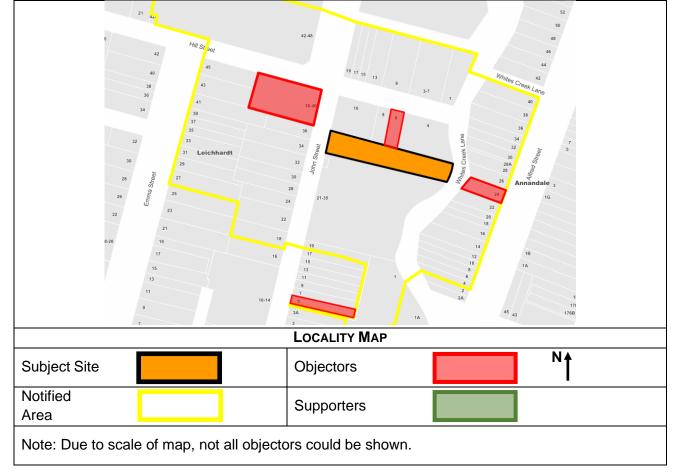
	DER WEST				
DEVELO	DEVELOPMENT ASSESSMENT PANEL REPORT				
Application No.	Application No. REV/2025/0004				
Address	37 John Street LEICHHARDT				
Proposal	S8.2 Review of Determination No. DA/2023/1123 dated 10 December 2024 for demolition of existing structures, construction				
	of a new two storey light industrial development to John Street and				
	new warehouse with mezzanine office to Whites Creek Lane with				
	associated site works.				
Date of Lodgement	10 April 2025				
Applicant	JDS DP C/-Koturic & Co. Pty				
Owner	KRDJ Pty Ltd				
Number of Submissions Five					
Cost of works	\$1,889,070.00				
Reason for determination at	Review of determination of Planning Panel				
Planning Panel					
Key Considerations	Flood planning, matters raised in submissions				
Recommendation	Approved with Conditions				
Attachment A	Recommended conditions of consent				
Attachment B	Plans of proposed development				
Attachment C	Plans of previously refused development				
Attachment D	IWLPP Report for DA/2023/1123				



1. Executive Summary

This report is an assessment of the application submitted to Council under Section 8.2 of the *Enviromental Planning and Assessment Act 1979* to review the refusal of Determination No. DA/2023/1123 dated 10 December 2024 which sought the demolition of existing structures, construction of a new two storey light industrial development to John Street and new warehouse with mezzanine office to Whites Creek Lane with associated site works at 37 John Street Leichhardt.

The application was notified to surrounding properties and five(5) submissions were received in response to notification. The main issues that have arisen from the application are those raised in submissions and the resolution of outstanding flood and stormwater management.

The application, subject to conditions as recommended is considered suitable for approval.

2. Proposal

Demolition of existing structures, construction of a new two storey light industrial development to John Street and new warehouse with mezzanine office to Whites Creek Lane with associated site works. Specifically, the proposal includes the following works:

- Demolition of all existing built structures at the subject site.
- Construction of two-storey light industrial offices accessed via John Street with an internal courtyard.
- Construction of an independent warehouse unit with a mezzanine office level.
- Associated landscaping to both frontages.

3. Site Description

The subject site is legally described as Lot 10 in DP742. 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.

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



Figure 2: Aerial photo of subject site, indicated in blue.

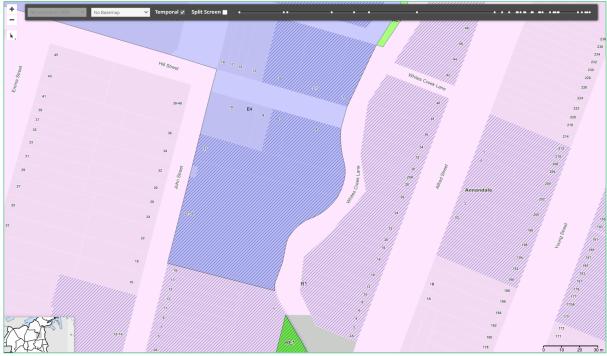


Figure 3: Zoning and flood control maps, overlayed.

4. Background

Site History

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

Subject Site

Application	Proposal	Decision & Date
DA/2023/1123	Demolition of existing building and construction of a new	10/12/2024
	two storey light industrial development to John Street	Refused - Local
	and a new warehouse with mezzanine office over	Planning Panel
	basement parking to Whites Creek Lane with associated	
	site works	
EPA-2022-0041	Unlawful building works – removal of carport/awning at	Notice issued -
	the rear	18 March 2022

Surrounding Properties

Application	Address	S		Proposal			Decision	& Dat	е
PDA/2024/0168	21-35	John	Street	Change o	of use for	Self-	Issued	- (09
	LEICHH	ARDT		Storage W	arehouse		October 2	2024	
BC/2023/0019	10	Hill	Street	Building	Certificate	_	Refused	- 1	11
	LEICHH	ARDT		unauthoris		air	Septemb	er 2024	4
				conditionin	ig units				

Application history

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

Date	Discussion / Letter / Additional Information
13/5/2025	 A request for further information was sent to the applicant regarding the following: Acoustic report Stormwater drainage Flood planning
13/5/2025	 Amended plans and supporting documentation were received. Renotification was not required in accordance with Council's Community Engagement Strategy 2025-2029. The amended plans and supporting documentation are the subject of this report.

5. Section 8.2 Review

The application was lodged under Section 8.2 of the *Environmental Planning and Assessment* Act 1979 (*EP&A Act 1979*).

Requirement	Proposal
8.2 Determinations and decisions subject to review	
The following determinations or decisions of a consent authority under Part 4 are subject to review under this Division—	

	the second sector of the second sector from the second sector of the second sector of the second sec	opplication for development concert by
•	the determination of an application for development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary), the determination of an application for the modification of a development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary), the decision of a council to reject and not determine	application for development consent by Council.
	an application for development consent. However, a determination or decision in	The subject application does not relate
•	connection with an application relating to the following is not subject to review under this Division— a complying development certificate, designated development,	The subject application does not relate to any of the applications noted in Clause 2.
•	Crown development (referred to in Division 4.6).	
•	A determination or decision reviewed under this Division is not subject to further review under this Division.	Noted.
8.3 Ap	plication for and conduct of review	
•	An applicant for development consent may request a consent authority to review a determination or decision made by the consent authority. The consent authority is to review the determination or decision if duly requested to do so under this Division.	Noted.
-	A determination or decision cannot be reviewed under this Division— after the period within which any appeal may be made to the Court has expired if no appeal was made, or after the Court has disposed of an appeal against the determination or decision.	10/12/2024. Pursuant to Section 8.10(1)(b)(i) of the <i>EP&A Act 1979</i> , an appeal may be made to the Court 6 months after the date of determination. An appeal was lodged with the Court on 10 June 2025.
•	In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.	The applicant has made amendments to the subject application.
•	The review of a determination or decision made by a delegate of a council is to be conducted-	The original DA was determined by the Local Planning Panel. The current application is to be determined by the Local Planning Panel.

 by the council (unless the determination or decision may be made only by a local planning 	
panel or delegate of the council), or	
- by another delegate of the council who is not	
subordinate to the delegate who made the	
determination or decision.	
The review of a determination or decision made by	The current application is to be
a local planning panel is also to be conducted by	determined under Council Officer
the panel.	delegation.
• The review of a determination or decision made by	NA.
a council is to be conducted by the council and not	
by a delegate of the council.	
• The review of a determination or decision made by	NA.
a Sydney district or regional planning panel is also	
to be conducted by the panel.	
The review of a determination or decision made by	NA.
the Independent Planning Commission is also to	
be conducted by the Commission.	
• The review of a determination or decision made by	NA.
a delegate of the Minister (other than the	
Independent Planning Commission) is to be	
conducted by the Independent Planning	
Commission or by another delegate of the Minister	
who is not subordinate to the delegate who made	
the determination or decision.	
8.4 Outcome of review	
After conducting its review of a determination or decision,	It is recommended that the decision
the consent authority may confirm or change the	regarding the development change,
determination or decision.	and that the proposal be approved.

An application for the "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" was refused by the Inner West Local Planning Panel under Development Application DA/2023/1123 on 10 December 2024 for the following reasons:

- 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.

ITEM 5

- 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.

The application is supported by plans and documentation that have been amended from those forming part of the original development application. The changes are summarised as follows:

- An amended Flood Impact Assessment Report was submitted
- An amended Stormwater Drainage and OSD Details Plans submitted
- The design of the proposal, including levels were changed to mitigate flooding and provide flood storage
- The design was amended to ensure a safe evacuation pathway for the unit fronting Whites Creek Lane via John Street in the event of a flood, and floor levels were amended to respond to flooding concerns

The following is an assessment of the amendments with regard to each reason 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.

The amended proposal satisfies the Aims of Plan, as it is considered the development has incorporated the principles of ESD design, reduces community risk, improves resilience to natural hazards and prevents adverse impacts to the locality, as demonstrated further within this report as the proposed design satisfactorily addresses stormwater and flooding matters.

> *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.

The proposal is consistent with the zone objectives as it ensures viable land for industrial use which adequately responds to site constraints and the amended design

is considered to have sufficiently minimised any potential impact to adjoining 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.

The application is supported by amended flood reporting and an appropriate design which responds to this report, including designing according to the flood planning levels and providing a safe path of travel for people in the event of a flood. Accordingly, the development is consistent with the objectives of the section.

> 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.

The proposal as amended, retains the ground level to not adversely impact environmental functions of the Flood Control Lot and is therefore consistent with the requirements of the Section.

> 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.

The application is supported by an amended stormwater management design and has provided data to indicate that the proposal will not have adverse stormwater impacts to the site or adjoining properties, the revised proposal had been reviewed by Council's Development Engineer who has indicated that the proposal satisfactorily complies with the provisions of 6.3 of IWLEP 2022. Accordingly, the development is consistent with the objectives of this part.

- 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.

The application is supported by amended flood reporting and is designed with regard to flood planning levels including the associated parking. Accordingly, the proposed development satisfies the relevant objectives and controls as above.

- 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.

The application is supported by amended stormwater management design and detail, deemed satisfactory by Council's Development Engineer. Accordingly, the proposed development is consistent with the objectives of this Part.

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.

The application is supported by amended flood reporting and has been designed with regard to the specified flood planning levels, adequately managing the impact of flood water and stormwater at the subject site and adjoining properties. Accordingly, the proposed development satisfies the relevant objectives and controls as above.

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.

As evidenced within this report, the amended proposal does not result in adverse environmental impacts, the site is considered suitable for the development and is considered in the public interest.

6. 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 which 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. Conditions are included in the recommendation to ensure the works are carried out in accordance with the Remediation Action Plan.

Inner West Local Environmental Plan 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	Complies
Section 1.2 Aims of Plan	 The proposal satisfies the section as follows: The proposal encourages development that demonstrates efficient and sustainable use of energy and resources in accordance with ecologically sustainable development principles, The proposal reduces community risk from and improves resilience to urban and natural hazards, The proposal facilitates economic growth and employment opportunities within Inner West, The proposal prevents adverse social, economic and environmental impacts on the local character of Inner West, The proposal prevents adverse social, economic and environmental impacts, including cumulative impacts. 	Yes

Part 2 – Permitted or prohibited development

Section	Proposed	Complies
Section 2.3 Zone objectives and Land Use Table E4 General Industrial	 The application proposes <i>light industry</i> and <i>warehouse</i> which are permissible with consent in the E4 zone. The proposal is consistent with the relevant objectives of the zone, as it provides the opportunity to have industrial, warehouse, logistics land uses, ensures the efficient and viable use of land for industrial uses and provides employment opportunities. 	Yes
Section 2.7 Demolition requires development consent	 The proposal satisfies the section as follows: Demolition works are proposed, which are permissible with consent; and Standard conditions are recommended to manage impacts which may arise during demolition. 	Yes, subject to conditions

Section	Proposed		Complies
Section 4.4	Maximum	1:1 or 771.4sqm	Yes
Floor space ratio	Proposed	0.9:1 or 706.7sqm	
Section 4.5	The site area and floor space ratio for the proposal has		Yes
Calculation of floor been calculated in accordance with the sec		in accordance with the section.	
space ratio and site			
area			

Part 4 – Principal development standards

Part 5 – Miscellaneous provisions

Section	Proposed	Complies
Section 5.21 Flood planning	The site is located in a flood planning area. The development is considered to be compatible with the flood function and behaviour on the land now and under future projections. The design of the proposal and its scale will not affect the flood affectation of the subject site or adjoining properties and is considered to appropriately manage flood risk to life and the environment. Conditions are recommended to ensure flooding is appropriately managed and mitigated.	Yes, subject to conditions

Part 6 – Additional local provisions

Section	Proposed	Complies
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	• The proposed earthworks are unlikely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability.	Yes
Section 6.3 Stormwater Management	• The development maximises the use of permeable surfaces, includes on site retention as an alternative supply and subject to standard conditions would not result in any significant runoff to adjoining properties or the environment.	Yes, subject to conditions
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 as conditions have been included in the development consent to ensure that the proposal will meet the relevant requirements of Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2015, thereby ensuring the proposal's 	Yes, subject to conditions

Section	Proposed	Complies
	compliance with the relevant provisions of Section	
	6.8 of the IWLEP 2022.	

B. Development Control Plans

The application was assessed against the following relevant parts of the Leichhardt Development Control Plan 2013 (LDCP 2013).

Part C – Section 1 – General Provisions

Control	Assessment	Complies
C1.1 Site and	The development is well designed and appropriately considers	Yes
Context	context, scale, built form, density and resource, energy and water	
Analysis	efficiency, streetscape, travel networks and connections, social	
	dimensions, and aesthetics.	
C1.7 Site	The proposal includes facilities which are integrated into the	Yes
Facilities	layout and design of the development and will not have an	
	adverse amenity impact.	
C1.8	The subject site is identified as being contaminated and	Yes, see
Contamination	demonstrates the requirements under this part in addition to the	discussion
	Resilience and Hazards SEPP, refer to discussion in Part 3A of	
	this report.	
C1.11 Parking	Required: minimum two parking spaces for each industrial use,	Yes
	maximum three.	
	Proposed: two parking spaces (one accessible) to John Street,	
	two parking spaces to Whites Creek Lane.	

Part C – Section 2 – Urban Character

Control	Assessment	Complies
C2.2.3.3 –	The proposal is considered to be a satisfactory response to the	Yes
Piperston	Distinctive Neighbourhood controls under this part	
Distinctive		
Neighbourhood		

Part C – Section 4 – Non-Residential Development

Control Assessment	Complies
 C4.2 Site Layout and Building Design Betbacks: appropriate in the context of Vehicle access, servicing and parking access and servicing at the each front 	not overbear the public of each streetscape. g: The proposal provides

C4.3 Ecologically Sustainable Development	 the proposed development has been designed to respond sensitively with respect to flooding and stormwater management. The proposal enables a resilient development which responds positively to climate change The design of the building is appropriate in the context of the locality and zone. 	Yes
C4.4 Elevation and Materials	• Character: Building façades are divided into vertical bays consistent with adjoining development and horizontal bandings that clearly delineate each storey and align with elements on adjoining developments.	Yes
C4.5 Interface Amenity	• The site adjoins land in a residential zone and a minimum rear building setback at the ground floor of 3m; first floor and above of 6m, and maximum building height is proposed.	Yes
C4.7 Bulky Goods Premises	 The proposal includes detailing that provides architectural interest, addresses and activates street frontages and enhances pedestrian and cycle links. The plans are flexible to cater for different future land uses by providing high ceilings and adaptable open planning for the ground floor. 	Yes
C4.10 Industrial Development	 The site has a sufficient area and dimensions to accommodate the development, including buildings and structures, vehicle servicing, loading and unloading, parking and manoeuvring and landscaping. The office, ancillary to the main industrial purpose on the site, is not greater than 10% of the floor space of the premise, being 27.6sqm. 	Yes

Part D – Energy

Control	Assessment	Complies	
Section 1 – Ene	Section 1 – Energy Management Yes		
Section 2 – Res	source Recovery and Waste Management		
D2.1 General Requirements	• The proposal includes a Site Waste Minimisation and Management Plan in the development application.	Yes	
D2.2 Demolition and Construction of All Development	 The proposal entails the demolition of all structures on site. A standard condition of consent requiring a Waste Management Plan to be prepared prior to demolition will be included in the recommendation. 	Yes, subject to conditions	
D2.4 Non- Residential Development	 Waste and recycling storage and collection areas and/or rooms are provided. 	Yes	

Part E – Water

Control	Assessment	Complies
E1.1.3 Stormwater Drainage Concept Plan	• A Stormwater Drainage Concept Plan (SDCP) was lodged with the application. Standard conditions are recommended to ensure the appropriate management of stormwater.	Yes, subject to conditions
E1.1.4 Flood Risk Management Report	 The subject site is identified as a flood control lot. A Flood Risk Management Report prepared was submitted with the application and will be referenced as part of any consent granted. 	Yes, subject to conditions
E1.2.2 Managing Stormwater within the Site	• The proposal includes design elements such as site layout, building setbacks, site drainage systems and fence erection shown in the architectural plans submitted as part of the application in order to ensure minimal disruption or disturbance of land surfaces or natural drainage patterns.	Yes, subject to conditions
E1.2.3 On- Site Detention of Stormwater	• The on-site detention facilities design have been designed by an appropriately qualified civil engineer and is supported by ARI calculations.	Yes, subject to conditions
E1.2.5 Water Disposal	• Stormwater runoff from all roof and impermeable areas is to be drained by gravity to the public drainage system and is supported by the SDCP, as conditioned.	Yes, subject to conditions
E1.3.1 Flood Risk Management	 The application is accompanied by a Flood Risk Management Report and supported by a flood study prepared by a relevantly qualified civil engineer. The report establishes the Hazard Category of the site. It has been reviewed by Council's Engineer who has found that it is satisfactory and has recommended a number of conditions to ensure that existing and future occupants are protected from any future flood risk. 	Yes, subject to conditions

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 not have significant adverse environmental, social or economic impacts upon the locality.

D. The Suitability of the Site for the Development

The proposal is of a nature in keeping with the overall function of the site. The premises are in an industrial surrounding and amongst similar uses to that proposed.

E. Submissions

The application was required to be notified in accordance with Council's Community Engagement Strategy 2025-2029 between 29 April and 20 May 2025.

A total of five submissions were received in response to notification.

