Conclusion

The flood risk management study has been undertaken for the proposed development at 37 John Street Leichhardt. Flood modelling was undertaken for both pre and post development conditions for the 1% AEP design event. The flood planning level for the site is 11.25m AHD and the Probable Maximum Flood (PMF) level is 12.75m AHD.

Modelling results show that the proposed development would have a minor adverse impact on the properties to the east of the proposed development due to an increase in the 1% AEP flood levels (Figure 4).

The flood hazard on the site is primarily H3 for the 1% AEP flood event under existing conditions. This hazard is removed under developed conditions as the proposed development is above the 1% AEP flood level. The flood hazard in the Whites Creek Lane is H5.

A number of flood risk management measures would be required for the proposed development. These measures including compliance by the proposed development is listed below:

- Provision of habitable floor level above the flood planning level – COMPLIES
- Basement car park entry at the PMF level – DOES NOT COMPLY – The basement car park should either be removed or the entry level should be set at 12.75m AHD.
- Structurally sound in a PMF flood event – TO BE CERTIFIED BY A STRUCTURAL ENGINEER
- Use of flood compatible materials for construction – TO BE CERTIFIED BY ARCHITECT

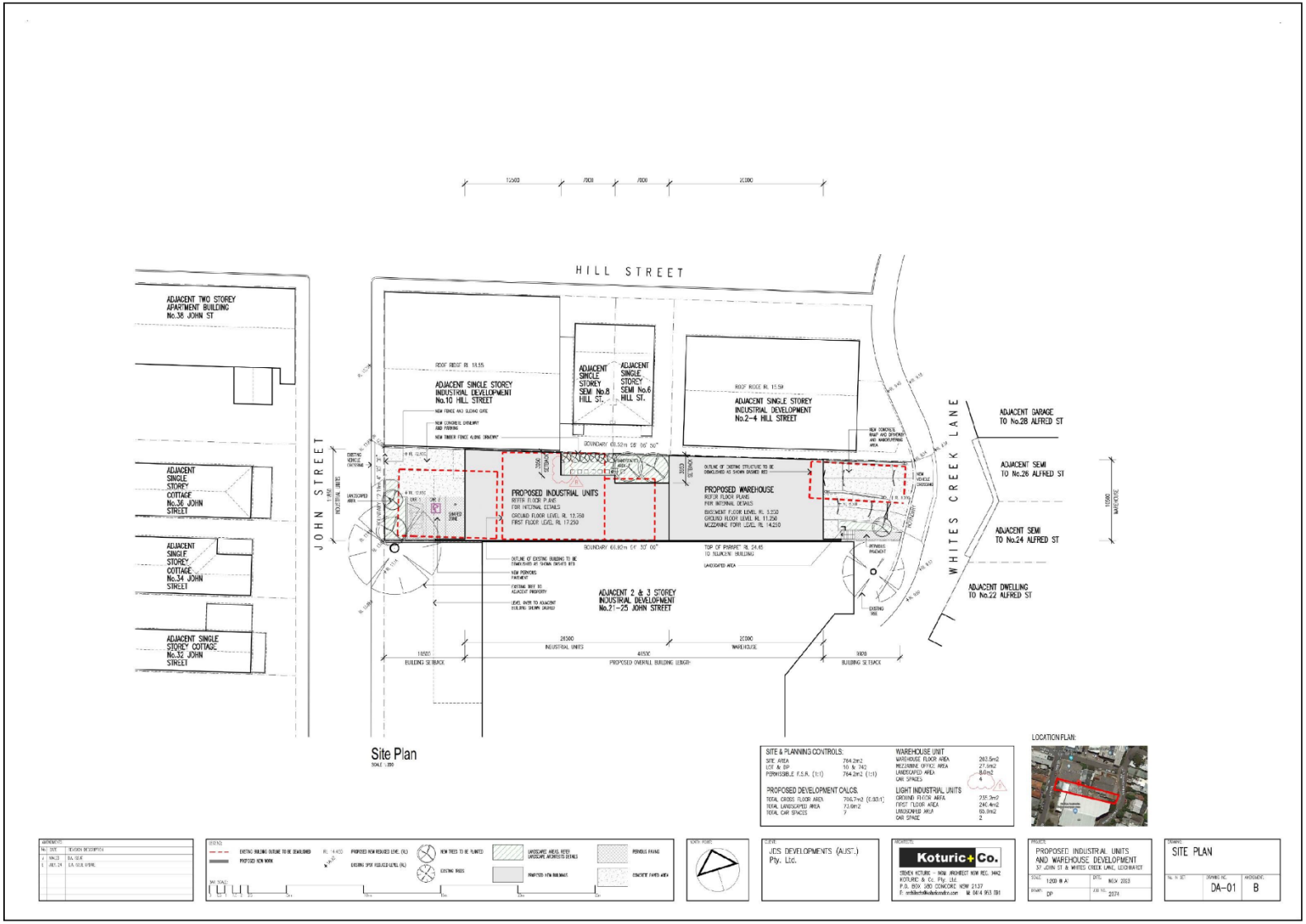
- Provision for vertical evacuation in case of flood emergency – COMPLIES, STAIRCASE ACCESS TO SECOND STOREY IS PROVIDED
- Potential evacuation route if self-evacuation is required – COMPLIES

