



Office of
Environment
& Heritage

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Mr Bruce Macnee
Manager Strategic Planning
Liverpool City Council
Locked Bag 7064
LIVERPOOL NSW 2170

Attention: Amy van den Nieuwenhof

Dear Mr Macnee

Planning Proposal - Middleton Grange Town Centre, 60-80 Southern Cross Ave and 45-65 Hall Circuit, Middleton Grange

I refer to your letter received 7 September 2016 by the Office of Environment and Heritage (OEH) seeking comments pursuant to Section 56(2)(d) of the *Environmental Planning and Assessment Act 1979* in relation to the Planning Proposal for the Middleton Grange Town Centre.

OEH has reviewed the planning proposal documentation and provides comments on floodplain risk management at Attachment 1.

If you have any queries regarding this advice please contact Marnie Stewart, Senior Operations Officer on 9995 6868.

Yours sincerely

S. Harrison 30/09/16

SUSAN HARRISON
Senior Team Leader Planning
Regional Operations

ATTACHMENT 1

Office of Environment and Heritage (OEH) comments on Planning Proposal for the Middleton Grange Town Centre, 60-80 Southern Cross Ave and 45-65 Hall Circuit, Middleton Grange

1. Background

OEH understands that the planning proposal is intended to amend Liverpool Local Environmental Plan (LLEP) 2008 to change the boundaries of the Middleton Grange Town Centre, rezone land, increase development density and height and permit additional uses such as business premises, hotel/motel accommodation, health services and restaurants in the R1 General Residential and BS Local Centre zones.

OEH notes that the Gateway determination dated 15 August 2016 requires Council to undertake and provide studies to demonstrate consistency with s117 Direction 4.3 Flood Prone Land. Accordingly, OEH's recommends the following in relation to floodplain risk management.

2. Floodplain risk management

The primary objective of the NSW Government's Flood Prone Land Policy is to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone land and reduce private and public losses resulting from floods. The most appropriate method to assess the development of flood prone land is through the floodplain risk management process, which is a risk based assessment detailed in the NSW Floodplain Development Manual (2005).

The purpose of the Section 117 Direction 4.3 'Flood Prone Land' of the EP&A Act is to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual. In order to demonstrate consistency with the direction the Gateway Determination requires Council to undertake relevant flood studies and a Flood Planning Area Map supporting the proposal. To satisfy this requirement an adequate flood study should consider the risks to people and property from mainstream and overland flooding.

Flood Study

Section 2.8 of the APP report dated June 2016 indicates that some of the lots within Middleton Grange are flood prone. Furthermore, it is understood that Council has flood information for Southern Creek (dated 2004-05) which runs through the subject site that could inform the decision making process.

To address any floodplain risk management issues, it is important to refer to up-to-date hydrological and hydraulic assessments for the catchment in which the proposal is located including overland flow paths associated with major drainage in addition to mainstream flooding.

Since the proposed development is on flood prone land (i.e. below the probable maximum flood or PMF level), a detailed assessment should be undertaken for both existing and developed conditions and comprise:

- A comprehensive understanding of the flood risk to people and properties for the full range of the floods up to the PMF event for existing and future conditions.
- An assessment of the impact of the proposal on the existing flood behaviour including any potential reduction of floodway and flood storage areas or redistribution of flow which may result in increasing of flood levels on adjacent, downstream and upstream areas.
- Identification of appropriate mitigation measures, if necessary, to offset potential flood risk arising from the project. Any proposed mitigation work should be modelled and assessed on an overall catchment basis in order to ensure it fits its purpose and meets the criteria of the Council where it is located. This will also help ensure that the proposal has no adverse impact on surrounding areas.

- An assessment of the impacts of earthworks and filling within the flood prone land up to the PMF level. The assessment should be based on understanding of cumulative flood impacts of various development within the catchment. The proposal should ensure that any filling is limited to flood fringe areas identified in accordance with the Floodplain Development Manual (2005).
- A sensitivity analyses to determine the potential impacts from climate change on flooding behaviour.
- An emergency response plan should be prepared in consultation with the State Emergency Services (SES) Regional Controller in order to manage floods and overland flow above the flood planning level. This plan should include an assessment of the flood evacuation needs to ensure that risk to people is minimised.

As the proposal potentially involves a significant increase of people located in the floodplain Council has a duty of care to ensure occupiers and owners are aware of any potential risks to their lives and to property. Council should be mindful that people may develop a false sense of security. Therefore, an appropriate education and awareness program should be considered in consultation with the SES.

(END OF SUBMISSION)

