
Submission from

**Conservation Programs, Heritage and
Regulation Group (CPHR)**

Within

**Department of Climate Change,
Energy, Environment and Water
(DCCEEW)**



Your ref: PP-2022-2790
Our ref: DOC25/228909

Ms Renee Ezzy
Senior Planning Officer, Planning Proposal Authority
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street
PARRAMATTA NSW 2124

Subject: Request for Comments on 67-75 Lords Road, Leichhardt Planning Proposal (PP-2022-2790)

Dear Renee

Thank you for your email received 17 March 2025 seeking advice from the Biodiversity, Conservation and Science (BCS) Group of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) on the above Planning Proposal. Please note from 20 January 2025, BCS has become the Conservation Programs, Heritage and Regulation (CPHR) Group.

CPHR has reviewed the Planning Proposal, including the accompanying appendices and provides its comments at Attachment A. In summary:

- the proposed open space located in the western portion of the subject site at 75 Lords Road, would be affected by flooding
- the remainder of the subject site at 67-73 Lords Road is classified as a flood fringe area and would experience minimal flood impacts
- the subject site is not expected to be isolated during a Probable Maximum Flood event
- CPHR supports the proponent's assessment that the Planning Proposal is unlikely to impact any threatened entities
- CPHR supports the creation of more public open space proposed for 75 Lords Road.

Should you have any queries regarding this matter, please contact Angela Stewart, Senior Conservation Planning Officer, via angela.stewart@environment.nsw.gov.au.

Yours sincerely

12/05/2025

Susan Harrison
Senior Team Leader Planning
Regional Delivery - Greater Sydney Branch
Conservation Programs, Heritage and Regulation Group

CPHR advice – 67-75 Lords Road, Leichhardt Planning Proposal (PP-2022-2790)

CPHR has reviewed the following documents:

- *Planning Proposal* (FPD Planning, 5 February 2025)
- *Appendix C - Urban Design Report* (SJB Urban, 24 September 2024)
- *Appendix D - Draft Site Specific Development Controls* (FPD Planning, 21 October 2024)
- *Appendix F - Flood Risk Management Report* (Tooker Associates, 17 October 2024)
- *Appendix G - Flood Impact and Risk Assessment* (Water Technology, 22 December 2023)
- *Appendix J - Arborist Report* (Elke Landscape Architect and Consulting Arborist, 4 July 2022).

Flooding

CPHR notes the western portion of the subject site at 75 Lords Road would be affected by flooding during the 1% Annual Exceedance Probability (AEP) and Probable Maximum Flood (PMF) events. However, CPHR acknowledge this area will be designated as open space.

The remainder of the subject site at 67-73 Lords Road is classified as flood fringe and would experience minimal flood impacts during a PMF event. CPHR notes the duration of the PMF event is estimated to be about 45 minutes. The subject site is not anticipated to be isolated during a PMF event, as connectivity would be maintained via access along the eastern section.

Biodiversity

CPHR supports the proponent's assessment that the Planning Proposal is unlikely to impact any threatened entities.

CPHR notes the potential overshadowing of the regionally significant GreenWay recreation corridor. However, as outlined in Section 9.1.4 of the Planning Proposal Report, the proposed solar impact complies with the requirements of Leichhardt Development Control Plan 2013.

CPHR also supports the creation of more public open space that is proposed for 75 Lords Road.

End of Submission

Submission from

Transport for NSW

22 May 2025

TfNSW Reference: SYD25-00321
DPHI Reference: PP-2022-2790



Department of Planning, Housing and Infrastructure
Sydney Eastern City Planning Panel
4 Parramatta Square
Parramatta NSW 2150

Attention: Renee Ezzy

PLANNING PROPOSAL FOR 67 - 75 LORDS ROAD, LEICHHARDT

Dear Ms Ezzy,

Transport for NSW (TfNSW) appreciates the opportunity to provide comment on the above Planning Proposal as referred to us via the Planning Portal on 17 March 2025. We note consultation is being undertaken with TfNSW under Condition 4 of the Gateway Determination dated 2 September 2024.

TfNSW has reviewed the planning proposal and notes the proposal seeks to amend the *Inner West Local Environmental Plan 2022* to facilitate the rezoning of the site as follows:

- Rezone 67-73 Lords Road from E4 General Industrial to R3 Medium Density zone and apply a maximum height of building of 30m and increase the maximum FSR to 2.4:1;
- Rezone 75 Lords Road to RE1 Public Recreation zone and;
- Introduce a local clause that will permit several additional permitted uses including residential flat buildings and require affordable housing in perpetuity.

Proposed changes to planning controls will facilitate the redevelopment of the site for residential development of approximately 210 new dwellings in addition to the potential for non-residential uses.

Detailed comments on the proposal are provided at **Attachment A** for the Department's consideration prior to the making of the plan.

Thank you for the opportunity to provide advice on the subject planning proposal. Should you have any questions or further enquiries in relation to this matter, please contact Tricia Zapanta via email: development.sydney@transport.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read "Carina Gregory".

Carina Gregory
Senior Manager Strategic Land Use – Eastern
Transport Planning
Planning, Integration and Passenger Division

OFFICIAL

ATTACHMENT A – TfNSW COMMENTS TO THE PLANNING PROPOSAL FOR 67 – 75 LORDS ROAD, LEICHHARDT (MAY 2025)

1. TfNSW notes the site sits within PRCUTS with the proposal consistent with the recommendations and intent of PRCUTS – Implementation Update 2021. The proposal on its own merits is unlikely to result in significant traffic generation with the site well serviced by excellent public transport and local amenities. Notwithstanding this, the site should however, be considered in the broader context of PRCUTS with surrounding intersections likely to require future transport mitigation measures as a result of cumulative development uplift planned under PRCUTS.

TfNSW will continue to work with DPHI and Council in determining an agreed package of regional and local transport infrastructure improvements that should be delivered as part of PRCUTS.

2. Council is advised that TfNSW's Transport Asset Management (TAM) has an existing easement for drainage and access for maintenance 6 wide and an easement for electricity purposes which burden Lot 1 DP 550608, as shown in green below. These are shown on DP 1054391, which is **attached**.

The proposal to rezone Lot 1 DP 550608 to RE1 Public Recreation should therefore not preclude and/or limit TfNSW's access for maintenance under the Section 88B instrument setting out the terms of the easements in DP 1054391. TfNSW note that Lot 1 DP 550608 is privately owned, however that Council has advised its preference is to have 75 Lords Road zoned RE1 and vested in Council as part of a Planning Agreement. Transport understands that the landowner has offered to enter into a Planning Agreement with Council which has not yet been finalised and will be publicly exhibited separately by Council.

Transport requests further consultation and/or acknowledgement so that any planning agreement does not propose landscaping and/ or embellishments or the like on the land which would compromise the easements and future access and maintenance requirements.



See **ATTACHMENT B** – DP1054391 and Section 88B instrument for more detailed information in relation to the easement shown above.

3. Future development on the site should consider appropriate noise attenuation measures through design measures, architectural treatments, setbacks, durable materials and landscaping, particularly along the site's frontage to the light rail corridor to mitigate future residents against rail passenger noise generated by the corridor and metro station.

DPHI and Council should be satisfied that any noise mitigation controls throughout the relevant DCP is appropriately aligned with this requirement.