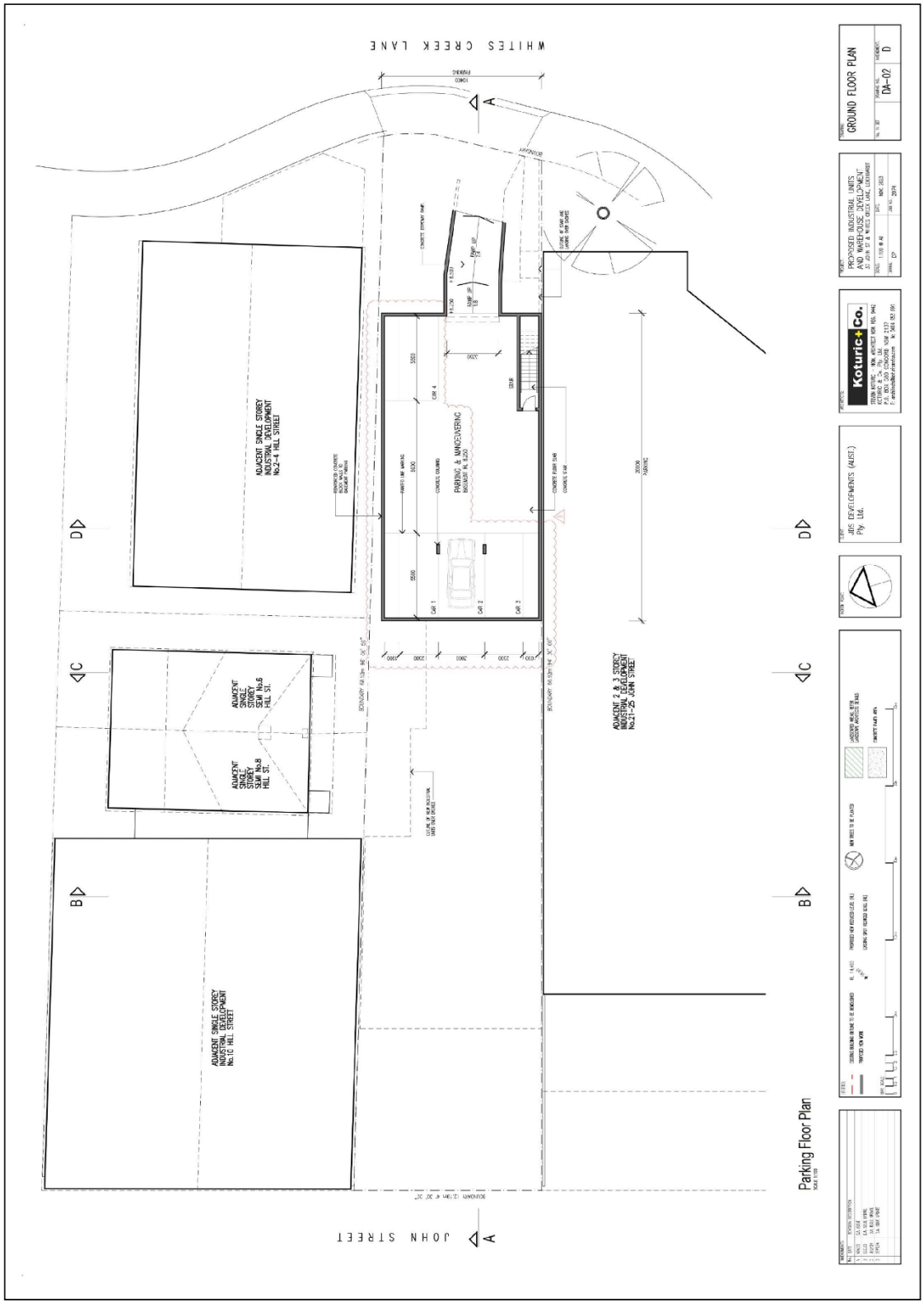
10 Qualifications

This report has been prepared for JDS DEVELOPMENTS for the assessment of the proposed development at 37 John Street Leichhardt. The report is subject to following qualifications:

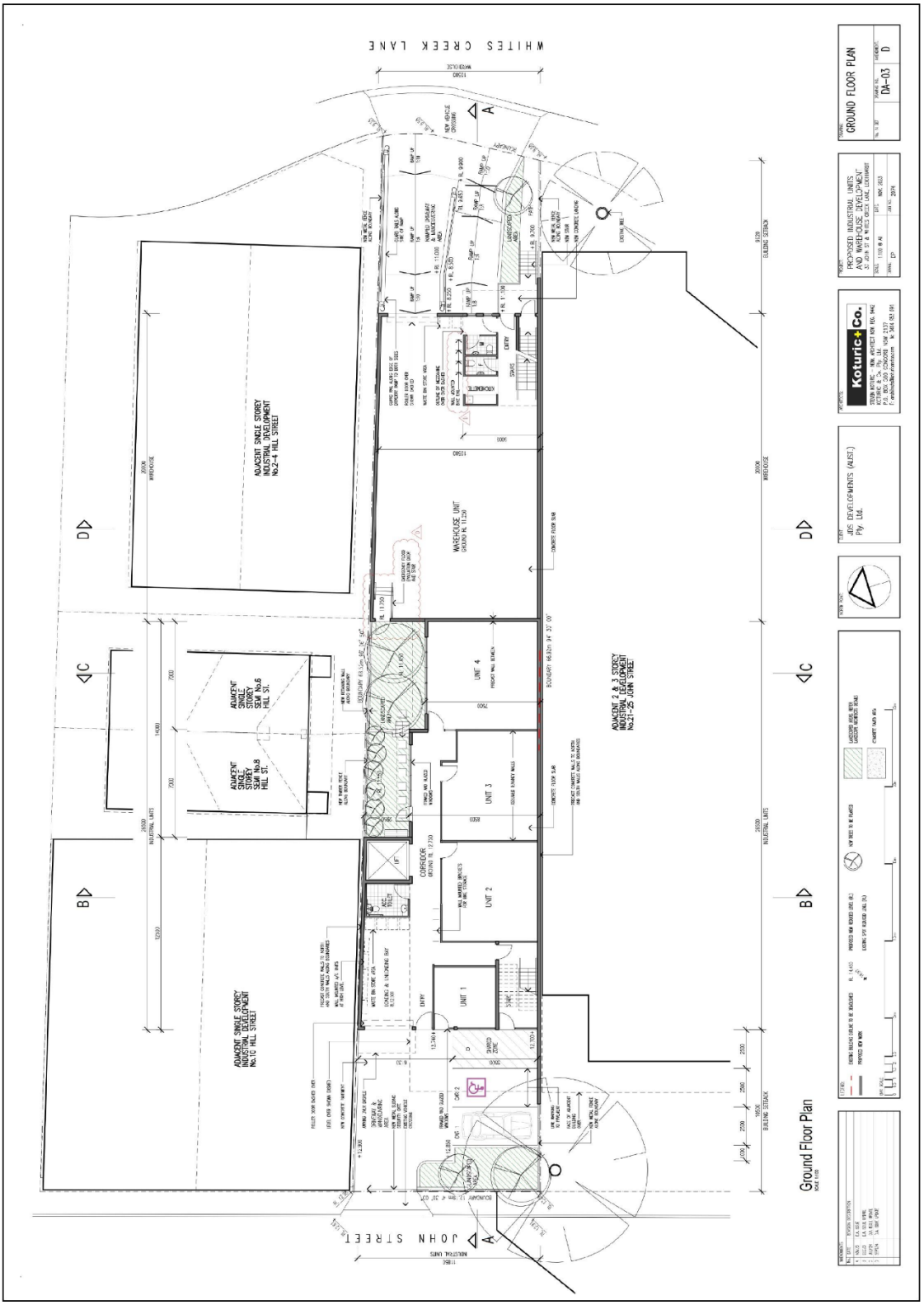
- The flood modelling is based on the models and data provided by the Inner West Council.
- This flood study report has been prepared for the proposed development as presented in this report. Modification of development may require update of this report.
- This study and its outcomes should not be used for any other purpose than those specified in this report.