Issues raised as follows have been discussed in this report:

• Building design – see B, Part C – Section 4 of this report

Further issues raised in the submissions received are discussed below:

Concern	Comment
Type of business, number of	The proposal seeks light industrial use and is for construction of
staff, hours of operation,	light industrial and warehouse buildings. which is permitted with
intensity of use, extent of	consent in the zone.
traffic, noise, air pollution,	
lighting spill	The application does not provide detail on operations include staff,
	hours of operations etc, the use of the site, including operational
	details would be subject to further application.
Traffic and parking impacts/	The application is supportable, subject to conditions of consent
site access from Whites	which require that parking and vehicular access to and on the site
Creek Lane/damage to	are compliant with the relevant standards.
private property/illegal	
parking across residential	Council's Development Engineer has assessed the application,
driveways	and additional information, and is satisfied that the traffic impacts
	are acceptable.
	The application proposes a new vehicular crossing to the Whites
	Creek Lane frontage, which is acceptable, subject to standard
	conditions of consent.
	Detential demose to private vahiales and other read infrastructure
	Potential damage to private vehicles and other road infrastructure,
	or illegal parking in the locality is outside the scope of an assessment under s4.15 of the <i>EP&A Act 1979</i> .
Increased traffic flow may	As above, the traffic impacts are acceptable. A pedestrian footpath
pose risks to pedestrian and	is provided on the western side of John Street. Whites Creek Lane
cyclist safety	is a service lane, and a pedestrian footpath is also provided on the
cyclist safety	western side of Whites Creek Lane.
Impact on visual privacy,	The proposed development is unlikely to have any adverse impacts
noise levels, air quality, and	on the air quality of the subject site, notwithstanding there are no
character of the locality	uses proposed, and this would be subject to further application.
	The design of the proposal is appropriate to the locality and
	surrounds, in the context of the zone and is considered appropriate
	to mitigate privacy and amenity impacts to neighbouring properties.
Site coverage/lack of	The proposed site coverage is acceptable, given the context of the
landscaping	locality and the zone. The proposed landscaping is appropriate to

	provide green space and canopy cover.
Demolition and Contamination	The site is contaminated, and the proposal seeks remediation works under this application.
	Demolition is permitted with consent; standard conditions are included in the recommendation regarding the safe removal and disposal of unsafe materials such as asbestos.
Material choice	The proposed material selection is considered suitable to the locality.
Boundary fencing to Hill Street residential properties	Conditions of consent are included to ensure that the development, including proposed fencing are compatible with flood affectation. Inconsistencies in the plans, will be rectified via conditions of consent.
Bin storage and Waste Collection	Council's Resource Recovery officer has assessed the application and found it acceptable with regard to waste management. Standard conditions are included to mitigate impacts to neighbouring properties in the locality.
Unreasonable impacts to residential neighbours in the locality, loss of heritage	The existing building is not heritage listed and there are no controls which would require retention of the existing built form.
character, not in the public interest	Whilst it is acknowledged that residences are within the vicinity of the development, the site is zoned E4 and is adjoined by other industrial development. The proposal is acceptable having regard to the relevant objectives and controls of the LDCP which seek to mitigate impacts to neighbours.
	The development, as conditioned, is considered to be in the public interest.
Construction impacts	Standard conditions regarding construction hours and noise levels, are recommended in the development consent to mitigate any potential impacts.
Selection of trees adjoining	It is noted that the proposed tree planting is located near the rear
residences, potential damage to property from falling leaves and flowers including blocking drainage and gutter	boundaries of existing dwellings. However, the dropping of leaves and flowers from the trees is unlikely to result in damage to the adjoining residences and have been suitably selected for the context of the development.

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.

This has been achieved in this instance.

7. 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 \$53,784.00 would be required for the development under the Inner West Local Infrastructure Contributions Plan 2023.

A condition requiring that contribution to be paid is included in the recommendation.

8. Referrals

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

- Development Engineer
- Urban Forest
- Resource Recovery
- Environmental Health

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

Ausgrid

9. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained within the relevant environmental planning instruments and development controls plans.

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

The application is considered suitable for the issue of a deferred commencement consent subject to the imposition of appropriate terms and conditions.

10. Recommendation

That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s8.2 of the *Environmental Planning and Assessment Act 1979,* grant APPROVAL to Application No. REV/2025/0004 to review DA/2023/1123 determined on 10 December 2024 for the demolition of existing structures, construction of a new two storey light industrial development to John Street and new warehouse with mezzanine office to Whites Creek Lane with associated site works at 37 John Street LEICHHARDT subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

GENERAL CONDITIONS

	Condition
1.	Bin Storage
	All bins are to be stored within the property. Bins are to be returned to the property within 12 hours of having been emptied.
	Reason: To ensure resource recovery is promoted and residential amenity is protected.
2.	Consent of adjoining property 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 <i>Access to Neighbouring Lands Act</i> 2000 to seek access.
	Reason: To meet the requirements of the Access to Neighbouring Lands Act 2000.
3.	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.
4.	Boundary Alignment Levels
	Alignment levels for the site at all pedestrian and vehicular access locations must match the existing back of footpath levels at the boundary unless levels are otherwise approved by Council via a S138 approval.
	Reason: To allow for pedestrian and vehicular access.
5.	Electrical Substations
	Should the proposed development require the provision of an electrical substation, such associated infrastructure must be incorporated wholly within the development site and may be the subject of an application for modification of consent.
	Reason: To ensure works are carried out in accordance with the relevant legislation.
6.	Permits
	Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993. Permits are required for the following activities:

	 Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application; A concrete pump across the roadway/footpath; Mobile crane or any standing plant; Skip Bins; Scaffolding/Hoardings (fencing on public land); Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.; Awning or street veranda over the footpath; Partial or full road closure; and Installation or replacement of private stormwater drain, utility service or water supply. If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity. Reason: To ensure works are carried out in accordance with the relevant legislation.
7.	Loading/unloading on site
	 All loading and unloading are to be conducted within the site at all times. Any designated loading bay/dock area is to remain available for loading/unloading purposes at all times. No storage of goods or parking of cars is to be carried out in these areas. Reason: To ensure that any designated loading dock is available for servicing the site at all times.
8.	Insurances
	Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.
	Reason: To ensure Council assets are protected.
9.	Public Domain and Vehicular Crossings The vehicular crossing and/or footpath works are required to be constructed by your contractor. You or your contractor must complete an application for Design of Vehicle Crossing and Public Domain Works – Step 1 form and Construction of Vehicle Crossing and Public Domain Works – Step 2 form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works. You are advised that Council has not undertaken a search of existing or proposed
	utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity,

	Street lighting and Telecommunications required as a result of the development must be at no cost to Council
	Any damage caused during construction to Council assets on the road reserve or on Council or Crown land must be repaired at no cost to Council.
	Any driveway crossovers or other works within the road reserve must be provided at no cost to Council.
	No consent is given or implied for any Encroachments onto Council's road or footpath of any service pipes, sewer vents, boundary traps, downpipes, gutters, eves, awnings, stairs, doors, gates, garage tilt up panel doors or any structure whatsoever, including when open.
	Reason: To ensure works are carried out in accordance with the relevant legislation.
10.	Noise – Consultant's Recommendations
10.	All the recommendations contained in the acoustic report prepared by Noise and Sound Services Pty Ltd, reference nss23972. Rev B, dated March 2025 must be implemented.
	Reason: To protect the amenity of the neighbourhood and ensure that the development is carried out in accordance with the consent.
11.	Contamination – Remedial Action Plan (No Site Auditor Engaged)
	The site is to be remediated and validated in accordance with all the recommendations set out in the Remedial Action Plan, prepared by Argus Pty Ltd, reference ES9139, dated 17 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.
12.	Storage of Hazardous and Dangerous Goods
	The premises are to be designed, constructed and operated in accordance with the Public Health Act 2010, Public Health Regulation 2012 and Local Government (General) Regulation 2005.
	Reason: To ensure compliance with the Public Health Act 2010, Public Health Regulation 2012 and Local Government (General) Regulation 2005.
13.	Asbestos Removal
	Hazardous and industrial waste arising from the use must be removed and / or transported in accordance with the requirements of the NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority.
	Reason: To ensure compliance with the relevant environmental legislation.
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	Plan, Revision and Issue No.	Plan Name	Date Issued/Received	Prepared by
	DA-01 C	Site Plan	March 2025	Koturic+Co.
	DA-02 E	Subterranean Plan	March 2025	Koturic+Co.
	DA-03 E	Ground Floor Plan	March 2025	Koturic+Co.
	DA-04 E	First Floor Plan	March 2025	Koturic+Co.
	DA-05 B	Roof Plan	March 2025	Koturic+Co.
	DA-06 B	Elevations	March 2025	Koturic+Co.
	DA-07 C	Sections	March 2025	Koturic+Co.
	DA-13 B	Material/Colour Schedule	March 2025	Koturic+Co.
	DA-14 B	Driveway Sections	March 2025	Koturic+Co.
	601-L1 D	Landscape Plan	1/6/2023	impact planners pty ltd
	Reason: To ensure documents		carried out in accorda	ance with the appro
5.	documents Works Outside the	Property Bound		
5.	documents Works Outside the This development co on adjoining lands.	s. Property Bound nsent does not au	ary	the property bounda
5.	documents Works Outside the This development co on adjoining lands.	s. Property Bound nsent does not au vorks are in accord	ary thorise works outside dance with the consen	the property bounda
	documents Works Outside the This development co on adjoining lands. Reason: To ensure w Storage of material	s. Property Bound nsent does not au vorks are in accord s on public prop naterials on Coun	ary thorise works outside dance with the consen	the property bounda
	documents Works Outside the This development co on adjoining lands. Reason: To ensure w Storage of material The placing of any m	s. Property Bound nsent does not au vorks are in accord s on public prop naterials on Counc Council.	ary thorise works outside dance with the consen erty	the property bounda
	documents Works Outside the This development co on adjoining lands. Reason: To ensure w Storage of material The placing of any m the prior consent of C Reason: To protect p Other works	s. Property Bound nsent does not au vorks are in accord s on public prop naterials on Counc Council. edestrian safety.	ary thorise works outside dance with the consen erty	the property bounda t. ay is prohibited, with

18.	National Construction Code (Building Code of Australia)			
	A complete assessment of the application under the provisions of the National			
	Construction Code (Building Code of Australia) has not been carried out. All build			
	works approved by this consent must be carried out in accordance with th			
	requirements of the National Construction Code.			
	Reason: To ensure compliance with legislative requirements.			
19.	Dividing Fences Act			
	The person acting on this consent must comply with the requirements of the <i>Dividing</i>			
	Fences Act 1991 in respect to the alterations and additions to the boundary fences.			
	Reason: To ensure compliance with legislative requirements.			
20.	Lead-based Paint			
	Buildings built or painted prior to the 1970's may have surfaces coated with lead-			
	based paints. Recent evidence indicates that lead is harmful to people at levels			
	previously thought safe. Children particularly have been found to be susceptible to			
	lead poisoning and cases of acute child lead poisonings in Sydney have been			
	attributed to home renovation activities involving the removal of lead based paints.			
	Precautions should therefore be taken if painted surfaces are to be removed or			
	sanded as part of the proposed building alterations, particularly where children or			
	pregnant women may be exposed, and work areas should be thoroughly cleaned prior			
	to occupation of the room or building.			
	Decessory To protect housen health			
	Reason: To protect human health.			
21.	Dial Before You Dig			
	Contact "Dial Before You Dig" prior to commencing any building activity on the site.			
	Reason: To protect assets and infrastructure.			

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition	
22.	. Resource Recovery and Waste Management Plan - Demolition and Construction	
	Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a "Waste and Recycling Waste Management Plan - Demolition and Construction" in accordance with the relevant Development Control Plan.	
	Reason: To ensure resource recovery is promoted and local amenity protected during construction.	

23.	Bin Storage	Area		
	Prior to the is provided with a	ssue of a Construction Certificate a Waste and Recycling Manageme	e, the Certifying Authority must b ent Plan.	e
	The submitted Waste and Recycling Management Plan must demonstrate that the bin storage area will accommodate the number of bins required for all waste a recycling generated by a development of this type and scale. The area must also include 50% allowance for manoeuvring of bins. The bin storate area is to be located away from habitable rooms, windows, doors and private useal open space, and to minimise potential impacts on neighbours in terms of aesthetic noise and odour.			id je le
	The bin storag Control Plan.	e area is to meet the design requir	ements detailed in the Development	nt
	Reason: To er	nsure resource recovery is promote	ed and local amenity protected.	
24.	Waste Trans	fer Route		
	provided with area/bulky was a minimum 12 obstructions a 660L bins, and Reason: To re	plans demonstrating that the path ste storage area and the designated 00mm wall-to-wall clearance, is sl nd at no point has a gradient exc d completely level for 1100L bins of	protect residents and staff or tenant	le as of or
25.	Construction	Methods to Minimise Impact on	Trees	-
	Prior to the is provided with slab of the ap utilise tree ser	ssue of a Construction Certificate details certified by the Project Arbo proved driveway and carparking a sitive construction techniques with	e, the Certifying Authority must b prist demonstrating that the concret rea on the John Street frontage w hin the specified radius of the trunk are not approved for pruning b	te ill ks
	Tree No.	Species	Radius in metres	
	1	Jacaranda mimosifolia	5.9m	
			e Certifying Authority must verify the	at
	no proposed u	nderground services are located be on the subject site and adjoining sit	eneath the canopy of any prescribe es (including trees located within th	d
	Reason: To m	itigate the impact of the work on tre	ees to be retained.	

26.	Security Deposit -	Custom				
	Certificate, the Cert security deposit and making good any da as a consequence of	cement of demolition works or prior to the issue of a Construction ifying Authority must be provided with written evidence that a d inspection fee has been paid to Council to cover the cost of mage caused to any Council property or the physical environment of carrying out the works and as surety for the proper completion in and drainage works required by this consent.				
	Security Deposit:	\$22,890.00				
	Inspection Fee:	\$389.90				
		epted in the form of cash, bank cheque, EFTPOS/credit card (to 00) or bank guarantee. Bank Guarantees must not have an expiry				
		is required for the Council to determine the condition of the ve and footpath prior to and on completion of the works being				
	during the course of assets or the environ by this consent are necessary to repair t utilise part or all of	ncil's property and/or the physical environment sustain damage the demolition or construction works, or if the works put Council's ment at risk, or if any road, footpath or drainage works required not completed satisfactorily, Council may carry out any works the damage, remove the risk or complete the works. Council may the security deposit to restore any damages, and Council may urt of competent jurisdiction, any costs to Council for such				
	A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.					
	The amount nominated is only current for the financial year in which the initial consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.					
	Reason: To ensure required security deposits are paid.					
27.		orks – Prior to Construction Certificate				
	Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a public domain works design, prepared by a qualified practising Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the Roads Act 1993 incorporating the following requirements:					
		ruction of heavy duty vehicular crossings to all vehicular access and removal of all redundant vehicular crossings to the site;				

	b. The vehicular crossing in Whites Creek Lane is being constructed over a Sydney Water Stormwater Channel and therefore the design will need to be approved by Sydney Water. A copy of Sydney Waters's approved plans shall be submitted to Council with the S138 application.	
	c. The vehicular crossing and driveway ramp to the site shall be designed to satisfy the ground clearance template for a B85 and SRV vehicles using dynamic ground clearance software. A long section, along both sides of the vehicular crossing and ramp, drawn at a 1:20 or 1:25 natural scale, shall be provided for review. The long section shall begin from the centreline of the adjacent road to a minimum of 3 metres into the property. The long section shall show both existing and proposed surface levels including information including chainages.	
	 New footpath and repair of any damaged kerb and gutter along both frontages of the site. The kerb type (concrete or stone) must be consistent with the majority of kerb type at this location, as determined by the Council Engineer; 	
	e. Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath must be set at 2.5%. These sections will set the alignment levels at the boundary.	
	f. Details of the direct connection of the site stormwater to Sydney Waters Channel at the rear of the property. A copy of the Sydney Water approved plans shall be provided to Council.	
	All works must be completed prior to the issue of an Occupation Certificate.	
	Reason: To ensure public domain works are constructed to Council's standards.	
28.	Stormwater Drainage System – Major Developments Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with stormwater drainage design plans incorporating on site stormwater detention and/or on site retention/ re-use facilities (OSR/OSD) and Stormwater Quality Improvement Devices (SQIDS), certified by a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that the design of the site drainage system complies with the following specific requirements:	
	a. The design must be generally in accordance with the stormwater drainage concept plan on Drawing No. 1999.01H sheets 1 to 7 Revision G prepared by NITMA consulting P/L and dated 15/7/24. Sheet 5 of 7 is "as amended" and submitted to Council on 13/5/25.	
	b. The majority of the parking area should be graded to drain to Pit 3 to reduce the amount of stormwater draining to the grated strip drain.c. The internal floor level of the loading area/dock shall be graded to drain to the material drain.	
	drated drain.	1
	 grated drain. d. To protect the site from flood waters entering from the access driveway in John Street the internal driveway must rise to a level of RL13.1m (the 1 in 100 year level at the front) before grading down to the loading area. e. Stormwater runoff from all surface areas within the property must be collected in a system of gutters, pits and pipelines and be discharged together overflow 	

	pipelines from any rainv Council's piped drainage	vater tank(s) by gravity t e system via the OSD/OSI	o a public road/directly to R tanks.	
f.	Comply with Council's Stormwater Drainage Code, Australian Rainfall and Runoff (A.R.R.), Australian Standard AS3500.3-2018 'Stormwater Drainage' and Council's DCP.			
g.	Charged or pump-out including for roof drainag	stormwater drainage sy je.	stems are not permitted	
h.	development flows for the development flows for the	the 100 year ARI storm e 5 year ARI storm event i	t demonstrate that the post are restricted to the pre in accordance with Section pproved by Sydney Water.	
1.	convey the one hundred from the contributing cate Details of the 1 in 100-ye case of failure\blockage Water quality filtration treatment device(s) must such that all water enter the device(s). No nuisance or concentr As there is no overland t the rear, the design of th following criteria: i. Capture and com from the contribu and 50% blockag ii. The maximum w 150mm below the	(100) year Average Recu chment to the OSD/OSR ear ARI overflow route to of the drainage system m basket(s) with screening the installed on the site st ing the site stormwater dra ration of flows to other pro- flow/flood path available f he sag pit and piped drain vey the 100 year Average ting catchment assuming the of the pipe. vater level over the sag e floor level or damp cours provement devices mus	the adjacent public road in nust be provided. g bag or similar primary cornwater drainage system ainage system is filtered by operties from the front of the site to hage system is to meet the e Recurrence Interval flow 80% blockage of the inlet pit shall not be less than	
	Pollutant	Baseline Annual Pollution Load (kg/ha/yr)	Retention Criteria	
t	Gross Pollutants, including irash, litter and vegetation matter greater than 5mm	500	90% reduction of average annual load	
i	Total Suspended solids, ncluding sediment and other fine material less than 5mm	900	85% reduction of average annual load	
	Total Phosphorous	2	65% reduction of average annual load	
	Total Nitrogen	15	45% reduction of average annual load	

