

SUBMISSIONS

The logo for Blacktown City Council, featuring the name in a bold, sans-serif font. The word 'Blacktown' is in a larger font size than 'City Council'. The text is white and set against a dark, textured background that appears to be a stylized map or aerial view of the city.

BlacktownCity Council

**Submission to the Department of Urban
Affairs and Planning**

**Draft Sydney Regional
Environmental Plan -
St Marys, the draft St Marys
Environmental Planning
Strategy, and the Outline
of the Proposed
Development Agreement.**

9 March, 2000.

F. Filling in the flood plain/hydrological issues

The draft REP enables the consent authority (Council) to consent to the filling of land identified in the Structure Plan as 'potential fill area' where it is satisfied that the proposed development will not be inconsistent with the REP performance objectives.

The 'potential fill area' shown in figure 4 below, is situated within the floodplain and has the potential to lead to substantial hydrological impacts within the catchment. Blacktown City Council has always opposed fill in the floodplain as documented in the s.22 Committee report. Apart from the environmental impacts on the hydrological regime and natural environment, liability issues would also need to be assessed and this has not been carried out to date.

Council does not allow general filling to occur on floodplains elsewhere in the LGA. The ADI proposal would therefore set an undesirable precedent in relation to this matter.

In addition, the monitoring of water quality and ground water levels as mentioned in the Outline Development Agreement needs to commence prior to any works occurring on site for scientific comparative purposes. Salinity will also require monitoring.

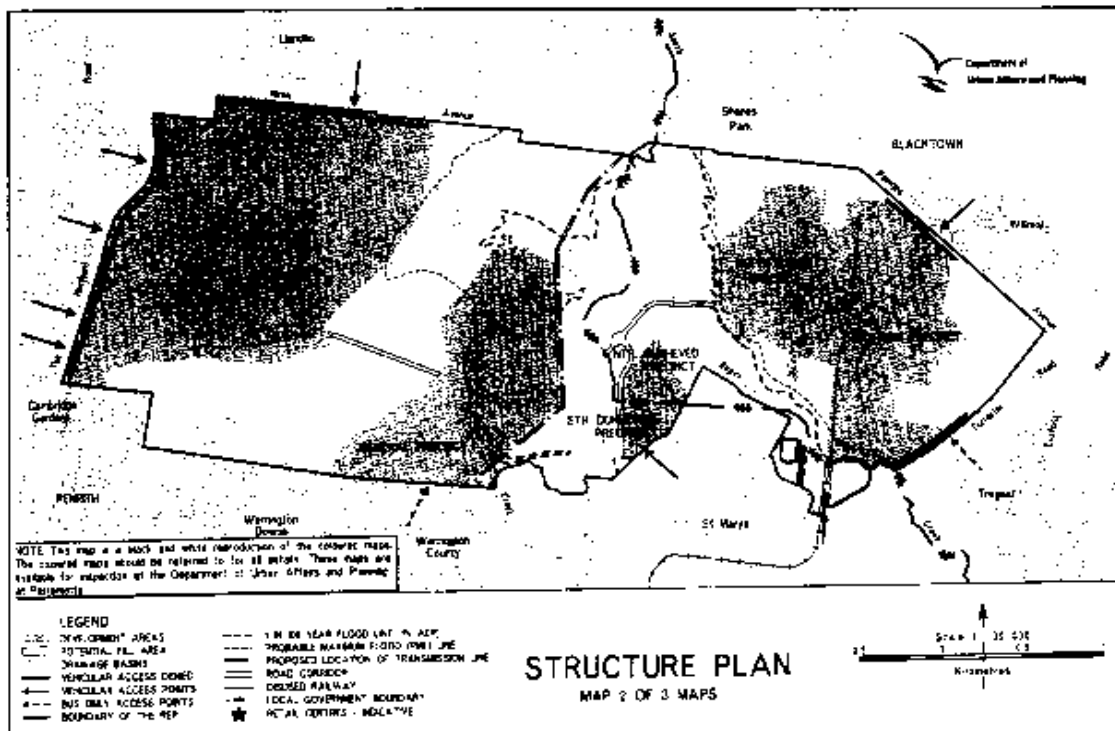


Figure 4.0 Structure Plan showing potential fill area.

Source: DUAP, 1999 : 57

In relation to fill in the floodplain, Blacktown City Council re-iterates its opposition. Further, detailed soil, salinity and flood damage assessments should be conducted prior to any rezoning occurring, to avoid the situation whereby development expectation can not be met at the precinct plan or development application stage because of the impact of these issues.

