



Attachment 3 to Item 10.1.1.

Government Agency Submissions

Date of meeting: 13 August 2024
Location: Council Chambers
Time: 6:30pm

Attachment 3

Government Agency Submissions and Council Officer Comments

| Item | Issue | Council Officer Comments |
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| NSW Reconstruction Authority (RA) | | |
| 1. | <p>Compliance with the Local Planning Direction 4.1 Flooding</p> <p>“The planning proposal states that:</p> <p>“<i>The proposal has considered Council’s flooding requirements for other commercial and industrial land, including:</i></p> <ul style="list-style-type: none"> • <i>citing new buildings above the 100-year flood level</i> • <i>avoiding earthworks, structures, etc. within the 100-year flood extents to eliminate affectation to any neighbouring properties.</i> • <i>providing a continuously rising driveway to Commercial Road and access to PMF flood free regional evacuation routes.”</i> <p><i>If the above are maintained for any development proposal, the NSW RA believes the planning proposal complies with the Local Planning Direction 4.1 Flooding. In addition, the planning proposal does not change the zoning from RU4 and does not include any development in the floodway.”</i></p> | <p>The Planning Proposal’s compliance with Local Planning Direction 4.1 Flooding referred to in the Reconstruction Authority’s advice are maintained for any development proposal and the current RU4 Primary Production Small Lots zoning of the subject site remains unchanged is noted.</p> <p>The existing topography of the locality including the subject site will enable a continuously rising driveway to Commercial Road and access regional evacuation routes above the Probable Maximum Flood. The Planning Proposal does not seek to rezone the subject site.</p> |
| 2. | <p>Flood evacuation and response plan</p> <p><i>In terms of regional flood evacuation risk, it is considered the site has minimal evacuation risk as:</i></p> <ul style="list-style-type: none"> • <i>it internally rises to land above the PMF</i> • <i>it is centrally owned and managed</i> • <i>the internal road between the tenants rises to Commercial Road with no low points.</i> <p><i>However, it is suggested that the proponent develop a site flood evacuation and response plan to describe how the owner will trigger site evacuation, closure and reopening; and the NSW SES should be consulted on this plan”.</i></p> | <p>The reconstruction Authority’s comment that the subject site has minimal regional flood evacuation risk is noted.</p> <p>Should Council resolve to adopt and make the Plan, the applicant will be requested to prepare and submit a flood evacuation and response plan as part of a future development application for any proposed development on the subject site. Any future development applications received for the subject site will be referred to the NSW SES for comments.</p> |

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| NSW Rural Fire Service (RFS) | | |
| 1. | <p><i>Bushfire Assessment Report</i> Based on a preliminary assessment of the plans and documentation received for the proposal, the RFS raises no concerns to the proposed amendment subject to the recommendations in the submitted Bushfire Assessment Report prepared by Peterson Bushfire April 2023,) being met.</p> | <p>The RFS raises no concerns regarding the proposed amendment provided that recommendations contained in the Bushfire Assessment Report are met.</p> <p>Should Council resolve to adopt and make the Plan, legally enforceable conditions reflecting those recommendations can be imposed for any future development application approvals over the subject site.</p> |
| 2. | <p><i>Planning for Bush Fire Protection 2019</i> Future development on bush fire prone lands identified within the subject lot will be required to comply with the relevant provisions of Planning for Bush Fire Protection 2019.</p> | <p>Should Council resolve to adopt and make the Plan, any development applications received for the subject site will be referred to RFS for comment.</p> |
| NSW State Emergency (SES) | | |
| <i>Issues Relevant to the Planning Proposal</i> | | |
| 1. | <p><i>Climate change and flood risk up to the PMF</i> Consider the results from the NSW Reconstruction Authority's (NSWRA) Hawkesbury-Nepean Flood Study, to inform the risk assessment at the site and for access/egress routes, including the impact of climate change and flood risk up to the PMF.</p> | <p>The 2024 Hawkesbury-Nepean River Flood Study confirms that the 1% AEP remains unchanged at RL.17.30 (AHD), whilst the PMF level has increased to RL30.6 (AHD).</p> <p>Council still uses the 1% AEP flood planning level in determining development and planning proposals until such time Council adopts a revised flood planning levels associated with the Hawkesbury Flood Risk Management Study & Plan. This includes consideration of the 2024 Hawkesbury-Nepean River Flood Study.</p> <p>Further, a referral response received from the NSW Reconstruction Authority for the Planning Proposal includes the following statement:</p> <p>“While no clear plans have been provided with the application as it is a change in use application, the planning proposal states that:</p> <p>“The proposal has considered Council's flooding requirements for other commercial and industrial land, including:</p> <ul style="list-style-type: none"> • citing new buildings above the 100-year flood level • avoiding earthworks, structures, etc. within the 100-year flood extents to eliminate affectation to any neighbouring properties. • providing a continuously rising driveway to Commercial Road and access to PMF flood free regional evacuation routes.” <p>If the above are maintained for any development proposal, the NSW RA believes the planning proposal complies with the Local Planning Direction 4.1 Flooding. In addition, the planning proposal does not change the zoning from RU4 and does not include any development in the floodway.</p> |

