



## RIVERSTONE WEST PRECINCT

# Amendments to State Environmental Planning Policy (Precincts - Central River City) 2021 and State Environmental Planning Policy (Precincts - Western Parklands City) 2021

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Post Exhibition Finalisation Report

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## 1. Introduction

This report discusses the outcome of the public exhibition of proposed amendments to *State Environmental Planning Policy (Precincts – Central River City) 2021* (Central River City SEPP) and *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* (Western Parkland City SEPP).

The proposed amendments relate to the Riverstone West precinct and primarily consist of amendments to the flood related development controls in section 3.27 of both SEPPs.

The proposed amendments also include minor changes to the Land Zoning, Lot Size, Height of Buildings, Floor Space Ratio, Development Control and Native Vegetation Protection maps of the Central River City SEPP.

The primary intended outcome of the proposed amendments is to facilitate the realisation of the business park and industrial development that was envisaged when the precinct was rezoned in 2009. At full development, it is anticipated the precinct will provide for over 12,000 jobs.

A description of the proposed amendments can be found in the exhibited [Explanation of Intended Effect](#) (EIE).

## 2. Background to the proposed amendments to section 3.27 of the Central River City SEPP

The main amendment to section 3.27 of the Central River City SEPP is to allow for flood modelling tolerances to be considered when assessing potential flood level increases on adjoining lands.

The proposed amendments are based on a request from Sakkara, the major landowner/developer within the precinct.

Sakkara's request is in response to a decision of the NSW Land and Environment Court (LEC) relating to the interpretation of clause 20 of the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP) and the assessment of potential increases in flood levels on land adjoining the precinct. Note, clause 20 of the Growth Centres SEPP is now section 3.27 in the Central River City SEPP.

A significant proportion of the precinct is flood liable and below the minimum land height required for business and industrial development. Prior to the 2009 rezoning of the precinct, various scenarios to raise land heights via excavation and landfilling (known as "cut and fill") were considered and flood modelling was undertaken to examine the consequences of such changes in landform on flood behaviour, in particular flood levels, within the precinct and on adjoining lands.

The flood modelling found that for various Hawkesbury River and Eastern Creek floodplain scenarios (generally based on the Eastern Creek and Hawkesbury River 1 in 100 chance per year flood events) the proposed cut and fill strategy would not result in increases in peak flood levels on adjoining properties.

This finding helped inform clause 20, in particular sub-clause (2)(b) which stated:

- (2) *Despite any other provision of this Policy (including any Precinct Plan), the consent authority must not grant consent for development on land to which this clause applies unless it is satisfied that the proposed development:*
- (b) *does not increase flood levels on adjoining properties in events up to the design 100 year recurrence flood*

In 2013 Sakkara lodged a development application with Blacktown City Council for bulk earthworks to raise land within the precinct to enable business park and industrial development.

The development application was considered by the LEC with a key matter for consideration being the interpretation of “does not increase flood levels on adjoining properties” in clause 20(2)(b).

Evidence submitted to the LEC was that the proposed earthworks, whilst being consistent with the cut and fill strategy for the precinct, would result in small increases in peak flood levels on adjoining properties. The increases were mainly in the magnitude of 3mm to 9mm and in seeking to justify these increases Sakkara argued that the increases fell within the sensitivity tolerances of flood modelling (i.e. the modelling margin of error) and as such should be considered as negligible or immaterial. The LEC found the development application could not be approved because the wording of clause 20(2)(b) was an absolute (i.e. unqualified) standard and did not allow for any increases in flood levels no matter how small the increase and/or if the increase fell within the sensitivity tolerances of flood modelling.

## 3. Exhibition and Submissions

### 3.1 Exhibition Period and Notifications

The EIE and supporting technical reports were exhibited from 26 August to 26 September 2022.

The Department sent 976 notification letters to landowners within and surrounding the precinct.

The Department also sent notification emails to government agencies, utility providers, councils and interested parties.

### 3.2 Exhibited Material

The exhibited material consisted of the following documents:

- Explanation of Intended Effect
- Cardno Flood Impact Assessment (commissioned by the Department)
- Advisian Flood Impact Assessment (commissioned by Sakkara)

The exhibition material was made publicly available on the NSW Government’s planning portal at <https://pp.planningportal.nsw.gov.au/draftplans>.

### 3.3 Submissions Summary

The Department received 32 submissions with 28 submissions being from landowners or interested parties and 4 submissions from Blacktown City Council, Transport for NSW, Transgrid and Endeavour Energy.

The key issues raised in submissions were:

- Support for the proposed amendments and development of the precinct
- Development of flood liable land and increases in flood levels
- Impact of allowance for flood modelling tolerance
- Suitability of section 3.27 and consistency of flood planning controls
- Loss of floodplain storage capacity, precedent and cumulative effects
- Flood evacuation
- Relationship to proposed upgrades to Garfield Road West and Bandon Road

Discussion regarding these key issues is provided in sections 4 and 5 of this report.

A summary of all submissions is provided in Appendix A.

## 4. Key issues – Landowners and Interested Parties

This section discusses the key issues raised in submissions from landowners and interested parties.

### 4.1 Support for the proposed amendments and development of the precinct

19 submissions, in whole or in part, supported the proposed amendments and/or development of the precinct and cited the following benefits of development of the precinct:

- provision of new premises and opportunities to meet the needs of businesses looking to establish and/or grow in Riverstone
- creation of local construction and ongoing employment opportunities and potential to reduce current high rates of unemployment
- increase in the provision of local infrastructure
- diversion of heavy traffic away from the town centre and associated improvements in safety and reduction in traffic congestion due to construction of the proposed Spine Road

- development of the precinct will be a catalyst for change in the area and will assist in achieving the Greater Cities Commission's proposed 30 minute liveable city, where people can live, play and work within a 30 minute radius of home
- the precinct is a critical employment area in the North West Growth Area (NWGA).

### Department response

The support for the proposed amendments and development of the precinct is noted.

## 4.2 Development of flood liable land and increases in flood levels

Concerns were raised about the suitability of business and industrial development on flood liable land and/or the potential for the raising of land levels within the precinct to increase flood levels on surrounding lands.

Comments related to:

- impacts of the 2021 and 2022 flooding in the area
- risk to life of occupants of the precinct
- potential for contamination due to industrial, chemical or toxic materials being subject to flooding
- redirection of flood waters and potential for higher and more frequent flooding due to the proposed development, increased impervious areas and climate change

### Department response

The precinct did experience significant low level flooding due to the Hawkesbury – Nepean catchment floods in 2021 and 2022. Flood waters affected parts of an existing industrial area near the centre of the precinct. This industrial area contains approximately 240 business park, industrial, transport and storage tenants.

