



REGISTERED SURVEYORS
DEVELOPMENT • CONSTRUCTION • STRATA
ABN 12092884609

10 December 2020

Ref: 4425 Plan report Rev A

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Dear Mr N. Ridout,

Benjamin Kavich v Garry Holt; Matthew Bartolo
Land and Environment Court of New South Wales Proceedings No. 87523 of 2020
50 Peter Brock Drive, Eastern Creek

Review of Sec 4.55 Application S29/3/97- Mod -1

1. Mandate

I have been engaged to provide a review of the documentation lodge in respect to the Sec 4.55 Application S29/3/97- Mod -1

I have previously provided an expert report in respect to the levels of the land contained within this new sec 4.55 application.

The subject site is located at 50 Peter Brock Drive, Eastern Creek and is legally known as lot 4 DP1079897.

The site at the time of the development Approval was known as Part Lot 1 DP 855014 and part Lot 100 DP 815766. These lots were subsequently subdivided .

The site currently contains an unformed earth graded and battered area that appears to be utilised for temporary carparking.

Adjoining this site to the east is a concrete factory building with concrete carpark recognised as 10 Raceway Place Eastern Creek and legally known as Lot 17 DP 1122038.

2. Supporting Documents

For the purpose of providing this report, I have reviewed and considered the following documents:

- a. Detail And Level Survey of the subject site by Urbanex dated 10/03/1997 as contained in Development approval – Annexure A
- b. Detail And Level Survey by Stratasurv dated 14/05/2020 Ref: 4425DT01 Rev A1 – Annexure B
- c. Civil Works General Arrangement Plan no.C201 rev D by SGC engineers- Annexure C
- d. SGC Engineering report dated 16th November 2020
- e. City Plan Statement of Environmental Effects

3. Review Opinion

3.1 Development Approval - Levels of the Site and Sec 4.55

The original Development Application provide for a carpark on existing surface levels as contained within DA approved Urbanex survey 1997. Annexure A

The levels of the site were surveyed by StrataSurv in May 2020 and my expert report confirmed that the differences in level between the DA approved Urbanex survey 1997 and the StrataSurv survey of 2020 were upto **5.4 metres higher** . See attached StrataSurv plan May 2020 annexure B

The StrataSurv 2020 surveyed surface was typically a minimum of 2 metres higher than the Urbanex 1997 survey with the only area of surface that appeared not to have changed in height being the small area at the south eastern corner of the land surveyed. At this location the surface in fact was 0.1 metre lower than the Urbanex 1997 surveyed surface.

I have noted the information above as the current application states that the height differential is only between 1.5m and 3.5m as contained within page 9 “ Overview of Modifications” and paragraph 1 of page 10 of the City Plan Statement of Environmental Effects “ *This has included the filling and compaction works to raise the levels of the carpark by 1.5m -3.5 m.* ”

Section 3.2.1 overview intimates that “*the only associated works are drainage improvements and installation of ground stabilization structures primarily retaining walls.* ”

This is incorrect as the application has to cover for all NON approved works previously completed and and future works perceived. In this instance all of the earthworks will require approval and would require if approved certification that they have been constructed to Australian Standards.

Further more the application does not include for a current detail and level survey which ordinarily is required when lodging an application.

This is evidenced by the statement made upon SGC Engineers plan C201 Rev D “ detail survey shall be undertaken at a later stage”

That no detail and level survey has been undertaken leads me to conclude that the Engineering design can only be an indicative design and that no consideration has been given to the current earthworks.

