



Your ref: 7 and 15 Halfway Creek Bungendore
Our ref: DOC24/1038713

Mr Nathan Foster
Planner
Local Planning and Council Support - Southern, Western and Macarthur
Department of Planning, Housing and Infrastructure
84 Crown St
WOOLLONGONG NSW 2500

By email: nathan.foster@planning.nsw.gov.au

Dear Mr Foster

Planning Proposal – 7 and 15 Halfway Creek Road, Bungendore

Thank you for the opportunity to review the above Planning Proposal. We have reviewed the document provided and have the following comments to make.

The planning proposal seeks to rezone land that is flood prone and therefore will need to demonstrate consistency with *Section 9.1(2) Direction 4.1* of the Local Planning Direction, the NSW Government's Flood Prone Land Policy and the Flood Risk Management Manual. The planning proposal, and particularly the development of the indoor aquatic centre, should be supported by a fit for purpose Flood Impact and Risk Assessment (FIRA) to address all the local planning direction requirements including adverse flood impacts and public safety. For further information, please see Attachment A.

While the proposal appears likely to have little impact on biodiversity on the site, enough evidence should be provided to make this clear. The two creeks onsite are identified in Council's biodiversity mapping, and the Biodiversity Values Map (BV Map). An assessment of the impact on biodiversity on the site, such as a Flora & Fauna Study or a Biodiversity Assessment Report (BAR) using Stage One of the Biodiversity Assessment Method (BAM), should be provided. Consideration should be given as to whether a Biodiversity Development Assessment Report will be required.

If you have any further questions about this issue, please contact Ms Allison Treweek, Senior Team Leader Planning South East, Regional Delivery, at rog.southeast@environment.nsw.gov.au

Yours sincerely

Rebecca Widdows
**A/Senior Team Leader Planning
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17/12/24

ATTACHMENT A

Floodplain Risk Management Comments

The proposal involves the rezoning of flood prone land and therefore should be considered in accordance with *Section 9.1(2) Local Planning Direction 4.1-Flooding* and the NSW Government's Flood Prone Land Policy as set out in the Flood Risk Management Manual, 2023 (the Manual). The policy aims to reduce the impact of flooding and flood liability on individual owners and occupiers, and to reduce private and public losses resulting from flooding utilising ecologically positive methods wherever possible. Further information about addressing flood risk in planning decisions can be found at: [Planning circular - PS 24-001 Update on addressing flood risk in planning decisions \(nsw.gov.au\)](https://www.nsw.gov.au/planning/circular-24-001-update-on-addressing-flood-risk-in-planning-decisions)

The sites are adjacent to and intersected by Halfway Creek, Turallo Creek and Millpost Creek, and therefore subject to overland flow flooding. As such, the planning proposal should be based on a thorough understanding of flood behaviour to avoid adverse flood impacts to people, property and the environment during times of flood. The planning proposal documentation as presented currently provides limited consideration of flooding, flood risks and flood impacts both on and off the subject land. Particularly the rezoning of Lot 1 DP 1262898 from RU1 Primary Production to RE1 Public Recreation with the aim to further develop the site including an indoor aquatic centre, raises the need to consider flood risks on the site, including but not limited to impacts of future development on flood behaviour and flood related public safety risks.

A site-specific Flood Impact and Risk Assessment (FIRA) should be included with the planning proposal to demonstrate consistency with the requirements of the local planning direction 9.1 – 4.1 Flooding and the Flood Risk Management Manual. Guidance to scope a fit for purpose FIRA can be found at: [Flood Impact and Risk Assessment | NSW Environment and Heritage](#)

The FIRA should assess flood risk over the full range of possible floods up to the probable maximum flood (PMF), the following key matters:

- The impact of flooding on the proposed development. This includes flood hazard and damages across the site;
- The impact of the proposed development on flood behaviour. This includes offsite flood impacts due to any land use and landform changes;
- The impact of flooding on the safety of people for the full range of floods including issues linked with isolation and accessibility for emergency services during times of flood;
- Assess the effectiveness of proposed management measures required to minimise the impacts of flooding to the development and off-site impacts.
- Provide appropriate setbacks and zoning that is compatible with the flood function, natural flow paths and Queanbeyan Palerang Regional Council LEP 2022 for flood risk, riparian land and watercourse environment objectives.
- Propose adequate flood planning levels considering flood risk, the implications of climate change (particularly increased rainfall intensity), cumulative development impacts, structure blockage, and inherit flood estimation variability and uncertainty.
- The planning proposal should demonstrate that it can safely enable its intended purpose. It should consider the suitability of the proposed use in a floodplain, controls to manage flood damages, off-site flood impacts and public safety risks in accordance with the principles of the Flood Risk Management Manual, 2023. The FIRA should assess flood access and evacuation requirements and address the advice of the NSW State Emergency Service (SES) as the responsible authority for emergency management planning. The FIRA should demonstrate access/egress to the proposed aquatic indoor centre and the merit of emergency management strategies developed in consultation with the SES. The assessment should

demonstrate that the development will be safe for all floods up to and including the PMF and not create increased demands on emergency services.