The 2021 and 2022 floods have been assessed as having a frequency of a 1 in 10 chance per year to a 1 in 20 chance per year and were approximately 3m – 3.5m lower than the height of a 1 in 100 chance per year flood.

Development of the precinct will include increasing the height of land, improved vehicle access to and within the precinct, and redevelopment of the existing industrial area with increased floor levels resulting in reduced flood risk to property and reduced risk to life.

Throughout the precinct new buildings will have improved flood resilience due to floor levels being at least 0.6m above the 1 in 100 chance per year flood level. Developers and occupants of the precinct will also need to demonstrate and implement satisfactory arrangements for the storage of hazardous materials and evacuation during flood events.

Flood modelling undertaken to inform the proposed SEPP amendments show that flood level changes outside of the precinct would be within a range of plus or minus 10mm. Flood level changes less than 10mm fall within the sensitively tolerances of flood modelling and can be considered to represent a negligible or immaterial change.

Flood modelling was undertaken based on existing climate conditions. Flood modelling associated with future development applications will need to take into consideration the impact of climate change on pre-development and post-development flood frequencies and levels and demonstrate compliance with the provisions of the section 3.27 of the Central River City SEPP (as amended).

## 4.3 Impact of allowance for flood modelling tolerance

Clarification was sought regarding what would be the impact on surrounding properties in allowing flood modelling tolerances to be considered when assessing potential flood level increases.

### Department response

Flood modelling tolerances relate to modelling margins of error which are typically in the range of plus or minus 10mm. Flood level changes less than 10mm can be considered to represent a negligible or immaterial change.

## 5. Key Issues – Blacktown City Council and TfNSW

This section discusses the key issues raised in submissions from Blacktown City Council and Transport for NSW.

### 5.1 Blacktown City Council

#### 5.1.1 Flood modelling tolerance

##### Council comment

No objection to the principle of allowing for flood modelling tolerances. The current wording of section 3.27 is problematic to achieve in the context of running a flood modelling study.

##### Department response

Noted.

#### 5.1.2 Suitability of section 3.27 and consistency of flood planning controls

##### Council comment

Concerned with the proposal to amend rather than replace section 3.27 for the following reasons:

- retaining section 3.27 is inequitable. The section provides different flood planning controls to the Riverstone West precinct than apply anywhere else across the State.



- retaining section 3.27 entrenches the principle of differential flood planning controls and sets a dangerous precedent for landowners elsewhere in the floodplain, or across the rest of the State that may request similar concessions.
- section 3.27 is not fit for purpose in establishing development controls for flood prone land. It is not consistent with the principles of the NSW Government's flood prone land policy. While the proposed amendments will provide the means to facilitate development in accordance with the existing land zoning, the amended section will not address the critical principle of no net loss of floodplain storage.

6 separate flood planning controls are in place within the Blacktown LGA including provisions in the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, *State Environmental Planning Policy (Precincts – Western Parkland City) 2021*, *State Environmental Planning Policy (Precincts – Central River City) 2021*, *State Environmental Planning Policy (Industry and Employment) 2021* and the *Blacktown Local Environmental Plan 2015*. Flood waters are not affected by local government boundary or other theoretical boundaries. It is inequitable to apply different criteria to the precinct than those which apply elsewhere in the State.

The premise of applying different flood planning criteria to the precinct to that which applies in the rest of the Hawkesbury-Nepean floodplain is unjustified and sets a dangerous precedent. Concerned that allowing a different flood planning standard to apply in Riverstone West will open the door to similar concessions being sought by other landowners in the floodplain.

The Standard Instrument clause 5.21 should apply to development on flood prone land in the North West Growth Area, unamended and in full, across all precincts, including the Riverstone West precinct.

Clause 5.21 was developed as a holistic clause, supported by a new Ministerial Direction, Planning Circular, Guidelines and a draft update to the Floodplain Development Manual. It is a mandatory clause that has been inserted into all local environmental plans across the State.

One of the objectives of Standard Instrument clause 5.21 is to *avoid adverse or cumulative impacts in flood behaviour and the environment*. Clause 5.21 requires that the consent authority is satisfied in relation to the impact of the proposed development on the flood function and behaviour of the land, and on flood behaviour. Applying clause 5.21 to Riverstone West will require development in the precinct to address the impact of the loss of flood storage area.

### **Proponent's response**

While Council's submission on the need to standardise and simplify planning controls across the board is supported in principle, this relates to a much broader exercise that is not required for the purposes of the proposed SEPP amendments.

The SEPPs applying to the Sydney Growth Centres are not subject to the provisions of the *Standard Instrument (Local Environmental Plans) Order 2006* and consequently are different in various respects to *Blacktown Local Environmental Plan 2015*. Section 3.27 specifically addresses flood risk management considerations determined relevant to the precinct, through the precinct planning process.

## Department response

This response addresses Council's concerns regarding differences in flood planning controls and the request that Standard Instrument clause 5.21 apply to the precinct. Council's concerns regarding precedent and loss of floodplain storage capacity are addressed in Section 5.1.3 of this report.

As a general principle, uniformity of planning controls between SEPPs and LEPs is desirable, however uniformity is not a requirement mandated in law and there are rational and significant reasons for not pursuing uniformity in this instance.

Clause 5.21 contains similar restrictive and absolutely constructed flood level/affectation related provisions to section 3.27(2)(b). This can be seen in section 5.21(2)(b) which states.

- (2) *Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*
- (b) *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties*

Applying clause 5.21 to the precinct would not allow for flood modelling tolerances to be considered when assessing potential flood level increases/flood behaviour changes on adjoining lands and would perpetuate the current obstacle, found in section 3.27(2)(b), to development of the precinct.

Furthermore, clause 5.21 contains additional provisions not currently included in section 3.27. These provisions relate to flood function and behaviour, safe occupation and evacuation, various environmental considerations, the design and scale of buildings, and the potential to modify, relocate or remove buildings [see 5.21(2)(a), (2)(c), (2)(e), and (3)]. Applying these provisions, some of which are written in absolute terms, to the precinct could unreasonably and unnecessarily hinder development of the precinct.

It should also be noted that in addition to the provisions of the Central River City SEPP, development applications will also be assessed against the specific and customised flood risk management provisions of the Riverstone West Development Control Plan 2009 (DCP) that were a result of the detailed investigations and planning associated with the 2009 rezoning of the precinct.

The DCP contains a suite of flood risk management controls in section 4.3.2 and Appendix C including the requirement that development applications to be accompanied by a Flood Management Strategy (FMS). The purpose of the FMS is to:

- define existing flooding at the site and in the vicinity of the site
- determine the flood impacts on account of the proposed development, and investigate mitigation options
- develop a strategy that demonstrates flood impacts at the site and adjoining the site are managed in accordance with the requirements of the SEPP and DCP

- develop a Flood Emergency Response Plan (FERP) in consultation with the State Emergency Services (SES).