3.2 Sec 4.55 Engineering Documentation

I make the following general observations with respect to the SGC Engineer Plan C201 Rev D Annexure C;

- No reduced design levels have been provided with respect to the design other than proposed grate levels of 450*450 drainage pits
- As there is no current surveyed levels these grate levels do not necessarily provide for capture of surface water without further regrading of the existing earth levels which is not fully depicted,
- There would appear to be a lack of drainage capture at the top ends of the embankments that create the ramps. This would either require re grading away from these areas of pits placed to ensure non pooling of water or over flow down the face of the embankments which would create instability in these embankments.
- I note that I did not see any documentation on the engineers design or alternatively a geotechnical report that stated that the current earthworks have in fact met Australian Standards for compaction and grade of embankments.
- There is no indication of the current ramp grades and there reflected design grades,
- There are no existing or design levels to indicate how the 3 metre wide swale drain is to meet the indicated flow path along the rear southern boundary
- Further more there is no detailed design at this south eastern corner as to how the overland flow from the property to the south is to be captured and dealt with,
- There is no depiction of the location of the 2.4m wide swale drains location along the eastern common boundary of No10 raceway Place other than a typical section shown as detail no1,
- Detail no1 depicts a retaining wall sitting upon No 10 Raceway Place
- This detail either infers that No 10 Raceway Place is to carry the load of the earth embankment OR the proposed retaining is to be built upon No 10s property, either outcome is not appropriate,

I make the following general observations with respect to the SGC Engineer Report dated 16th November 2020;

- Section 2 of the report paragraph 2 states that “ *The conditions of consent are silent as to how the runoff from the upstream catchment is to be managed*”.

- This may in fact be correct but there was no need for a condition with respect to the overland flow as the carpark depicted upon the approved plans did not indicate any changes in levels .
- In fact it did not proposed any physical works be completed and hence this “open grassed” carpark would have remained the same and the overland flow would not have been impacted.
- Section 3 refers that the engineer was advised that only a 3.5m height change had occurred .
- As noted earlier this 3.5m height is in fact incorrect and the engineer in lieu of relying on others estimates could have determined a far more accurate height change by comparing his denoted carpark Reduced Levels of 79 .0 , 76.0 and 74.0 with that of the original DA surveyed levels
- I note that on page 5 of the report the 3.5m height is again raised and referenced to a height relative to the year 2017. I do not understand the relevance of 2017 to the DA approval levels of 2017 other than it may intimate that the existing levels were different in 2017.
- Photographs of the no 10 factory soon after construction show the neighbouring grass land (carpark) to be unimpacted by any earthworks or changes in level.
- In respect to the Engineering Report and provision of answers as to why No 10 was impacted by flooding in September 2020 I am not of the acumen to be able to comment on the quantities of flow .
- I do though note that the depiction of the catchments on page 10 of the Engineers report infer that the green catchment area was to flow onto No 50s property. This would not in fact happen to the full extent due to the embankment constructed along the southern rear boundary of No 50. This embankment would in fact create a redirection of this overland flow and may in fact redirect a portion this overland flow to the north (towards no 10) .
- This is possibly evidenced by the scouring of the embankment at the south eastern corner as contained within the photograph figure 6 page 11 of the engineers report.
- I would concur with the engineers report that the no 10 building has been constructed within an overland flow path and appears to have allowed for this overland flow along the western wall of the factory.

3.3 Geotechnical Report

- Their did not appear to be any evidence provide as to confirmation of compaction of the existing earthworks,
- I have not seen any Construction Certificate documentation or plans that provide for these earthworks or the methodology and or testing procedures to ensure their on going stability ,
- Photographs provided to me by Mills Oakley for my expert report of May 2020 appear to indicate random dumping of spoil materials occurred,

- The spoil materials appear to contained elements of possible demolished concrete rubble which would hence indicate possible deficiencies in the ability to compact to a complying compaction bearing ratios .

