

JRPP No.	Resubmission of Item 2010SYW007
DA No:	JRPP-09-3146
Proposed Development:	Joint Regional Planning Panel (JRPP) Development Application for the Proposed Refurbishment of the Existing Riverstone Police Station and Construction of a New 3 Storey Police Station, Basement Carpark and Associated Landscaping
Development Type:	"Regional Development" – Crown Development, Capital Investment Value >\$5 million
Lodgment Date:	17 December 2009
Land/Address:	Lot 2, DP 546708, H/N 20 Railway Terrace, Riverstone and Lot 1, DP 546708, H/N 4 Elizabeth Street, Riverstone
Land Zoning:	5(a) Special Uses – Police Station & 2(a) Residential pursuant to Blacktown Local Environmental Plan 1988
Value Of Development:	\$10 million
Applicant:	Mark Hehnke c/- UGL Services
Report Author:	Judith Portelli, Manager Development Services & Administration
Instructing Officers:	Glennys James, Director City Strategy & Development
Date Submitted to JRPP:	20 January 2011 (Original Report submitted 12 August 2010)



Figure 1. Riverstone Police Station Perspective (Source: Gardner Wetherill & Assoc, Dwg. No. DA0901 Rev B, dated 16/012/09)

ASSESSMENT REPORT

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Attachment 1 – Previous report to JRPP - 12 August 2010

Attachment 2 – Richard Weber's Flooding Issues Statement

Attachment 3 – Revised Site Plan and Basement Floor Plan

Attachment 4 – Flood Emergency Response Plan and
Evacuation Management Plan

Attachment 5 – Applicant's Additional Submission including
a covering letter and a copy of a letter
from Dennis Clifford, Assistant Commissioner

Attachment 6 – Letter from the Office of Minister for Police

1 Executive Summary

1.1 The Joint Regional Planning Panel (JRPP) considered a report in relation to JRPP-09-3146 on 31 August 2010 for the construction of a new 3 storey Police Station, including alterations and additions to an existing heritage building, basement carpark, holding yard and on ground carpark on the abovementioned property.

1.2 The JRPP resolved at its meeting of 26 August 2010 as follows:

"The Panel request the applicant to provide additional information to the Council, specifically regarding flooding concerns and the strategic value of locating the Police Station at the site and that:

The Panel resolve to defer the matter until Council can assess this additional information."

A copy of the previous report to the Panel is included at **Attachment 1** to this report.

1.3 Following the Panel meeting, the applicant initially submitted in late August 2010 a Flooding Issues Statement prepared by their consultant engineer, Richard Weber, confidential Strategic Reports and a revised site plan and revised basement plan showing the proposed relocated entry to the basement carpark. Refer to **Attachment 2** for the Flooding Issues Statement and to **Attachment 3** for the revised site plan. The applicant later submitted further additional information on 8 November 2010 in support of the proposed development and to address the JRPP's resolution. This information includes a Flood Emergency Response Plan (FERP) and an Evacuation Management Plan (at **Attachment 4**) and a copy of a letter from the Assistant Commissioner and North West Metropolitan Regional Commander, Mr Dennis Clifford (at

Attachment 5). All of this additional information has now been assessed by Council Officers as outlined in this final report to the JRPP.