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| | | <p>In terms of regional flood evacuation risk, it is considered the site has minimal evacuation risk as:</p> <ul style="list-style-type: none"> • <i>it internally rises to land above the PMF it is centrally owned and managed</i> • <i>the internal road between the tenants rises to Commercial Road with no low points.”</i> <p>Should Council resolve to adopt and make the Plan to give effect to the Planning Proposal, Council will be able to consider the 2024 Hawkesbury-Nepean River Flood Study and/or subsequent updates further when determining future development applications for the subject site in consultation with SES.</p> |
| <p>2.</p> | <p>Evacuation capacity</p> <p>Consider the impact on evacuation capacity due to the potential increase in vehicles converging on the already constrained evacuation routes. Therefore, we kindly request clarity on the projected total numbers of vehicles and employees expected for the site, to support the assessment.</p> | <p>The Transport Assessment report prepared by GMT traffic consultants accompanying the Planning Proposal states that an increase of an additional 5,500m² of industrial gross floor space on the subject site with estimated 15-20 employees expects to generate 29 vehicles in the am peak and 31 vehicles in the pm peak.</p> <p>The Transport Assessment report concluded that the potential traffic generated by the Planning Proposal will be insignificant on the existing and future road network.</p> <p>Further, a response received from the NSW Reconstruction Authority states that:</p> <p><i>“In terms of regional flood evacuation risk, it is considered the site has minimal evacuation risk as:</i></p> <ul style="list-style-type: none"> • <i>it internally rises to land above the PMF it is centrally owned and managed</i> • <i>the internal road between the tenants rises to Commercial Road with no low points.”</i> <p>Additionally, a response received from Transport for NSW stated that:</p> <p><i>“TfNSW has reviewed the submitted documents and has no requirements as that the Proposal is unlikely to have a significant impact on the classified road network”.</i></p> <p>Irrespective of the above, Council will advise the applicant to prepare and submit a site evacuation and response plan demonstrating effective site evacuation, closure and reopening measures in support of future development applications over the subject site for consideration by NSW SES.</p> |
| <p>3.</p> | <p>Accessibility</p> <p>Ensure that any future site design provides for free, unrestricted and permanently available access onto Commercial Road as the site access from Commercial Road is currently gated off. Site design should also avoid exit onto high hazard areas, such as Chapman Road which is at H5 flood hazard level in a 2% AEP event.</p> | <p>The applicant states that vehicular access via Commercial Road is currently possible and is operational but is gated at times when the site and/or tenancy is unoccupied.</p> <p>Council will be able to require the applicant to submit a detailed site and access layout demonstrating unrestricted and permanently available access onto Commercial Road including effective site evacuation access arrangement as part of a future development application over the subject site.</p> |
| <p>4.</p> | <p>Future building design</p> | <p>Should Council resolve to adopt and make the Plan to give effect to the Planning Proposal, building design will need to be consistent with relevant flood planning related development controls.</p> |

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| | Any future building design considers the potential flood and debris loadings of the PMF so that structural failure is avoided during a flood. | |
| 5. | <p>Further flood modelling</p> <p>Further modelling to understand how the proposed increase in impervious surfaces and potential loss of flood storage may impact flood behaviour. Consideration should be given to both offsite and onsite impacts up to and including PMF events, and not only limited to the 1% AEP, particularly considering the known significant flood risk at the site and broader area.</p> | <p>The advice prepared by Infrastructure & development consulting in response to the NSW SES submission states that a large percentage of the existing site is impervious in its current use, and that the area and volume of water stored in the Hawkesbury-Nepean Valley in the 1% AEP (and higher) flood events, that any increase in the impervious areas on the subject site would have a negligible impact on flood behaviour.</p> <p>Notwithstanding the above advice, where required Council will advise the applicant to undertake further flood modelling to assess the impact of the increased impervious surfaces and potential loss of flood storage on flood behaviour as part of a future development application.</p> |
| Sydney Water | | |
| 1. | <p>Water servicing</p> <ul style="list-style-type: none"> • Our preliminary assessment indicates that water servicing should be available for the proposed development. • Amplifications, adjustments, deviations and/or minor extensions may be required. • Detailed requirements will be provided at the S73 application stage. | <p>Availability of Sydney water to the subject site is noted.</p> <p>Should Council resolve to adopt and make the Plan, any future development applications received for the subject site will be referred to Sydney Water for comment.</p> |
| 2. | <p>Wastewater servicing</p> <ul style="list-style-type: none"> • The proposed development is part of the Northwest Growth Area and will discharge into SP1154. There is no current capacity at SP1154. Capacity is anticipated by Q4 2025 when the pressure main duplication at Windsor Road is expected to be completed. • Upon completion of the first upgrade to SP1154 we will be able to service currently <i>forecasted growth</i> until 2028. This may be subject to change depending upon potential acceleration and increased demand. • Further upgrade of SP1154 and other trunk assets within Riverstone catchment will be delivered as part of the Riverstone Wastewater System upgrade project, which is currently in option stage and forecasted to be delivered by 2030. • Should any high-water users be considered for this site, further investigations will be required. | <p>The timing of upgrades to the Sydney Water system is noted, and any future development application will need to address capacity issues, and the timing of upgrades.</p> <p>Should Council resolve to adopt and make the Plan, any future development applications over the subject site will be referred to Sydney Water for further comment.</p> |
| Transport for NSW (TfNSW) | | |

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| 1. | TfNSW has reviewed the submitted documents and has no requirements as that the Proposal is unlikely to have a significant impact on the classified road network. | The advice from Transport for NSW that the proposed development on the subject site is unlikely to have a significant impact on the classified road network is noted. |
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