APPENDIX A
Development Plans

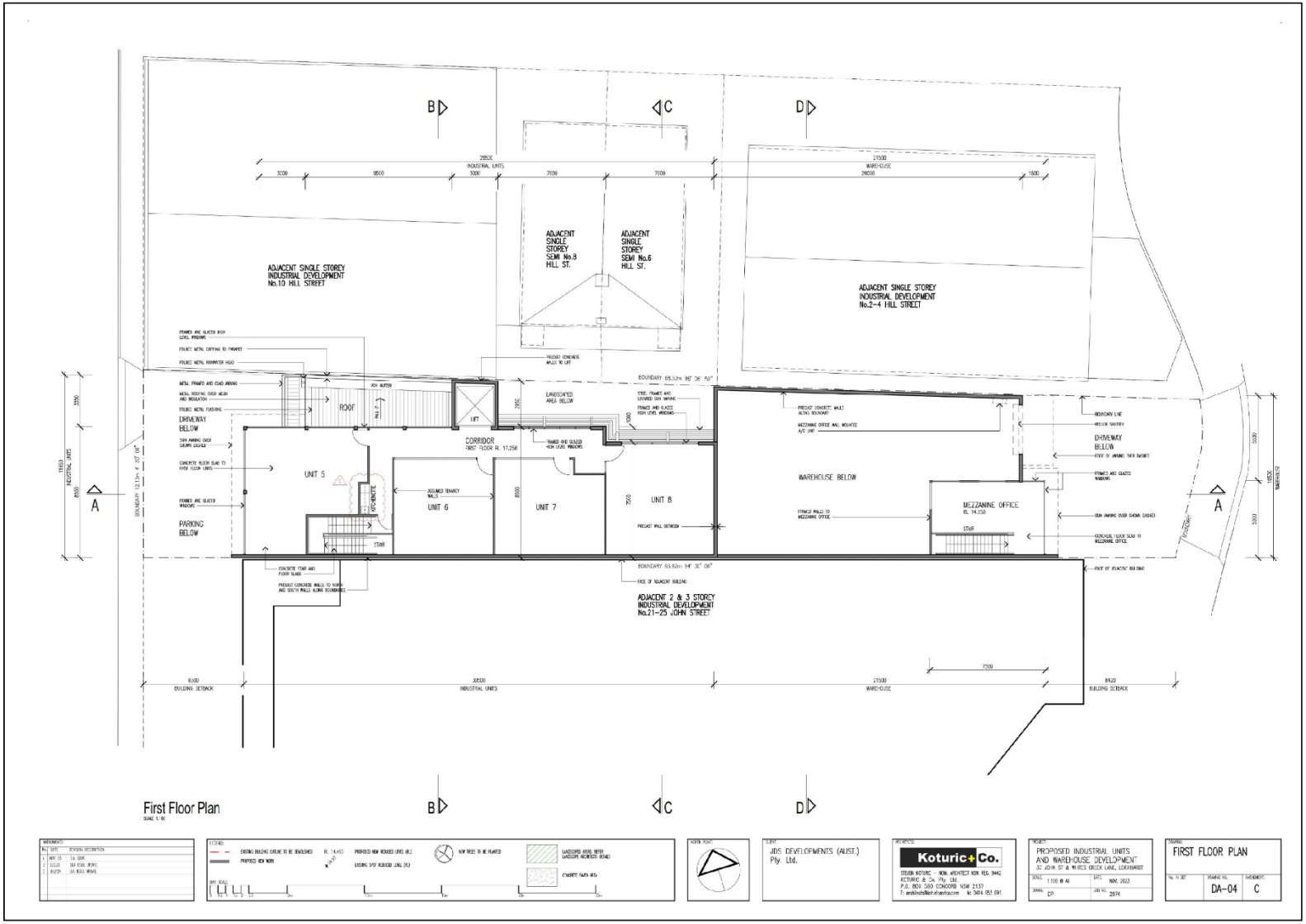