- 1.4 With respect to the strategic locational aspects of the proposal, Council Officers have examined in detail the Confidential Strategic Workshop Reports submitted and it is clear that flooding was not considered in the selection of a suitable site for the new Police Station.
- 1.5 On the issue of the status of Quakers Hill Police Station, the Parliamentary Secretary for Police, on behalf of the Minister for Police, has informed Council, in essence, that any reallocation of Police numbers within the Quakers Hill Local Area Command will be made in a manner which preserves a robust Police presence in Quakers Hill. A copy of the letter from the Office of the Minister for Police is included at **Attachment 6** to this report.
- 1.6 Council's Drainage Section has examined the additional flooding information prepared by Richard Weber and still maintains its view that the location of the proposed Police Station is inappropriate due to the significant impact from backwater flooding of the Hawkesbury Nepean River System. This is examined in detail in Sections 4 and 5 of this report.
- 1.7 The SES commented on the Flood Emergency Response Plan (FERP) and initially rejected the FERP as the NSW Police would not receive a minimum of 3 days notice of an impending backwater flood. The SES sought a revised FERP remodelling the timeframe to only 9 hours. The applicant in turn submitted a revised FERP which was referred back to the SES for comment. The SES has advised that the FERP now better recognises the timeframes and appears to address many of the concerns. Having said that, the SES reinforces that the proposed Police Station is to be located within the 1% AEP flood extent and that whilst the proposed Police Station will not be used as an Emergency Operations Centre, it is still critical infrastructure for the Riverstone and surrounding community. They highlight Council's need to follow the Floodplain Development Manual if it is to maintain its protection against liability under Section 733 of the Local Government Act 1993. Finally, the SES concludes that serious consideration should be given to locating the new Station above the PMF to obviate all of the property protection and service disruption issues.
- 1.8 Despite the additional information submitted there is still insufficient evidence in Council's view to support the proposed location of the new Police Station, on either strategic or flooding grounds. As such it can only be concluded that the proposed Police Station is still an inappropriate use in this location. Further, it is considered that Council would not be acting in the best interests of the community or those who will staff the proposed Police Station if it were to support the location for the new facility.
- 1.9 In light of the above, it is recommended that the Sydney West Joint Regional Planning Panel recommend to the Minister, pursuant to Section 89(1) of the Environmental Planning and Assessment Act 1979, that the Development Application be refused.

2 The Proposal

- 2.1 The proposal remains essentially the same as originally considered by the Panel, this being:
 - demolition of an existing demountable building and existing ancillary structures;
 - restoration and retention of the existing Riverstone Police Station heritage item;
 - construction of a new 3 storey Police Station and basement carpark;
 - a new holding yard; and
 - a new onground carpark and associated landscaping.

Refer to **Attachment 1** – Previous report to the JRPP - for details of these proposed works.

- 2.2 However in the original report Council raised concerns regarding the proposed location of the basement carpark entrance ramp on the land zoned 2(a) Residential (Lot 1, DP 546708) which is a prohibited use on this land. The applicant has now amended the design of the basement carpark accordingly. The basement carpark entrance ramp has now been wholly relocated within the land zoned 5(a) Special Uses (Lot 2, DP 546708), wherein the proposal is now permissible with consent pursuant to the provisions of the SEPP (Infrastructure) 2007. Refer to **Attachment 3** for the revised site plan and revised basement carpark plan.
- 2.3 The only other physical change proposed by the applicant is that, as part of the applicant's Flood Emergency Response Plan (FERP), the new Police Station building will be fitted with 2 alarm sensors, located at the lowest point of the site. The first alarm sensor will provide a warning signal via the building's public address (PA) system throughout the entire facility, and will register that flood waters have now entered the site. The second alarm sensor will provide another warning signal via the building's PA system, throughout the entire facility, and will register that flood water has reached the top of the kerb at the Elizabeth Street driveway. Refer to the FERP at **Attachment 4** which has a site plan showing the proposed location of the alarm sensor chamber. The adequacy of the FERP is addressed separately in this report.

3 Planning Controls

- 3.1 As previously reported, pursuant to Blacktown Local Environmental Plan 1988 the subject site consists of 2 different land use zones. The site is zoned both 5(a) Special Uses – Police Station and 2(a) Residential. The Police Station, being a 'public building', is permissible on the land zoned 5(a) Special Uses (Lot 2, DP 546708) with consent. However in respect to the land zoned 2(a) Residential (Lot 1, DP 546708) a 'public building' is a prohibited land use.
- 3.2 Therefore Council had concerns that the proposed location of the basement carpark entrance ramp was situated partially on the residential allotment and was therefore a prohibited use.
- 3.3 The applicant has now submitted an amended basement carparking plan which shows the proposed location of the basement carpark entrance ramp wholly within the land zoned 5(a) Special Uses (Lot 2, DP 546708). Therefore the proposal now complies with the zoning requirements. Refer to **Attachment 3** for a copy of the revised site plan and revised basement floor plan.