	Hydrocarbons (Oil an Grease)	d 90% reduction of average annual load – no visible discharge
	Toxicants	100% containment of toxicants
	quality treatment facil inspections/maintenance	enance plan outlining how all elements of the wate ity will be maintained and to record annua works to be undertaken. equate provision of stormwater drainage is provided.
29.	Dilapidation Report – Pre-De	evelopment – Minor
	Authority must be provided with	truction Certificate or any demolition, the Certifying n a dilapidation report including colour photos showing otpath and roadway adjacent to the site. sets are protected.
30.	Flood Risk Management Pla	n
	provided with a Flood Risk Ma experienced Civil Engineer wh the Institution of Engineers A	truction Certificate, the Certifying Authority must be anagement Plan prepared and certified by a suitably o holds current Chartered Engineer qualifications with ustralia (CPEng) or current Registered Professiona Professionals Australia (RPEng). The Plan must be ovision for the following:
		erally in accordance with the recommendations of the ent Study prepared by Hydrostorm Consulting Version
	occupants and the risl recommendations mu flood impacts on the	all precautions to minimise risk to personal safety of k of property damage for the total development. Such st be consistent with the approved development. The site must be assessed for the 100-year ARI and bod (PMF) storm events. The precautions must include e following:
		als to be used to ensure the structural integrity of the ersion and impact of velocity and debris.
		methods, including electrical equipment, wiring, fue er service pipes or connections.
	iii. Flood warning s	igns/depth indicators for areas that may be inundated
	iv. A flood evacuat	ion strategy.
	1	

	c. To protect the buildings from flooding, the floor levels of Units 1 to 4 shall set at 12.75m AHD while the floor level of the Warehouse Unit at the re shall be set 11.25m AHD.	
	d. A structural engineer's certificate must be submitted stating that proposed building has been designed to withstand the forces of flood debris and buoyancy up to the 1 in 100-year flood level/(Probable Max Flood (PMF) level- If refuge on site proposed).	
	e. The existing ground levels throughout the site must be maintained so as n to alter the existing overland flow path.	not
	f. All new boundary fencing or screening within the overland flow path must of an open type to allow for the free flow of water throughout the site.	be
	g. As the Sub Lower Floor area is below the 100 year flood level, enclosing the Sub Lower Floor area is not permitted. All areas of the Sub Lower Floor may remain open and must not be enclosed by any walls or other structure except for open type screening panels. In addition, the floor of the subflow area shall be designed so that it can drain out freely under gravity after the flood event has passed.	ust res oor
	h. All works must be designed to comply with the ABCB Standard: Construction of Buildings in Flood Hazard Areas in accordance with the Nation Construction Code and the Building Code of Australia. Note that some term defined in this standard have equivalent meaning to terms used in Counce Development Control Plan as listed below.	nal ms
	Building Code of Australia	
	 Defined flood level (DFL) 100-year Average Recurrence Interval flo level 	bod
	Defined flood event (DFE) 100-year Average Recurrence Interval flo	bod
	 Flood hazard level (FHL) Flood Planning Level (FPL). 	
	Reason: To protect human life and property during a flood event.	
31.	Parking Facilities – Major	
	Prior to the issue of a Construction Certificate, the Certifying Authority must b provided with plans certified by a suitably experienced Civil Engineer who hold current Chartered Engineer qualifications with the Institution of Engineers Australii (CPEng) or current Registered Professional Engineer qualifications with Professional Australia (RPEng) demonstrating that the design of the vehicular access, off-street parking facilities and associated vehicle standing areas comply with Australia Standard AS/NZS 2890.1-2004 Parking Facilities: Off-street car parking, Australia Standard AS 2890.2-2018 Parking Facilities: Commercial vehicle facilities, AS/NZ 2890.3-2015 Parking facilities: Bicycle Parking, AS/NZS 2890.6-2009 Parkin facilities: Off-street parking for people with disabilities and the following specifi requirements:	
	a. The internal vehicle hardstand area must be redesigned such that the le at the boundary matches the existing back of footpath level unless alternat alignment levels are approved via a Section 138 approval by Council. T	ive

 Standard and council's DCP. 32. 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. 33. 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. Note: In special entertainment precincts, this condition applies to noise and vibration from plant equipment and machinery only. Reason: To protect the amenity of the neighbourhood. 34. Sydney Water – Tap In 		 vehicle crossing off John Street must then rise to a height of RL13.1m (the 1 in 100 year flood level at the front) before grading down to the loading area. b. The longitudinal profile across the width of the vehicle crossing, vehicular access and any ramps within the parking facilities must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004 and AS 2890.2-2018 for a B85 and SRV design vehicles. Longitudinal sections along each outer edge of the access and parking facilities, extending to the centreline of the road carriageway must be provided, demonstrating compliance with the above requirements. c. Minimum headroom of 2200mm must be provided throughout the access and parking facilities. Minimum headroom of 3500mm must be provided above any disabled parking space(s). Minimum headroom of 3500mm must be provided throughout the path of travel for an SRV utilising the loading bay. d. The headroom must be measured at the lowest projection from the ceiling, such as lighting fixtures, and to open garage doors. Headroom at a 'sag' type grade change must be measured in accordance with Figure 5.3 of AS/NZS 2890.1-2004. e. The vehicle egress is designed such that there are no obstructions to lines of sight, along with the footpath and the roadway for drivers of egressing vehicles. f. Loading/unloading facilities must be provided on-site in accordance with the requirements of AS 2890.2 – 2002.
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. 33. 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. Note: In special entertainment precincts, this condition applies to noise and vibration from plant equipment and machinery only. Reason: To protect the amenity of the neighbourhood.	32.	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
 33. 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. Note: In special entertainment precincts, this condition applies to noise and vibration from plant equipment and machinery only. Reason: To protect the amenity of the neighbourhood. 		A copy of any SafeWork NSW approval documents is to be included as part of the documentation.
	33.	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. Note: In special entertainment precincts, this condition applies to noise and vibration from plant equipment and machinery only.

	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 <u>http://</u> details on the process or telephone 13	/www.sydneywater.com.au/tapin/index.htm fo 20 92.			
	Reason: To ensure relevant utility and the certifier.	service provides requirements are provided to			
35.	Acoustic Report – Aircraft Noise				
	provided with amended plans detailing prepared by a suitably qualified Acous	Certificate, the Certifying Authority must be g the recommendations of an acoustic reportic Engineer demonstrating compliance of the sions of Australian Standard AS 2021:2019 uilding siting and construction.			
	Reason: To ensure all noise attenuatio Standard.	n is in accordance with the relevant Australia			
36.	provided with plans detailing the metho	work Certificate, the Certifying Authority must be d of concealment of all plumbing and ductwork nin the outer walls of the building so they are			
	Reason: To protect the visual amenity of the neighbourhood.				
		of the neighbourhood.			
37.	Section 7.11 Contribution In accordance with section 7.11 of the 1979 and the Inner West Local Infrastr	<i>Environmental Planning and Assessment Ac</i> ructure Contribution Plan 2023 (the Plan), the be paid to Council to cater for the increased			
37.	Section 7.11 Contribution In accordance with section 7.11 of the 1979 and the Inner West Local Infrasti following monetary contributions shall	<i>Environmental Planning and Assessment Ac</i> ructure Contribution Plan 2023 (the Plan), the be paid to Council to cater for the increased			
37.	Section 7.11 Contribution In accordance with section 7.11 of the 1979 and the Inner West Local Infrastr following monetary contributions shall demand for local infrastructure resulting	Environmental Planning and Assessment Active ructure Contribution Plan 2023 (the Plan), the be paid to Council to cater for the increased g from the development:			
37.	Section 7.11 Contribution In accordance with section 7.11 of the 1979 and the Inner West Local Infrast following monetary contributions shall demand for local infrastructure resulting Contribution Category	Environmental Planning and Assessment Accructure Contribution Plan 2023 (the Plan), the be paid to Council to cater for the increased g from the development:			
37.	Section 7.11 Contribution In accordance with section 7.11 of the 1979 and the Inner West Local Infrastr following monetary contributions shall demand for local infrastructure resulting Contribution Category Open Space & Recreation	Environmental Planning and Assessment Adructure Contribution Plan 2023 (the Plan), the be paid to Council to cater for the increased g from the development: Amount \$12,092.00			
37.	Section 7.11 Contribution In accordance with section 7.11 of the 1979 and the Inner West Local Infrastr following monetary contributions shall demand for local infrastructure resulting Contribution Category Open Space & Recreation Transport	Environmental Planning and Assessment Advised to Council to cater for the increased g from the development: Amount \$12,092.00 \$31,800.00			
37.	Section 7.11 Contribution In accordance with section 7.11 of the 1979 and the Inner West Local Infrastr following monetary contributions shall demand for local infrastructure resulting Contribution Category Open Space & Recreation Transport Drainage	Environmental Planning and Assessment Adructure Contribution Plan 2023 (the Plan), the be paid to Council to cater for the increased g from the development: Amount \$12,092.00 \$31,800.00 \$8,331.00			
37.	Section 7.11 Contribution In accordance with section 7.11 of the 1979 and the Inner West Local Infrastr following monetary contributions shall demand for local infrastructure resulting Contribution Category Open Space & Recreation Transport Drainage Plan Administration TOTAL	Environmental Planning and Assessment Advice Contribution Plan 2023 (the Plan), the be paid to Council to cater for the increased from the development: Amount \$12,092.00 \$31,800.00 \$8,331.00 \$1,561.00 \$53,784.00			
37.	Section 7.11 Contribution In accordance with section 7.11 of the 1979 and the Inner West Local Infrastr following monetary contributions shall demand for local infrastructure resulting Contribution Category Open Space & Recreation Transport Drainage Plan Administration TOTAL At the time of payment, the contribute	Environmental Planning and Assessment Advised to Council to Plan 2023 (the Plan), the be paid to Council to cater for the increased of from the development: Amount \$12,092.00 \$31,800.00 \$8,331.00 \$1,561.00 \$53,784.00 ions payable will be adjusted for inflation in in the Plan in the following manner:			
37.	Section 7.11 Contribution In accordance with section 7.11 of the 1979 and the Inner West Local Infrastrifollowing monetary contributions shall demand for local infrastructure resulting Contribution Category Open Space & Recreation Transport Drainage Plan Administration TOTAL At the time of payment, the contribut accordance with indexation provisions	Environmental Planning and Assessment Advised to Council to Plan 2023 (the Plan), the be paid to Council to cater for the increased of from the development: Amount \$12,092.00 \$31,800.00 \$8,331.00 \$1,561.00 \$53,784.00 ions payable will be adjusted for inflation in in the Plan in the following manner:			

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 140.9 for the March 2025 quarter. 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) <u>if the development is for</u> <u>subdivision – prior to the issue of the subdivision certificate</u>, 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.

BEFORE BUILDING WORK COMMENCES

	Condition			
38.	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 5 metres of the development must be protected in accordance with AS4970— <i>Protection of trees on development sites</i> 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.			
	Tree	Species	accordance with all relevant conditions of consent.	
	1	Jacaranda mimosifolia	Adjacent south-western corner - within 35 John Street	
39.	Project Arb Prior to the proximity to p Qualification for the durati supervise wo	orist commencement of a protected trees a Proj Framework (AQF) Lu ion of the site prepa	e retained are protected. any demolition or construction works within close ect Arborist (a person holding a minimum Australian evel 5, Diploma of Arboriculture), must be engaged ration, demolition, construction and landscaping to roject Arborist must be submitted to the Certifying s.	
		protect and retain tree	es.	
40.	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. 			

41.	Const	ruction Traffic Management Plan – Detailed	
		any building work, the Certifying Authority, must be provided with a detailed	
	Construction Traffic Management Plan (CTMP), prepared by an appropria		
	qualified Traffic Management Consultant with Transport for NSW accreditation.		
	Certifying Authority must approved by the CTMP prior to the commencement of		
		including demolition. The Certifying Authority must ensure that the CTMP	
		s 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		
	1	uitable direct route.	
		owing matters should be addressed in the CTMP (where applicable):	
		Description of the demolition, excavation and construction works;	
	1	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.		
	I.	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);	
	0.	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	
	ļ ,	onto surrounding footpaths and roadways.	
	t.	Swept Paths for the proposed construction vehicles to demonstrate that the	
	1	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.
42.	Verification of Levels and Location
	Prior to the pouring of the ground floor slab or at dampcourse level, whichever is applicable or occurs first, the Principal Certifier must be provided with a survey levels certificate prepared by a Registered Surveyor indicating the level of the slab and the location of the building with respect to the boundaries of the site to AHD.
	Reason: To ensure works are in accordance with the consent.
43.	Dilapidation Report
	Prior to any works commencing (including demolition), the Certifying Authority and owners of identified properties, must be provided with a colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the identified properties (2-4, Hill Street, 6 Hill Street, 8 Hill Street, 10 Hill Street and 21-25 John Street Leichhardt) to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.
	Reason: To establish and document the structural condition of adjoining properties for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.
44.	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.

DURING BUILDING WORK

	Condition		
45.	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		

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	Protection of Trees on De place beneat under Counce The existing	f trees on development evelopment Sites. No th the canopy of any t cil's Tree Managemen g trees detailed bel	nust be protected in accordance with AS4970— ent sites and Council's Development Fact Sheet— o activities, storage or disposal of materials taking ree (including trees on neighbouring sites) protected nt Controls at any time. low must be retained and protected throughout accordance with all relevant conditions of consent.
	Tree Number	Species	Location
	1	Jacaranda mimosifolia	Adjacent south-western corner - within 35 John Street
46.			be retained are protected.
	The Project A Zone (TPZ) certify compl a. b. c. d. e.	of any tree listed for liance with each key The installation of tr of any construction During demolition grass etc.) within retained; During construction TPZ of tree 1; During any excava retained; During any Landsc by Council.	e various stages of work within the Tree Protection retention including street trees. The Arborist must milestone detailed below: ree protection measures prior to the commencement
	provides de acknowledge	tails on the health a ed by certifying autho Certification that t	and structure of tree/s must be submitted to and brity at each hold-point listed below: tree protection measures have been installed in
	c.	Certification of com 48 hours of comple Details of any other works within the TF A final compliance	These consent conditions apliance with each key milestone listed above within ation; r works undertaken on any tree to be retained or any PZ which has been approved by Council. e report must be submitted to and approved by prior to the issue of any Occupation Certificate.
	Reason: To	protect and retain tre	es.

	Arborists st	andards	
			son holding a minimum Australian
			te of Arboriculture, Arborist. The work
			3— <i>Pruning of amenity trees</i> and the
			to Managing Risks of Tree Trimming
	and Remova	I Work. Any works in the vicinity of	the Low Voltage Overhead Network
	(including se	rvice lines—pole to house conne	ections) must be undertaken by an
	approved ne	twork service provider contractor	for the management of vegetation
			nt network service provider for further
	advice in this		
	Reason: To e	ensure compliance with legislative r	equirements.
48.	Tree Protec	tion Works	
			rtaken in accordance with Council's
			Sites and AS4970—Protection of trees
	on developme		
	D		
	Reason: To p	protect and retain trees.	
49.	Limited Roo	ot Pruning	
			ated within the specified radius of the
			injured in the process of any works
	during the co	nstruction period:	
	during the co	nstruction period:	
	during the co	nstruction period:	
		·	Padius in motros
	during the co	nstruction period: Species	Radius in metres
		·	Radius in metres
	Tree No	Species	
	Tree No	Species Jacaranda mimosifolia	5.9m
	Tree No	Species Jacaranda mimosifolia	5.9m
	Tree No 1 All excavation dug under di	Species Jacaranda mimosifolia n within the specified radius of the t rect supervision of the Project Ar	5.9m runks of the above tree must be hand borist. If tree roots less than 40mm
	Tree No 1 All excavation dug under di diameter are	Species Jacaranda mimosifolia n within the specified radius of the t rect supervision of the Project Ar required to be severed for the pu	5.9m runks of the above tree must be hand borist. If tree roots less than 40mm rposes of constructing the approved
	Tree No 1 All excavation dug under di diameter are works, they r	Species Jacaranda mimosifolia n within the specified radius of the t rect supervision of the Project Ar required to be severed for the pu nust be cut cleanly using a sharp	5.9m runks of the above tree must be hand borist. If tree roots less than 40mm
	Tree No 1 All excavation dug under di diameter are works, they r	Species Jacaranda mimosifolia n within the specified radius of the t rect supervision of the Project Ar required to be severed for the pu	5.9m runks of the above tree must be hand borist. If tree roots less than 40mm rposes of constructing the approved
	Tree No 1 All excavation dug under di diameter are works, they r must be under	Species Jacaranda mimosifolia n within the specified radius of the t rect supervision of the Project Ar required to be severed for the pu nust be cut cleanly using a sharp	5.9m runks of the above tree must be hand borist. If tree roots less than 40mm rposes of constructing the approved and fit for purpose tool. The pruning
	Tree No 1 All excavation dug under di diameter are works, they r must be under Note – The ir	Species Jacaranda mimosifolia within the specified radius of the t rect supervision of the Project Ar required to be severed for the pu must be cut cleanly using a sharp ertaken by a practicing Arborist.	5.9m runks of the above tree must be hand borist. If tree roots less than 40mm rposes of constructing the approved and fit for purpose tool. The pruning
50.	Tree No 1 All excavation dug under di diameter are works, they r must be unde Note – The ir Reason: To p	Species Jacaranda mimosifolia within the specified radius of the t rect supervision of the Project Ar required to be severed for the pu nust be cut cleanly using a sharp ertaken by a practicing Arborist. Installation of services must be unde	5.9m runks of the above tree must be hand borist. If tree roots less than 40mm rposes of constructing the approved and fit for purpose tool. The pruning
50.	Tree No 1 All excavation dug under di diameter are works, they r must be unde Note – The ir Reason: To p Contaminat	Species Jacaranda mimosifolia h within the specified radius of the t rect supervision of the Project Ar required to be severed for the pu nust be cut cleanly using a sharp ertaken by a practicing Arborist. Installation of services must be unde protect and retain trees. ion – New Evidence	5.9m runks of the above tree must be hand borist. If tree roots less than 40mm rposes of constructing the approved and fit for purpose tool. The pruning ertaken accordingly.
50.	Tree No 1 All excavation dug under di diameter are works, they r must be unde Note – The ir Reason: To p Contaminat Any new info	Species Jacaranda mimosifolia h within the specified radius of the t rect supervision of the Project Ar required to be severed for the pu nust be cut cleanly using a sharp ertaken by a practicing Arborist. Installation of services must be unde protect and retain trees. ion – New Evidence	5.9m runks of the above tree must be hand borist. If tree roots less than 40mm rposes of constructing the approved and fit for purpose tool. The pruning ertaken accordingly.
50.	Tree No 1 All excavation dug under di diameter are works, they r must be unde Note – The ir Reason: To p Contaminat Any new info that have the	Species Jacaranda mimosifolia h within the specified radius of the t rect supervision of the Project Ar required to be severed for the pu nust be cut cleanly using a sharp ertaken by a practicing Arborist. Installation of services must be unde protect and retain trees. ion – New Evidence ormation revealed during demolitio potential to alter previous conclusi	5.9m runks of the above tree must be hand borist. If tree roots less than 40mm rposes of constructing the approved and fit for purpose tool. The pruning ertaken accordingly. n, remediation or construction works ons about site contamination must be
50.	Tree No 1 All excavation dug under di diameter are works, they r must be under Note – The ir Reason: To p Contaminat Any new info that have the immediately	Species Jacaranda mimosifolia h within the specified radius of the t rect supervision of the Project Ar required to be severed for the pu nust be cut cleanly using a sharp ertaken by a practicing Arborist. Installation of services must be unde protect and retain trees. ion – New Evidence	5.9m sunks of the above tree must be hand borist. If tree roots less than 40mm rposes of constructing the approved and fit for purpose tool. The pruning ertaken accordingly. n, remediation or construction works ons about site contamination must be ifying Authority.

51.	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:
	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
	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.
52.	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.
53.	Construction Hours – Class 2-9
	Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:
	7:00am to 6.00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm); 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and at no time on Sundays or public holidays.
	Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc. and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.
	In the case that a standing plant or special out of hours permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.
	This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.
	Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving must be limited to 8:00am to 12:00pm, Monday to Saturday; and 2:00pm to 5:00pm Monday to Friday.
	The person acting on this consent must not undertake such activities for more than three continuous hours and must provide a minimum of one 2 hour respite period between any two periods of such works. "Continuous" means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.
	Reason: To protect the amenity of the neighbourhood.

54.	Survey Prior to Footings
	Upon excavation of the footings and before the pouring of the concrete, the Certifying
	Authority must be provided with a certificate of survey from a registered land surveyor to verify that the structure will not encroach over the allotment boundaries.
	Reason: To ensure works are in accordance with the consent.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	Condition
55.	Condition 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 Tree Assessment 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 2 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— <i>Tree stock for landscape use</i> . 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.
56.	Project Arborist Certification Prior to the issue of an Occupation Certificate, the Certifying Authority 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.