ATTACHMENT B – DP 1054391 AND SECTION 88B INSTRUMENT (May 2025)

The Common Seal of STATE RAIL AUTHORITY
OF NEW SOUTH WALES was hereunto affixed
in the presence of:-

Margot Christine Maasackers
AUTHORISED OFFICER

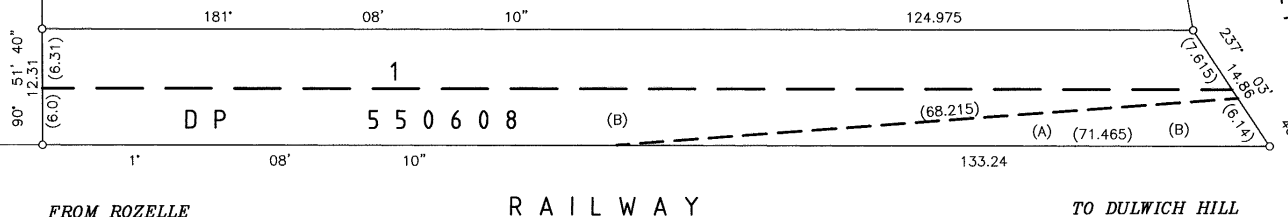
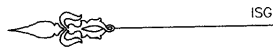
Margot Christine Maasackers
Corporate Secretary

R. S. CRITCHTON
WITNESS

R. S. CRITCHTON
WITNESS

Chief Operating Manager
State Rail, Title.

LAMBERT PARK
Ms5724Sy
DEDICATED FOR
PUBLIC
RECREATION
17.9.1923



DP 814867

Crown Lands Office Approval

PLAN APPROVED
Authorised Officer
Land District
Paper No.
Field Book pages

Subdivision Certificate

I certify that the provisions of s.108J of the Environmental Planning
and Assessment Act 1979 have been satisfied in relation to the
proposed

..... set out herein

*(Insert subdivision or 'new road')

*Authorised Person/General Manager/Accredited Certifier

Consent Authority:
Date of Endorsement:
Accreditation no:
Subdivision Certificate no:
File no:

Note:
When the plan is to be lodged electronically in the Land Titles
Office, it should include a signature in an electronic or digital format
approved by the Registrar-General.
*Delete whichever is inapplicable.

DP1054391

Registered: 19.6.2003

CA:

Title System: TORRENS

Purpose: EASEMENT

Ref. Map: U0945-514

Last Plan: DP 550608

PLAN FOR EASEMENT PURPOSES
WITHIN LOT 1 DP 550608

Lengths are in metres. Reduction Ratio 1: 400

L.G.A.: LEICHHARDT

Locality: LEICHHARDT

Parish: PETERSHAM

County: CUMBERLAND

This is sheet 1 of my plan in 1 sheets.
(Delete if inapplicable)

Surveyors (Practice) Regulation 2001

I, MURRAY DAVID LEARMONT
of WHELAN'S DX 288 SYDNEY
a surveyor registered under the Surveyors Act 1928, hereby
certify that the survey represented in this plan is accurate,
has been made in accordance with the Surveyors (Practice)
Regulation 2001 and was completed on 1/04/2003.
The Survey relates to PLAN COMPILED

(here specify the land actually surveyed or specify any land
shown in the plan that is not the subject of the survey)
Datum line:
Type: Suburban/County
(Signature)
(Dated) 3/4/03 Surveyor registered under
the Surveyors Act 1929

Plans used in preparation of Survey/Compilation

DP 550608
DP 1009971
DP 814867
DP 940543

PANEL FOR USE ONLY for statements of intention to dedicate
public roads, to create public reserves, drainage reserves,
easements, restrictions on use of land or positive covenants

PURSUANT TO SECTION 88B OF THE
CONVEYANCING ACT, 1919 IT IS
INTENDED TO CREATE:

1. EASEMENT FOR ELECTRICITY
SUPPLY
2. EASEMENT FOR DRAINAGE AND
ACCESS FOR MAINTENANCE 6 WIDE

- (A) EASEMENT FOR ELECTRICITY SUPPLY
(B) EASEMENT FOR DRAINAGE AND ACCESS
FOR MAINTENANCE 6 WIDE

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS OR PROFITS Á PRENDRE
INTENDED TO BE CREATED OR RELEASED AND OF RESTRICTIONS ON THE
USE OF LAND OR POSITIVE COVENANTS INTENDED TO BE CREATED
PURSUANT TO SECTION 88B CONVEYANCING ACT, 1919**

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**Full name and address of
owner of the land:**

**State Rail Authority of New South Wales
C/- Rail Estate
PO Box K349
HAYMARKET NSW 1238**

**Full name and address of
mortgagee of the land:**

Not applicable.

PART 1 (Creation)

Letter of item shown in the intention panel on the plan	Identity of easement, profit á prendre, restriction or positive covenant to be created and referred to in the plan	Burdened lot(s) or parcel(s)	Benefited lot(s), road(s), bodies or Prescribed Authorities
A	1. Easement for Electricity Supply	Lot 1 DP 550608	Lot 1 DP 814867 State Rail Authority of NSW; and Rail Infrastructure Corporation
B	2. Easement for Drainage and Access for Maintenance 6 wide	Lot 1 DP 550608	Lot 1 DP814867 State Rail Authority of NSW; and Rail Infrastructure Corporation

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x *M. J. Macaracus*
x *M. J. Macaracus*

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PART 2 (Terms)

1 Dictionary

Words in italics are defined terms. Defined terms in any form mean:

<i>access rights</i>	a right of access over an <i>easement site</i> or <i>access routes</i> in a <i>lot burdened</i> with or without tools, implements and other equipment, including the transgress and egress of vehicles and the temporary standing of vehicles, reasonably necessary for the purpose of exercising any maintenance obligation imposed or right conferred by an easement, restriction or covenant in this <i>instrument</i> . This includes, but is not limited to, access for the purpose of inspecting, viewing, assessing or carrying out any other activity incidental to a right or obligation conferred or imposed in this <i>instrument</i> or separately agreed between the owner of the <i>lot benefited</i> and the owner of the <i>lot burdened</i> .
<i>access route</i>	that part of a <i>lot burdened</i> comprising roadways, accessways and other trafficable areas that provide access to an <i>easement site</i> in a <i>lot burdened</i> .
<i>additional services</i>	means any service in addition to those Services running through the Lots burdened including but not limited to statutory <i>services</i> , private <i>services</i> and security <i>services</i> .
<i>authority</i>	means the public or statutory authority burdened or benefited as the case may be.
<i>drainage</i>	includes whether rain, storm, spring, soakage or seepage water and <i>drainage systems</i> .
<i>drainage systems</i>	includes underground piping, drainage structures (other than in public roads) causeways, water storage, detention basins, water quality enhancement facilities, overland flow paths, drainage over open ground and gross pollutant traps.
<i>easement site</i>	the site of an easement identified in the <i>plan</i> annexed.
<i>existing services</i>	means <i>services</i> which have been installed on a <i>lot</i> as at the date of registration of this <i>instrument</i> , whether or not covered by an easement.
<i>improvements</i>	means buildings or structures located on the <i>lots burdened</i> .

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<i>instrument</i>	means this <i>instrument</i> setting out the terms of easements intended to be created or released and of restrictions on the use of land or positive covenants intended to be created pursuant to s88B and s88E of the Conveyancing Act 1919
<i>lot benefited</i>	means the dominant tenement, being Lot 1 in Deposited Plan 814867.
<i>lot burdened</i>	means the servient tenement, being Lot 1 Deposited Plan 550608.
<i>overhead cables</i>	includes, without limitation and as required, wires, cables, electricity mains, gantries, towers, posts, poles, foundations, stay wires and other apparatus for the transmission of electricity or telecommunications (or both) above the surface of the <i>lot burdened</i> .
<i>plan</i>	means the deposited plan 550608.
<i>services</i>	include water, electricity, electricity substation, telephone <i>services</i> and the discharge of sewage, sullage and other fluid wastes.
<i>service provider</i>	includes but is not limited to the State Rail Authority of New South Wales, Rail Infrastructure Corporation, the relevant Local Authority and any statutory body or government owned corporation.
<i>works</i>	includes, without limitation, any plant, equipment, cables, pipes, ducts, road finishes and curbs, signs, gates, supporting structures, <i>drainage systems</i> and all equipment ancillary to the exercise of rights under the relevant easement.