The amended section 3.27 combined with the other flood related development controls in the DCP will enable the envisaged development of the precinct, including redevelopment of the existing low-lying industrial area referred to in section 4.2 of this report, to be realised whilst also ensuring an appropriate assessment of flood risks and limitations on flood impacts on adjoining lands.

The combined package of flood related development controls is consistent with the foundations of the NSW Flood Prone Land Policy which are:

- flood prone land is a valuable resource that should not be ‘sterilised’ by unnecessarily precluding its development
- if all development applications and proposals for rezoning of flood prone land are assessed according to rigid and prescriptive criteria, some appropriate proposals may be unreasonably disallowed or restricted, and equally, inappropriate proposals may be approved.

### 5.1.3 Loss of floodplain storage capacity, precedent and cumulative effects

#### Council comment

Understanding how, where and when water is stored within the floodplain during different flood events and the impact of changing the flood storage capacity is a key component in understanding and managing flood behaviour and flood risk.

Standard practice in floodplain risk management is to balance flood storage capacity, such that development does not result in a net loss in flood storage area. This is the practical method to address a requirement to consider the cumulative impact of a development, such as under the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* Chapter 9 Hawkesbury-Nepean River section 9.5(1), also the principles of the Floodplain Development Manual 2005 (FDM) and the draft Flood Risk Management Manual 2022.

A balanced approach to cut and fill has been taken in the Hawkesbury-Nepean floodplain. It has been applied to all other precincts in the North West Growth Area, most notably in Marsden Park precinct where a portion of the floodplain was reclaimed by providing an equivalent storage area elsewhere within the floodplain.

The cumulative impact of enabling repeated instances of net loss in floodplain storage in the Hawkesbury-Nepean floodplain has the potential to cause severe impacts on lives and properties in the floodplain.

Neither the current section 3.27, nor the proposed amended section 3.27, require the cumulative impact of development to be addressed. This is in contravention with the FDM and sets a different standard for development in Riverstone West than is required elsewhere in NSW. This is a critical gap in flood planning provisions under section 3.27 which must be rectified both to ensure the safety of those who live and work within the floodplain and to ensure transparency, consistency and equity in the NSW Government’s dealings with developers across the State.

The FDM states that:

‘case by case decision making cannot account for the cumulative impacts on flood behaviour and risks, caused by individual developments or works. This form of ad hoc assessment contravenes the principles of the manual.’

### **Proponent’s response**

This is a broader consideration relevant to regional planning undertaken by the Department and consideration of the flood risk management principles of the FDM, rather than the SEPP amendments associated with solely the precinct.

As intended by the FDM, an assessment of cumulative flood impacts should be undertaken as part of the flood risk management process in preparing Floodplain Risk Management Plans (FRMPs) for individual catchments, as opposed to the ad hoc reliance on assessments by individual development applications. This is also currently being addressed by the Department, specifically with the preparation of the “Hawkesbury-Nepean Valley Regional Land Use Planning Framework.”

These broader analyses will provide the appropriate basis to ensuring that there will be no detrimental losses of flood storage within the Hawkesbury Nepean floodplain.

### **Department response**

The envisaged development of the precinct is not achievable with a balanced cut and fill/no net loss of floodplain storage strategy.

The cut and fill strategy associated with the 2009 rezoning of the precinct was not based on an equalisation of cut and fill volumes and did allow for the net loss of floodplain storage capacity. The strategy was based on achieving a satisfactory cut and fill outcome in terms of potential changes to flood levels, velocities and impacts on adjoining lands.

While achieving such an outcome is a valid approach to assessing the suitability of development within a floodplain, since 2009 the Department has not continued with this approach and instead has adopted balanced cut and fill/no net loss of floodplain storage strategies for subsequent rezonings of NWGA precincts. Hence the cut and fill strategy adopted for Riverstone West has not set a precedent for other precincts.

While section 3.27 does not identify cumulative impacts as a specific matter for consideration, such impacts will require consideration as part of the assessment of development applications due to the provisions of the following development controls that also apply to the land:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021 - section 9.5(1)(c) - Consider the cumulative environmental impact of development proposals on the catchment.*
- *Riverstone West DCP 2009, Appendix C Floodplain Management Strategy, Strategy Formulation Requirements - control (8) - In accordance with the NSW Floodplain Development Manual 2005, developed flood studies shall investigate the cumulative effects of flooding.*

Assessment of cumulative impacts will require consideration of the potential for repeated occurrences of similar cut and fill strategies upon which the Riverstone West precinct is based. As stated above the Department has not adopted similar cut and fill strategies for other precincts in the NWGA therefore it can be deemed that the loss of floodplain storage resulting from development of the precinct will be a one-off occurrence.

## 5.2 Transport for NSW

### 5.2.1 Map changes

#### **TfNSW comment**

No objections are raised to the proposed Land Zoning Map changes along Garfield Road West from SP2 Local Widening Road to SP2 Classified Road. However, it is likely that further changes will be required to the Land Zoning Map and the Land Reservation Acquisition Map to accommodate the future Garfield Road Central project requirements.

#### **Proponent's response**

Refinements to the Land Zoning Map can be undertaken in the future if required by TfNSW. This would be the case irrespective of the current SEPP amendments, which have been progressed based on different objectives. Despite this, as is often the case a varied area for road acquisition can be pursued by TfNSW to accommodate final road designs in the future without the need for an amendment to zone boundaries.

#### **Department response**

Noted. If required, further land zoning and acquisition map amendments can be dealt with via future amendments to the Central River City SEPP.

### 5.2.2 Flood evacuation

#### **TfNSW comment**

The proposed development will place additional pressure on flood evacuation routes, including the Hawkesbury Valley Way evacuation route. The proponent(s) should consider the availability and suitability of road networks.

#### **Proponent's response**

The SEPP amendments propose an insignificant change to the extent of land zoned for development. Future development is intended to generate employment opportunities for residents of the northwest sector of the Sydney Region. The existing zoning does not permit residential development.

#### **Department response**

Current DCP provisions require developments to demonstrate or implement reliable access for pedestrian and vehicles during a Probable Maximum Flood (PMF) event, installation of electronic

flood warning devices, a flood evacuation strategy consistent with NSW SES plans and a flood emergency response plan.

No changes to these controls are proposed and these matters can be dealt with at development application stage.

### 5.2.3 Relationship to proposed upgrades to Garfield Road West and Bandon Road

#### **TfNSW comment**

TfNSW's proposed road upgrade projects to Garfield Road West and Bandon Road have been incorporated within Cardno's flood assessment. In addition, the flood assessment includes compensatory flood impact works associated with the Bandon Road project. These compensatory works have been designed to address TfNSW's impacts on the floodplain. Further information is required to demonstrate that the development in the precinct doesn't rely upon the flood compensatory works designed by TfNSW.