4 Further External Referral

- 4.1 The additional information received from the applicant relating to the Flood Emergency Response Plan (FERP) and the Evacuation Management Plan (EMP) were referred to the State Emergency Services (SES) for their consideration. Refer to **Attachment 4** for a copy of these documents.
- 4.2 The SES **initially reviewed** the FERP and EMP and advised the following.
- 4.3 **In response to the letter regarding NSWPF Emergency Management**
- (a) I concur that the proposed Riverstone Police Station will not be an Emergency Operation Centre (EOC). The EOCs for a Hawkesbury Nepean flood emergency will be the SES Sydney Western Region Headquarters and the SES Local Headquarters (in this case the Blacktown Local Headquarters).

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- (b) I also acknowledge the position taken by the Police Force that it can conduct police operations from any police station or a mobile command vehicle as part of its business continuity plan. In the end this is an internal matter for the Police Force. I note that the Windsor Police Station is similarly affected by flooding on the Hawkesbury River. Along with the Riverstone Police Station, flooding would affect the operations of two Local Area Commands.

4.4 In response to the Riverstone Flood Emergency Response Plan

- (a) Section 3.3 of this document states that:

The State Emergency Service has promised to provide NSW Police with 3 days notice of impending flood events. However, a good indication of flood risk is the river level at Windsor Bridge.

When flooding is reported at the Windsor Bridge, make preliminary plans for evacuation of personnel and prisoners. This should not be left until the flood warning alarms are activated on site.

- (b) It is not correct that the SES will provide 3 days notice of impending flood events. It is correct that a good indication of flooding at Riverstone is the river level at Windsor Bridge. The floodplain around Windsor and down South Creek can essentially be considered fairly flat for the purposes of describing flood effects (of course there will be a slight flood surface level slope but this is small, around the order of 0.1m).
- (c) The notice of flooding by the SES is best explained as follows:
- The Bureau of Meteorology may issue a Flood Watch which gives an indication of the level of flooding that might be expected from a developing weather event, e.g. an East Coast Low. Depending on the size of the developing weather event this may be issued 1-3 days before flood is expected. Note that the Bureau advises that on average 70% of Flood Watches do result in subsequent flooding.
- (d) Flood warnings are issued by the Bureau of Meteorology. These give forecasts of flood heights at specified flood gauges, in this case the Windsor flood gauge located near Windsor Bridge.
- (e) The SES issues Flood Bulletins which describe the effects of flooding around the gauge. In essence the Flood Warning gives forecasts for the vertical height at a particular point. The Flood Bulletin describes the "horizontal" effects around the gauge. The SES distributes Flood Bulletins widely to the emergency management community and the public. This includes key installations such as Police stations within the floodplain.
- (f) The arrangement with the Bureau, under the State Flood Plan, is that the Bureau will issue a Preliminary Flood Warning to the public. After that the SES will issue Flood Bulletins.
- (g) Note that there may be flood events where the weather event develops so fast that a Flood Watch may be issued. Indeed in these scenarios the Bureau would have to issue a Flood Warning without a precedent Flood Watch. One scenario is the flood arising from a 24 hour PMP (Probable Maximum Precipitation). Whilst the Hawkesbury Nepean Flood Emergency Sub Plan (HNFESP) mentions the 72 hour PMF, the plan still caters for scenarios such as the 24 hour PMF.
- (h) The Bureau has advised us that it can provide a good prediction of a height being reached some 9 hours in advance, based on rain that has fallen in the catchments. Beyond 9 hours forecast heights become increasing uncertain as forecast rain must be used in the forecasting models used by the Bureau. In effect this could be characterised as a forecast

on a forecast.