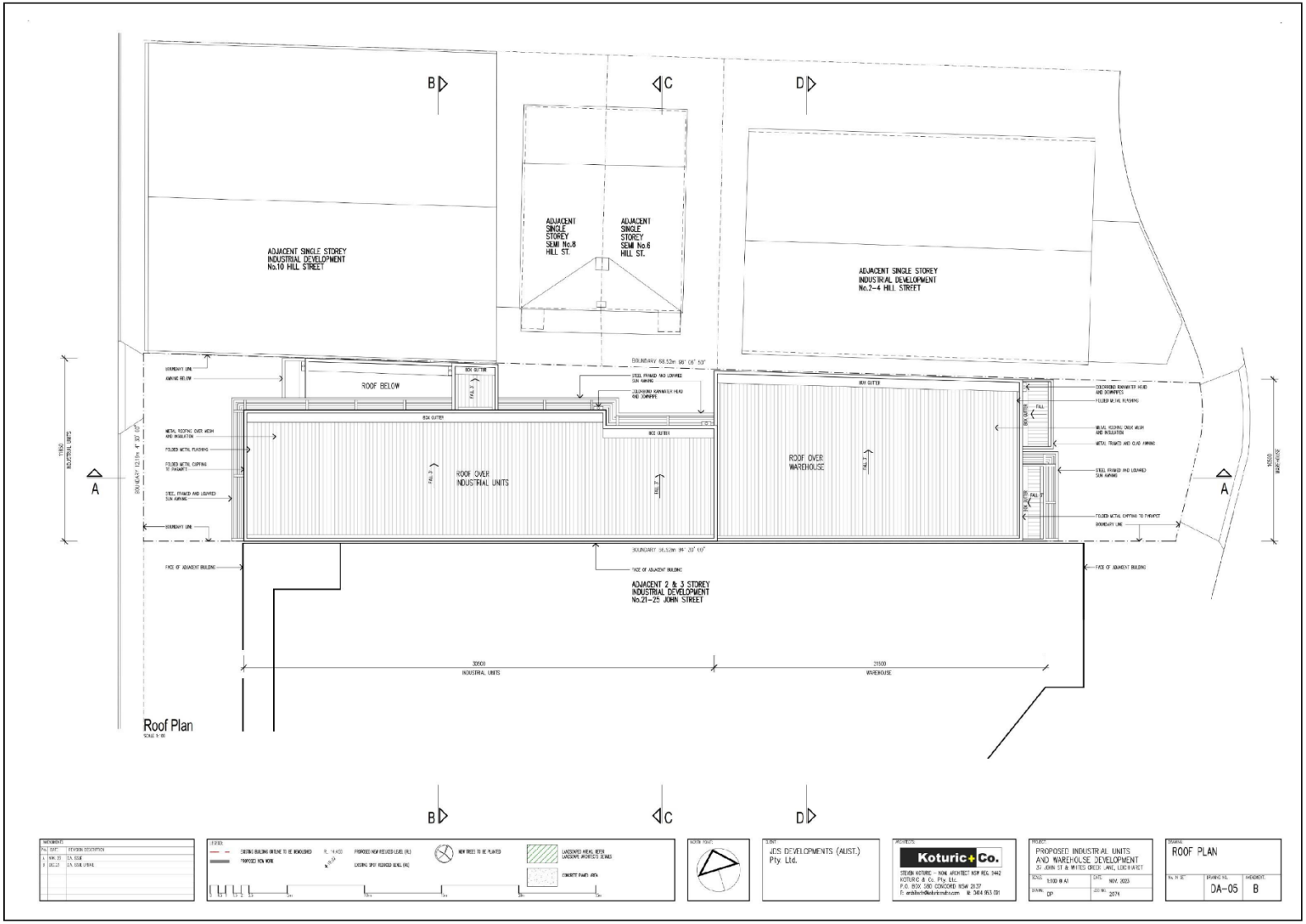


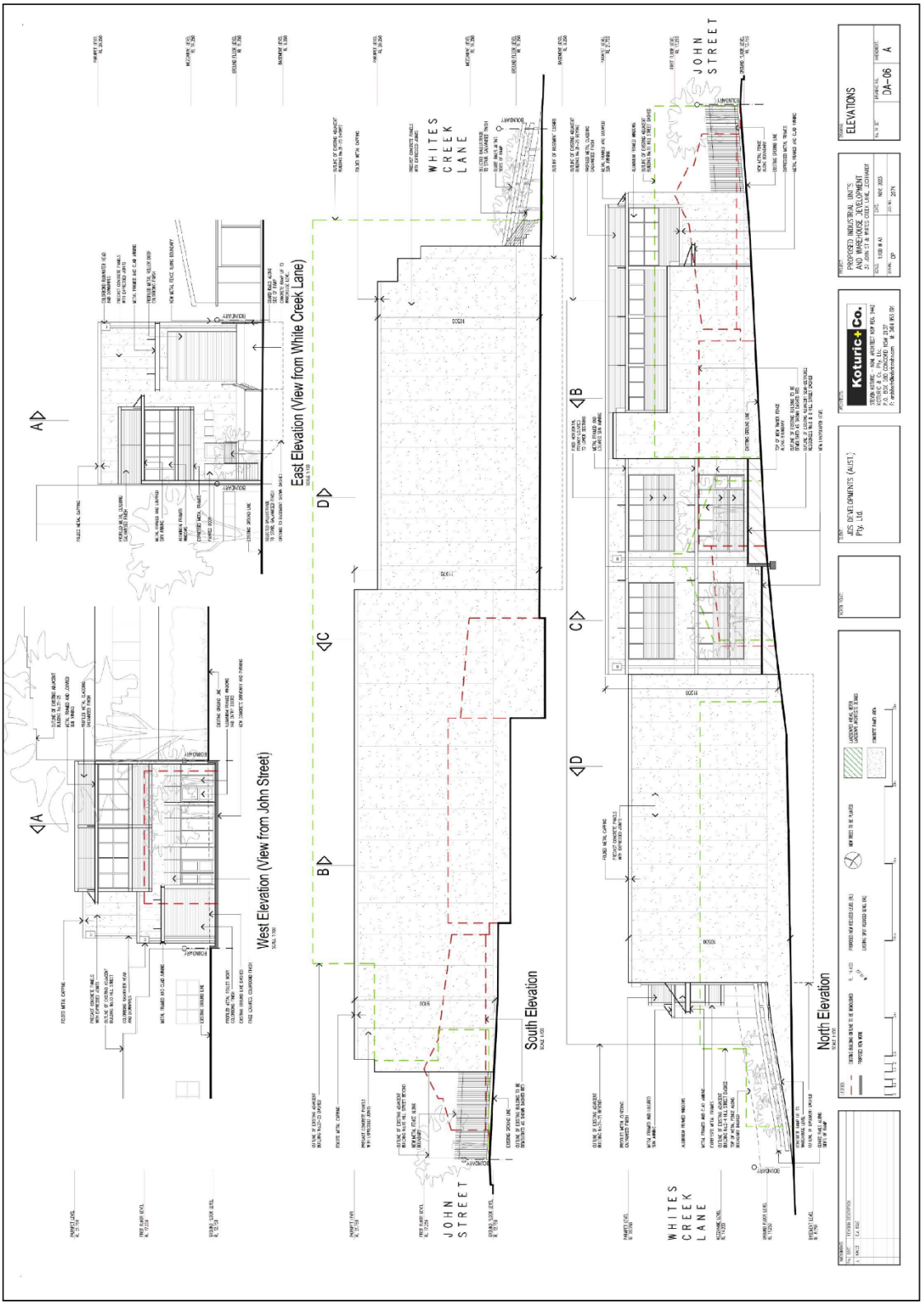
37 John Street Leichhardt – Flood Risk Management Study HydroStorm



