



12 December 2014

Our Ref: 56104-4

Planning Proposal for MegaCenta Site Viscount Place, Warwick Farm

Consistency with Section 117 Direction 4.3 Flood Prone Land

Introduction

This report has been prepared in support of a Planning Proposal to amend *Liverpool Local Environmental Plan 2008* (Liverpool LEP 2008) to rezone Lot 101 in DP1043160 (referred to as the MegaCenta site) at Viscount Place, Warwick Farm to B2 Local Centre with a maximum of 21,000m² of 'shop' floor space proposed on the site. In particular, it considers the proposed rezoning against Section 117 Direction 4.4 Flood Prone Land.

The site is located on the south side of Cabramatta Creek and is zoned B5 Business Development under the Liverpool LEP. It currently accommodates a bulky goods retail centre and is located to the north of an approved Direct Factory Outlet (DFO) centre.

The Planning Proposal will facilitate the delivery of an additional retail component on the site; which is expected to accommodate one full-line supermarket, a discount supermarket, a discount department store and a range of specialty stores. A bulky goods retail component will also be retained on the site.

In preparation of this report, the following documents have been considered:-

1. Development application notice of determination D.A. 920/2012
2. Compensatory flood report prepared by Lean Lackenby & Hayward L'Pool P/L dated 22/7/2013
3. Extracts from Liverpool Council's flood maps dated 10/7/2013
4. Cabramatta Creek flood study and basin strategy review (July 2010).

The report covers the compensatory flood storage required for the development due to the construction of the new car park in a flood prone area of the site. It provided information to ensure that the proposed site filling works do not impact on the flood levels in the vicinity of the works and the compensatory storage provides additional storage in this vicinity and there is no loss of flood storage, no increase in flood levels and the site works are contained within the car park and have no detrimental effect on the adjoining properties.

In addition, it confirms that the Planning Proposal is consistent with the requirements of Section 117 Direction 4.3 Flood Prone Land

Objectives & Provision

As the site is located below the level of the Probable Maximum Flood (PMF), it is deemed Flood Prone Land (FPL) and as such Direction 4.3 of Section 117 of the *Environmental and Assessment Act 1979* is a relevant consideration for the Planning Proposal.

The objectives of the Direction are twofold:

- “a) 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 2005; and
- b) to ensure that the provisions of an LEP on flood prone land is commensurate with the flood hazard and includes consideration of the potential flood impacts both on and off the subject land”

Flood Planning Levels

The flood planning level for the car park construction for the DFO site to the south is based on the 5% annual exceedence probability flood.

The Planning Proposal

Car park levels on the MegaCenta site will not be lower than the 5% annual exceedence probability flood (that is 8.4m AHD in the north west to 7.9m AHD in the south east) This is consistent with condition 29 of the consent for the DFO development (D.A. 920/2012).

Works on the MegaCenta site will be undertaken in such a way as to ensure no net loss of floodplain storage. This will be achieved by providing a compensatory storage area on the north side of Viscount Place.

There is no proposal to alter floor levels of existing buildings which are currently built above the 1% flood level. All future buildings will have a floor level consistent with this requirement.

Consistency with Direction 4.3.

The consistencies with the terms of Direction 4.3 are outlined in Table 1 below.

Clause No.	Clause	Justification
4	A Planning proposal must include provisions that give effect to and are consistent with NSW Flood Prone Land policy and the principles of the <i>Floodplain Development Manual 2005</i> (including the Guideline on Development Controls on Low Flood Risk Areas).	The Planning Proposal is consistent with this clause as all additional floor space is to be above the flood planning level.

5	A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.		The Planning Proposal is consistent with this clause as it seeks a rezoning from an existing B5 Business Development zone to another commercial zone – B2 Local Centre.
6	A planning proposal must not contain provisions that apply to the flood planning areas which:	a) permit development in floodway areas	The Planning Proposal is consistent with this direction as all development is to occur away from the main creek channel.
		b) permit development that will result in significant impacts to other properties	The Planning Proposal is consistent with this direction as no flood storage will be lost as a result of the Planning Proposal.
		c) permit a significant increase in the development of that land	The Planning Proposal is consistent with this direction as the site is already significantly developed at ground level.
		d) are likely result to in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services	The Planning Proposal is consistent with this direction as the flood levels are not anticipated to be increased due to this development
		e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development	The Planning Proposal is consistent with this direction as it does not seek to permit any additional development without consent.
7	A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-		Not relevant in this instance

	General (or an officer of the Department nominated by the Director-General)	
8	For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).	Liverpool City Council's Local Floodplain Risk Management Policy, has guidelines consistent with the FDM.

Yours faithfully

LEAN LACKENBY & HAYWARD L'POOL PTY LTD



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SJA/jh