57.	Public Domain Works
	Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with written evidence from Council that the following works on the Road Reserve have been completed in accordance with the requirements of the approval under Section 138 of the Roads Act 1993 including:
	a. Heavy duty concrete vehicle crossing(s) at the vehicular access location(s);
	 The existing concrete footpath across the frontage of the site must be reconstructed; and
	c. Other works subject to the Roads Act 1993 approval.
	All works must be constructed in accordance with Council's standards and specifications and AUS-SPEC#2-"Roadworks Specifications".
	Reason: To ensure Council assets are protected, and that works that are undertaken in the public domain maintain public safety.
58.	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.
59.	Works as Executed – Site Stormwater Drainage System
	Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a suitably qualified Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that:
	The stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards; and
	Works-as-executed plans of the stormwater drainage system certified by a Registered Surveyor, to verify that the drainage system has been constructed, OSD/OSR system commissioned, and stormwater quality improvement device(s) and any pump(s) installed in accordance with the approved design and relevant Australian Standards have been submitted to Council. The works-as-executed plan(s) must show the as built details in comparison to those shown on the drainage plans approved with the Construction Certificate. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifier stamped Construction Certificate plans.
	In addition, a copy of Sydney Water's approval for the connection of site stormwater to their channel shall be provided to Council.
	Reason: To ensure the approved works are undertaken in accordance with the consent.

60.	Operation and Management Plan
	Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with an Operation and Management Plan has been prepared and implemented for the on-site detention and/or on-site retention/re-use facilities and stormwater quality improvement device(s) and pump(s). The Plan must set out the following at a minimum:
	 a. The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners; and b. The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc.
	Reason: To ensure the approved works are undertaken in accordance with the consent.
61.	Easements, Restrictions on the Use of Land and Positive Covenants
	Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with evidence that Easements, Restrictions on the Use of Land and Positive Covenants under Section 88B or 88E, whichever is relevant to the subject development, of the Conveyancing Act 1919, has been created on the title of the property detailing the following:
	 a. Restrictions on the Use of Land related to on Site Stormwater Detention System or stormwater quality improvement devices; b. Positive Covenant related to on-site stormwater detention and/or retention system; and c. Positive Covenant related to stormwater quality improvement devices.
	The wording in the Instrument must be in accordance with Councils Standard wording.
	Reason: To ensure that the relevant easements are registered on the property.
62.	Easement and Covenant Process
	Prior to the issuing of an Occupation Certificate, the following documents must be submitted to Council as part of the Easement and Covenant process and requirements, for the site on-site detention/on-site retention/reuse facilities (OSD/OSR) and stormwater quality improvement devices (SQIDS):
	a. Work-As-Executed Plans
	A "Work-as-Executed" plan prepared and signed by a Registered Surveyor must be submitted to the Council's Development Assessment Engineer at the completion of the works showing the location of the detention basin and SQIDS with finished surface levels, contours at 0.2-metre intervals and volume of storage available. Also, the outlet pipe from the detention basin to its connection to the Council's drainage system must be shown together with the following information: location; pipe diameter; gradient; pipe material, i.e. PVC or RCP etc.; pits sizes; orifice size; trash screen at orifice; emergency overflow dimensions and RL; all buildings (including floor levels) and finished ground and pavement surface levels and full details of SQIDS.
	b. Engineer's Certificate

	A qualified practising Civil Engineer must certify on the completion of drainage works in respect of:
	a. The soundness of the storage structure;
	b. The capacity of the detention storage;
	c. The emergency overflow system being in place;
	 d. The works being constructed in accordance with the Development Application Consent and Council's Stormwater Management DCP/Code;
	 The freeboard from maximum water surface level to the finished floor and garage levels are at or above the minimum required in Council's Stormwater Management DCP/Code;
	f. Basement car park pumps are class one zone two; and
	g. OSR pumps and SQIDS have been installed and commissioned.
	c. Restriction-As-To-User
	A "Restriction-as-to-User" must be placed on the title of the subject property to indicate the location and dimensions of the detention area and stormwater quality improvement device(s) (SQIDS). This is to ensure that works, which could affect the function of the stormwater detention system and SQIDS, must not be carried out without the prior consent in writing of the Council.
	Such restrictions must not be released, varied or modified without the consent of the Council.
	A typical document is available from Council's Development Assessment Engineer.
	d. A Maintenance Schedule.
	Reason: To ensure easements are registered and the correct documentation is provided.
63.	Dilapidation Report – Post-Development
	Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with a second Dilapidation Report addressing the public infrastructure identified in approved predevelopment dilapidation report, including a photographic survey, structural condition and CCTV inspections which was compiled after the completion of works. As the report details public infrastructure, a copy is to be furnished to Council at the same time.
	Reason: To ensure Council assets are protected.

64.	Flood Risk Management Plan - Certification
	Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with Certification by a qualified practising Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) that all aspects of the flood risk management plan have been implemented in accordance with the approved design, conditions of this consent and relevant Australian Standards.
	Reason: To ensure the approved works are undertaken in accordance with the consent.
65.	Heavy Duty Vehicle Crossing Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that heavy duty concrete vehicle crossing/s, in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" has been constructed at the vehicular access locations. For the vehicular crossing at the rear in Whites Creek Lane built over the Stormwater Channel, the vehicular crossing shall be approved by Sydney Water. A copy of Sydney Waters's approval shall be submitted to Council
	Reason: To ensure that suitable vehicle access has been provided.
66.	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.
	Note: In special entertainment precincts, this condition applies to noise and vibration from plant equipment and machinery only.
	Reason: To ensure compliance with the relevant Australian Standard.
67.	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.
68.	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

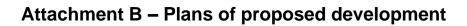
 in accordance with the Remedial Action Plan and clearly state that the site is suita for the proposed use. Reason: To protect the amenity of the neighbourhood from contamination. 69. Dilapidation Report Prior to the issue of an Occupation Certificate, the Certifying Authority and owners identified properties must be provided with a second colour copy of a dilapidat report prepared by a suitably qualified person. The report is required to include col photographs of all the identified properties (2-4, Hill Street, 6 Hill Street, 8 Hill Street 10 Hill Street and 21-25 John Street Leichhardt) to the Certifying Authority and owner satisfaction. In the event that the consent of the adjoining property owner cannot obtained to undertake the report, copies of the letter/s that have been sent 			
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Prior to the issue of an Occupation Certificate, the Certifying Authority and owners identified properties must be provided with a second colour copy of a dilapidat report prepared by a suitably qualified person. The report is required to include col- photographs of all the identified properties (2-4, Hill Street, 6 Hill Street, 8 Hill Street 10 Hill Street and 21-25 John Street Leichhardt) to the Certifying Authori satisfaction. In the event that the consent of the adjoining property owner cannot obtained to undertake the report, copies of the letter/s that have been sent registered mail and any responses received must be forwarded to the Certify Authority before work commences.			Reason: To protect the amenity of the neighbourhood from contamination.
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Reason: To determine potential construction impacts.			Prior to the issue of an Occupation Certificate, the Certifying Authority and owners of identified properties must be provided with a second colour copy of a dilapidation report prepared by a suitably qualified person. The report is required to include colour photographs of all the identified properties (2-4, Hill Street, 6 Hill Street, 8 Hill Street, 10 Hill Street and 21-25 John Street Leichhardt) to the Certifying Authority's satisfaction. In the event that the consent of the adjoining property owner cannot be obtained to undertake the report, copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the Certifying Authority before work commences.
			Reason: To determine potential construction impacts.

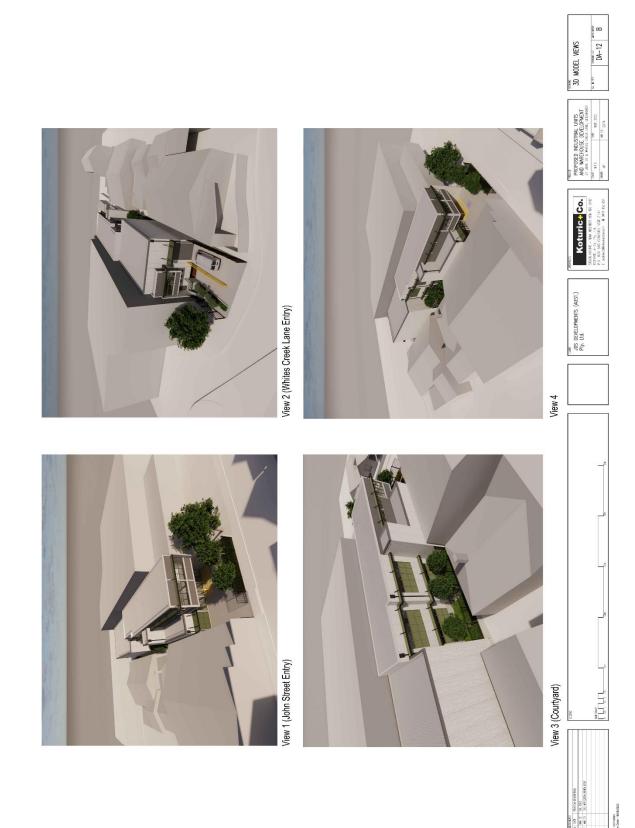
OCCUPATION AND ONGOING USE

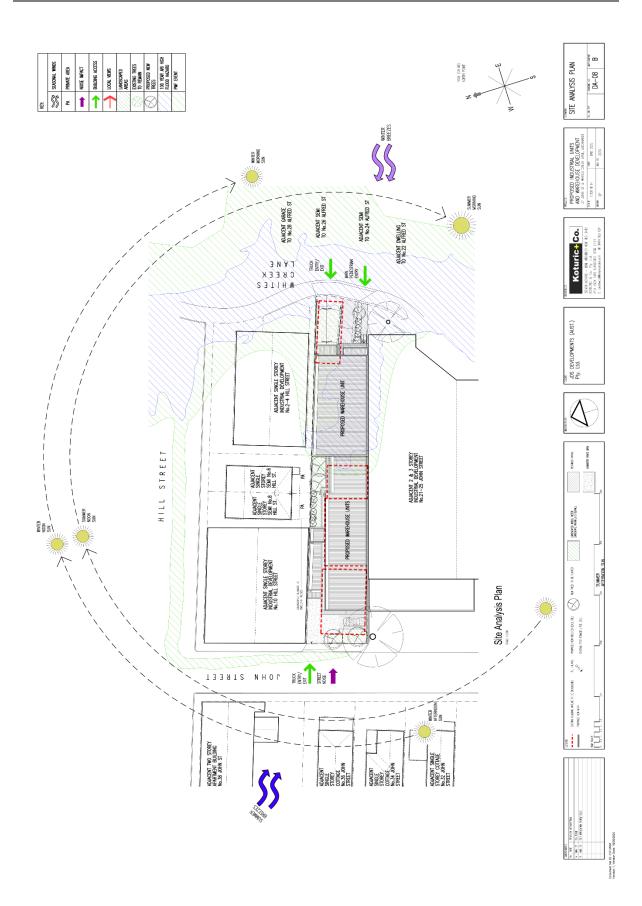
	Condition
70.	Tree EstablishmentIf any of the trees planted as a part of this consent are found dead or dying before they reach dimensions where they are subject to the Tree Management Development Control Plan (DCP) they must be replaced in accordance with the relevant conditions.Reason: To protect and retain trees.
71.	Operation and Management Plan The Operation and Management Plan for the on-site detention and/or on-site retention/re-use and/or stormwater quality improvement devices and/or Pump facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times. Reason: To ensure that the adequate provision of stormwater drainage is provided.
72.	Flood Risk Management Plan The Flood/Foreshore Risk Management Plan approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times. Reason: To protect human life and property during a flood/inundation event.
73.	Noise GeneralThe 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.

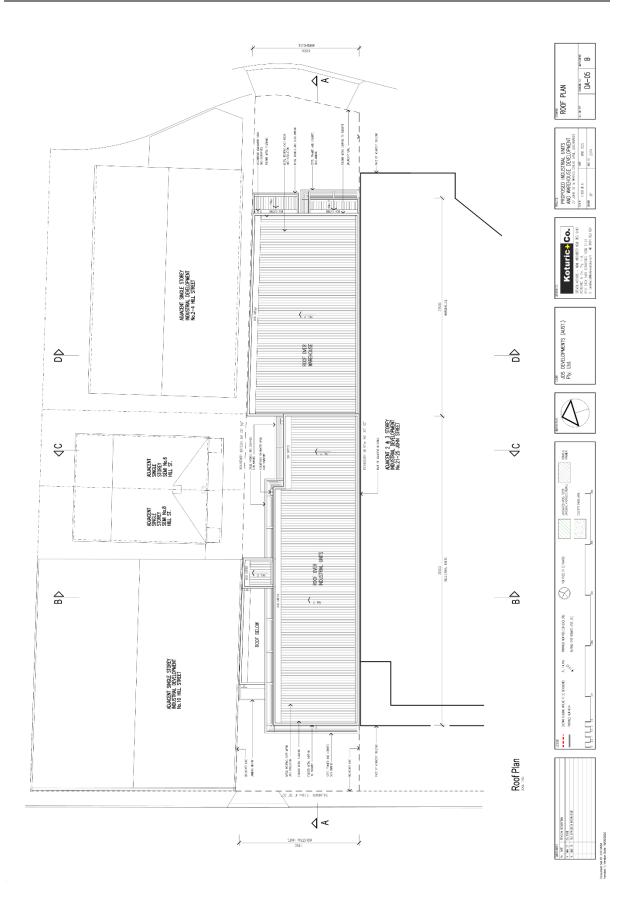
74	4	Separate Approval required for use of Units
		This consent relates only to the construction of the building and separate development consent must be obtained for any future use of the units
		Reason: To protect the amenity of the neighbourhood.

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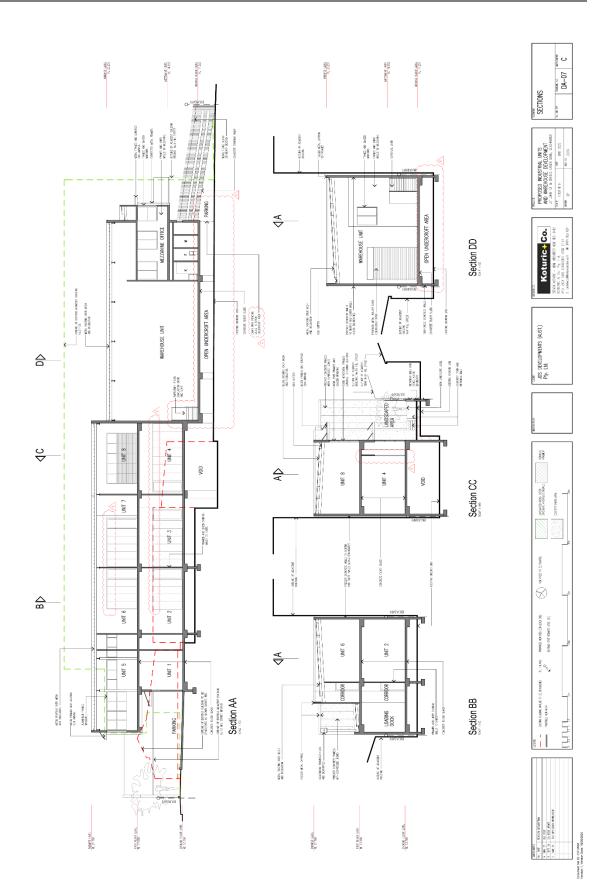