- (i) The SES would also issue Evacuation Warnings for areas which might need to be evacuated and Evacuation Orders for areas to be evacuated immediately. These would be distributed widely and to Police Force.
- (j) As can be seen the Police Force would get a range of indications that the Riverstone Police Station would be inundated at various levels. Good forecasts of critical heights (e.g. 17.3m – 0.5m below the main floor level) would be available some 9 hours in advance. I note that the proposed Station would start to be inundated from approximately 15m AHD (based on previous documents).
- (k) The Riverstone Flood Emergency Plan assumes a rate of rise of 0.5m. This is consistent with a range of flood events and of the 72 hour PMF. This rate of rise has been assumed in the HNFESP. However, it should be noted that faster rates of rise may be experienced at various stages of flooding and in scenarios such as the 24 hour PMF. Indeed, rates of rise of up to 1.25m per hour could be experienced.
- (l) The key here is that the Bureau should be able to provide a good forecast of critical heights being reached some 9 hours in advance.
- (m) Section 3.5 of the Riverstone Flood Emergency Plan provides some indication of times to evacuate. Section 3.6 is somewhat silent regarding timings. The Plan would need to be further developed to indicate how the timings would fit into the 9 hour timeframe. Of course the Police Station could be evacuated in a longer timeframe based on more uncertain forecasts.
- (n) In Section 4.4 the Plan states:

State Emergency Services (SES) has indicated that New South Wales Police would receive a minimum of three (3) days notice of an impending backflow flood. This is more than ample time to relocate persons held in custody and to also implement alternate custody arrangements as covered in the Business Continuity Plan.

Given the discussion above, the Plan would need to be revised to consider a timeframe as short as 9 hours.

- 4.5 However as a result of the SES's comments, a **revised FERP was sought from the applicant** to remodel the timeframe to only 9 hours. This revised FERP was submitted by the applicant to the SES for comment. The SES has responded as follows:

- (a) Section 3.3 Flood Precautionary Steps:

In the first paragraph replace "peak flood level" with "particular flood level". The peak flood level is more relevant here than the critical flood heights as the flood rises. The BOM can predict more confidently of a particular critical height (e.g. 17.3m when the flood would be 0.5m below the first floor level of the proposed Police Station) within the 9 hour QPF timeframe but may not have enough information to determine the peak. The critical height prediction is more important than the peak height prediction.

- (b) The FERP better recognises the timeframes and appears to address many of the concerns.
- (c) However, whilst we can comment on the details, the larger picture is that it would be better to locate the new Station above the PMF. Doing so would obviate the need for detailed flood evacuation plans, remove the possibility of substantial property damage due to riverine flooding and ensure that the operation of the Station, even for day-to-day needs, is not disrupted due to flooding.

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- (d) This position is supported in the Department of Planning Circular PS 07-003 titled "New guideline and changes to section 117 direction and EP&A Regulation on flood prone land" issued on 31 January 2007. The Circular states that:

However, the Guideline does acknowledge that controls may need to apply to critical infrastructure (such as hospitals) and consideration given to evacuation routes and vulnerable developments (like nursing homes) in areas above the 100 year flood.

- (e) The proposed Police station is located within the 1% AEP flood extent.
- (f) The Guideline attached to the Circular states for areas above the FPL:

As such, they are areas where no development controls should apply for residential development but the safety of people and associated emergency response management needs to be considered and may result in:

- Restrictions on types of development which are particularly vulnerable to emergency response, for example developments for aged care.*
- Restrictions on critical emergency response and recovery facilities and infrastructure. These aim to ensure that these facilities and the infrastructure can fulfil their emergency response and recovery functions during and after a flood event. Examples include evacuation centres and routes, hospitals and major utility facilities.*

- (g) It is clear that the proposed Riverstone Police Station is covered by these. Whilst it is accepted that the Police Force will not use this facility as an Emergency Operations Centre, it is still a critical infrastructure for Riverstone and the surrounding community, notwithstanding the Police business continuity plans for reconfiguring Police services in the event of flooding affecting the proposed Station.