2 Exercising Access rights

- 2.1 For each easement in this *instrument* that gives the *lot benefited*, an *authority* or *service provider* *access rights*, the owner of the *lot benefited*, *authority* or *service provider* must, when exercising those rights:
- (a) use their reasonable endeavours to minimise inconvenience or interruption to *services* or the activity lawfully carried out on the *lot burdened*;
 - (b) observe any reasonable rules or requirements set by the owner of the *lot burdened* and notified in writing to the owner of the *lot benefited* relating to the lawful use of the *lot burdened*, the *easement site* or an *access route*;

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x *[Signature]*

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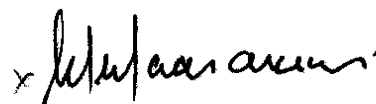
- (c) if a number of *access routes* are available in the *lot burdened*, use the *access route* nominated by the owner of the *lot burdened* (acting reasonably); and
- (d) promptly repair any damage caused to the *lot burdened* when exercising *access rights*.

3 Varying the Terms of an Easement and Relocating Easement Sites

- 3.1 For each easement in this *instrument* the owner of the *lot benefited* has the right (at its own cost and expense) to vary the terms of the easement or relocate the *easement site* (or both).
- 3.2 The owner of the *lot burdened* must consent to a variation or relocation of an easement and do all things reasonably necessary to give effect to the variation or relocation.

4 Terms of Easement for Electricity Supply Variable Width and Marked "A" on the Plan

- 4.1 Full and free right, leave, liberty, licence and *access rights* for the State Rail Authority of NSW and Rail Infrastructure Corporation, their successors and assigns its and their officers, servants, agents, workmen and contractors and all other persons authorised by it or them to act in its or their behalf:
 - (a) to erect, construct, place, inspect, alter, repair, renew, maintain and use upon the *lot burdened*, but only within the *easement site*, overhead and/or underground electricity transmission conductors, wires and cables, electricity substations and other ancillary works for the transmission of electricity (the ownership of all of which works it is hereby acknowledged is vested in either State Rail Authority of NSW or Rail Infrastructure Corporation);
 - (b) to cause or permit electricity to flow or to be transmitted through and along the said conductors, mains, wires, cables and ancillary works;
 - (c) to enter and be in the *lot burdened* with or without vehicles and plant and equipment for the purposes of exercising any right, leave, liberty or licence granted hereunder;
 - (d) to cut, trim or lop trees, branches and other growths or foliage which now or at any time hereafter may overhang, encroach or be in or on the *lot burdened* and which in the opinion of State Rail Authority of NSW and Rail Infrastructure

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Corporation may be likely to interfere with any right, leave, liberty or licence granted hereunder;

- (e) for the purpose of gaining access to the *lot burdened* with or without vehicles and plant and equipment to enter, be upon traverse and depart from land adjoining the *lot burdened* owned by the owner for the time being of the *lot burdened*.

4.2 The owner of the *lot burdened* does hereby for itself and other owners from time to time of the *lot burdened* covenant with State Rail Authority of NSW and Rail Infrastructure Corporation that it will not do or knowingly suffer to be done any act or thing which may injure or damage the said *services, overhead cables*, conductors, mains, wires, *works*, cables supports and other ancillary works or interfere with the free flow of electric current within this easement AND that if any such damage or injury be done or interference be made the owner of the *lot burdened* will immediately pay the costs to State Rail Authority of NSW or Rail Infrastructure Corporation of properly and substantially repairing and making good all such injury or damage to the free flow of electric current.

4.3 The owner of the *lot burdened* does hereby for itself and other owners from time to time of the *lot burdened* covenant with State Rail Authority of NSW or Rail Infrastructure Corporation that it will not without the consent of the State Rail Authority of NSW or Rail Infrastructure Corporation alter or permit to be altered the existing ground levels of this easement nor will it without the like consent erect or permit to be erected or placed any structure, object or equipment, above or below the *easement site*.

5 Terms of Easement for Drainage & Access for Maintenance 6 Wide and Marked "B" on the Plan

5.1 The terms of Part 3 Schedule 8 of the *Conveyancing Act 1919* (NSW) are hereby incorporated except that where the *lot benefited* is subdivided by a community plan, precinct plan, neighbourhood plan or strata plan of subdivision:

- (a) The right to lay, place and maintain a line of pipes beneath or upon the surface of the *lot burdened*;
- (b) The right to enter upon the *lot burdened* with any tools, implements, vehicles or machinery, necessary for the purpose;
- (c) The right to enter upon the *lot burdened* and to remain there for any reasonable time for the purpose of laying, inspecting, cleansing, repairing, maintaining or renewing such pipe line or any part thereof;

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- (d) The right to open the soil of the *lot burdened* and the restoration of that surface of the *lot burdened*;
- (e) The right enter and be in the *lot burdened* with or without vehicles and plant and equipment for the purposes of exercising any right, leave, liberty or licence granted hereunder; and
- (f) Such rights must be exercised solely by the owner of the *lot benefited* or the *service provider*, Community Association, Precinct Association, Neighbourhood Association or Owners Corporation as the case may be, or its authorised officers, employees or agents.

5.2 The owner of the *lot benefited* or *service provider* may:

- (a) enter and be in the *lot burdened* with or without vehicles and plant and equipment for the purposes of exercising any right, leave, liberty or licence granted hereunder;
- (b) run water in pipes and *drainage systems* through the *lot burdened*; and
- (c) do anything reasonably necessary for that purpose including:
 - (1) entering and exercising *access rights* on the *lot burdened*;
 - (2) taking anything on to the *lot burdened*; and
 - (3) carrying out work, such as constructing, placing, repairing or maintaining pipes, mains, or *drainage systems* on the *easement site*.
- (d) In exercising those powers, the owner of the *lot benefited* or *service provider* must:
 - (1) ensure all work is done properly;
 - (2) cause as little inconvenience as is practical to the owner and any occupier of the *lot burdened*;
 - (3) cause as little damage as is practicable to the *lot burdened* and any improvement on it;
 - (4) restore the *lot burdened* as nearly as is practicable to its former condition; and

x *[Signature]*
x *[Signature]*

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(5) make good any collateral damage.

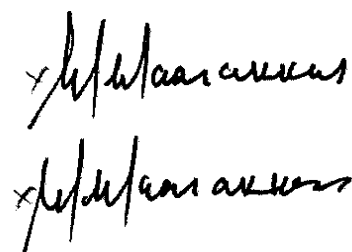
- 5.3 The owner of the *lot benefited* or *service provider* will not hold the owner of the *lot burdened* or any successor in title or their agents, contractors, servants or employees responsible or liable for any damage caused to the *services, overhead cables, pipes, mains, works* or drainage systems, placed on or within the site of the easement except where it is caused by the negligent or wilful act, default or omission of the owner of the *lot burdened* or any successor in title or their agents, contractors, servants or employees.

6 Obligation of owner Lot Benefited

- 6.1 For each easement in this *instrument* the owner of the *lot benefited* must maintain the *works* the subject of the easement.
- 6.2 For each easement in this *instrument* the owner of the *lot benefited* must take all reasonable and timely steps to make good any collateral damage to the *lot burdened* caused or contributed to by the owner of the *lot benefited*, any *authority* or *service provider* using the *easement site* or the *works* on it.