37 John Street Leichhardt – Flood Risk Management Study | HydroStorm







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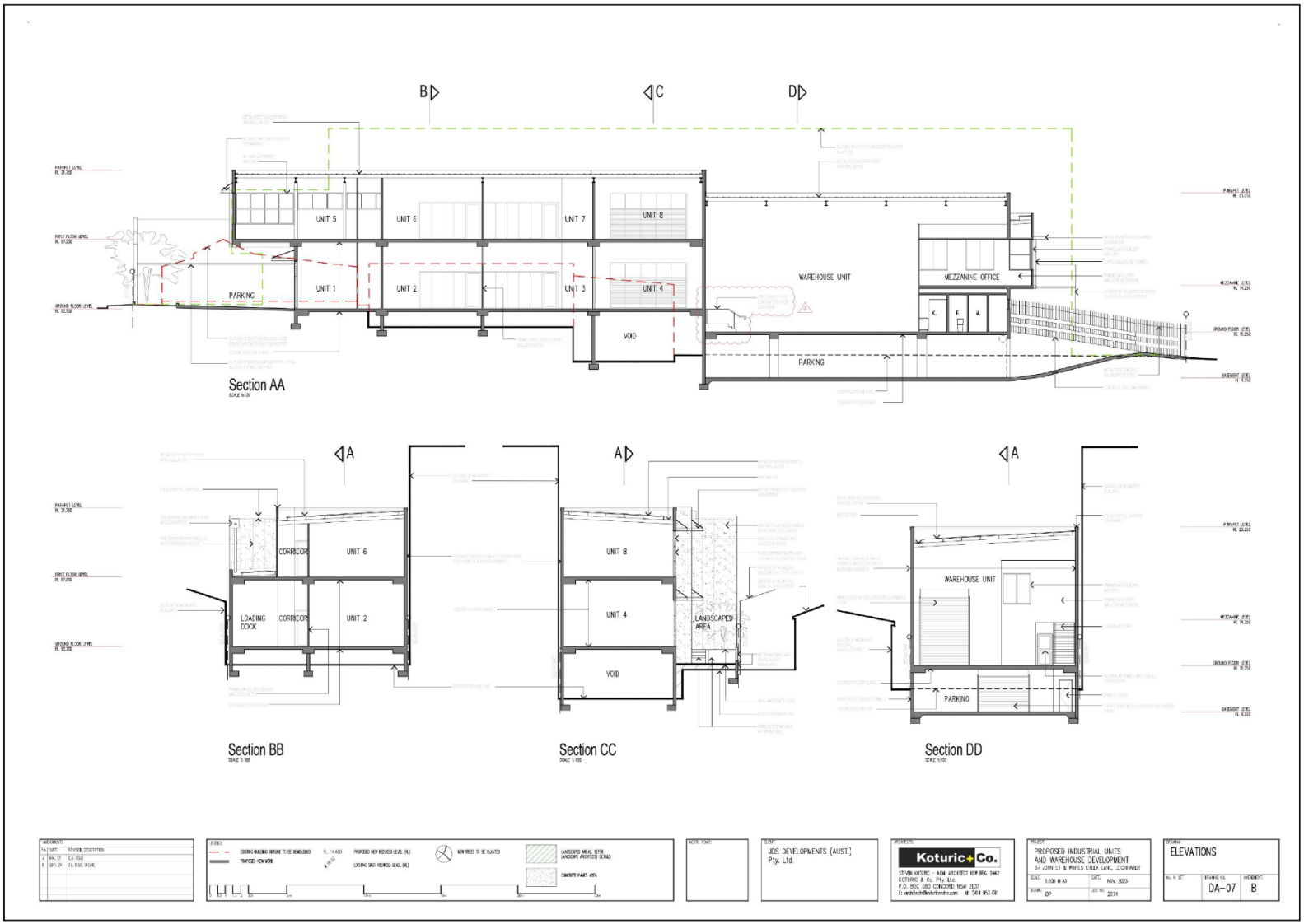

View 1 (John Street Entry)

View 2 (Whites Creek Lane Entry)

View 3 (Courtyard)

View 4

JDS DEVELOPMENTS (AUST.) Pty. Ltd.

Koturic+Co.

PROPOSED INDUSTRIAL UNITS AND WAREHOUSE DEVELOPMENT
37 JOHN ST & WHITES CREEK LANE, LEICHHARDT

3D MODEL VIEWS

DA-11 | A