- (h) This advice is consistent with the Floodplain Development Manual.

- (i) Further the Circular states that:

Section 733 of the Local Government Act 1993 (the LG Act) protects councils from liability if they have followed the requirements of the Manual. The Minister has notified that the Guideline should be considered in conjunction with the Manual under Section 733(4) and (5) of that Act.

Council will need to follow both the Manual and the Guideline to gain the protection given by Section 733 of the LG Act.

- (j) In summary, whilst the revised FERP addresses the timing issues and immediate evacuation issues, both the Police Force and Council should give due consideration to all the flooding factors. Serious consideration should be given to locating the new Station above the PMF to obviate all the property protection and service disruption issues.

5 Internal Referral

- 5.1 All of the additional information received from the applicant was referred to Council's Drainage Section.
- 5.2 The Drainage Section initially commented on the Flooding Issues Statement prepared by the applicant's consultant, Richard Weber, and these are reproduced below.

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- a) The comments by Mr. Weber are generally restricted to the 1% AEP (100 year) flood and reference is made to the *Floodplain Development Manual – April 2005* (FDM) and the CSIRO report *Floodplain Management in Australia: best practice principles and guidelines – 2000* (CSIRO Report). It should be noted that the FDM has been gazetted by the State Government and as such is considered to be the appropriate guideline to be utilised by Council when considering floodplain management development issues.
- b) **The design flood level** – The response by Weber considers that the "normal" design flood event is the 100 year flood level but concedes that the Probable Maximum Flood (PMF) could be considered when assessing the location of Police Stations and other similar facilities, a consideration that is repeated a number of times in the CSIRO report, placing some importance on its consideration. This is then followed by a quote from the CSIRO report that suggests economic and practical considerations by given to the benefit of providing protection up to the PMF and then an admission "that any flood, slightly worse than the 1% AEP event, will inundate the ground floor". It is unclear as to the point that these comments are leading to but they could be construed to indicate concurrence with Council as to the potential for the proposed Police Station to be inundated and it may only take a slightly greater storm than the 1% AEP to inundate the building.
- c) **Hazard classification** – Council considers the area around the Police Station as 'Flood Storage' not 'Flood Fringe', as the loss of flood storage will lead to a rise in flood levels within the floodplain. The response by Mr Weber provides a description of hazard classification from the FDM and then proceeds to give a site-specific hazard rating for the 100 year flood, resulting in a low hazard category for the ground floor and evacuation via the driveway access to Elizabeth Street. At 500 - 600mm in the gutter in a 1% AEP event, from Figure L1, vehicles are considered unstable due to buoyancy. This assessment makes no consideration of the hazard category for floods greater than the 100 year flood event. For the Police Station, in the PMF the flood depth to the northern part of the site in Elizabeth Street is 9.4m deep, which by any classification is high hazard. This shows a lack of rigour in the assessment, given that both quoted texts identify the floodplain as being the extent of the PMF and give significant consideration to the location of Police Stations clear of the PMF extent. See Appendix K of FDM "*Consideration should also be given to using the PMF as the FPL when siting and developing emergency response facilities such as police stations, hospitals, SES headquarters, and critical infrastructure*" It should be noted that other areas within the site would be considered as high hazard due to the depth of water.
- d) **Additional specific situation in Elizabeth Street** – Reference was made to Council's consideration of the potential local flood hazard of flows along Elizabeth Street. The depth and velocity shown are for flows within the kerb and gutter; certainly the flow and velocity along the footway area will be less but this does negate the potential of a hazard from local catchment flows. It is used to indicate that in extreme flood events vehicular evacuation of the station will be difficult.
- e) **Hazard classification – CSIRO Floodplain Management in Australia** – This CSIRO report provides a generalised response to hazard categories and is not consistent within its text – see Figure 1 and Table 3.1. This hazard categorisation does not consider the extreme differences in flood levels that are experienced the Hawkesbury-Nepean floodplain and the diagrams provided lead to a generalised and subjective solution for hazard categories. It should be noted that this is not the adopted approach from FDM.
- f) **Threat to the structure** – The information provided on flood damages was not provided to suggest that the proposed Police Station would suffer the same damage as a brick veneer dwelling, but was provided to indicate the greater potential for flood damage over the full