#### **Proponent's response**

The Cardno assessment notes that the impacts of the proposed Garfield Road West and Bandon Road upgrades on Hawkesbury Nepean tailwater 1% and 20% AEP flood levels are negligible due to their small scale relative to the floodplain as a whole.

The SEPP as amended will continue to require a flood impact assessment based on conditions existing at the time a development application is made. Consequently, the extent of filling proposed within the precinct at any particular time will need to demonstrate compliance with section 3.27.

#### **Department response**

The flood impact assessments undertaken by Cardno and Advisian are high level assessments with their primary roles being to demonstrate that an acceptable development outcome is possible and to inform the proposed SEPP amendments.

The flood impact assessments are not intended to represent the final form or impact of all possible future development scenarios. They are not to be construed as defining a specific cut and fill strategy for future development applications or approving actual cut and fill earthworks.

Future development applications may propose alternative cut and fill strategies. Whatever the future proposal may be, the resultant business and industrial development will be confined to land zoned for such purposes and the impacts on flood behaviour, in particular flood levels, external to the precinct will need to comply with the amended section 3.27 and the DCP. This will include the submission of a detailed Floodplain Management Strategy, a Cut and Fill Plan and a Flood Emergency Response Plan.

## 6. Conclusion

The proposed SEPP amendments will enable the intended development of the precinct to be realised whilst ensuring appropriate floodplain risk management outcomes are achieved.

The results of updated flood modelling show that, when allowing for flood modelling sensitivity tolerances, an acceptable development outcome in terms of impacts on adjoining lands is achievable and the current wording of section 3.27(2)(b) is an unreasonable and unnecessary barrier to achieving the planned development outcome for the precinct.

The main consequence of not proceeding with the proposed amendments is that the envisaged business and industrial development and the associated forecast 12,000 jobs to be created within the precinct will not be realised.

In addition, there would be no or little economic incentive to construct the Spine Road or redevelop the existing industrial area near the centre of the precinct. This area is located on land below the Hawkesbury River 1% AEP event and is accessed via an at grade level rail crossing. If this land is not redeveloped then the current tenants would continue to operate on land and in premises that do not meet current development, vehicular access and flood evacuation standards.

## Appendix A – Summary of Submissions

No.	Name	Nature of submission	Submission	Proponent's Response	Department of Planning and Environment response
1	Confidential	Objection	<p>The building of an industrial area and business park in a flood zone is asking for a lawsuit. In the last 3 floods of 2021 &amp; 2022 the current business park has flooded 3 times, resulting in losses for those businesses and increased flood levels for those living on the other side of Garfield Road and Eastern Creek. To allow any kind of industrial/chemical or other potentially toxic materials to spread over the entire area and downstream when they flood is criminally irresponsible.</p> <p>Climate change could result in higher and more frequent flooding in this area and as a resident that is bad enough without wondering what extra toxic chemicals might be in the water. Not to mention the extra height due to the additional buildings and concrete creating additional run off.</p> <p>Flood mitigation is basically impossible as the area is subject to back flooding from the Hawkesbury River, any upstream flood prevention won't help and you can't prevent back flooding up the creek without turning the area into a massive lake.</p>	<p>The SEPP amendment involves only minor amendments to the planning controls applying to the precinct. The precinct was originally zoned for business park development in 2009.</p> <p>Despite the above, the existing industrial complex [referred to as "current business park"] was developed prior to current standards and is below the current flood planning level (FPL). The development of the precinct under the SEPP (as amended) will ensure new development will be above the current FPL.</p> <p>Facilitating new development will provide the impetus required to redevelop the existing industrial estate and reduce flood risks.</p> <p>Climate change was taken into consideration when determining the FPL. The "Riverstone West Precinct Planning Report (DoP 2009, pg.11) notes in response to comments provided by NSW Department of Environment and Climate Change (DECC), regarding the effect of climate change on flood levels, that a conservative approach to setting floor levels for new development has been adopted. The Riverstone West precinct DCP requires the minimum fill level to be at the present day 100 year flood level. However, future buildings would be subject to future climate conditions to be determined through the Floodplain Management Strategy (clause 4.3.2). The DCP also defines Freeboard to be a height of 0.6m (whereas 0.5m is otherwise recommended by the Floodplain Development Manual) and "Future Climate Flood Levels" as those to be determined in accordance with DECC Guidelines.</p>	See Section 4.2 of this report.
2	Confidential	Comment	Allow this site to be an early learning centre.	No changes to permissible uses are proposed.	This submission relates to a property outside of the precinct. The property is zoned RU4 primary Production Small Lots under the Blacktown Local Environmental Plan 2015. Development of the site for an early learning centre is matter for the landowner and Blacktown City Council.



No.	Name	Nature of submission	Submission	Proponent's Response	Department of Planning and Environment response
3	Confidential	Objection	Our property is at South Windsor and just by looking at the plans and with recent floods in the Hawkesbury I object as we cannot afford for flood waters to increase or decrease by 10. Not a risk that we should have to take. We are still recovering from being flooded out twice this year.	The flood modelling undertaken independently for the Department shows there would be no impact on flood levels in South Windsor. The modelling also showed that based on the tolerances of a model there would be no impact on flood levels outside of the precinct.	See Section 4.2 of this report.
4	Eleanor Hyde	Support	<p>Commitment and action securing real infrastructure and opportunity in the Riverstone West area and surrounds is well overdue.</p> <p>It is time for Planning NSW to commit to and facilitate a clear path and framework in which community and business can plan and invest in the future – having security around employment, health services, education and the like.</p> <p>For a community to thrive it must have the infrastructure and services to support its population. A very simple equation and one that has been ignored for far too long. Make it happen!</p>	Noted. The precinct has been zoned for employment generating purposes since 2009. The amendments to the SEPP are required to overcome technical issues with the SEPP to facilitate planned development proceeding. In addition to providing for over 12,000 permanent jobs, the precinct will deliver an array of services including the north-south spine road and open space and conservation lands adjacent Eastern Creek.	Noted
5	Steven Kanoon	Objection	It may increase our flood levels by 10mm at our property in South Windsor. We have already had several floods in the area over the years causing devastation to people's lives and to increase the chances of affecting thousands of people's lives in my opinion is foolish.	See response to Submission 3.	See Section 4.2 of this report.
6	Andrew Cowell	Support	<p>As a leader of a local charity situated on Hamilton Street Riverstone, I would like to inform you that I and my colleagues are highly in favour of the proposed realignment of the spine road.</p> <p>This plan is far superior to the original plan to create an overpass through the centre of Riverstone. Such an overpass would effectively split Riverstone in two and effectively isolate my team members who live on the northern side of Garfield Road East, from accessing schools and other amenities located on the southern side of Riverstone.</p>	See response to Submission 4.	Noted