If you have any questions in relation to this report please do not hesitate to contact the writer



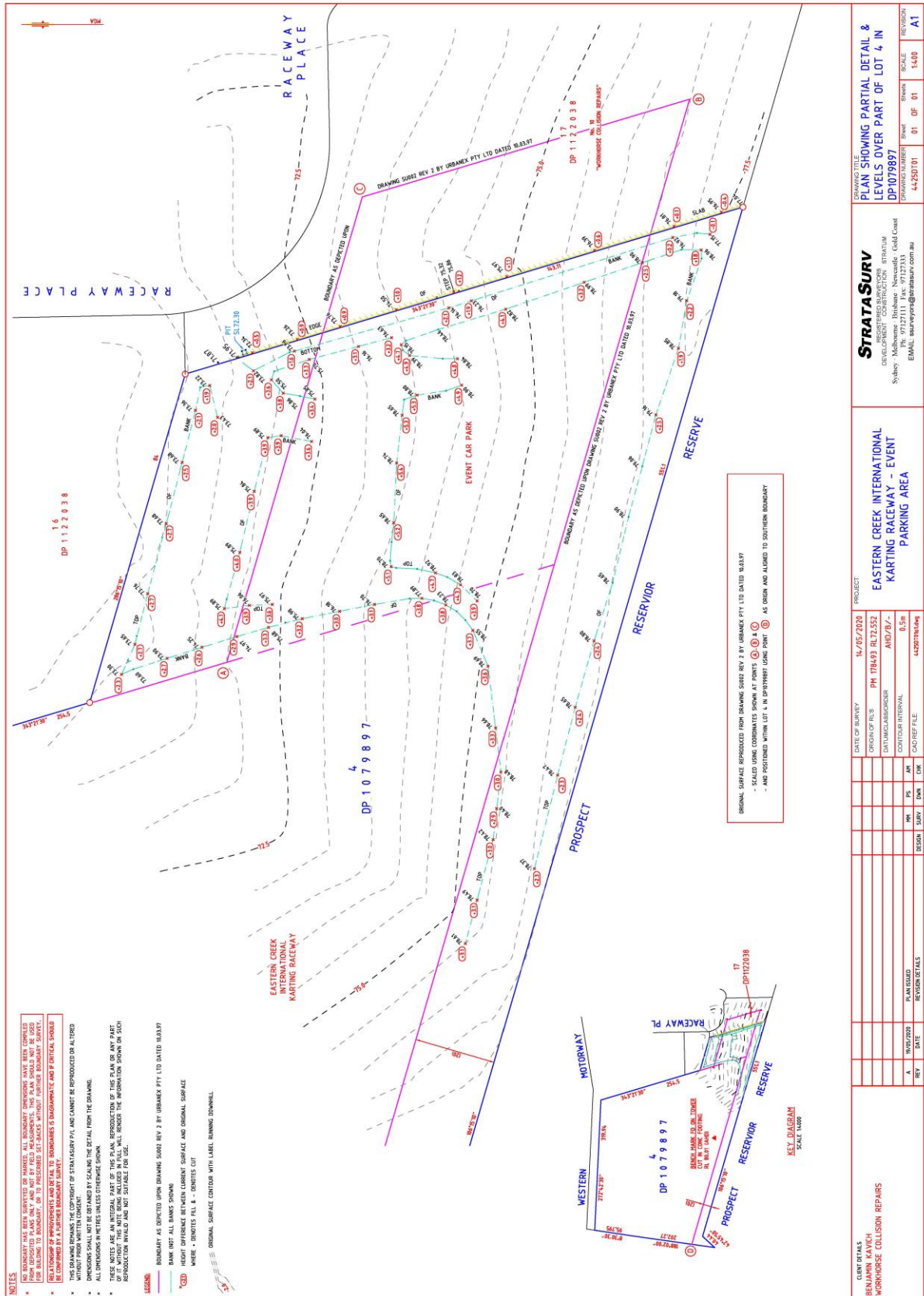
Anthony Mitchell
Registered Surveyor

Under the Surveying and Spatial Information Act 2002 NSW

Development Consent Detail and Level Survey Plan 1997



StrataSurv Detail and Level Survey Plan 2020



Annexure C