range of flood events in the Hawkesbury-Nepean system. The proposed Police Station might be more structurally sound than a dwelling, but there is potential for a high cost in damage to technical equipment and records. This economic loss should be a consideration as the operation of the Station is a function of the community and such losses will be borne by the whole community. The impact of a major flood on the building will also mean that it cannot be occupied for a considerable time after the flood has passed, thus denying the use of this community asset at a critical time. A PMF flood is expected to reach well into the third floor level, i.e. G, 1 & 2 will be impacted.

- g) **Warning** – The warning methods suggested are available, but unless there is a specific monitoring protocol in place these warnings will often be missed. The SES will issue flood warnings for the Hawkesbury-Nepean system based on gauged flood levels and information received from the Bureau of Meteorology. As mentioned in the meeting held on 17 September 2010, the SES advises that this will give about 9 hours notice to evacuate the Police Station before the 100 year flood level is reached. This should give reasonable time to evacuate personnel but will come at a time when most of the Duty Police are assisting in the evacuation of residents and traffic control, leaving minimal staffing at the Police Station, but it leaves little time to flood proof vital equipment and records. This situation would not arise if the proposed Police Station was located in a more appropriate location.
- h) **Evacuation** – As mentioned above there are more issues involved with evacuation of the proposed Police Station than the hazard of evacuating through flood waters. This Police Station is proposed as major community infrastructure and the need to evacuate it during major flooding does not appear to be in the best interests of the community. As suggested, most of the Duty Police will be in the field, with a high possibility that they will be unable to return to the Station to assist with evacuation due to the route being cut by flood waters or blocked by traffic evacuating the area.
- i) **Technical response** – The Hawkesbury-Nepean flood model is an accepted flood model and has been assessed by State Government bodies and also utilised to establish flood evacuation plans from Richmond, Windsor and the surrounding areas. It has also been assessed against anecdotal evidence of flooding and provides a good correlation of this evidence.

5.3 The Drainage Section also commented on the Flood Emergency Response Plan (FERP) and advised that the FERP appears to be feasible but should be confirmed by the SES, particularly as there are comments that relate to commitments by the SES in relation to the flood warning for the site. The FERP discusses a "promised" 3 day's notice of impending flood events, and this should not be confused with the timing for evacuation of the Station which is claimed at 2^{1/2} hours from the alarm time. SES's initial advice confirmed the Drainage Section's concerns about the promised response times and 'claimed' commitments from the SES. The SES initial advice indicated that the claimed 3 day response time is highly unlikely and is more likely to be 9 hours or less. Again the concern is not that a Plan cannot be utilised but that the site is significantly flood prone and that there will be an increased risk to the safety of those who use the Police Station. This first principle of risk management is to eliminate the risk before providing other methods of risk management, and in this case the best option is to locate the Police Station clear of the floodplain.

5.4 In conclusion, the Drainage Section still maintains its view that the location of the proposed Police Station is inappropriate due to the significant impact from backwater flooding of the Hawkesbury-Nepean River system.

6 Public Comment

- 6.1 The provision of additional information by the applicant in response to flooding concerns and the strategic value of locating the Police Station at the site did not warrant any additional public exhibition and consultation. Even with the relocated basement carpark ramp, the proposal remains essentially the same as the original proposal.
- 6.2 Therefore the submissions made during the initial exhibition period and documented in the original report are the only submissions that need to be considered in the Panel's deliberations.