No.	Name	Nature of submission	Submission	Proponent's Response	Department of Planning and Environment response
7	Andrew Cowell (2 <sup>nd</sup> submission)	Support	<p>As a local resident of Riverstone residing at George Street, I would like to inform you that I am highly in favour of the proposed realignment of the spine road.</p> <p>This plan is far superior to the original plan to create an overpass through the centre of Riverstone. Such an overpass would effectively split Riverstone in two and effectively isolate my family, who reside on the northern side of Garfield Road East, from accessing schools and other amenities located on the southern side of Riverstone.</p>	See response to Submission 4.	Noted
8	Michael Murray	Objection	<p>Whilst anyone could see that this project is going to create jobs, I am of the opinion that it will destroy the town due to increased vehicle traffic, and noise pollution.</p> <p>If this submission was amended prior to all the last couple of floods that we have had in the area, which is now confirmed to be the subject of climate change that would be definitely a warning sign to take into account. No matter what your revised plans show it will only cause more flooding and possibly push the floods more up to the housing areas of Riverstone, on the populated side of the railway line, especially near the Fire Station, Mill Street, etc some of which was affected by the last flood. If this happens it would be in direct conflict with the Blacktown Council's proposal of high-rise development and a 20-year/Master development plan, where the old bowling club currently resides. Riverstone was once a quiet semi-rural town.</p> <p>I have lived in the area all of my life (currently 62 years) and I am saddened by the way things are going for this once quite peaceful loving town.</p>	See response to Submissions 1 and 3.	See Section 4.2 of this report.
9	Transgrid	Comments	The precinct is constrained by 3 high voltage transmission lines. Future development proposals will be subject to assessment against Transgrid's Easement Guidelines and Fencing Guidelines. Transgrid requests consultation and notification for future development proposals.	Transgrid guidelines for works within easement areas will be addressed as part any future development application to be submitted to Blacktown City Council. Transgrid will be consulted as required during the design phase.	Consultation with Transgrid can be undertaken by the developer and Blacktown City Council as part of development application preparation and assessment.

No.	Name	Nature of submission	Submission	Proponent's Response	Department of Planning and Environment response
10	Richard Anderson	Support	I support the proposed amendments to planning controls for Riverstone West. The town and neighbouring suburbs have been screaming out critical infrastructure for countless years. This is a fantastic proposal and the time to act is now - NSW planning is well overdue committing to infrastructure and real investment in this area. Make it happen.	See response to Submission 4.	Noted
11	Geoff Quattromani	Objection	<p>The continuous and ongoing developments surrounding areas of South Creek is radically out of control.</p> <p>In Marsden Park, the land which could capture and absorb water has all been transformed into housing and roads which has resulted in larger, more devastating floods. This impact in Riverstone West will only do more of the same. More hard surfaces, more devastation in the case of a flood and nothing we can do.</p> <p>Our homes have been here for over 30 years and the water levels in floods have only gotten worse in these recent times. Flood insurance is not possible and our losses are mounting.</p>	See response to Submissions 1 and 3.	See Section 4.2 of this report.
12	Confidential	Support	<p>It is imperative that the essential concept reflected in the proposed business park and industrial development introduced by the rezoning of the precinct in 2009 be pursued. This is in the interest of both economic development and public amenity.</p> <p>It is appreciated that minor changes related to flood-related development controls may be required. However, it would be counterproductive if the basic original planning concept were to be abandoned.</p>	See response to Submission 4.	Noted

No.	Name	Nature of submission	Submission	Proponent's Response	Department of Planning and Environment response
13	North West Business Chamber	Support	<p>The North West Business Chamber (NWBC) represents the business community of the North West Growth Area. Please accept our submission to support the proposed amendments.</p> <p>The NWBC formerly Riverstone Schofields Chamber of Commerce and Industry have been strong advocates for the proposed changes for several years. The Riverstone West precinct, bringing tens of thousands of jobs and businesses to the area.</p> <p>In addition, the development delivers the Spine Road bypass which has the ability to relieve the pressure on Garfield Road and remove heavy vehicles from the town centre.</p> <p>The Riverstone West precinct is the catalyst for change in the area and critical to the future of the North West Growth Area.</p>	See response to Submission 4.	Noted
14	Angela Van Dyke	Support	<p>Riverstone West precinct will have the potential to provide significant work opportunities to our local community. We have higher rates of unemployment, and a diverse workforce with education and skills.</p> <p>The Greater Cities Commission proposes a 30 minute liveable city, where people can live, play and work within a 30 minute radius of home. Riverstone West precinct would deliver this plan.</p> <p>We support the proposal for the Riverstone West precinct.</p>	See response to Submission 4.	Noted
15	Blacktown City Council	Comments	<p>1. The population of Blacktown City is growing rapidly, particularly in the North West Growth Area, creating demand for additional employment opportunities. The development of Riverstone West will be a welcome contribution to the availability and diversity of local jobs and economic stimulus.</p>		1. Noted
			<p>2. We have no objection to the minor administrative map amendments which are also proposed under the exhibited Explanation of Intended Effect.</p>		2. Noted

No.	Name	Nature of submission	Submission	Proponent's Response	Department of Planning and Environment response
	<p><i>Section 5.1 of this report</i></p>		<p>3. Flood modelling should include a scenario which shows the impact of the proposed development in the Riverstone West precinct on the existing conditions, that is, without the proposed upgrades to Garfield Road West and Bandon Road. This is important as the current timing for the road upgrades, in particular Garfield Road West, is not available. The Western Sydney Growth Areas State Infrastructure Contribution (SIC), published in 2011, indicates construction of the Garfield Road West upgrade around 2031. It is likely that a development application to import fill and create development platforms at the flood planning level will be submitted and assessed prior to construction of the road upgrades. Therefore, it is critical to understand the impact of the proposed development independently of the proposed road upgrades.</p> <p>4. Concerned that the realignment of the Spine Road further increases the loss of floodplain storage. While the realignment is supported generally, none of the flood modelling to date has used the revised alignment, and it has not been demonstrated that there are no additional impacts associated with this change.</p>	<p>3. The Cardno assessment (pg.23) notes that the impacts of the proposed Garfield Road West and Bandon Road upgrades on Hawkesbury Nepean tailwater 1% and 20% AEP flood levels are negligible due to their small scale relative to the floodplain as a whole.</p> <p>The SEPP as amended will continue to require a flood impact assessment based on conditions existing at the time a development application is made. Consequently, the extent of filling proposed within the precinct at any particular time will need to demonstrate compliance with section 3.27.</p>	<p>3. Cardno's flood modelling did include a scenario showing the impact of the proposed development on existing conditions – see Figures D34 and D35. This matter has been clarified with Blacktown City Council.</p> <p>The flood impact assessments undertaken by Cardno and Advisian are high level assessments with their primary roles being to demonstrate that an acceptable development outcome is possible and to inform the proposed SEPP amendments.</p> <p>The flood impact assessments are not intended to represent the final form or impact of all possible future development scenarios. They are not to be construed as defining a specific cut and fill strategy for future development applications or approving actual cut and fill earthworks.</p> <p>Future development applications may propose alternative cut and fill strategies. Whatever the future proposal may be, the resultant business and industrial development will be confined to land zoned for such purposes and the impacts on flood behaviour, in particular flood levels, external to the precinct will need to comply with the amended section 3.27 and the DCP. This will include the submission of a detailed Floodplain Management Strategy, a Cut and Fill Plan and a Flood Emergency Response Plan.</p> <p>4. The flood modelling undertaken by Cardno and Advisian did include the revised alignment of the Spine Road. This matter has been clarified with Blacktown City Council.</p>