7 Use of Easement Site by Owner of Lot Burdened

- 7.1 The owner of the *lot benefited* acknowledges and agrees that the *easement site* may be used at any time by the owner of the *lot burdened* for the parking of vehicles.
- 7.2 The owner of the *lot burdened* any and if necessary all vehicles from the *easement site* upon receipt of twenty four (24) hours prior notice by the owner of the *lot benefited*.
- 7.3 Notwithstanding clause 7.2, the owner of the *lot benefited* may exercise any right or power granted hereunder and will have full and free right, leave, liberty, licence and *access rights* in the event of an emergency as determined in the reasonable opinion of the owner of the *lot benefited*.



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Name of person empowered to release, vary or modify restriction or positive covenant marked "A" on the plan:

The owner of the *lot benefited*.

Name of person empowered to release, vary or modify restriction or positive covenant marked "B" on the plan:

The owner of the *lot benefited*.

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THE COMMON SEAL of THE STATE)
RAIL AUTHORITY OF NEW SOUTH)
WALES was affixed in the presence of:)

X *Paul Bragg*
Signature of Witness

X RON SCRIBITON
Name of Witness

X 1.2 18 Lee Street
Address of Witness *Chippendale*

X *M Maasackers*
Signature of Authorised Delegate

Margot Christine Maasackers
X
Print Name

Corporate Secretary

THE COMMON SEAL of THE STATE)
RAIL AUTHORITY OF NEW SOUTH)
WALES was affixed in the presence of:)

X *John B Addison*
Signature of Witness

X JOHN B ADDISON
Name of Witness

X LEVEL 2 CENTRAL STATION
Address of Witness *HAYMARKET*

X *M Maasackers*
Signature of Authorised Delegate

Margot Christine Maasackers
X
Print Name

Corporate Secretary

NKB\EP\DSYD\1063814\1

REGISTERED



NO 19.6.2003

Submission from
State Emergency Services (SES)

Our Ref: ID 2991
Your Ref: PP-2022-2790 Ref-3565

15 April 2025

Renee Ezzy
Department of Planning, Housing & Infrastructure
Locked Bag 5025
Parramatta NSW

Via Planning Portal

email: renee.ezzy@dpie.nsw.gov.au
cc: helen.slater@ses.nsw.gov.au

Dear Renee,

Planning Proposal for 67-75 Lords Road, Leichhardt

Thank you for the opportunity to provide comment on the Planning Proposal for 67-75 Lords Road, Leichhardt. It is understood that the planning proposal seeks to rezone the following:

- 75 Lords Road, from E4 General Industrial to RE1 Public Recreation
- 67-73 Lords Road, E4 General Industrial to R3 Medium Density, with
 - 30m maximum height of buildings
 - 2.4:1 maximum FSR.
 - Residential flat buildings to be included as an additional permitted use.

The NSW State Emergency Service (NSW SES) is the agency responsible for dealing with floods, storms and tsunami in NSW. This role includes, planning for, responding to and coordinating the initial recovery from floods. As such, the NSW SES has an interest in the public safety aspects of the development of flood prone land, particularly the potential for changes to land use to either exacerbate existing flood risk or create new flood risk for communities in NSW.

The consent authority will need to ensure that the planning proposal is considered against the relevant Section 9.1 Ministerial Directions, including 4.1 – Flooding and is consistent with the NSW Flood Prone Land Policy as set out in the Flood Risk Management Manual 2023 (the Manual) and supporting guidelines, including the Support for Emergency Management Planning. Key considerations relating to emergency management are outlined in Attachment A.

In summary, we:

- **Note** the site is impacted by floodwater (pre and post development), with significant flood hazard up to H5 and H6 on the western half of the site. Therefore it is not consistent with the NSW Government Shelter in Place Guidelines for Flash Flooding.
- **Recommend** reconsidering residential development on the western portion of the site, where the flood risk is greatest.

- **Recommend** seeking advice from the Department of Climate Change, Energy, the Environment and Water as it will rely on “*compensatory flood storage*”¹ to “*overcome any adverse impacts on flood levels outside the site*”^{2 3}.
- **Emphasise** that the use of private emergency management plans are not supported as a condition of consent for managing an underlying flood risk.
- **Recommend** pursuing site design to minimise the flood risks at the site. See Principle 2 in Attachment A for further details.
- **Recommend** considering the impacts of climate change. It is estimated that the actual probability of a 1 in 100 AEP for this area is approximately a 1 in 58 AEP event for the current 2025 scenario⁴. For the proposed development site, this could result in more frequent inundation and/or isolation than what is currently expected based on previous modelling.

You may also find the following Guidelines available on the NSW SES website useful:

- [Reducing Vulnerability of Buildings to Flood Damage](#)
- [Designing Safer Subdivisions](#)
- [Managing Flood Risk Through Planning Opportunities](#)

Please feel free to contact Elspeth O’Shannessy via email at rra@ses.nsw.gov.au should you wish to discuss any of the matters raised in this correspondence. The NSW SES would also be interested in receiving future correspondence regarding the outcome of this referral via this email address.

Yours sincerely,



Peter Cinque
Senior Manager, Emergency Risk Management
NSW State Emergency Service

¹ Tooker + Associates, 2024, 67-75 Lords Road Leichhardt Planning Proposal Flood Risk Assessment, page 12

² Tooker + Associates, 2024, 67-75 Lords Road Leichhardt Planning Proposal Flood Risk Assessment, page 12

³ Tooker + Associates, 2024, 67-75 Lords Road Leichhardt Planning Proposal Flood Risk Assessment, Figure 1, page 15

⁴ WMAwater. 2024. Climate Change Calculator. Retrieved 10 April 2025 from <https://ccc.wmawater.com.au/>

ATTACHMENT A: Principles Outlined in the Support for Emergency Management Planning Guideline⁵

Principle 1 Any proposed Emergency Management strategy should be compatible with any existing community Emergency Management strategy.

Any proposed Emergency Management strategy for an area should be compatible with the evacuation strategies identified in the relevant local or state flood plan or by the NSW SES.

According to the NSW State Flood Plan⁶ and the Inner West Council Flood Emergency Sub Plan,⁷ evacuation is the primary emergency management strategy for people impacted by flooding.

Principle 2 Decisions should be informed by understanding the full range of risks to the community.

Decisions relating to future development should be risk-based and ensure Emergency Management risks to the community of the full range of floods are effectively understood and managed. It is noted that the site itself is prone to flooding in a 1% AEP flood event, with flood depths of greater than 2m on the western portion of the site during a PMF, and hydraulic hazards up to H5 and H6.⁸ Therefore, this does not meet the NSW Government Guidelines on Shelter in Place.

Although the eastern driveway access and egress is available above the Probable Maximum Flood,^{9 10} the area is isolated more broadly in frequent floods.^{11 12} The area currently becomes isolated by flood waters as frequently as a 50% Annual Exceedance Probability (AEP) event due to broader road network flooding.^{13 14}

If the proposal proceeds, we also recommend:

⁵ NSW Government. 2023. Principles Outlined in the Support for Emergency Management Planning Guideline

⁶ NSW Government. 2021. NSW State Flood Plan. Section 1.6 – Key Principles. 1.6.2, page 5.

