

## Department of Planning and Environment

Our ref: DOC23/679727

Your ref: PP2021-6630

Douglas Cunningham  
Specialist Planning Officer, Agile Planning  
Delivery, Coordination, Digital and Insights | Planning Group  
Department of Planning and Environment  
Locked Bag 5022  
PARRAMATTA NSW 2124

25 August 2023

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**Subject: 143 Stoney Creek Road, Beverly Hills - PP-2021-6630 - Response to Submission**

Dear Mr Cunningham

Thank you for your email dated 1 August 2023 requesting input from the Environment and Heritage Group (EHG) on the Response to Submissions for the above proposal. EHG has reviewed the Response to Submissions (prepared by Sutherland & Associates Planning, June 2023) and the Flood Risk Assessment (FRA) (prepared by Northrop, 14 April 2023) and raises a number of concerns with the proposed flood risk management for the subject planning proposal.

EHG notes that the subject site is around 0.25ha and currently zoned as predominantly SP2 Infrastructure (Public Administration) and R2 Low Density Residential. The planning proposal seeks to rezone the site to R4 High Density Residential as well as adding office premises and business premises as additional uses.

### ***Flooding***

The subject site is located in the upper reaches of the Bardwell Creek Catchment on a major overland flowpath and has flood affectation under the 1% AEP and PMF Events.

The flood planning constraint category (FPCC) for the site is 1, which is considered to be a high-risk precinct. The FPCC has been adopted in the *Flood Risk Management Manual 2023* to define the flood risk in an area or precinct. Flood risk precincts have been defined previously as low, medium and high-risk precincts and the FPCC will replace the previous classifications.

The Flood Emergency Response Classification (FERC) for the development site is high flood island as per the Flood Emergency Response Classification of the Floodplain. The site under the post-development scenario will also be acting as a high flood island during the rarer events and is expected to be isolated for around two hours.

EHG highlights that, the Support for Emergency Management Planning guideline Section C2.1 discusses the Emergency Management constraints associated with high flood islands stating:

*'During a flood these high islands are isolated from other areas of the community by floodwater, terrain, development, or infrastructure. However, there is an opportunity for people to retreat to higher ground within the island, and therefore, the direct risk to life is reduced. The area may require resupply by boat or air if not evacuated before the road is cut. If it is not possible to provide adequate support (such as community and medical facilities) during the period of isolation, evacuation will have to take*

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*place before isolation occurs. Isolation without these services is more likely to result in fatal decisions to cross floodwaters'.*

Development intensification through rezoning the site to high-density residential development on the site which would become a high flood island should not be supported.

Fig D1[D] of the FRA shows that, the site is impacted in the 1% with depth >1.5m in the developed scenario. There are discrepancies throughout the mapping of flood depth for the developed scenario.

The areas adjoining the subject site would act as flood ways and flood storage with hazard levels of H3 to H5 and flood depth 0.3m-0.5m. Whilst it would be in the order of 0.9m-1m under the PMF Event. EHG notes that the submitted flood report from the proponent does not include the relevant details on the flood modelling including the works undertaken by the proponent in regard to the model inputs, parameters and assumptions.

The report indicates that, the existing site provides a flood storage of 600m<sup>3</sup> during major events, and the site under post development scenario would have a storage volume of 2000m<sup>3</sup>, through inclusion of an underground storage tank.

A Flood Emergency Response Plan (FERP) is provided in Appendix B in the FRA for the management of flooding risks during major and extreme events of the post-development scenario of the site. The proponent indicates that the development site would be used as a refuge for residents of the adjoining properties during major flooding events. EHG considers that this would result in exposing more local residents to isolation during rarer flood events.

The FERP also proposes that a site manager would be responsible for coordinating the emergency conditions by communicating with responsible persons at tenements (residential and commercial) of the development site.

It is not clear, based on the extent and scale of development, whether it would be practicable and sustainable to have a full-time site manager (24/7). Again, the site may be managed by a strata manager and the responsibilities' level may be different. It is also not clear how the communications would be made to residents of adjoining properties to use the development site as a local refuge.

Evacuating the site during major and extreme events by residents and visitors would pose safety risks since the floodwater depth would be high. It would not be possible to set up an automated warning system at the development site possibly due to lack of predictive and forecast information and the flooding nature and characteristics. EHG's view is that there would be considerable uncertainties for the development and implementation of the proposed FERP and its efficient operations in addressing and managing flooding risks. There would also be deviations between the planned versus actual emergency response management activities at the development site, which may pose risks to residents and visitors. The FERP in its current form does not outline how these uncertainties would be addressed and managed in order to eliminate potential flooding risks to residents and visitors of the development site. EHG emphasises that, site specific flood response plans are not considered by the NSW SES to be an effective measure to strategically and effectively manage emergency management risks to the community during flooding. For further guidance please refer to Section 2.4 of the [Support for Emergency Management Planning guideline](#).

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### Ministerial Direction 4.1 (Flooding) – Local Planning Directions

EHGs view is that the planning proposal is inconsistent with the Ministerial Direction 4.1 (2) and 4.1 (3) (c). As specified in Ministerial Direction 4.1 (2), 'a planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones. The site is included within the FPA (flood planning area) as it is under the DFE (defined flood event), which is 1% AEP as per the FRM (flood risk management) process and the principles of the Flood Risk Management Manual (2023).

As specified by Direction 4.1 (3) (c) 'a planning proposal must not contain provisions that apply to the flood planning area which permit development for the purposes of residential accommodation in high hazard areas'. The modelling works undertaken by the proponent as well as the modelling results from Georges River Council indicate that the site would be subject to H2 hazard under an 1% AEP Event, which would become H3 to H5 under the PMF Event.

If you have any queries please contact Liz Peterson, Senior Project Officer Planning via [elizabeth.peterson@environment.nsw.gov.au](mailto:elizabeth.peterson@environment.nsw.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'MStewart'.

Marnie Stewart  
A/Senior Team Leader Planning  
Greater Sydney Branch  
Biodiversity and Conservation