No.	Name	Nature of submission	Submission	Proponent's Response	Department of Planning and Environment response
			<p>5. The Riverstone West DCP was prepared in 2009. At that time, the development of the Riverstone West precinct assumed that fill within the precinct on the eastern side of Eastern Creek would be balanced by compensatory flood storage on the western side of Eastern Creek. However, the site originally intended to be used for flood storage is no longer available for this purpose.</p> <p>The DCP urgently requires holistic review and updating to ensure the controls remain appropriate, reflect current conditions and will result in a positive outcome for the local community.</p> <p>We look forward to working with the Department of Planning and Environment, and other stakeholders, on updating the Riverstone West DCP.</p>		<p>5. The 2009 rezoning of the precinct was not based on a balanced cut and fill volume strategy. The strategy was based on achieving a satisfactory cut and fill outcome in terms of potential changes to flood levels, velocities and impacts on adjoining lands.</p> <p>Where possible the Department will assist Blacktown City Council in updating the DCP.</p>
16	Joe Shelton	Objection	<p>I'm not in favour of the development plans on the floodplain.</p> <p>In 40 years of living in Riverstone, I have never seen or experienced floods as bad as July 2022, all the development that has taken place on the floodplain has made the flooding a lot worse than ever before.</p> <p>Every litre of soil is a litre of water that will be pushed to flood other places, and ruin families lives. Before any development takes place, you should be looking at how to detain the extra water that will be pushed toward other people's properties, which was ignored in the Schofields and Marsden Park development plans.</p>	See response to Submissions 1 and 3.	See Section 4.2 of this report.
17	Confidential	Support	100%	See response to Submission 4.	Noted
18	Confidential	Support	I personally cannot wait for harbour views.	Assuming this is a reference to flooding concerns, see response to Submissions 1 and 3. Assuming this is in support, see response to Submission 4.	This submission is in support of the proposed amendments.

No.	Name	Nature of submission	Submission	Proponent's Response	Department of Planning and Environment response
19	Confidential	Support	Riverstone has been held back for an extremely prolonged time. A sensible compromise is clearly needed to have Riverstone thriving again. Small business owners are all struggling, we need action now not later.	See response to Submission 4.	Noted
20	Confidential	Support	With resources given to flood mitigation and infrastructure issues addressed then employment opportunities and local schools should make Riverstone West a pleasant area in which to live. A hospital would make it perhaps ideal.	See response to Submission 4.	Noted

No.	Name	Nature of submission	Submission	Proponent's Response	Department of Planning and Environment response
21	Rosemary Klem	Objection	<p>The current activity on the property is to the detriment of locals, where businesses do not follow development application permissions, such as hours of operation. There also does not seem to be any current controls on this property for the type of activity involved.</p> <p>For the past 20 years there have been petitions and countless complaints from residents, some of whom have had to leave the area based on the activities and hours of operation. Such includes trucks idling and operating at all hours of the day and night, and as a direct result residents are unable to sleep due to low frequency transmission of the refrigerated and truck motors. Anything up to and over 20 idling at a time.</p> <p>Any building structures or roads need to be created with sound proof / reverberating and low frequency absorbing material, respectively. Especially the roads on the property, which are able to absorb the low frequency transmission of the reverberation of the trucks. With the high volume of truck movements on the property this is essential.</p> <p>With the frequency of floods in the area and on the property, it goes without saying that any development on this property is ill-conceived and it is at risk with life of the tenants of the business park.</p> <p>Flood mitigation for this property is only one aspect of the development that is of consideration. The noise controls from this property are of greater importance as it has daily impact on the residents near to the development.</p> <p>No additional structures should be built on this property.</p>	<p>The SEPP amendment will facilitate the development of the precinct, and consequently redevelopment of the existing industrial estate, to current environmental standards.</p> <p>See also response to Submissions 1 and 3.</p>	<p>The types and off-site impacts of current activities within the precinct, including compliance with development approvals, is a matter for Blacktown City Council.</p> <p>Redevelopment of the existing industrial area will allow for improved building design and construction (including noise attenuation), internal road and contemporaneous assessment of conditions of operation relating to matters such as business activities, hours of operation, vehicle movements and noise.</p> <p>See Section 4.2 of this report for response to comments regarding flooding.</p>
22	Confidential	Support	To the personal best of my political knowledge I enthusiastically support the intended amendments.	See response to Submission 4.	Noted
23	Confidential	Support	Great initiative - much needed for the area. Hopefully all levels of government and stakeholders will get it done ASAP.	See response to Submission 4.	Noted



No.	Name	Nature of submission	Submission	Proponent's Response	Department of Planning and Environment response
24	Jonathon Agius	Support	<p>Riverstone is undergoing massive transformation and change and is a strategic hub in the North West Growth Area Plan.</p> <p>Unfortunately, the local infrastructure has not been able to keep at pace with the ongoing population increase, leading to traffic congestion on Garfield Road. Our local schools are also above capacity and our local shopping choices are limited, especially for less mobile residence in the area.</p> <p>The proposed amendments allow for the creation of desperately needed local employment, not only during the construction phase, but well into the long term as new and established business finds its footing in the local area. The economic benefit to Riverstone, Blacktown City and the State of NSW should not be overlooked.</p> <p>Currently the retail and industrial vacancies in Riverstone are at very low levels and there are a number of businesses that are looking to expand into Riverstone but have not yet been able to secure a premises due to the short supply.</p> <p>Furthermore, the development allows for the delivery of the Garfield Road West to Bandon Road Spine Road by-pass. This Spine Road allows for the redirection of heavy vehicles from the town centre precinct providing a safer environment for central Riverstone. Delivery of the Spine Road relieves the traffic pressure from Garfield Road East and West and allows for a considered traffic solution to be delivered to Garfield Road Central.</p> <p>I am supportive of the proposed amendments both as a local resident and a business owner looking to expand from a home office into a retail precinct as my business continues to grow. The Riverstone West precinct is a long awaited critical and missing piece to the future of the North West Growth Area, it has my full support.</p>	See response to Submission 4.	Noted