⁷ NSW SES, 2023, *Inner West Council Flood Emergency Sub Plan*, Section 5.8 Evacuation, page 17

⁸ WMS, Nov 2023, *Appendix 5 – Flood Impact Risk Assessment*, Appendix C-10

⁹ WMA Water, 2020, Dobroyd Canal and Hawthorne Canal Floodplain Risk Management Study and Plan

¹⁰ Water Technology. 2023. Flood Impact and Risk Assessment: 67-75 Lords Road, Leichhardt

¹¹ Hawthorne Canal Flood Study 2015

¹² WMS, Nov 2023, *Parramatta Road Corridor Appendix 5 – Flood Impact Risk Assessment*, Section 3.3, page 16

¹³ Hawthorne Canal Flood Study 2015

¹⁴ WMS, Nov 2023, *Parramatta Road Corridor Appendix 5 – Flood Impact Risk Assessment*, Section 3.3, page 16

- Ensuring that all openings to the basement (ramp, vents, etc) are situated above the Probable Maximum Flood (PMF), or reconsidering basement carparking if this is not feasible, to reduce risk to life and property.
- Relocating the waste storage to be above the PMF, to reduce risks of exposing persons onsite or downstream to polluted floodwater.
- Relocating of plant rooms from the basement to be above the Probable Maximum Flood (PMF), to minimise disruption to essential services.
- Considering safety features for any proposed lifts, to ensure that floodwater does not enter the lift and ensure people do not exit into flooded areas.
- Ensuring consistency with the NSW Government Shelter in Place Guidelines.
- Consider the resilience of facilities likely to become flooded, for example by installing washable finishes or removable infrastructure which would otherwise be likely to be damaged or contaminated by flood water, and locating power outlets above the Probable Maximum Flood (PMF) level. The following Guidelines may assist further, [Reducing Vulnerability of Buildings to Flood Damage](#).

Principle 3 Development of the floodplain does not impact on the ability of the existing community to safely and effectively respond to a flood.

Development strategies relying on an assumption that mass rescue may be possible where evacuation either fails or is not implemented are not acceptable to the NSW SES.

Basement car parks have inherent risks to life and property¹⁵ and can often restrict safe evacuation of the occupants. This can be managed through building design, such as crest levels above a certain level (e.g. the PMF) to prevent water ingress and flooding. While the proposal states *“The driveway entry to the basement carpark is above the PMF flood level”*¹⁶, this level should also be applied to all other entry points, including vents to prevent water ingress.

The proposal states the site *“will have a detailed Flood Emergency Response Plan to manage any flood evacuation required for the site”*¹⁷. The NSW SES is opposed to the imposition of development consent conditions requiring private flood evacuation plans rather than the application of sound land use planning and flood risk management.

The NSW SES does not have the statutory authority to endorse private evacuation plans, nor does it have the resources to review and comment on private plans written at the level of individual dwellings, businesses or small subdivisions, section A2.4 of the Support for Emergency Management Planning notes site-specific flood response plans as a development

¹⁵ Collier, L. Phillips, B., and Griffin, M. 2017. Basement Development in the Floodplain. Floodplain Management Australia Conference. Newcastle, 2017

¹⁶ Tooker + Associates, 2024, 67-75 Lords Road Leichhardt Planning Proposal Flood Risk Assessment, page 7

¹⁷ Tooker + Associates, 2024, 67-75 Lords Road Leichhardt Planning Proposal Flood Risk Assessment, page 10

consent condition are not an effective measure for addressing continuing risk nor suitable for addressing the impacts of the development on emergency management risks to the existing community. They often require absolute compliance to achieve an acceptable outcome. Examples in the Land and Environment Court where the use of Private Emergency Management Plans have been deemed inappropriate to manage flood risks include *Renaldo Plus 3 Pty Limited v Hurstville City Council* [2005] NSWLEC 315 and *Gardiner v Central Coast Council* [2022] NSWLEC.

Principle 4 Decisions on development within the floodplain does not increase risk to life from flooding.

Managing flood risks requires careful consideration of development type, likely users, and their ability respond to minimise their risks. This includes consideration of:

- Isolation – There is no known safe period of isolation in a flood, the longer the period of isolation the greater the risk to occupants who are isolated.
- Secondary risks – This includes fire and medical emergencies that can impact on the safety of people isolated by floodwater. The potential risk to occupants needs to be considered and managed in decision-making.
- Consideration of human behaviour – The behaviour of individuals such as choosing not to remain isolated from their family or social network in a building on a floor above the PMF for an extended flood duration or attempting to return to a building during a flood, needs to be considered.

We note the current industrial and commercial uses on the site accommodates 19 tenancies, noting “Currently 11 occupancies are tenanted employing an estimated 79.5 full time equivalent employees.”¹⁸. The proposed development seeks to increase the population on site by adding approximately 210 dwellings¹⁹. The proposed change from industrial and commercial use to include residential development also means people will be present on the site 24 hours a day, increasing the risk exposure in this location.

Development strategies relying on deliberate isolation or sheltering in buildings surrounded by flood water are not equivalent, in risk management terms, to evacuation.

In summary, 'shelter in place' strategy is not an endorsed flood management strategy by the NSW SES for *future development*. Such an approach is only considered suitable for existing dwellings where the risk of staying is lower than the risk of evacuating, without increasing the number of people subject to such risk/s.

A basic principle of emergency management is to separate people from hazards. Given that it is rare to be able to move the hazard, the most widely accepted method of doing so is to implement evacuation. When the option for evacuation is denied and the hazard cannot be

¹⁸ FPD Planning, Oct 2024, *Planning Proposal 67-75 Lords Road, Leichhardt*, Section 2, page 17

¹⁹ SJB Urban, Jan 2024, *67-75 Lords Road Masterplan – Urban Design Report*, page 11

moved then a dangerous situation remains that requires the highest level of monitoring and intervention. This will be at a time when resources are in abnormally high demand.

The proposal states *“The FERP has two main flood evacuation strategies which consists of shelter in place and evacuation on foot and in vehicles. The primary evacuation will be shelter in place but if for some reason evacuation is needed, then a pedestrian and vehicular evacuation will be implemented²⁰.”* It is the preference of NSW SES that evacuation is the primary emergency management strategy in line with the Australian Fire and Emergency Services Authorities Council (AFAC) ‘Emergency Planning and Response to Protect Life in Flash Flood Events’ ([‘AFAC guideline’](#)), which are national best practice guidelines, notes the inherent risks of seeking ‘refuge’ or ‘sheltering-in-place’. Page 3 of the guideline states, *‘...remaining in buildings likely to be affected by flash flooding is not low risk and should never be a default strategy...even if the buildings are considered likely to withstand the impact of flash flooding. Where the available warning time and resources permit, evacuation should be the primary response strategy’²¹.*

Principle 5 Risks faced by the itinerant population need to be managed.

Any Emergency Management strategy needs to consider people visiting the area or using a development.

Principle 6 Recognise the need for effective flood warning and associated limitations.

As the is subject to flash flooding, there is limited opportunity for the community to respond to a flood threat in an appropriate and timely manner.

As the site is affected by flash flooding, and *“The duration of flooding on the site will be less than 2.5 hours²²”*, Severe Weather Warnings and Severe Thunderstorm Warnings from the Bureau of Meteorology are the only warnings currently available for this area. While additional warnings, such as those proposed in the Flood Risk Impact Assessment which suggests *“automatic alarms, both visual and audio, which would be activated when flood levels reached RL 3.8m AHD on site”²³* can be helpful, there is a risk they may not be reliable and may require ongoing updates and maintenance.

Principle 7 Ongoing community awareness of flooding is critical to assist effective emergency response.

Development in a floodplain will increase the need for NSW SES to undertake continuous community awareness, preparedness, and response operations.

²⁰ Tooker+Associates, 2024, Flood Risk Impact Assessment Report, Page 7

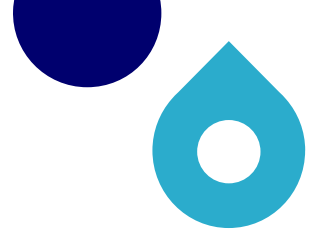
²¹ National Council for Australian Fire and Emergency Services (AFAC). 2018. Emergency Planning and Response to Protect Life in Flash Flood Events.