WATERCYCLE

OUTCOME 1: *In flood events ensure that the risk to people and property is minimal by developing specific land-use and design controls that respond to the potential flood risks in areas affected by the Probable Maximum Flood (PMF).*

Draft Environmental Planning Strategy:

A section of the site is affected by the PMF of the South Creek Catchment and the Hawkesbury Nepean River. Precinct plans will need to demonstrate that on land subject to the PMF, services such as power, potable water, sewerage and drainage can be located to minimise disruption caused during flood events and will where appropriate be flood proofed (consistent with the *NSW Floodplain Development Manual* or its successor) to ensure security of supply.

Draft Regional Environmental Plan:

The development controls for land below the PMF level include prohibiting residential or industrial purposes on land below the flood planning level (the 1 in 100 year level). They also prohibit the erection of a building or the carrying out of work for the purpose of an essential community service below the PMF level.

For development of land zoned Urban or Employment, a comprehensive merit based assessment must be prepared which will also demonstrate how flood risk can be minimised.

A precinct plan for land that is below the PMF level can not be approved by the consent authority or Minister unless a flood damage assessment for the proposed development has been assessed as satisfactory.

Road systems on land which would be affected by the PMF are to grade continuously up from the lowest point to land above the PMF level. For land identified as the central village on the Structure Plan, an emergency flood free access (above the PMF) needs to be provided.

Draft Outline Development Agreement

The Joint Venture will construct all drainage infrastructure required for the development and maintain it for 12 months following substantial completion of development within the catchment. Where land is to be transferred into public ownership, the land will then be transferred to Council at no cost to the Council.

Conclusion/Recommendation:

Two further studies have been proposed regarding the provision of flood free evacuation routes from the ADI site including Stony Creek Road and a further east-west, off-site link between Blacktown and Penrith. The Joint Venture has previously offered to provide \$10,000 funding for each of these studies. It is considered that Council should now ask the Joint Venture to make the proposed funding available.

The ODA currently states drainage infrastructure will be maintained for 12 months, which is not acceptable to Council given that establishment of drainage networks and related ecosystems typically takes some years. It is considered that a maintenance period of 3 years would be more appropriate.

OUTCOME 2: *Adoption of the 1% Annual Exceedence Probability (AEP) Event as the designated flood level for urban development purposes on the site.*

Draft Environmental Planning Strategy:

A watercycle management strategy will be submitted with each precinct plan. The EPS also states that all trunk drainage infrastructure will be designed having regard to the objective of reducing constraints on the flow of floodwaters especially in relation to events above 1 percent AEP.

Draft Regional Environmental Plan:

A flood damage assessment is required to be considered by the Minister who must not approve a precinct plan unless satisfied that the flood risks have been minimised.

Draft Outline Development Agreement:

There are no provisions in the development agreement that relate directly to this outcome.

Conclusion/Recommendation:

The amount of flood affected land and the extent to which it may be flood affected would be best known 'up-front' in the process, prior to rezoning. It is essential that all planning comply with the current NSW Government Flood Policy and the guidelines of the current NSW Floodplain Development Manual. Blacktown City Council has adopted the 1% AEP flood as the standard flood for planning purposes, and this should be reflected in the draft documents.

OUTCOME 3: *No impact upon flood levels immediately upstream or downstream of the site as a result of the development.*

Draft Environmental Planning Strategy:

The performance objectives for watercycle (clause 6.3 (5) of the draft EPS) include that 'there is to be only minimal impact upon flood levels upstream or downstream of the land to which this plan applies as a consequence of development.'

Draft Regional Environmental Plan:

Includes the same performance objective as the EPS.

Draft Outline Development Agreement:

The Joint Venture will establish a water quality and groundwater levels monitoring regime in consultation with the consent and relevant licensing authorities.

Conclusion/Recommendation:

This Outcome has not been met in the current documents. There is concern that 'minimal' is left undefined (note the outcome states 'no impact'). It is also unclear if 'as a consequence of development' means the total development, or that this will only be assessed in relation to individual developments. If the latter is the case the incremental effects could mean an overall substantial increase in flood levels.

OUTCOME 4: *No increase in stormwater pollutant loads following development of the ADI site. As well as best practice stormwater control facilities, 'compensatory measures' may be necessary, such as treatment of neighbouring, currently uncontrolled urban (or other) catchments.*