No.	Name	Nature of submission	Submission	Proponent's Response	Department of Planning and Environment response
25	Charmaine Agius	Support	<p>I am a local business operator working locally in the Riverstone area. Over the last few months I have been trying to secure a permanent business premises as we are fast out growing the temporary facility that we are utilising. Our growth has seen us emerge out of post pandemic and into business recovery at a great pace. I have found that I am competing with other businesses that are wanting to expand into Riverstone and I have missed out on a number of limited opportunities that recently became available.</p> <p>I am supportive of the proposed amendments as this will allow for new opportunities to meet the needs of a range of businesses looking to establish in Riverstone. It will hopefully allow me to secure a permanent business premises that will allow me to continue growing my business and provide much needed local employment. The precinct will bring lots of benefits to the local community.</p> <p>The proposed Spine Road allows for the diversion of heavy traffic off Garfield Road West and provides a safer community. This would be a great benefit to local residence who are frustrated by the traffic congestion in and around Riverstone.</p>	See response to Submission 4.	Noted

No.	Name	Nature of submission	Submission	Proponent's Response	Department of Planning and Environment response
26	Mariam Jundi	Comment	<p>I cannot confirm whether I agree or disagree with proposed amendments as the maps provided have blurry street names, therefore I cannot locate my lands.</p> <p>The lands must be rezoned to at least R1 General Residential to allow vendors to build, occupy the land, to help establish the area and further build infrastructure.</p> <p>Majority of land owners have owned these lands for more than 30 years and have been paying an excessive amount of land tax and council rates. We are unable to make use of the land due to the zoning restrictions, therefore making it unfair for vendors.</p> <p>I have also noticed a few vendors that have illegally built on the land making it unfair for others that are trying to do the right thing. This process has taken way too long.</p> <p>Please release these lands and allow the vendors to make use of them by building and selling. This will provide more affordable accommodation to workers into the community that are currently struggling to purchase in this market.</p>	<p>Comments appear to relate to the scheduled lands and are therefore not relevant to the precinct or the subject SEPP amendment.</p>	<p>This submission relates to properties outside of the precinct and subject to a separate rezoning process.</p>
27	Confidential	Support	<p>The writer has an in-depth knowledge of many of the planning issues affecting Riverstone and supports the project particularly in relation to:</p> <ol style="list-style-type: none"> <li>1. Amendment of the Land Zoning Map by increasing the Business Park Zone to match the Spine Road realignment.</li> <li>2. Additional minor realignments to the Spine Road are also supported.</li> </ol>	<p>See response to Submission 4.</p>	<p>Noted</p>

No.	Name	Nature of submission	Submission	Proponent's Response	Department of Planning and Environment response
28	Confidential	Objection	By granting approval to this development the Department is reducing the flood plains within the Hawkesbury catchment that is impacting on the overall ability in reducing downstream flooding. That has major consequences within the Hawkesbury/Nepean catchment. The Department has no concerns or takes liability to the impact that the overall developments, without consideration of stormwater retention. On a personal note the impacts of the lack of consideration has to date had major financial and aesthetic impacts on our land.	See response to Submissions 1 and 3.  The subject SEPP amendments do not alter the planning controls established in 2009 relating form and scale of development planned for the precinct.	See Section 4.2 of this report.
29	Endeavour Energy	Comments	Endeavour Energy provided advice relating to development application, construction and site use/management matters such as electricity supply, asset relocation, contamination, demolition, easements, safety clearances, vegetation management.	Endeavour Energy guidelines for works within easement areas will be addressed as part any future development application to be submitted to Blacktown city Council. Endeavour Energy will be consulted as required during the design phase.	These matters are not directly relevant to the proposed SEPP amendment and can at addressed at development application, construction and site operation stages.
30	Transport for NSW	Comments	1. TfNSW have no objection to the proposed amendments from the perspective of the HNV Road Resilience Program.	1. Noted.	1. Noted

No.	Name	Nature of submission	Submission	Proponent's Response	Department of Planning and Environment response
	<p><i>This submission summary only addresses matters that are in addition to those already dealt with in Section 5.2 of this report</i></p>		<p>2. Cardno's Flood Assessment (2022) identifies potential increases in local flooding along Riverstone Parade resulting from the proposed development and cut/fill strategy. Riverstone Parade is a Regional/Local Road parallel to the Hawkesbury Valley Way regional evacuation route. The Proponent(s) shall mitigate the increase in local flooding risk through drainage upgrades as part of any development proposal.</p> <p>The flood assessment concludes that "Increases greater than 10mm are observed on adjoining properties. These increases will have to be mitigated to ensure that there are no impacts from the proposed fill pads. There are increases also observed along Riverstone Parade, however these are predominantly stormwater drainage issues and can be resolved by drainage upgrades." Unfortunately, these mitigating works are not described anywhere. Therefore, the Proponent(s) should include mitigation strategies to mitigate the impact in the development proposal(s).</p> <p>3. The flood assessment was undertaken using ARR1987. Cardno has identified that for a nearby project, a comparison of flows from ARR2019 v ARR1987 showed that ARR2019 flows were up to 20% lower than ARR1987, and hence adoption of ARR1987 is conservative. However, there is still potential for results to change if ARR2019 was adopted for the precinct.</p>	<p>2. This will be addressed as part of any future development application, as relevant.</p> <p>3. The conservative approach taken by Cardno is considered appropriate and preferred to the alternate approach that adopts a lesser flood frequency analysis.</p>	<p>2. This can be addressed as part of any future development application via improvements to drainage infrastructure.</p> <p>The flood impact assessments undertaken by Cardno and Advisian are high level assessments with their primary roles being to demonstrate that an acceptable development outcome is possible and to inform the proposed SEPP amendments.</p> <p>The flood impact assessments are not intended to represent the final form or impact of all possible future development scenarios. They are not to be construed as defining a specific cut and fill strategy for future development applications or approving actual cut and fill earthworks.</p> <p>Future development applications may propose alternative cut and fill strategies. Whatever the future proposal may be, the resultant business and industrial development will be confined to land zoned for such purposes and the impacts on flood behaviour, in particular flood levels, external to the precinct will need to comply with the amended section 3.27 and the DCP. This will include the submission of a detailed Floodplain Management Strategy, a Cut and Fill Plan and a Flood Emergency Response Plan.</p> <p>3. The provisions of section 3.27 do not specify which ARR series is to be used for flood modelling and it is not appropriate that a SEPP include such detail.</p> <p>Use of the appropriate ARR series is a matter for the relevant consent authority and at present Blacktown City Council has supported the use of ARR 1987 over ARR 2019.</p> <p>Flood impacts of the modelled scenarios could change (positively or negatively) if ARR 2019 is used however the development would still need to demonstrate compliance with section 3.27.</p>