²² Tooker+Associates, 2024, Flood Risk Impact Assessment Report, Page 7

²³ Tooker+Associates, 2024, Flood Risk Impact Assessment Report, Page 7

Residents and users of the proposed development should be made aware of their flood risk, the [Hazards Near Me](#) app and the [NSW SES website](#) which contains comprehensive information for the general community about what to do before, during and after floods as well as in-language resources and HazardWatch (NSW SES interactive information and warnings site).

Submission from
Sydney Water



11 April 2025

Our reference: 222722

Renee Ezzy

Department of Planning, Housing and Infrastructure
renee.howieson@dpie.nsw.gov.au

**RE: Planning Proposal PP-2022-2790 at 67-76 Lords Road, Leichhardt
(Proposed by Platino Properties)**

Thank you for notifying Sydney Water of planning proposal PP-2022-2790 at 67-76 Lords Road, Leichhardt, which proposes amendments to the Inner West LEP 2022 controls on site, which includes the site's zoning classification, permissible building height control and FSR.

Changes from this planning proposal will facilitate the future redevelopment of the site comprising approximately **210 dwellings, 105 operational jobs and a GFA of 21,667m²**. We have reviewed the application based on the information supplied and provide the following comments for your information to assist in understanding the servicing needs of the proposed development.

Growth information

Sydney Water supports government-backed growth initiatives within our area of operations, striving to provide timely and cost-effective water and wastewater infrastructure without undue impacts. To offer robust servicing advice and investigate staged servicing possibilities, we require **anticipated ultimate and annual growth data** for this development as outlined in the enclosed Growth Data Form.

Water and Wastewater servicing

- Our preliminary assessment indicates that water and wastewater servicing should be available for future demands.
- Amplifications, adjustments, and/or minor extensions may be required for future development works.
- Further servicing requirements will be provided in future detailed planning proposals and/or development applications.

Trade wastewater requirement

- If the proposed development is anticipated to generate trade wastewater, the developer must submit an application requesting permission to discharge trade wastewater to Sydney Water's wastewater system. Applicant must wait for approval and issue of a permit before any business activities can commence.
- The permit application can be made on Sydney Water's web page through [Sydney Water Tap in®](#).

Protection of Assets

This letter constitutes high-level initial advice only. Further advice from Sydney Water may be offered during the exhibition, the Feasibility or, Section 73 stages with regards to the protection of our existing and proposed assets/easements and any requirements pertaining to building over or adjacent to Sydney Water assets. These aspects will be investigated as we receive more detail, and specific protection requirements, objections or amendments will be documented as they progress.

Next steps

- The proponent should complete and return the enclosed Growth Data Form as part of their Section 73 application once a development application has been lodged. The Growth Data Form should be updated promptly with Sydney Water in case of changes.
- The Department is advised to forward the enclosed *Sydney Water Planning Proposal Information Sheet (for proponent)* to assist the proponent in progressing their development. This Info Sheet contains details on how to make further applications to Sydney Water and further information on Infrastructure Contributions.

The development servicing advice provided is not formal approval of our servicing requirements and is based on the best available information at the time of referral (e.g. planning proposal). It is important to note that this information can evolve over time in tandem with the progression of other development projects in the catchment, changes within the local systems and receiving works. This is particularly important in systems with limited capacity. Furthermore, Sydney Water does not reserve or hold capacity for proposed developments, regardless of whether the area has been rezoned or not. To ensure accuracy and alignment with current conditions, it is best to approach Sydney Water for an updated capacity assessment particularly if a referral response letter is more than 12 months old.

Should the Department require further information, please contact the Elvis Cheung from the Growth Analytics Team at urbangrowth@sydneywater.com.au.

Yours sincerely,

Growth Analytics Team

Growth and Development, Water and Environment Services
Sydney Water, 1 Smith Street, Parramatta NSW 2150

Enclosed:

- Sydney Water Planning Proposal Information Sheet (for proponent)
- Sydney Water Growth Data Form

Sydney Water Corporation ABN 49 776 225 038

1 Smith Street, Parramatta, NSW 2150 | PO Box 399, Parramatta, NSW 2124

Telephone 13 20 92 Media (24/7) 8849 5151 sydneywater.com.au



Sydney Water Planning Proposal Information Sheet for Proponent

Sydney Water has provided advice to the Department/Council on your proposed planning proposal. Further steps are required to ascertain servicing timescales and staging align with your development. Please read the information below to assist with your development. Further information can also be found on our website (sydneywater.com.au).

Feasibility

Why have I been advised to carry out a Feasibility enquiry?

If the development presents potentially large water servicing demands on drinking water, wastewater, recycled water and stormwater where applicable or asset impacts are anticipated, further investigation may be required to determine the servicing requirements for the site.

It is recommended that a Water Servicing Coordinator is engaged to also ensure early discussion on your proposed development so it is considered in any potential planning that we might be undertaking. We advise you do this as soon as possible to prevent potential delays to your development approvals or servicing.

This process is also evidenced in the referral criteria for authorities and government agencies in the State Government's [Local Environmental Plan Making Guideline – Attachment B Authority & Government Agency Pre-lodgement](#).

How do I apply for a Feasibility?

To apply for a Feasibility, you will need to contact a Water Servicing Coordinator. Tell them you have been advised to lodge a Feasibility as part of your development application.

Growth Data Form

Why do I need to complete a Growth Data Form as part of the Feasibility application?

If you have been requested to provide growth data, it is likely your planning proposal may lead to development with significant servicing needs especially or in areas not previously identified for substantial growth. To ensure thorough servicing advice and explore staged servicing options, we need anticipated growth data and indicative development staging, including yield per stage, as specified in the Growth Data Form in **Appendix 1**.

Trade wastewater for business customers

I am a business customer and my development may generate commercial or industrial trade wastewater. What do I do?

If your development is going to generate trade wastewater, you must have written approval to connect your business to our network, and properly install and maintain appropriate treatment equipment before any business activities can commence. It is illegal to discharge trade wastewater into the Sydney Water sewerage system without permission.

How to apply for approval to discharge?

Complete an application for connection to discharge trade wastewater at Sydney Water [Tap in®](#) or contact businesscustomers@sydneywater.com.au for further information.

Infrastructure Contributions

What are infrastructure contributions?

Infrastructure contributions are a payment towards the cost of infrastructure needed to provide water-related services to new developments. The contributions are set to be reintroduced by Sydney Water from 1 July 2024 followed a decision by the NSW Government.

Please note existing charges still apply for the recycled water schemes provided by Sydney Water.

How do infrastructure contributions impact me?

Infrastructure contributions for drinking water and wastewater will be payable for all developments that require a Section 73 Compliance Certificate to be issued from 1 July 2024 onwards. The contributions will be gradually reintroduced such that they will be capped at 25 percent in 2024-25 and 50 percent in 2025-26, with full contributions payable from 1 July 2026 onwards, in line with a transition plan approved by the NSW Government.

You can find more information on the reintroduction of drinking water and wastewater contributions at [Infrastructure contributions | Sydney Water Talk](#).

I am building in the Western Sydney Aerotropolis Precincts. How does this impact me?

The NSW Government has appointed Sydney Water as the Regional Stormwater Authority in the initial Western Sydney Aerotropolis precincts, including the Mamre Road Precinct.