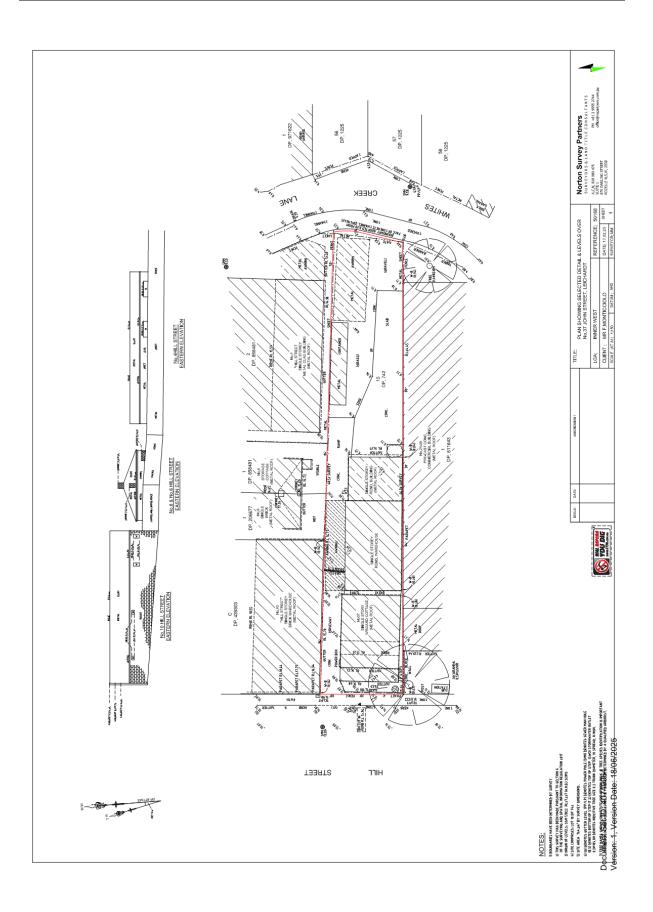




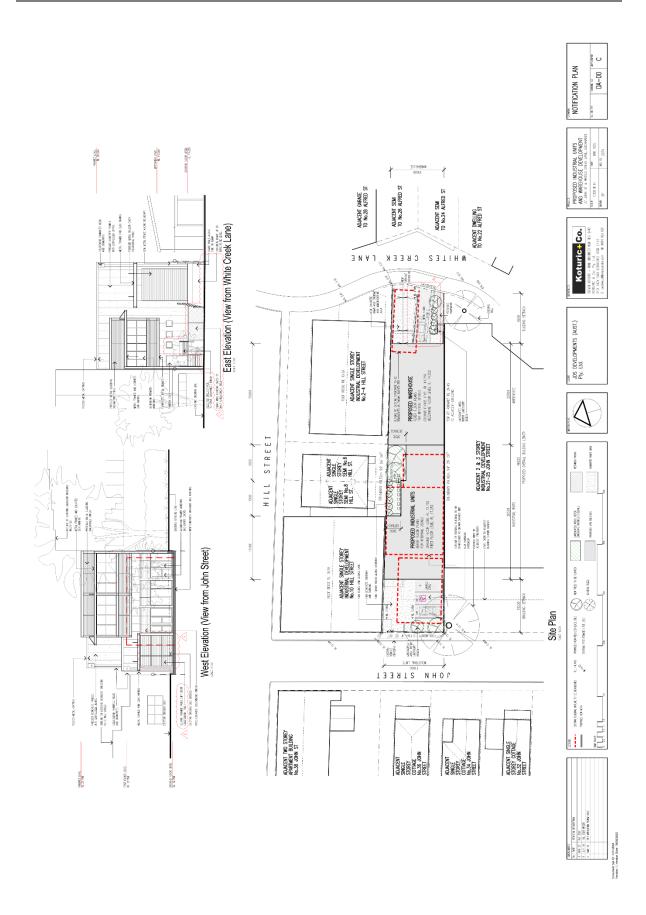


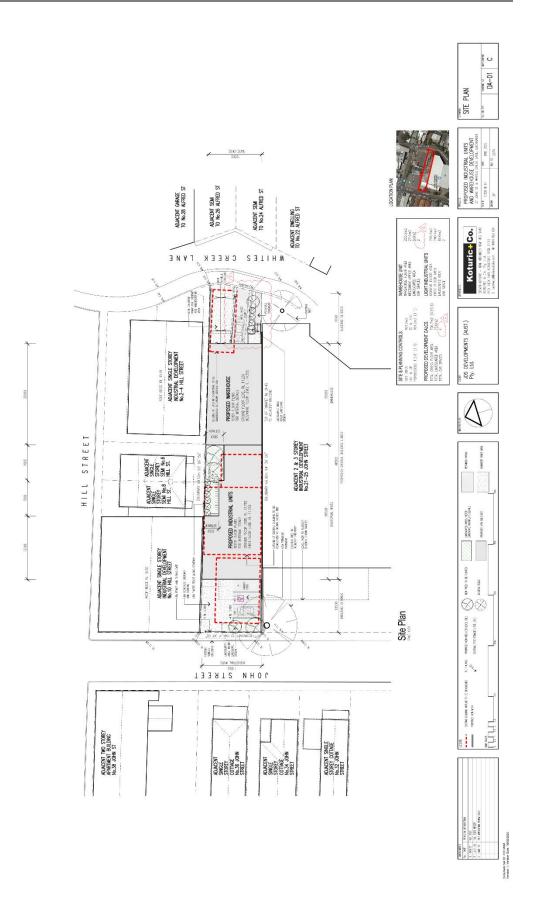


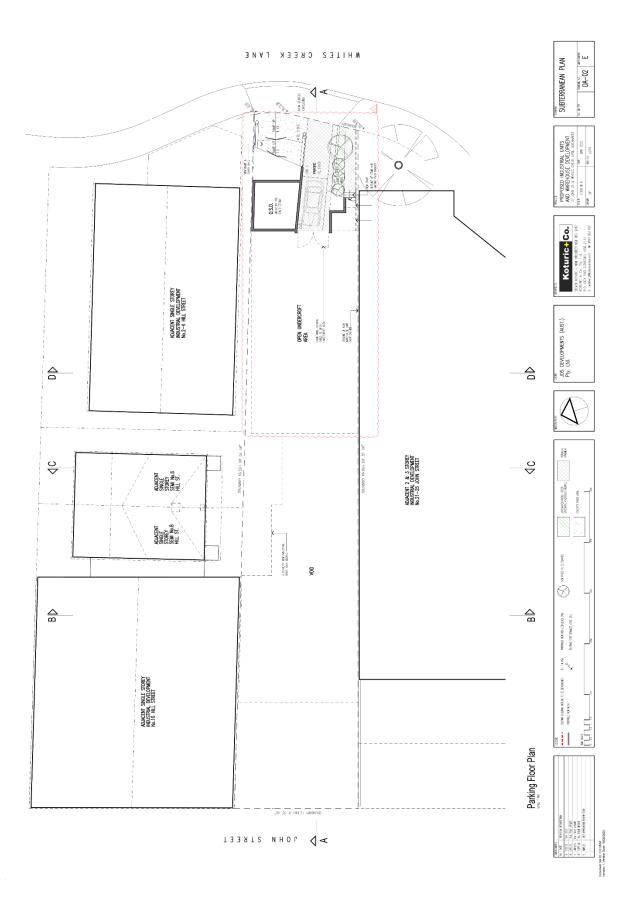


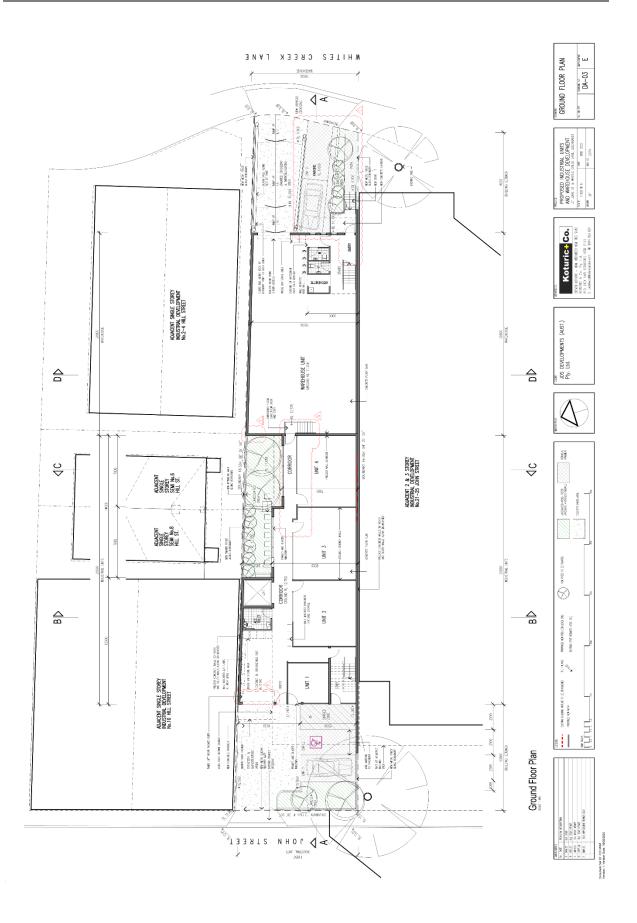


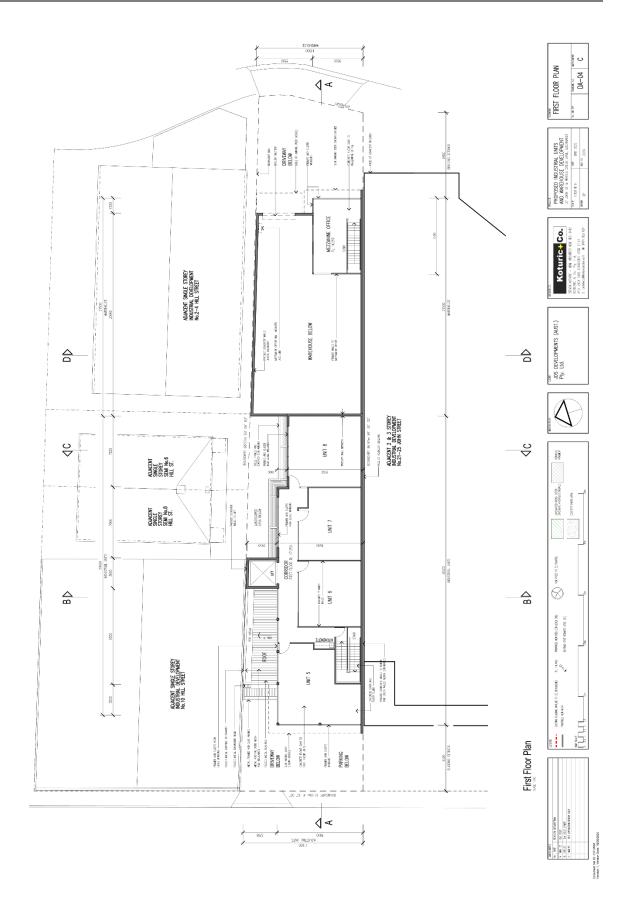


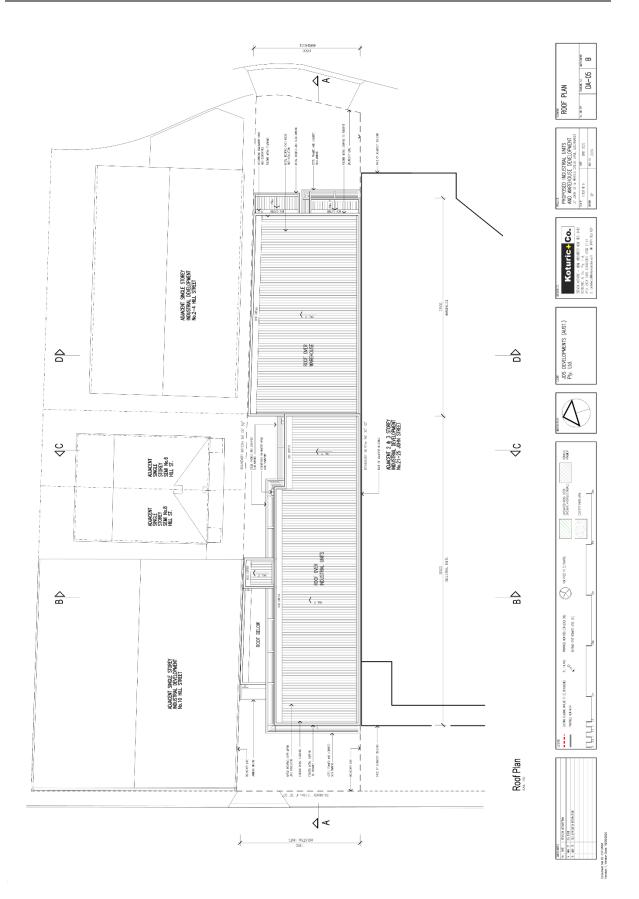




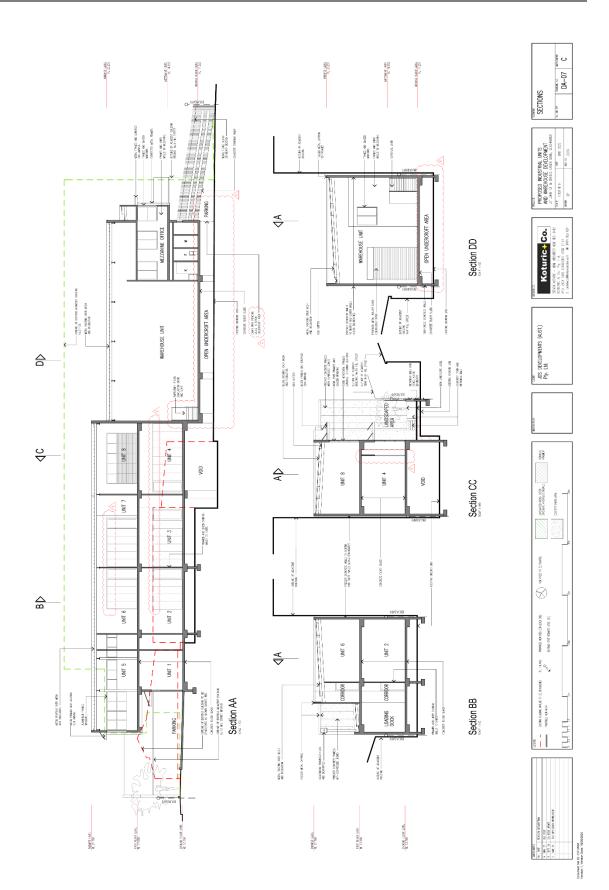


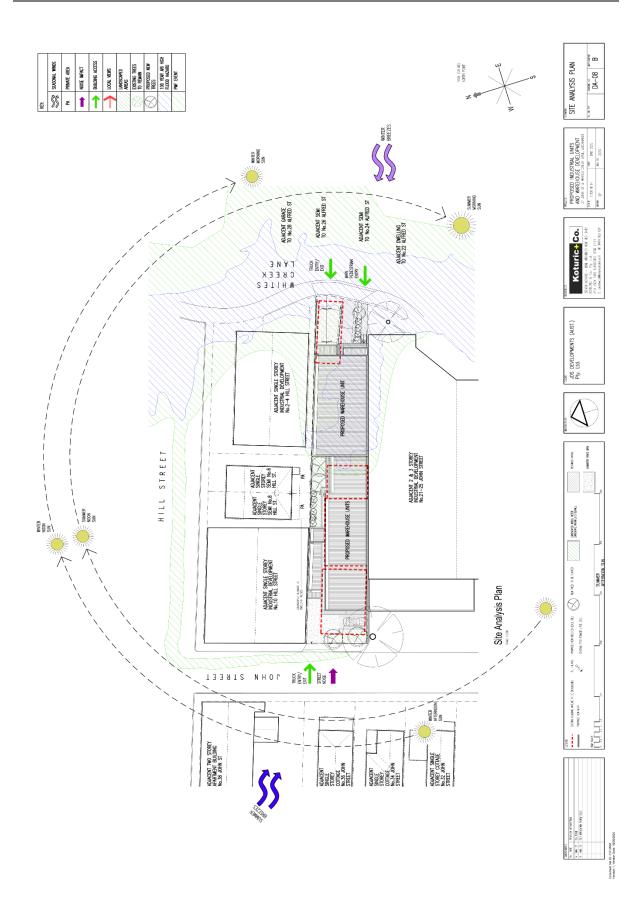


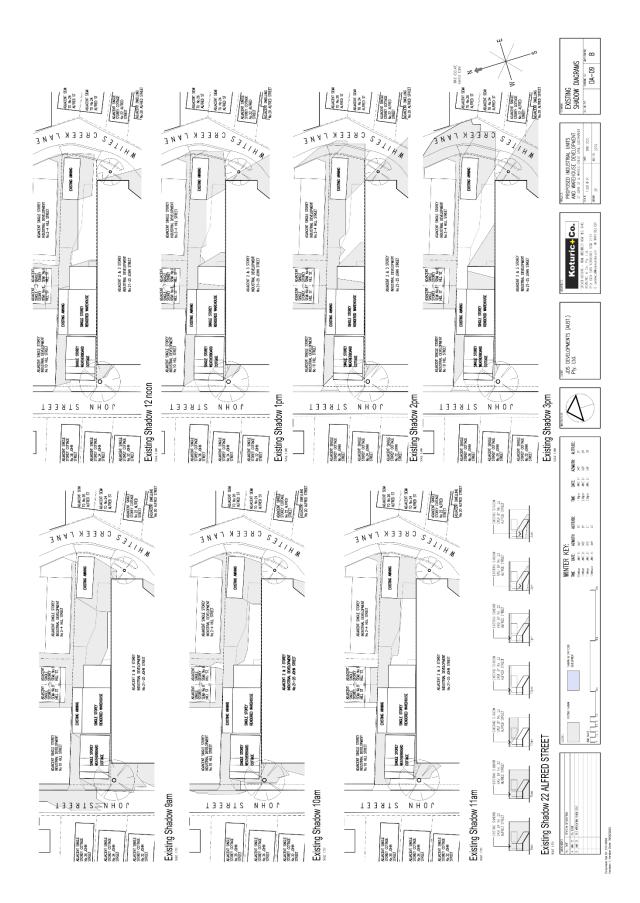




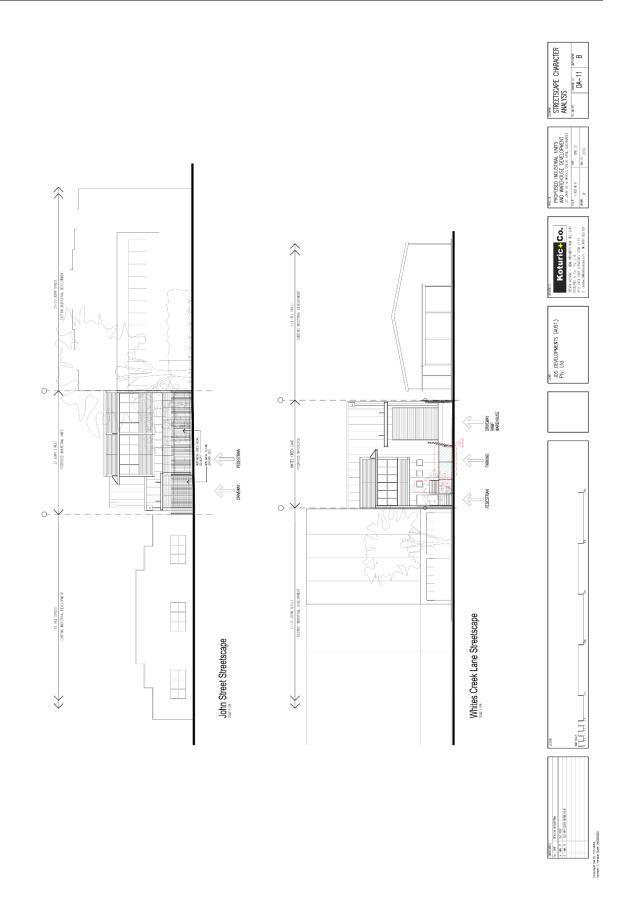


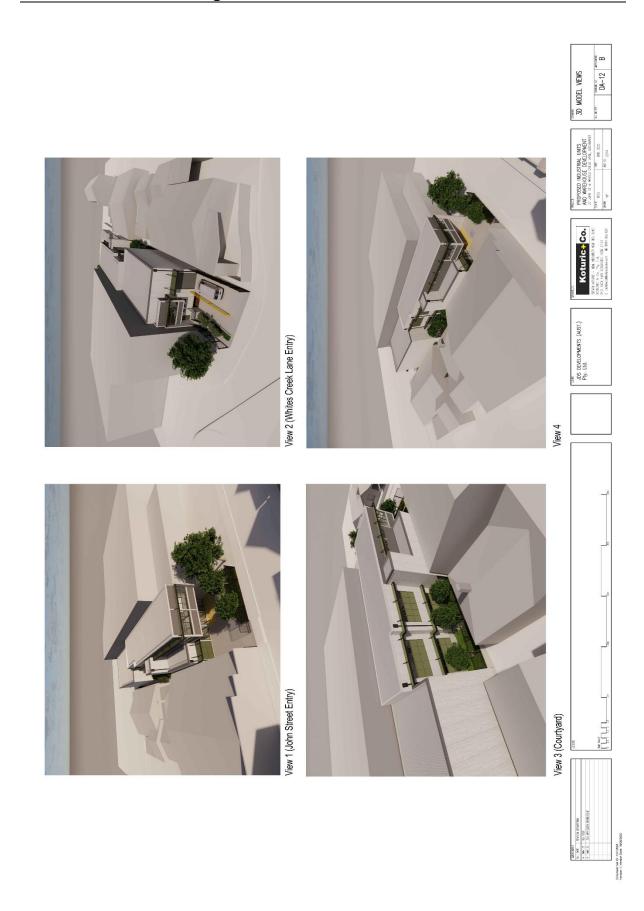




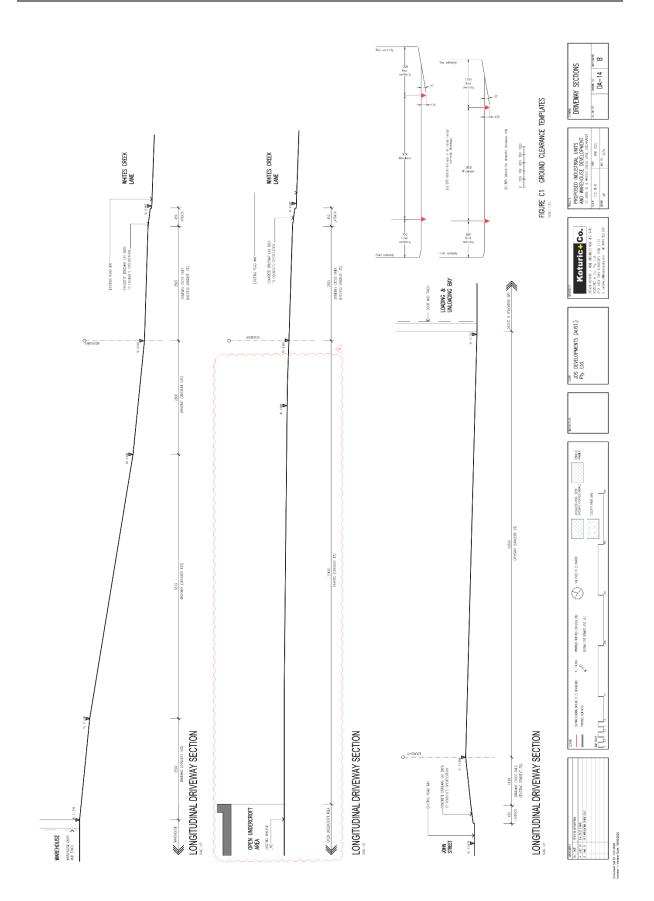


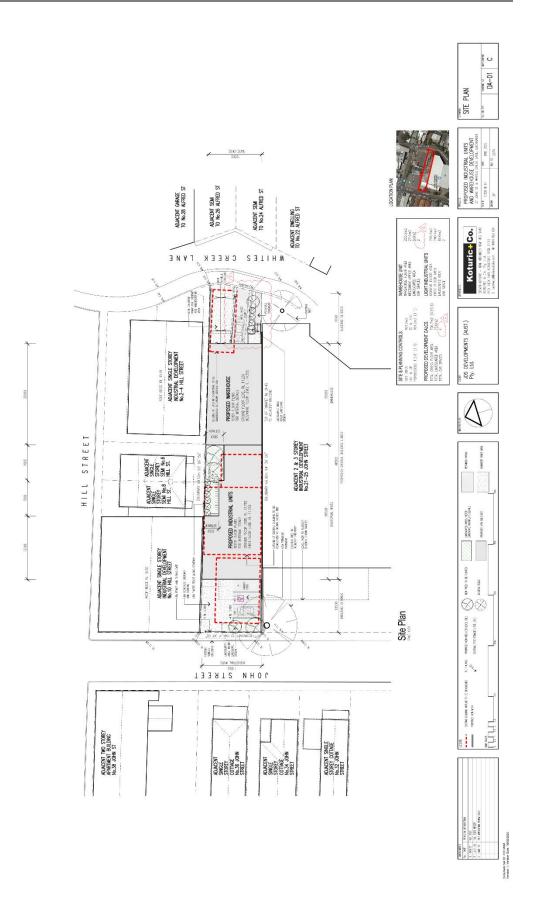


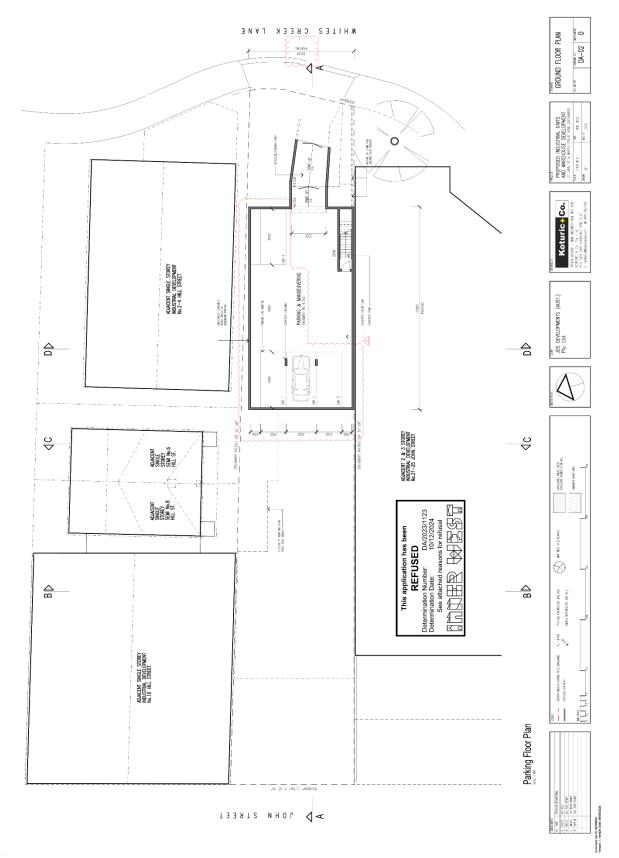




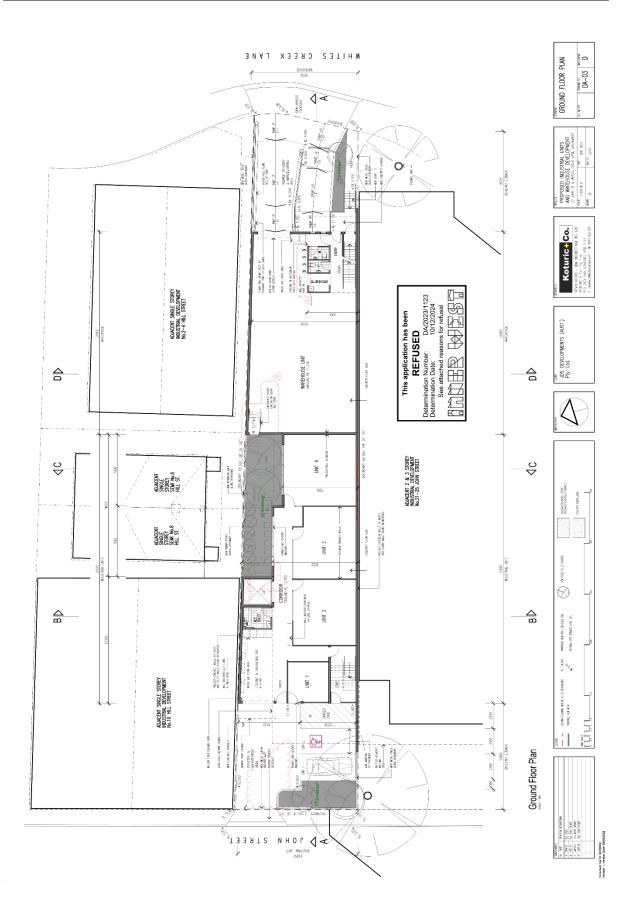


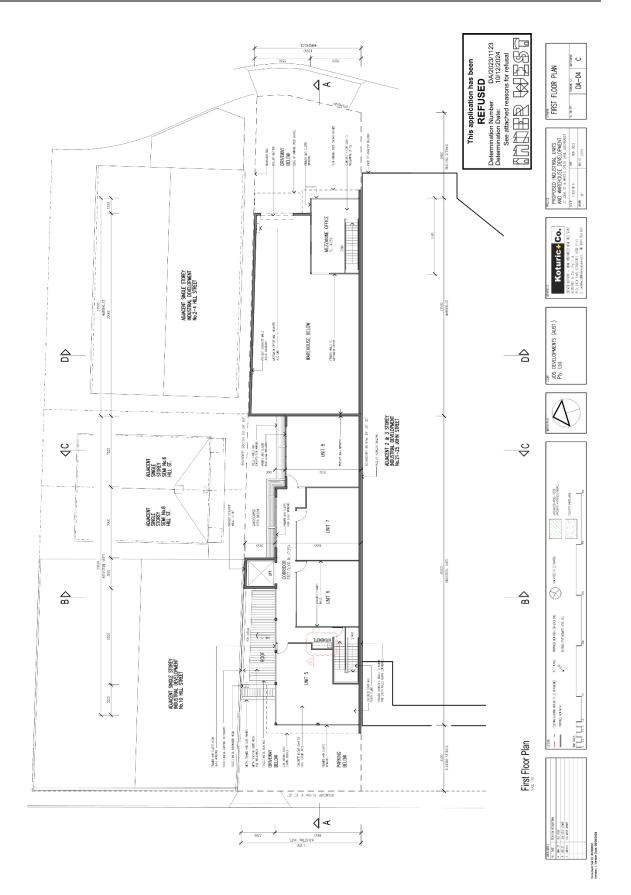


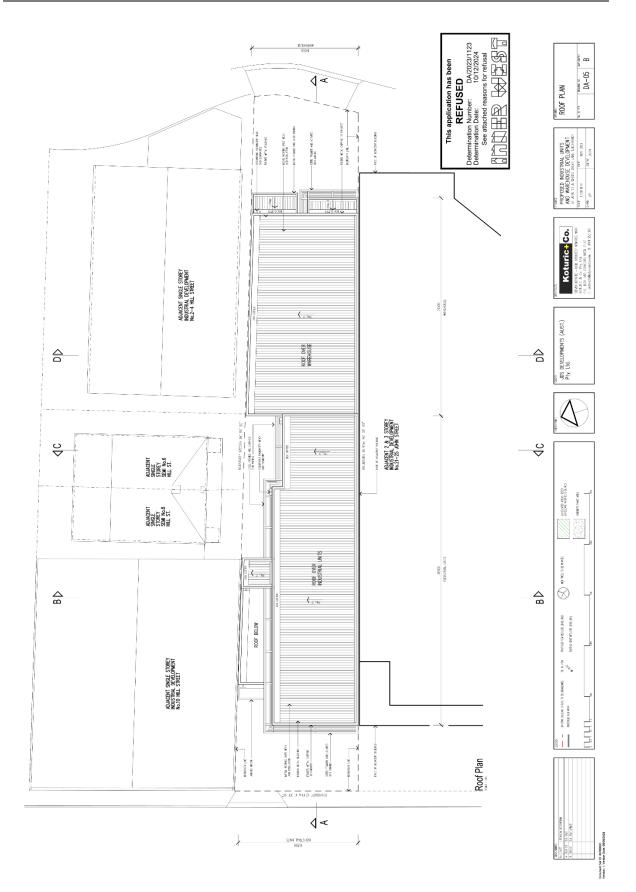


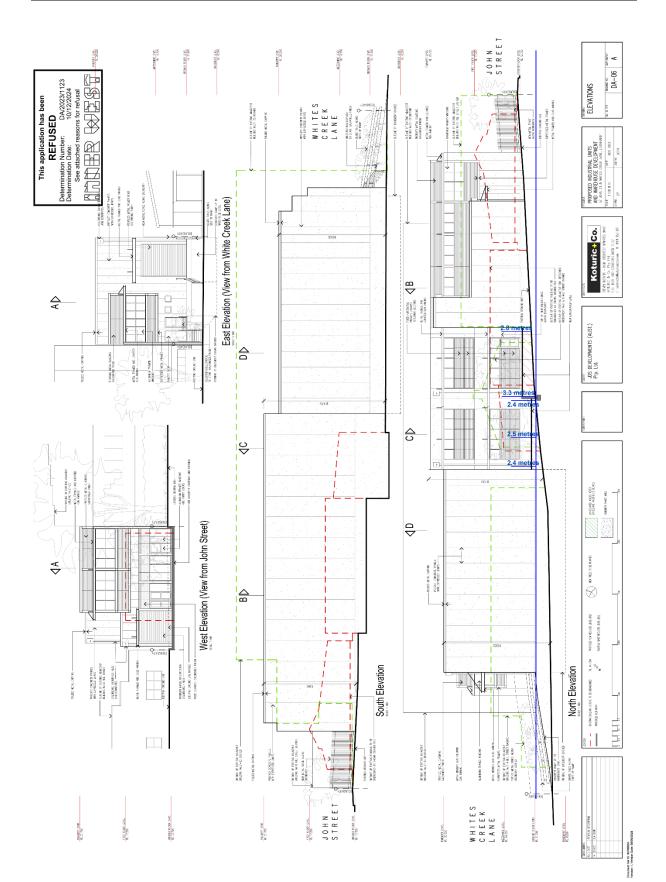


Attachment C – Plans of previously refused development

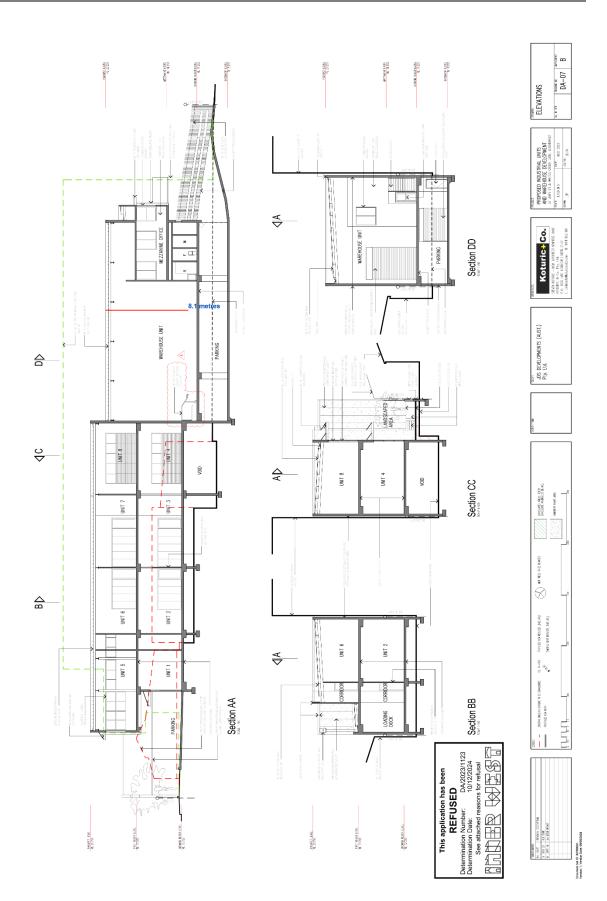


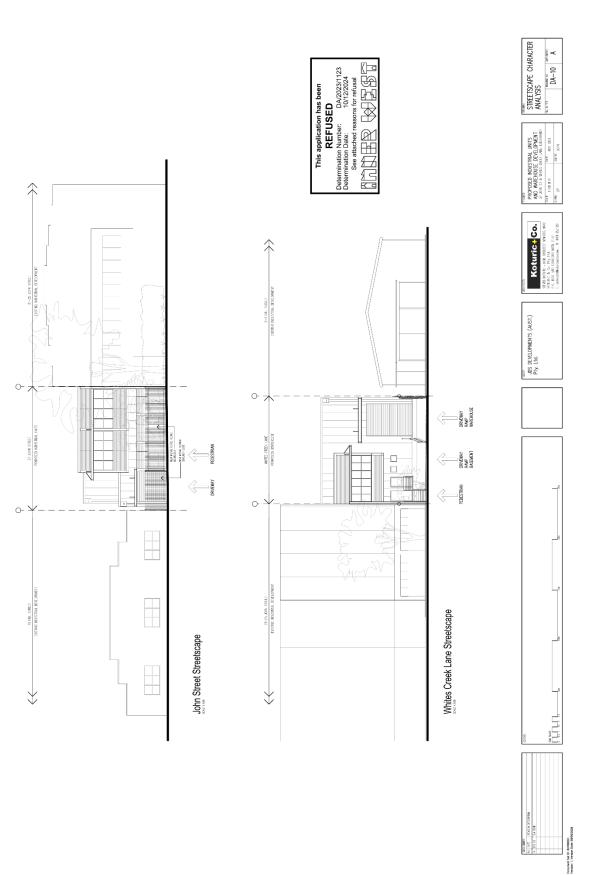






Inner West Local Planning Panel



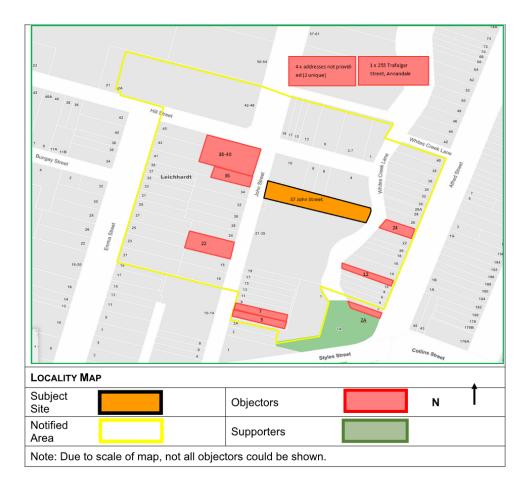






Attachment D – IWLPP Report for DA/2023/1123

DEVELOF	PMENT 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	



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.





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	Notice issued
	rear	– 18 March
		2022

Surrounding Properties

Application	Address	Proposal	Decision &
			Date
PDA/2024/0168	21-35 John Street	Change of use for Self-Storage	Issued – 09
	LEICHHARDT	Warehouse	October 2024
BC/2023/0019	10 Hill Street LEICHHARDT	Building Certificate -	Refused – 11
	NSW 2040	unauthorised air conditioning	September
		units	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	The applicant provided an updated Traffic Report and minor amended parking		
2024	floor plan and ground floor plan		
17 September	A Flood Risk Management Study was provided following the RFI.		
2024			

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	Complia nce
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 <i>IWLEP 2022</i> discussions. 	No
	 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 	
	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	Compli
		ance
Section 2.3	The application proposes the demolition of existing structures and	No
	the construction of a two-storey light industrial units accessed via	

Section	Proposed	Compli ance
E4 Zone objectives and Land Use Table	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 <i>IWLEP 2022</i> 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.	
	For this reason, and other reasons discussed elsewhere in this report, the proposal is recommended for refusal.	
Section 2.7 Demolition requires	The proposal satisfies the section as follows:	Yes
Development Consent	 While demolition works are permissible with consent in this instance the proposed development is recommended for refusal for reasons discussed elsewhere in this report 	

Part 4 – Principal Development Standards

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

Part 5 – Miscellaneous Provisions

Section	Compliance	Compli
		ance
Section 5.21 Flood Planning	The objectives and provisions of this party of the LEP are as follows:	No
	 (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 (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 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. 	

Section	Compliance	Compli ance
	 (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.	
	It is considered that the proposed development is inconsistent with objectives (b), (c), and (d) of this section of the <i>IWLEP 2022</i> .	
