

**Flood investigation - 7 Concord Avenue**  
**Scope of Work - Terms of Reference (ToR) for Panel Agreement**  
**Department of Planning, Industry and Environment & Elton Consulting**

## **Background**

On 2 July 2020, the Sydney Eastern Planning Panel (the Panel) considered a submissions report prepared by the Department of Planning, Industry and Environment (the Department) for 7 Concord Avenue Concord (the site). The planning proposal proposes to rezone the site from IN1 General Industrial to R3 Medium Density Residential.

The submissions report outlined the exhibited planning proposal, agency and community feedback. The Department raised concern regarding flooding and the applicant's proposed flood mitigation measures. The Applicant acknowledged the proposal is inconsistent with Section 9.1 Ministerial Direction 4.3 for Flood Prone Land but considers this inconsistency to be of minor significance.

At the request of the applicant, the Panel deferred its decision on the proposal to afford the Applicant the opportunity to respond to various unresolved issues but particularly flooding concerns.

The Panel's recommendation of 2 July 2020 requested the Department to engage an independent flood expert with the agreement of the applicant, at the applicant's expense, and in accordance with terms of reference approved by the Panel.

## **Objective**

The objective of the independent expert assessment will be to prepare a report which assists the Panel to arrive at a decision whether the proposal is consistent with Direction 4.3 of Section 9.1 of the Environmental Planning and Assessment Act 1979 for Flood Prone Land, or whether inconsistency with the Direction 4.3 is of minor significance and could proceed. This will include providing expert advice as to whether the proposed flood mitigation measures are suitable for the site and the wider context including whether the solution can be readily implemented and is a similar outcome to other sites which will not cause undue impact on the occupants of the proposed development and the surrounding residents.

## **Investigation requirements**

The independent flood expert will assess and outline in a report, at a minimum, the following:

- Review the existing flood reports and model, and provide a peer review based on the documents attached.

- An assessment of consistency of the proposal with Section 9.1 of the Environmental Planning and Assessment Act 1979 Ministerial Direction 4.3 for Flood Prone Land. That is, determine whether:
  - The site is or is not in a floodway area;
  - The proposal will or will not result in significant flood impacts to other properties;
  - The proposal will or will not result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services;
  - Any inconsistencies with Direction 4.3 for Flood Prone Land are of minor significance; and
  - The proposed mitigation and response measures are acceptable with regard to the considerations of the Direction.
- An assessment of consistency of the proposal with Canada Bay Local Environment Plan 2013 Clause 6.8 Flood Planning.
- In the assessment of the impact on other properties, consideration be given to the impact of run off and water quality from the flood mitigation solution to ensure monitoring and no future environmental impact on the adjoining Powells Creek
- Meetings –
  - Meeting at project inception for data hand over and briefing by the Applicant
  - Meeting at end of peer review to outline and discuss findings with the Applicant and with the Department.
  - Meeting with the Panel at the time of the determination of this matter to provide advice as required to Panel members

### **Expertise required**

An independent expert with extensive experience in the field of hydrological engineering including stormwater and flooding assessment and flood risk management is required to undertake the work.

### **Reporting requirements**

A single report is required. This report will document the expert consultant's peer review and determination of whether the proposal's inconsistency with Section 9.1 Ministerial Direction 4.3 for Flood Prone Land is of minor significance and can be supported. The report is to also clearly indicate whether the applicant's proposed flood mitigation measures are appropriate for the site and the requirements of the planning proposal.

### **Timeframe**

The work would be expected to be completed within 4 weeks of commencement.

## Points of contact

The nominated points of contact are:

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## Reference Materials – reports to be reviewed relevant to the proposal

- Panel Decision, Planning proposal documents, Submissions report to the Panel
- Specific flooding reports including:
  - Draft Concord West Precinct Master Plan Flood Study 2015
  - Flood Impact Assessment IGS 2016
  - Cardno Peer Review 2016
- Revised Flood Impact and Flood Risk Assessment Final Report Prepared for FTD Holdings C/O Elton Consulting June 2018 – HydroSpatial