If you are building in the Aerotropolis Initial Precincts, you will be required to pay infrastructure contributions towards Sydney Water's stormwater and recycled water servicing. The estimated amount of contributions for stormwater and recycled water servicing will be provided at the Notice of Requirements issued during the Section 73 application.

You can find more information on Mamre Road and Aerotropolis Infrastructure Contributions at [Mamre Road and Aerotropolis development](#).

Water Servicing Coordinator

What is a Water Servicing Coordinator?

Water Servicing Coordinators are accredited providers who can manage your Sydney Water applications for you.

They can design new pipes, manage applications for Section 73 Compliance Certificates and Feasibilities, applications for approval to move or extend our pipes, design and construction of new pipes, and applications for approval to build over or next to assets.

All Water Servicing Coordinators have designer accreditation and can provide design services.

How do I find a Water Servicing Coordinator?

Please follow this link to find a list of Water Servicing Coordinators: [Water servicing coordinators](#)

Quick Links

[Growth Servicing Plan](#)

[Water servicing coordinators](#)

[Infrastructure contributions](#)

[Steps for first time developers](#)

[Mamre Road and Aerotropolis development](#)

[Managing trade wastewater](#)

[Local Environmental Plan Making Guideline – Attachment B Authority & Government Agency Pre-lodgement](#)

Appendix 1. Example of growth data form and planning timescales

The following is an example of the level of intel that we require to assess the potential staging and phasing of asset upgrades. We acknowledge that this information is an indication only and is provided as a guide to assist SW to provide more nuanced feasibility or servicing advice. We note that timescales are often subject to developer intent/demand and approval timescales. Sydney Water uses the information at its own risk.

Anticipated planning timescales										
Reference number	Project name	Date updated	Pre-lodgement or lodgement	Submission to Gateway	PP Exhibition	Anticipated rezoning	Anticipated DA lodgement	Anticipated first connection	Status/Comments	Estimated growth numbers (or range) dwellings/jobs
Example: PP-2025-xxxx	100 Main Street, Leppington	Today's date	Jul-25	Dec-26	Jun-27	Dec-27	Mar-28	2029	Completed preliminary planning assessment. To be lodged to LPP in June 2026.	500 dwellings

Anticipated growth timescales													
Project name:	Address:		Sydney Water Ref. Number and PP Ref. Number:										
Development Type	Ultimate growth (additional)	Total # stages	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	Continue as required
Example (dwelling multi)	2050	5	0	350	350	500	500	350	0	0	0	0	
Example (job number)	1600	6	200	200	300	300	300	300	0	0	0	0	
Dwellings (single)													
Dwellings (multi)													
Jobs (number)													
Jobs (GFA)													

Submission from

**NSW Environment Protection Authority
(EPA)**



Your ref: PP-2022-2790 (REF-3560)
Our ref: DOC25/226670-3

Renee Ezzy
Senior Planning Officer
Department of Planning, Housing and Infrastructure

By email: renee.ezzy@dpie.nsw.gov.au

7 May 2025

**EPA Response – Planning Proposal
67-75 Lords Road, Leichhardt**

Dear Renee,

Thank you for providing the NSW Environment Protection Authority (EPA) with the opportunity to comment on the Planning Proposal (**Proposal**) located at 67-75 Lords Road, Leichhardt (Lot 1 DP 940543 and Lot 1 DP 550608) (**Site**).

The EPA has reviewed the Proposal and understands that it seeks to amend the Leichhardt Local Environmental Plan 2013 (WLEP 2013) and will allow the rezoning of the Site from IN1 Light Industrial to R3 Medium Density with a maximum height limit of 30 metres.

This will enable the Site to be used for dwellings as independent living units for seniors housing, affordable housing and non-residential land uses such as office/business premises or light/creative industry.

The EPA has reviewed the following documents:

- *Planning Proposal - 67-75 Lords Road, Leichhardt - Prepared on behalf of Platino Properties*, prepared by FPD Planning, dated 5 February 2025.
- *Detailed Site Investigation, 67-75 Lords Road, Leichhardt NSW*, prepared by Foundation Earth Sciences, dated December 2023 (**DSI**)
- *Development Application Noise Assessment 67-75 Lords Road, Leichhardt*, prepared by Acoustic Logic Pty Ltd, dated 19 December 2023 for Revision 1. (**Noise Assessment**)

Upon review of the above documents, the EPA identified matters for consideration, these detailed comments are provided in **Appendix A**.

The EPA acknowledges the Traditional Custodians of Sydney, the Eora people. We encourage meaningful engagement with the Aboriginal community in developing and implementing the Proposal.

The EPA notes that in accordance with the *Local Environmental Plan Making Guideline* (DPE, 2023), the EPA is not the Planning Proposal Authority. This advice is intended to assist the Planning Proposal Authority to determine whether the proposal has strategic and site-specific merit.

NSW Environment Protection Authority
As the environmental steward and regulator of our State we are committed to a sustainable future.
Join us on our mission to protect tomorrow together.

Phone:
131 555
Email:
info@epa.nsw.gov.au
Website:
epa.nsw.gov.au

Visit:
[Click or tap here to enter StreetAddress](#)
Mail:
[Locked Bag 5022](#)
[Parramatta NSW 2124](#)



If you have any further questions, please contact Geo Lapina in the Strategic Planning Unit at environmentprotection.planning@epa.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'Patrick Andrade', with a stylized flourish at the end.

Patrick Andrade
A/Unit Head - Environment Protection Planning
NSW Environment Protection Authority

Appendix A – Detailed EPA Comments

Contaminated Land

The EPA understands that the DSI concluded that the Site can be made suitable for the proposed rezoning and redevelopment, subject to further contamination assessment as part of the development application process.

The EPA's detailed comments on the DSI are as follows:

Current uses of the site not identified

The EPA notes that the current uses of the site were not identified in the DSI by Foundation Earth Sciences.

Assessment of in fill nature

The EPA understands that the DSI assessed the general nature of fill material at the site and identified minor exceedances of human health and ecological criteria. The EPA recommends further sampling should be undertaken to address data gaps, which includes investigating the following:

- around the fill points and lines associated with the former underground storage tanks to confirm whether this infrastructure could be a source of contamination, and if there is contamination, the nature and extent of the contamination.
- where the former aboveground storage tank was located to confirm whether this infrastructure could be a source of contamination, and if there is contamination, the nature and extent of the contamination; and
- to characterise the full nature and extent of fill at the site (including below the buildings).

Elevated groundwater concentrations

The EPA notes that the DSI identified elevated concentrations of metals in an apparent upgradient well.

The DSI proposed management measures for addressing the elevated groundwater concentrations during redevelopment, but the source of the elevated metals in groundwater appears to be off-site, and the contamination of groundwater may therefore not be a concern in relation to the proposal.

The EPA recommends that the groundwater flow direction is determined by surveying the wells to obtain relative height, as this will help confirm that the groundwater contamination is from an off-site source. The EPA notes that the groundwater flow direction is currently reported to be both northwest and southeast in the report.

Leichhardt Development Control Plan (DCP) existing provisions

The EPA notes that Section C1.8 of the Leichhardt DCP ensures that any land will be appropriately remediated prior to the land being used for the proposed purpose. Additionally, the Leichhardt DCP includes provisions to ensure that contaminated land is investigated, assessed, remediated, and the remediation is validated in accordance with the [Managing Land Contamination Planning Guidelines SEPP 55–Remediation of Land](#) (EPA, 1998).

Further recommendations:

Subject to the above supplementary investigations (DSI data gaps being identified) with the full nature and extent of contamination determined; the EPA recommends that the following process is followed:

1. A Sampling Analysis and Quality Plan (SAQP) is developed, prior to the supplementary investigations being undertaken;
2. Supplementary investigations are completed, and a report is prepared;

3. Remediation Action Plan (RAP) is developed and implemented to ensure the site is made suitable for the proposed use; and
4. Validation Report is provided, which confirms the remedial works have been done and the site is suitable.