	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 <i>IWLEP</i> 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	

Section	Compliance	Compli ance
	buildings will adversely alter the flood function of the subject site and the locality.	

Part 6 – Additional Local Provisions

Section	Proposed	Compli ance
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 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 	No
Section 6.3	The objectives of this section of the LEP are:	No
Stormwater Management	(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	

Section	Proposed	Compli ance
	(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	
	Image: Section of the section of th	
	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 	
	 The levels shown on the stormwater plans are not consistent with the architectural plans. 	

Section	Proposed	Compli ance
	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:	
	(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	
	<u>Comment:</u> 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	
	<u>Comment:</u> 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.	
	<u>Comment:</u> 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	

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

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		
Section 1 – Energy Management		
Section 2 – Resource Recovery and Waste Management		
D2.1 General Requirements	Yes	
D2.2 Demolition and Construction of All Development		
D2.4 Non-Residential Development		
Part E: Water		

LDCP2013	Compliance
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
	No – see
	discussion
E1.1.4 Flood Risk Management Report	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. <u>Stormwater Drainage</u>

- 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.	 The proposed development is not suitable for the subject site and is recommended for refusal. 	
b. Loss of heritage character of the locality.	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	

	Concerns	Comments
		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.
Tr	affic Management and Parking:	a. Potential damage to private vehicles
a.	Concerns about the narrowness of John Street, potential damage to cars by trucks and pedestrian safety railings which has occurred,	and other road infrastructure is outside the scope of an assessment under s4.15 of the <i>EP&A Act 1979.</i>
	and the impact of construction on traffic flow and parking availability.	Traffic studies has found that the traffic
	Lest of the development of the second development	impacts are acceptable
b.	leading to congestion and difficulty for residents to find parking.	b. Timed parking on residential streets is outside the scope of an assessment under s4.15 of the <i>EP&A Act 1979.</i>
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.
Ac	ccess and Use of Whites Creek Lane:	a. Due to the adverse impacts on flooding,
a.	Potential loss of parking spaces and increased flood risk due to increased site coverage.	the proposed development is recommended for refusal.
Fr	vironmental and Liveability Concerns:	a. The proposed development is not
a.		inconsistent with the objectives and controls of C3.11 Visual Privacy of the LDCP 2013. The proposed
b.	Loss of income as existing residential tenants may vacate due to concerns about asbestos and the proposed development.	development is unlikely to have any adverse impacts on the air quality of the subject site, notwithstanding there
c.	Potential loss of natural breezes and increased use of air conditioners.	are no uses proposed. Concerns regarding noise levels could be managed by conditions or a
d.		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.