7 Assessment

- 7.1 Council Officers were provided with a copy of the Confidential Police Strategic Planning Report arising from the Strategic Planning Workshop held on 18 January 2006 and the Business Case report for the Station's location dated 24 January 2008 for their perusal.
- 7.2 The applicant acknowledges in their covering letter that neither of these documents identifies the site as flood prone land, however the applicant contends that the building has been designed to address the flooding issues and the NSW Police Force has advised that they have procedures in place to respond to any threat including flooding.
- 7.3 The applicant further supports its strategic case by stating that the current Police Station has served the local Riverstone community for over 100 years and is ideally located to serve the community needs within the planned Growth Centre.
- 7.4 The applicant also submitted a new letter from the Assistant Commissioner Dennis Clifford to clarify the role of this new Police Station in times of emergency; refer to **Attachment 5** for a copy of the letter. Assistant Commissioner Clifford's letter does not offer any comments in support of strategically locating the new Police Station at Riverstone, focussing rather on the procedures for the evacuation of Police Stations which is already covered within the NSW Police Force's Business Continuity Plans, which incorporate arrangements to be implemented for the relocation of a Local Area Command and its functions to an alternative location.
- 7.5 Further, Assistant Commissioner Clifford also makes some interesting points in relation to the new Riverstone Police Station (not Quakers Hill as stated in his letter) including that it *"is unlikely to be used as an Emergency Operations Centre (EOC) as it is generally accepted that an EOC should not be located in a police station as there is a risk to occupational health and safety (OHS) from interaction between prisoners and members of external agencies and also this command function can be exercised from any police station and if required, from a mobile command vehicle."*
- 7.6 Council's Town Planners and Drainage Engineers have examined both of the Confidential reports submitted by the applicant to support the strategic positioning of this new Riverstone Police Station and it is apparent that Council was not invited to be a workshop participant in the site selection process, nor was the subject land's site constraint of flooding considered by the workshop participants. The workshop participants suggested that the preferred location for the new Local Area Command would be in either Riverstone or Schofields. However the site selection criteria did not list flooding as a disadvantage for the Riverstone option. The Schofields option was not considered desirable as NSW Police do not own any land within Schofields. The Business Case and Economic Approval also failed to take into account the potential re-occurring cost of replacing all its equipment/fitout due to flooding for any redevelopment of the Riverstone site for a new Police Station.
- 7.7 With regard to the Flood Emergency Response Plan, Assistant Commissioner Clifford also reiterates that NSW Police have procedures in place for emergency management and have

requirements that these are exercised and reviewed on a regular basis. Council does not dispute the existence of these procedures, but rather is concerned that a major part of community infrastructure is being placed in the floodplain and will require the operation of these procedures when a location clear of the floodplain would negate this. The implementation of this emergency management plan will mean that considerable resources will be required to secure the site and relocate staff and prisoners at a time when these resources are urgently needed by the community, who will be under considerable hardship during such a major flood.

- 7.8 Therefore Council Officers believe that the selection of the Riverstone site was deficient as it failed to recognise the flood prone hazard affecting the site. Further, the selection of a suitable site should not be restricted because of the lack of ownership of land in other locations by the State Government. In particular, the exclusion of a site in Schofields on this basis is a concern as Schofields is perfectly positioned in between Quakers Hill and Riverstone and is more centrally located in terms of the future residential growth within the LAC as a result of the North West Growth Centre.
- 7.9 Council also made several representations to the Minister for Police regarding the future status of and desirable retention of the Quakers Hill Police Station. The Parliamentary Secretary for Police on behalf of the Minister for Police has informed Council in essence that the Quakers Hill Police Station will still remain open, with the reallocation of Police numbers within the Quakers Hill Local Area Command to be made in a manner which preserves a robust Police presence in Quakers Hill. A copy of the letter from the Office of the Minister for Police is included at **Attachment 6** to this report.