The EPA recommends that the planning authority require this resulting work and reporting be undertaken by a certified contaminated land consultant. Information about certified contaminated land consultants is available on the [EPA website](#).

Optional Site Audit:

The planning authority may also want to consider whether a site audit is necessary. As described in the [Managing Land Contamination Planning Guidelines SEPP 55–Remediation of Land](#) (EPA, 1998):

“As a general principle, a site audit is only necessary when the planning authority:

- believes on reasonable grounds that the information provided by the proponent is incorrect or incomplete*
- wishes to verify the information provided by the proponent adheres to appropriate standards, procedures and guidelines*
- does not have the internal resources to conduct its own technical review.”*

If the planning authority decides that an audit by an EPA-accredited site auditor is appropriate, the EPA also recommends that the planning authority require a section A site audit, which certifies the site suitability after the remedial works have been completed.

Noise and Vibration

The EPA notes that the Noise Assessment have been assessed using the Inner West Council Development Control Plan (DCP) 2013, [State Environmental Planning Policy \(Transport and Infrastructure\) 2021](#), and [Development Near Rail Corridors and Busy Roads – Interim Guideline](#) (The NSW Government Department of Planning, 2008).

The EPA provides the following comments regarding the Noise Assessment:

Background Noise Monitoring Levels

The EPA understands the unattended noise monitors as M1 and M2, as seen in Figure 2 of the Noise Assessment, determined the background noise levels.

However, these unattended noise monitors may not be entirely representative of background noise levels, as set out in Fact Sheets A and B of the [Noise Policy for Industry](#) (EPA, 2017). This is due to the relevant height of the location at M1 and M2 and/or the distance from where sensitive receivers are located (see R1 and R2 in Figure 2 of the Noise Assessment).

The EPA suggests that additional monitoring could be sought closer to the sensitive receivers (R1 and R2). Additionally, the noise data in the Noise Assessment should be excluded when the average wind speeds are greater than 5 metres per second or during rain.

Light rail noise and vibration assessment

The EPA notes that the Noise Assessment did not detail the calculation of measuring existing levels of rail noise and vibration as set out in chapter 3.4 of the [Rail Infrastructure Noise Guideline](#) (EPA, 2013). The EPA suggests that the Noise Assessment demonstrate the measurement of existing levels of rail noise and vibration from the guidelines, including all relevant elevations, angles, and pass by measurements to reach its conclusion.

Furthermore, the assessment did not include a vibration assessment. The EPA recommends a vibration assessment to quantify the potential impact and mitigation measures associated with it.

Submission from

Ausgrid



Date: 24/03/2025

24-28 Campbell St
Sydney NSW 2000
All mail to
GPO Box 4009
Sydney NSW 2001
T +61 2 131 525
ausgrid.com.au

To whom it may concern,

Re: Ref-3562 - 67-75 Lords Road, Leichhardt

Ausgrid would like to thank you for seeking input and feedback regarding this planning proposal. Ausgrid requires that due consideration be given to the compatibility of the proposal with existing Ausgrid infrastructure, including.

- electrocution,
- fire,
- Electric & Magnetic Fields (EMFs),
- noise,
- visual amenity, and
- other matters that may impact Ausgrid or the proposal.

Environmental considerations

As you are aware, the assessment and evaluation of environmental impacts for a new development that requires development consent (or where development consent is modified) is undertaken following the requirements of Section 4.15/ 5.17 of the *Environmental Planning and Assessment Act 1979*. One of the obligations upon consent authorities is to consider the suitability of the proposal including its compatibility with the surrounding land uses and the existing environment.

Proposal considerations

Trying to mitigate such impacts for established developments can be costly and restricted to design. The most cost-effective option is typically a modification of the proposal in the assessment phase. Measures may include buffer distances, screening structures, building design, orientation, and construction methods.

Conditions of approval

Where the consent authority considers that the proposal is suitable and involves a type listed in Table 1, then Ausgrid requires development consent conditions to be imposed to ensure the safety and compatibility of both the development and Ausgrid's assets.

Where the Proposal has the potential to encumber the current or future use of an Ausgrid entity-owned property, it is expected that the Consent Authority or Proponent contacts Ausgrid with site-specific details so additional consideration and subsequent submission can be provided before granting consent.

Ausgrid looks forward to reviewing future Development Application submissions for any development attached to this proposal and will then provide further feedback accordingly.

If you would like further assistance in this matter, please contact Ausgrid's Paul Nakhle via email to development@ausgrid.com.au.

Yours sincerely
Sreenivasa Rao Ella
Asset Protection Officer - Asset Protection

Table 1: Development types and relevant consent conditions

Legislative requirement SEPP 2021	Development type	Consent condition
2.48(1a) T&I SEPP	Penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower.	A, B
2.48(1b i) T&I SEPP	Development carried out within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).	A, E, D
2.48(1b ii) T&I SEPP	Development carried out immediately adjacent to an electricity substation.	A, C*, D, F
2.48(1b iii) T&I SEPP	Development within 5m of an exposed overhead electricity power line.	A, D
2.48(1c i) T&I SEPP	Installation of a swimming pool any part of which is within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level.	A
2.48(1c ii) T&I SEPP	Installation of a swimming pool any part of which is within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool.	A
2.48(1d) T&I SEPP	Development involving or requiring the placement of power lines underground, unless an agreement concerning the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.	A
S4.15 / S5.17 EP&A Act	Where the Proposal has the potential to encumber the current or future use of an Ausgrid entity-owned property (including but not limited to changes to land use zoning, heritage status, and property access)	G

* For development adjacent to a substation, Ausgrid requests that the council seek a noise assessment report from the applicant before the Development Application being determined. The assessment must address, concerning the adjacent substation, the requirements of the amenity noise level in section 2.4 of the *NSW Noise Policy for Industry* (EPA, 2017). Where a noise assessment has not been provided by the applicant, Ausgrid requests that condition C be imposed on any consent that is granted.

Condition A: Before any development is carried out, the plans must be submitted to Ausgrid for approval to determine whether the development will affect Ausgrid's network or easements.

Condition B: The applicant must check the location of underground cables by using *Before You Dig Australia* and comply with the requirements of *NS156 Excavating Near Ausgrid Underground Cables or Conduits*.

Condition C: Before the issue of a Construction Certificate (or an Occupation Certificate where a Construction Certificate is not required), the applicant must provide to council and Ausgrid a noise assessment report. The report must address, concerning the adjacent substation, the requirements of the amenity noise levels in section 2.4 of the *NSW Noise Policy for Industry* (EPA, 2017)¹

Condition D: The development must comply with both the Reference Levels and the precautionary requirements of the *Standard for Limiting Exposure to Radiofrequency Fields – 100 kHz to 300 GHz* (ARPANSA, 2021)

Condition E: The development must comply with the *Tree Safety Management Plan* (Ausgrid, 2023)

Condition F: The development must be carried out following *ENA EG1-2006: Substation Earthing Guide* (Energy Networks Association, 2006).

Condition G: the Consent Authority or Proponent contacts Ausgrid with site-specific details so an informed submission can be considered before any consent is granted

Submission from

Jemena

Assessm...

Decisi...

Proposal case details

Referral case details

Following a preliminary review, is the detail provided complete and is the case ready for a decision?

Yes, the application is ready for decision

What is the outcome of your review?

Decision not required

Comments

Jemena has reviewed the location of the Planning Proposal and undertaken a review of the documentation provided and as such Jemena has no objection.