Concerns	Comments
	Loss of income due to tenants' potentially vacating is outside the scope of the assessment under s4.15 of the <i>EP&A Act 1979</i> .
	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.	 The proposed development is not inconsistent with the objectives and controls of C3.11 Visual Privacy of the LDCP 2013.
b. Concerns regarding timber fencing at No. 8 Hill Street and a retaining wall at No 6. Hill Street.	Further, behaviour of the public regarding trespassing onto private property following the construction of
c. Potential damage to property from falling leaves and flowers from the proposed two 8ft tall trees blocking drainage and gutter.	the proposal; and the behaviour of construction workers during construction is outside the scope of an assessment under s4.15 of the <i>EP&A</i> <i>Act 1979.</i>
	 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 The submitted Plan of Management
a. No indicated hours of operation for the industrial and warehouse which will impact on acoustic privacy.	 The submitted Plan of Management provided hours of operation.
 Material proposed will increase heat absorption and radiation and reflected UV and glare to residential properties. 	 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

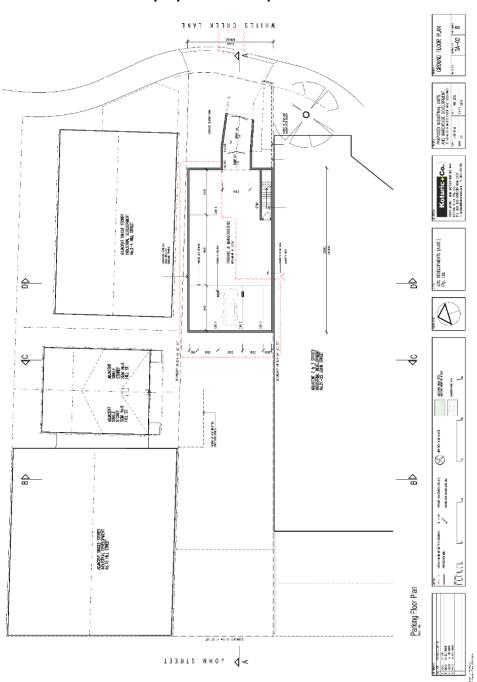
A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, refuse Development Application No. DA/2023/1123 for the demolition of an existing building and construction of new two 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

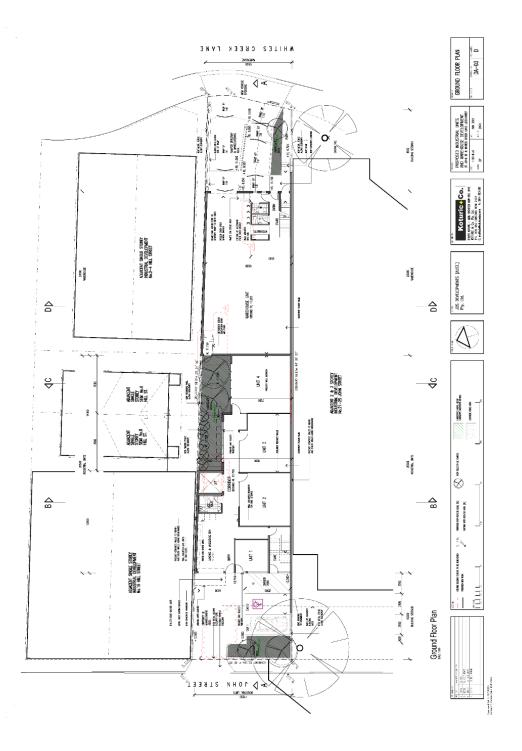
- 1. The proposal does not satisfy Section 4.15(1)(a) of the *Environmental Planning and* Assessment Act 1979 in the following manner:
 - a. The proposal is inconsistent with the *Inner West Local Environmental Plan 2022* as follows:
 - (i) Section 1.2 (a), (c), (g), (h) and (i) Aims of Plan, as the 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 onsite 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

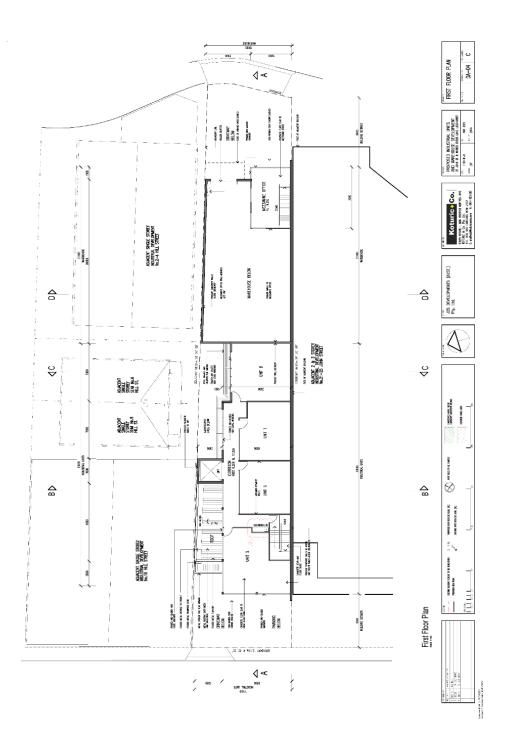
development: does not enable a resilient development which responds positively to climate change; and the industrial office units have not been designed to receive adequate solar access.

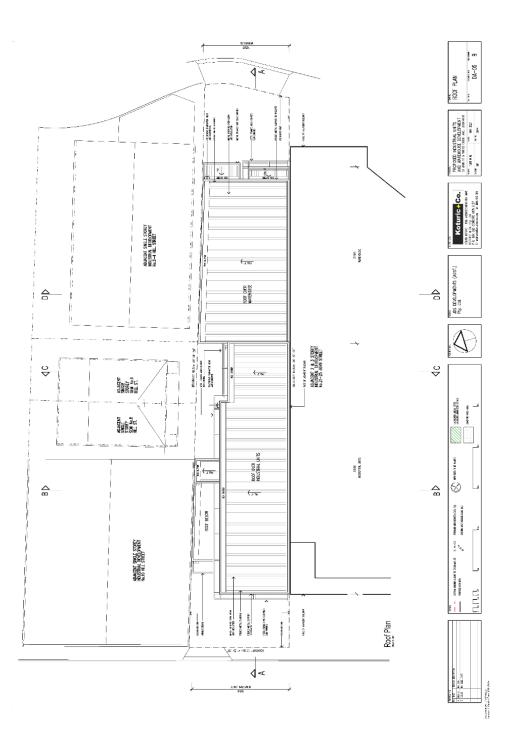
- d. Part C4.10 Industrial Development, as the proposal is inconsistent with O1(f), given that the development will adversely alter stormwater flows at the subject site, the adjoining properties, Whites Creek Lane and the residential developments within proximity of the subject site.
- e. Part E1.1.3 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.

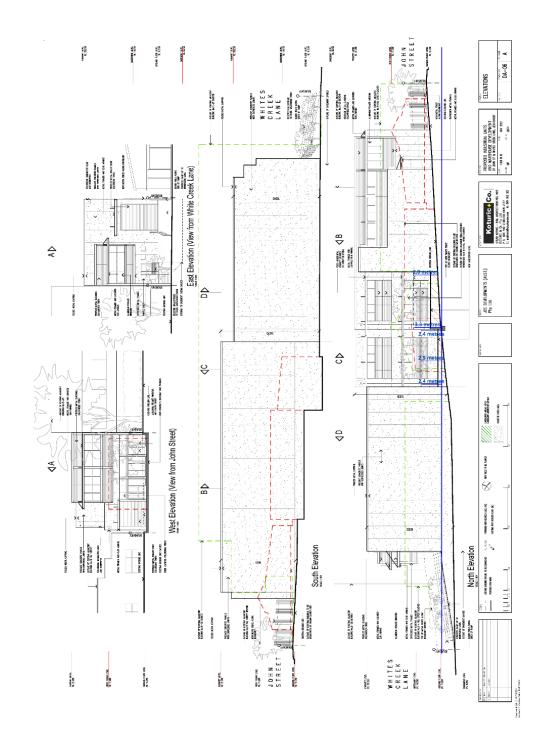


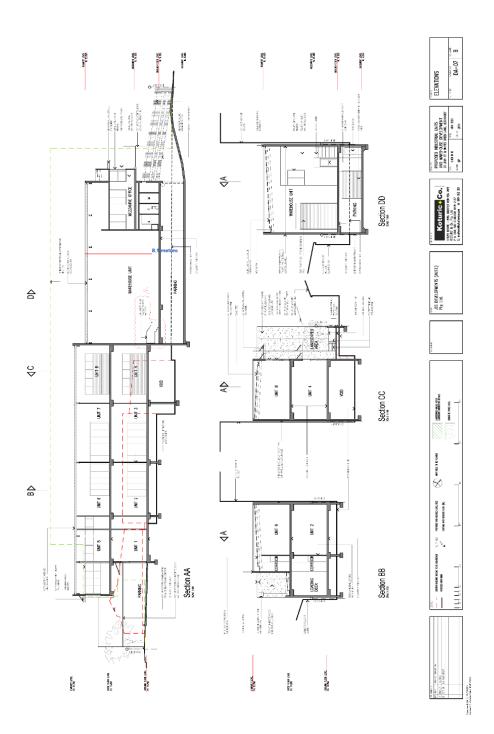
Attachment B – Plans of proposed development

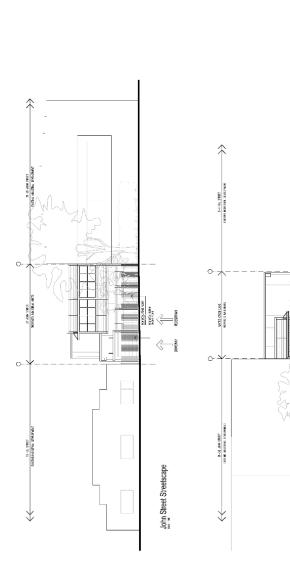










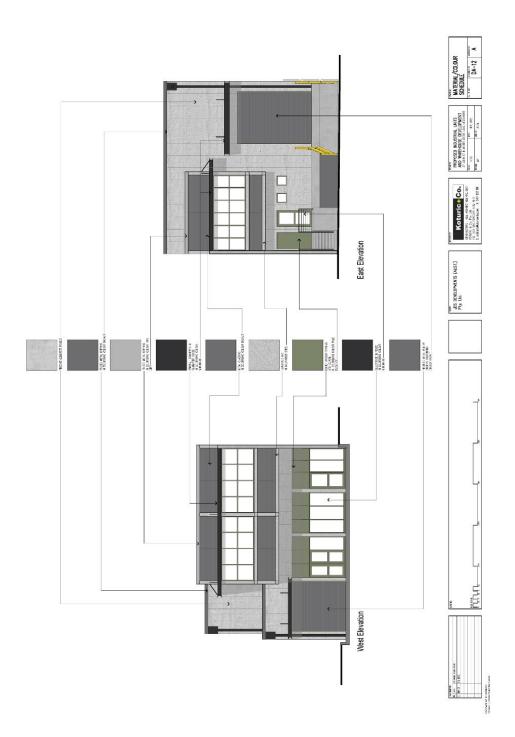


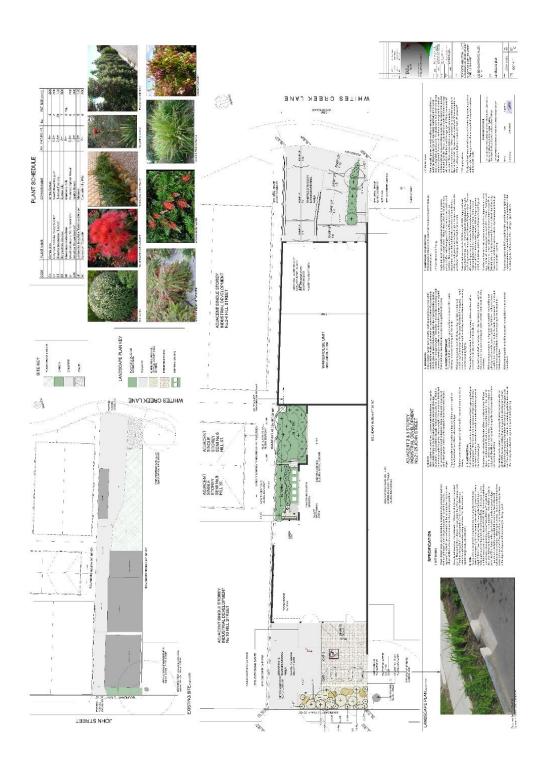


SUCCESS STATES

Whites Creek Lane Streetscape

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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 provide with amended plans which demonstrate:			rity is to be provided	
	1. the deletion of the Creek Lane	basement/underground	carpark to the w	arehouse on Whites	
		ar space (x 1 car spac		od planning level is	
		the warehouse at White ing dock to the wareho		Creek Lane is to be	
	provided inside the	warehouse and not on a	a steep ramp.		
		rades and changes in 3.2 (including note (a)) a			
	rigid vehicle			AS2690.2 IOF a SITIAL	
	the deletion of the carparking to the industrial units on John Street.				
	 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.	

	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 Planne
1999.01H – Sheet 1 of 9 – Issue F	Details	15 July 2024	Nitma Consulti
1999.01H – Sheet 2 of 9 – Issue F	Erosion & Sediment Control Plan	15 July 2024	Nitma Consulti
1999.01H – Sheet 3 of 9 – Issue F	Drainage Plan	15 July 2024	Nitma Consulti
1999.01H – Sheet 4 of 9 – Issue F	Drainage Plan	15 July 2024	Nitma Consulti
1999.01H – Sheet 5 of 9 – Issue F	Drainage Plan	15 July 2024	Nitma Consulti
1999.01H – Sheet 6 of 9 – Issue F	Drainage Plan	15 July 2024	Nitma Consulti
1999.01H – Sheet 7 of 9 – Issue F	OSD Details	15 July 2024	Nitma Consulti
1999.01H – Sheet 8 of 9 – Issue F	Pumpwell Details	15 July 2024	Nitma Consulti
1999.01H – Sheet 9 of 9 – Issue F	Drains Results	15 July 2024	Nitma Consulti
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 Certificati (Mosman Certifiers)
nss23972 – Final Rev. A	Commercial Noise Assessment for a Proposed Industrial Development	November 2023	Noise and Sou Services
Document Name		Date Issued	Prepared By
Traffic Impact Assess Certification	ment with Car Park	July 2024	Solution Traf Engineers

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 standar commercially manufactured sign containing the words 'DANGER ASBESTO REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to b erected in a prominent visible position on the site to the satisfaction of Council officers. The sign is to be erected prior to demolition work commencing and is t remain in place until such time as all asbestos has been removed from the site to a 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 <i>Contaminated Land Management Act</i> 1997 and Chapter 4 - Remediation of Land of the <i>State Environmental Planning Policy (Resilience and Hazards) 2021.</i>		
	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		
	I 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 mus		
	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 mus meet the requirements of the Access To Neighbouring Lands Act 2000 to see access.		

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		

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	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 tha includes details of materials that will be excavated and their proposed destination o 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 Australiar 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 tha 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.

	1		
	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 re Control Plan.	equirements detailed in the D	evelopment
	Reason: To ensure resource recovery is pro	moted and local amenity prot	ected.
19.	Section 7.11 Contribution		
	In accordance with section 7.11 of the <i>Environmental Planning and</i> 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.		
	CPlpayment = 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 <u>subdivision – prior to the issue of the subdiv</u> is for building work – prior to the issue of the development involves both subdivision and subdivision certificate or first construction of	<u>ision certificate</u> , or (ii) if the d e first construction certificate, d building work – prior to is	evelopment or (iii) if the ssue of the

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.
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.
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.
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 <u>http://www.sydneywater.com.au/tapin/index.htm</u> 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 <i>Protection of the Environment Operations Act 1997</i> 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.

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31.		ruction Traffic Management Plan – Detailed
		any building work, the Certifying Authority, must be provided with a detailed
	Constru	ction Traffic Management Plan (CTMP), prepared by an appropriately
	qualifie	d Traffic Management Consultant with Transport for NSW accreditation. The
	Certifyi	ng Authority must approved by the CTMP prior to the commencement of any
	works,	including demolition. The Certifying Authority must ensure that the CTMP
		s vehicles to use State and Regional and Collector Roads to the maximum
		with the use of Local Roads as final approach to the development site via the
		uitable direct route.
		owing matters should be addressed in the CTMP (where applicable):
		Description of the demolition, excavation and construction works;
		Site plan/s showing the site, roads, footpaths, site access points and
		vehicular movements:
	с –	Size, type and estimated number of vehicular movements (including removal
		of excavated materials, delivery of materials and concrete to the site);
	Ь	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.	
	Ū.	and pedestrians and proposed methods to safely manage pedestrians and
		construction related vehicles in the frontage roadways;
	f.	
	l ".	movements for construction activities (such as concrete pours, crane
		installation/removal etc.);
		Proposed hours of construction related activities and vehicular movements
	g.	to and from the site:
	l h	Current/proposed approvals from other Agencies and Authorities (including
		Roads and Maritime Services, Police and State Transit Authority);
	і і.	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;
		Any proposed road and/or footpath closures;
	I I.	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;
	р.	Material, plant and spoil bin storage areas within the site, where all materials
	l .	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.
	l t.	Swept Paths for the proposed construction vehicles to demonstrate that the

 Swept Paths for the proposed construction vehicles to demonstrate that the needed manoeuvres can be achieved without causing any nuisance.

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	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.