8 General Comments

- 8.1 The proposed development has been assessed against the matters for consideration listed in Section 79C of the Environmental Planning and Assessment Act 1979 and is not considered to be satisfactory. The additional information provided by the applicant does not alter this position. The subject site is still unsatisfactory due to the site's location within the "high risk flood precinct".
- 8.2 Notwithstanding the submission of the FERP and Assistant Commissioner Clifford's submission outlining Business Continuity Plans and that Police Stations are not to be used as emergency operation centres due to OHS reasons, it is considered that the proposed development is still not in the public interest.
- 8.3 Council's Drainage Section does not consider that any information provided by the applicant has allayed their concerns.
- 8.4 The SES's technical endorsement of the revised FERP does not endorse the proposed location of the Police Station, highlighting that it contravenes the State Government's own Manual, Circulars and Guidelines.
- 8.5 The SES comments also serve to reinforce Council's concerns regarding its potential liability under Section 733 of the Local Government Act 1993 as documented in Section 13.3 of the original report. These concerns have not been overcome as the proposal contravenes the Guidelines and Manual. The Sydney West Joint Regional Planning Panel as the consent authority must still consider this issue in its deliberations.
- 8.6 Despite being given another opportunity to address the flooding concerns and the strategic value of locating the Police Station, the applicant has still failed to satisfactorily address Council's concerns and requirements and therefore Council is unable to make a favourable recommendation.

9 Recommendation

- (a) The Development Application for the retention and restoration of the existing Riverstone Police Station Heritage Item and construction of a new 3 storey Police Station, basement carpark, at-grade car parking and holding yard and associated landscaping be refused by the Sydney West Joint Regional Planning Panel on the grounds detailed below.
- i. The proposal is inconsistent with the floodplain development principles detailed within the NSW Government's gazetted Flood Policy, being the "Floodplain Development Manual - The Management of Flood Liable Land", April 2005. (Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979.)
 - ii. The subject site is considered unsuitable for this development as the site is located within the High Flood Risk Precinct which will result in significant damage to both life and property during any major flood event, up to and above the 1% Annual Exceedance Probability (AEP) flood (1 in 100 year flood). The driveway to Railway Terrace will not be trafficable in flood events less than a 2% AEP flood event (50 year flood), with a water depth of about 1.8 m in a 1% AEP flood event. The Elizabeth Street access will have a depth of about 1 m in a 1% AEP flood event. This indicates that both pedestrian and vehicular access to the Police Station will not be practical in events over the 2% AEP flood event and improbable in 1% AEP events. This raises significant concerns for the safety of staff and occupants of the Police Station, as well as people detained and locked in the cells. In a PMF flood event the ground floor level of the Police Station would be inundated by 8.8 m. This indicates that, although a freeboard is provided to the 1% AEP flood event, floods only slightly greater than the 1% AEP event will cause inundation above the floor level and potentially render the building inoperable for a significant period of time and/or possibly structurally unsound. In the highest flood on record the floor would have been inundated to a level of 2.1 m. [Section 79C(1)(b) and (c) of the Environmental Planning and Assessment Act 1979].
 - iii. The proposed location for this new Police Station poses some very real concerns and potential problems in the case of a flooding emergency. As detailed in the DISPLAN, in the case of a flooding emergency the SES would be the main combat agency and be assisted with various tasks by the Police. However, this Police Station will be severely affected in the case of a flooding emergency. [Section 79C(1)(b) and (c) of the Environmental Planning and Assessment Act 1979].
 - iv. Approval of the application would not be in the public interest, in that the function and operational characteristics of the proposed development will be significantly impacted upon in the event of a flooding emergency. [Section 79C(1)(e) of the EP&A Act 1979]
- (b) The Application be referred to the Minister for Planning for his consent to refuse the Crown Development Application in accordance with Section 89(1) of the Environmental Planning and Assessment Act 1979.
- (c) The applicant and objectors be advised of the Sydney West Joint Regional Planning Panel's decision.

JUDITH PORTELLI
MANAGER DEVELOPMENT SERVICES & ADMINISTRATION

GLENNYS JAMES
DIRECTOR CITY STRATEGY & DEVELOPMENT