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36.	Imported Fill Materials			
	All imported fill on the site shall be validated as Virgin Excavated Natural Mate (VENM) or Excavated Natural Material (ENM), in accordance with NSW Environm Protection Authority guidelines, 'Consultants Reporting on Contaminated S (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			
	 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			

41.	All excavation within the specified radius of the trunk of the following tree(s) beir hand dug to a depth of 1m under direct supervision of the Project Arborist and the by mechanical means as agreed by the Project Arborist. If tree roots less than 50m diameter are required to be severed for the purposes of constructing the approve works, they must be cut cleanly using a sharp and fit for purpose tool. The prunin must be undertaken by a practicing Arborist. Note – The installation of services must be undertaken accordingly. Reason: To protect and retain trees. Canopy and Root Pruning Canopy pruning of the following tree which is necessary to accommodate th approved building works must be undertaken by, or directly supervised by, the Proje Arborist.		
	Tree No.	Species	Location
	2	Celtis sinensis	adjacent south-eastern corner - within 35 John Street
	Controls to limited to t where brar	; prune the above tree those branches that w nch diameter (at its poi	nt has approval under Council's Tree Management to achieve a clearance of the structure. Pruning is <i>i</i> ill come into direct contact the built structure and nt of attachment) does not exceed 40 mm.
	Reason: 10	o protect and retain tre	es.
42.	An Arboris Australian Tree Prote	Qualification Framework	If the two sets of two set
		ne installation of tree p ny construction works;	protection measures prior to the commencement of
	;		of any ground surface materials (pavers, concrete, the Tree Protection Zone (TPZ) of any tree to be
		 During construction TPZ of tree 1; 	n of the new driveway and carparking area within the
		c. During any excava	tion and trenching within the Tree Protection Zone;
		d. During any Landso by Council.	ape works within the TPZ which has been approved
	an	id provides details on t	ance Report which includes photographic evidence he health and structure of tree/s must be submitted PCA at each hold-point listed below:
	;		tree protection measures have been installed in lese consent conditions.

	 b. Certification of co 48 hours of comp 	ompliance with each key milestone listed above within oletion;
	c. Monthly reporting works within the	g for the duration of construction and development site;
		er works undertaken on any tree to be retained or any TPZ which has been approved by Council.
		e report must be submitted to and approved by PCA of any Occupation Certificate.
	Reason: To protect and retain t	rees.
43.	Tree Protection	
	protected by Council's Tree Mar vegetation on surrounding prop unless specific approval has be five (5) metres of the developm Protection of trees on develop Trees on Development Sites. place beneath the canopy of any under Council's Tree Managem The existing trees detailed in	specifically approved in this consent. Prescribed trees nagement Controls on the subject property and/or any erties must not be damaged or removed during works en provided under this consent. Any public tree within the nust be protected in accordance with AS4970— ment sites and Council's Development Fact Sheet— No activities, storage or disposal of materials taking y tree (including trees on neighbouring sites) protected ent Controls at any time. In Table 2 below must be retained and protected velopment in accordance with all relevant conditions Location
	· ·	
	1 Jacaranda	Adjacent south-
	mimosifolia	western corner - within 35 John
		Street
	Reason: To ensure that trees to	be retained are protected.

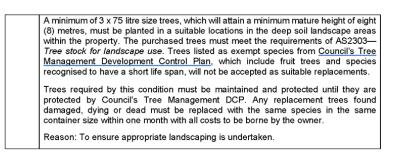
BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

	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.

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45.	Contamination – Validation (Site Audit Statement Required) Prior to the issue of an Occupation Certificate, the Principal Certifier and Council mus
	be provided with a Section A Site Audit Statement prepared by a NSW Environmer 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:
	 Compliance with the relevant conditions of approval; Minimise the potential impact of the operation of the premises on nearb
	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 tha 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 tha 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 Australia Standard and council's specifications, and to ensure that appropriate Landowners Consent is obtained prior to any works.
48.	No Encroachments
48.	No Encroachments Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure tha any encroachments on to Council road or footpath resulting from the building work have been removed, including opening doors, gates and garage doors with th exception of any awnings or balconies approved by Council.

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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 Fina
	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 wil
	incur a reinspection fee.



OCCUPATION AND ONGOING USE

	Condition
54.	Ongoing Condition - Use of Industrial Offices and Warehouse
	 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
	I. 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.

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	These industrial tenancies a premises or offices.	re not permitted to be used as commercial or business
	2. No retail sales are per	mitted at the warehouse.
		inctions of the development are aligned as permitted in the al Zone of the Inner West Local Environmental Plan 2022.
55.	Hours of Operation	
	a. The hours of operation	on of the premises must not exceed the following:
	Day	Hours
	Monday to Friday	7am to 7pm
	Saturday	8am to 1pm
	Sunday and Public	No hours of operation
	Holidays	are permitted on these days
	b. Within the hours of o the following:	peration, trading hours of the premises must not exceed
	Day	Hours
	Monday to Friday	8:30am to 5:30pm
	Saturday	9am to 12:30pm
		No trading hours are permitted
	Holidays	on these days
	c. Service is to cease 3	0 minutes before ceasing of trading hours.
	Reason: To protect the ame	nity of the neighbourhood.
56.	Noise General	
		mises and the operation of all plant and equipment must
		e noise' as defined in the Protection of the Environment
		gulations, NSW EPA Noise Policy for Industry and NSW
	EPA Noise Guide for Local C	Sovernment.
	Reason: To protect the am	enity of the neighbourhood.
57.	Tree Establishment	
	they reach dimensions where	s a part of this consent are found dead or dying before e they are subject to the Tree Management Controls/Tree t be replaced in accordance with the relevant conditions.
	Reason: To protect and retain	in trees.

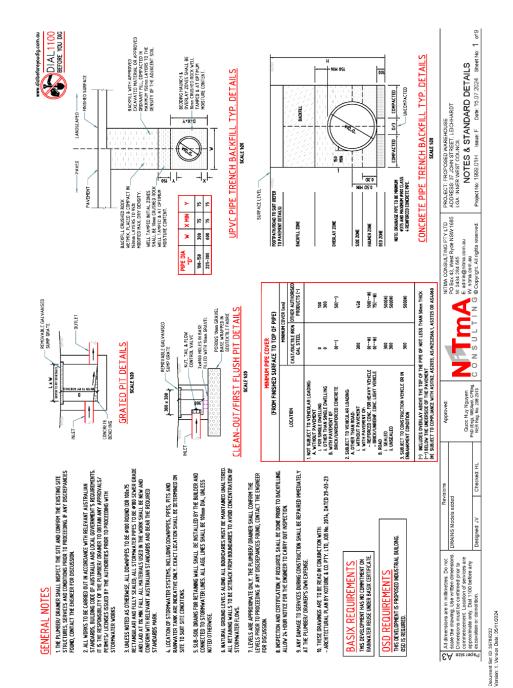
DEMOLITION WORK

BEFORE DEMOLITION WORK COMMENCES

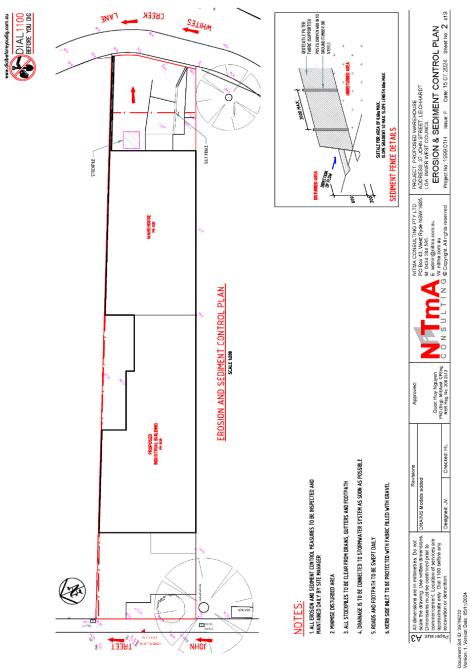
	Condition
5 8.	Construction Traffic Management Plan
	Prior to any works commencing, the Certifying Authority, must be provided with detailed Construction Traffic Management Plan (CTMP) to cater for constructio prepared by a person with RMS accreditation to prepare a work zone traffi management plan. Details must include haulage routes, estimated number of vehicl movements, truck parking areas, work zones, crane usage, etc., related t demolition/construction activities. A work zone approval must be obtained. If in th opinion of Council, TfNSW or the NSW Police the works results in unforeseen traffi congestion or unsafe work conditions the site may be shut down and alternative Traffi Control arrangements shall be implemented to remedy the situation. In this regard yo 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 th 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 detaile Construction Traffic Management Plan (CTMP), prepared by an appropriatel qualified Traffic Management Consultant with Transport for NSW accreditation. Th Certifying Authority must approved by the CTMP prior to the commencement of an works, including demolition. The Certifying Authority must ensure that the CTMI instructs vehicles to use State and Regional and Collector Roads to the maximur extent with the use of Local Roads as final approach to the development site via th 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 an vehicular movements; c. Size, type and estimated number of vehicular movements (including remova 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 th proposed route from the site back to the arterial road network; e. Impacts of the work and vehicular movements on the road network, traffi 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 pedestria movements for construction activities (such as concrete pours, cran installation/removal etc.); g. Proposed hours of construction related activities and vehicular movement to and from the site; h. Current/proposed approvals from other Agencies and Authorities (includin
	Roads and Maritime Services, Police and State Transit Authority); i. Any activities proposed to be located or impact upon Council's road, footway or any public place;
	j. Measures to maintain public safety and convenience;

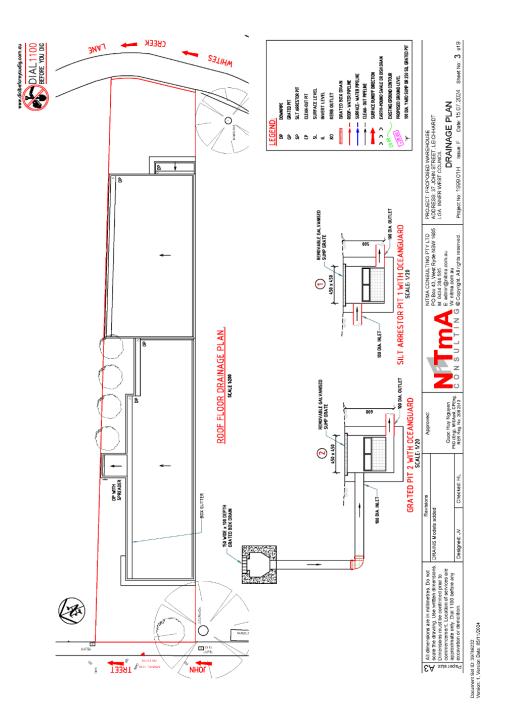
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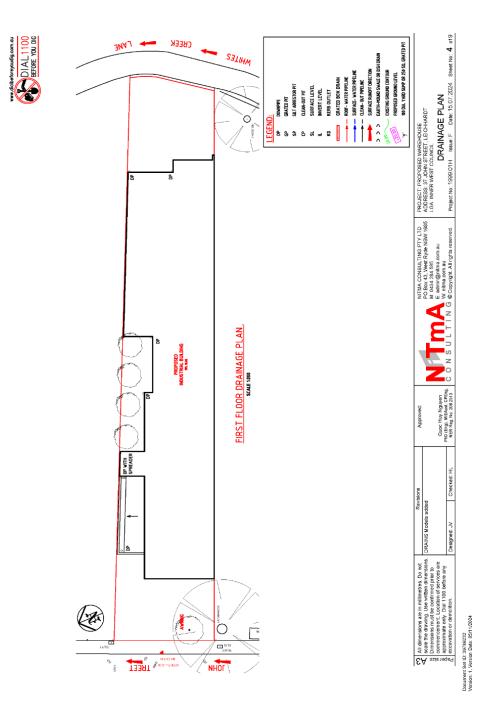
	 Any proposed road and/or footpath closures;
	I. Turning areas within the site for construction and spoil removal vehicles,
	allowing a forward egress for all construction vehicles on the site;
	m. Locations of work zones (where it is not possible for loading/unloading to
	occur on the site) in the frontage 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);
	 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.
	0 /
	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.
	so required. Any approved of this module this as a note.
	Reason: To require details of measures that will protect the public, and the
	surrounding environment, during site works and construction.
	surrounding environment, during site works and construction.
60.	Hoardings
00.	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.

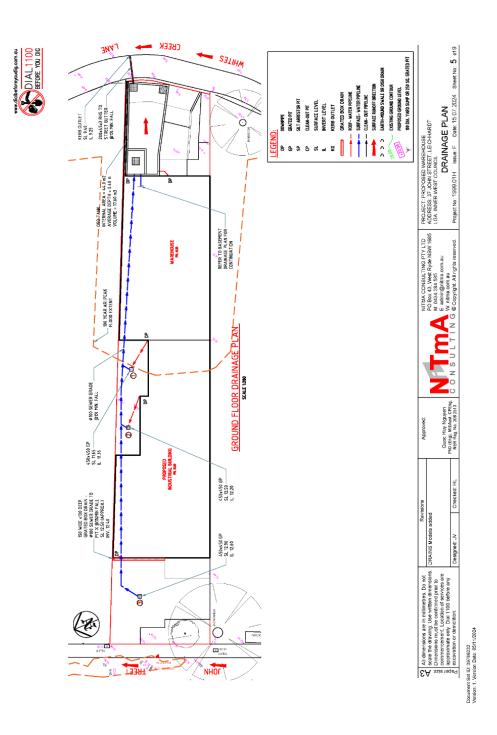


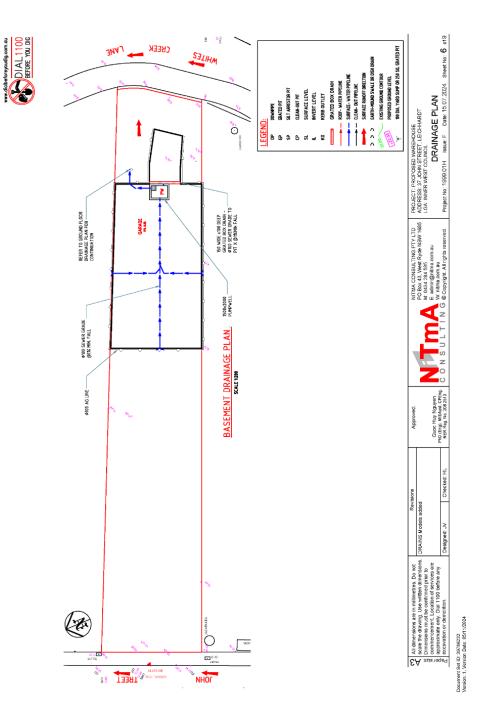
Attachment D – Stormwater Plans (Issue F)

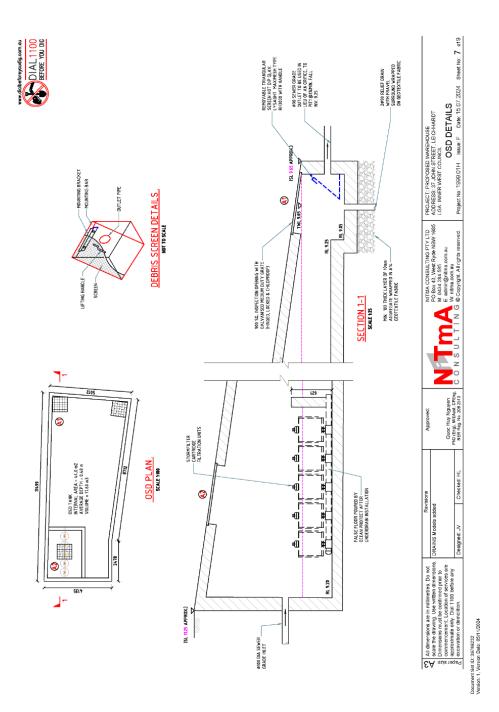




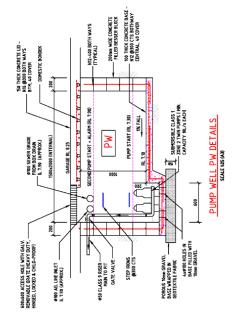






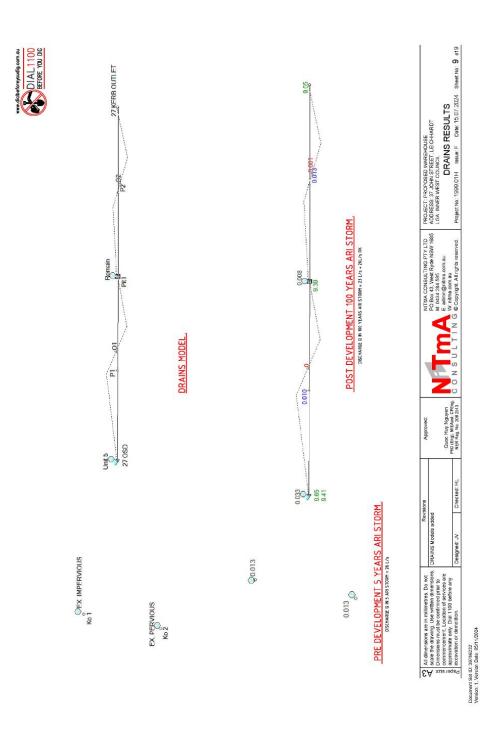








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Attachment E – Flood Risk Management Study

HydroStorm

Proposed Development at 37 John Street Leichhardt Flood Risk Management Study

Report

This report has been prepared by HydroStorm Consulting for the exclusive use of JDS Developments (Australia) Pty Ltd. The information, data and methodology used in this report is for the sole purpose of preparing and presenting this report. The material presented in this report should not be used by any third party without the express permission of HydroStorm Consulting.

Client:

JDS Developments (Australia) Pty Ltd

Contact: Report Version: Dated: C/O Steven Koturic (KOTURIC+Co. Architects) V1 – FINAL 17 September 2024

Cover Photo: Development at 37 John Street Leichhardt

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Appendix A: Development Plans

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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.

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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.

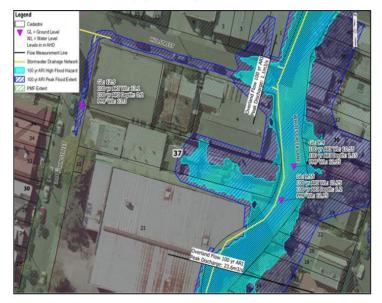


Figure 2. Flood Certificate (provided by Council)

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%

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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.

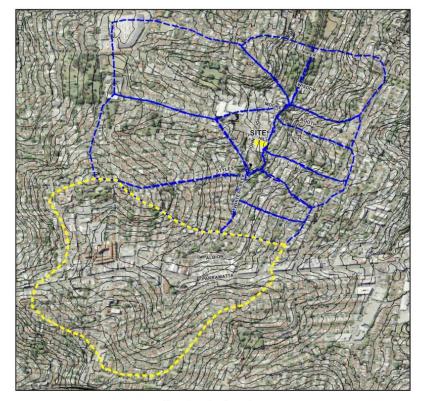


Figure 3. Catchment Layout

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.

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6.1 Flood Model Update

The DRAINS hydrological model for estimation of catchment runoff was extended first to incorporate subcatchments 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.

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37 John Street Leichhardt – Flood Risk Management Study

HydroStorm

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).

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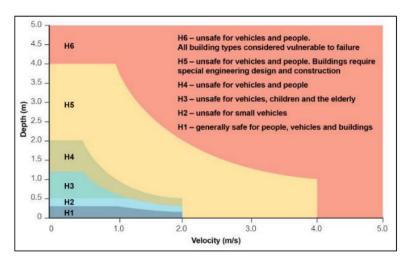


Figure 5. Flood Hazard Categories (Flood Risk Management Manual (2024))

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

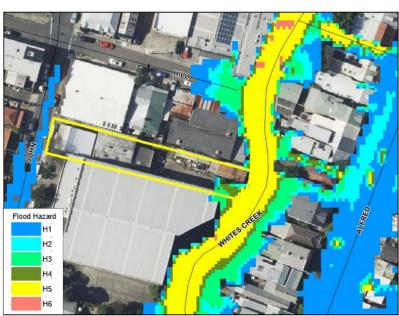


Figure 6. Flood Hazard (H1-H6) Existing Conditions – 1% AEP Flood

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

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

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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.

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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 selfevacuation 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.

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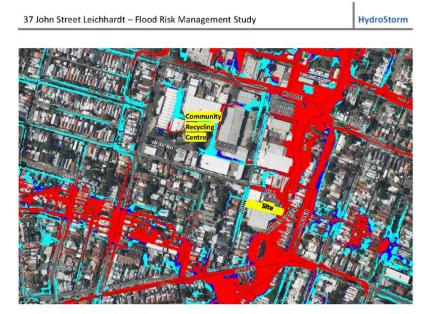


Figure 8. Potential Flood Evacuation Route for Self-Evacuation (Based on Model results provided by the Council)

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

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- 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.

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APPENDIX A Development Plans

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