No.	Name	Nature of submission	Submission	Proponent's Response	Department of Planning and Environment response
			<p>4. The Cardno flooding assessment did not mention how the change in the local flood catchment (as a result of development in Riverstone) changes flood behaviour. It also did not model any future climate risks (i.e. sea level rise or climate change) impacts on the precinct. These changes may possibly mean that the 1 in 100 year flood level that the precinct development aims for may not be correct.</p>	<p>4 The SEPP amendments do not propose any change to the flood planning levels currently applying to the precinct.</p>	<p>4. Cardno's assessment was based on existing conditions with allowance for the proposed upgrading of Garfield Road West and Bandon Road.</p> <p>The SEPP amendments do not propose any change to the flood planning levels currently applying to the precinct.</p> <p>The DCP contains provisions relating to climate change including the following development control in section 4.3.2:</p> <p>2) <i>The minimum fill level must be above the existing climate flood level (100 year Annual Recurrence Interval (ARI)) and the floor level of a habitable room must be a minimum of 300 millimetres above the future climate flood planning level, for commercial and industrial development. The future climate flood planning level will be determined through the Floodplain Management Strategy as described in Appendix C of this DCP. All buildings are to be constructed with a minimum floor level of 17.9 metres AHD.</i></p>
			<p>5. It is not clear if the Spine Road remains "flood free" to facilitate evacuation from the precinct.</p>	<p>5. The northern end of the Spine Road will be located above the PMF and will provide flood free access to Bandon Road which connects with a regional evacuation route.</p> <p>A Flood Emergency Response Plan will be provided with future development applications as required. This will reduce risks associated with existing industrial development in the precinct.</p>	<p>5. The northern end of the Spine Road will be located above the PMF and will provide flood free access to Bandon Road which connects with a regional evacuation route.</p>

No.	Name	Nature of submission	Submission	Proponent's Response	Department of Planning and Environment response
			<p>6. TfNSW raises concerns with the southernmost filling pad site as it will be impacting Garfield Road West, Garfield Road Central and the existing Riverstone Rail station. TfNSW will require further information (in the future) in order to understand how will:</p> <ul style="list-style-type: none"> <li>- the filling occur against the existing rail tracks and the station. The existing station is at around 14m AHD which is approx. 3m lower than the proposed finished filling pad level, will there be stairs to and / or ramps to the Rail Station from the Riverstone West development? Will the filling be benched or will there be a retaining wall?</li> <li>- how does the filling pad transition to the existing Gafield Road West? (Note: At Denmark Road, Garfield Road West is at approx. 9m AHD).</li> <li>- how are the proposed roads within the Riverstone West precinct modified to match to the current and future Garfield Road West and Central? (i.e. for example if the Spine Road is constructed prior to the upgrade of Garfield Road West, there will be an approx. 8m level difference).</li> </ul> <p>We note that these are detailed design questions, but note that this precinct relies on raising the existing ground levels. As a result of the Riverstone West precinct changes, TfNSW currently seeks greater clarity to better understand the impacts on the current and future infrastructure.</p>	<p>6. Temporary and final transitions between fill levels required by the DCP and surrounding existing and future infrastructure will be addressed as part of future development applications and does not arise as a consequence of the proposed SEPP amendments. This could include staging of filling to accommodate both the existing and future level of Garfield Road.</p>	<p>6. These matters can be dealt with via direct discussion between Sakkara and TfNSW and as part of future development application preparation and assessment.</p>
			<p>7. Whilst not part of the current exhibited changes, TfNSW notes that Figure 15 of the DCP proposes several signalised intersections along the Spine Road. TfNSW believes that the northern most proposed signalised intersection is unlikely to meet the traffic signal warrant requirements and it would be better for the DCP to illustrate this as "Intersection Treatment to be Determined", noting that if the warrant requirements for Traffic Signals cannot be met then the developer would need to consider the implementation of alternative intersection treatments (i.e. roundabout or priority control).</p>	<p>7. Noted. This can be addressed as part of future relevant development applications and does not arise as a consequence of the proposed SEPP amendments.</p>	<p>7. This can be addressed as part of future relevant development applications</p>

No.	Name	Nature of submission	Submission	Proponent's Response	Department of Planning and Environment response
31	Urbis Pty Ltd on behalf of the Marsden Park North Precinct Acceleration Protocol Group (PAP Group)	Comments	Further time is required for the PAP Group, in consultation with the Department, to carefully consider the following:		
			1. By enabling 'modelling tolerances' to be considered as part of future development within the precinct, what does that mean for 'neighbouring properties' external to the precinct (i.e. properties within the Marsden Park North precinct)?	The precinct was rezoned in 2009 for urban development purposes. Potential flood impacts under current conditions have been independently reviewed in conjunction with the proposed SEPP amendments, which concluded the precinct could be developed with no external flood impacts.	1. See Section 4.3 of this report.
			2. Flood planning and assessment for the Marsden Park North precinct to date has assumed no change in condition at Riverstone West. What do these changes mean for the future precinct planning considerations for Marsden Park North?		2. The SEPP amendments do not propose any change to the flood planning levels currently applying to the Marsden Park North precinct.
			3. Which alignments for Bandon Road (which largely traverses the adjoining PAP Group Landholdings) and Garfield Road West works have been assessed?	The assessment took into consideration possible impacts associated with the proposed Bandon and Garfield Road upgrades as advised by TfNSW.	3. TfNSW's current proposed alignments for Bandon Road and Garfield Road West were included in the flood impact assessments.
			4. What comments are made by Transport for NSW as part of their review of the subject exhibition material?	Refer to Submission 30 in regard to TfNSW comments.	4. See submission 30 and section 5.2 of this report.
			5. The PAP Group requests a satisfactory response to the above matters prior to finalising any amendments to section 3.27 of the Central River City SEPP and the Western Parklands City SEPP.		5. Noted
32	Leamac Property Group	Support	Leamac Property Group supports, in principle, the development of the precinct, a critical employment precinct located in the North West Growth Area of Sydney, where the NSW Government has invested billions in infrastructure to realise housing and employment.		Noted
			Leamac Property Group would like to highlight the two pathways in which the desired development outcome at Riverstone West can be realised.		



No.	Name	Nature of submission	Submission	Proponent's Response	Department of Planning and Environment response
			<p>Option 1 – Development under proposed amendment currently on exhibition. Leamac would support this on the basis that there were not negative offsite impacts on our land. Accordingly, we would need to have our expert review the flood model and make comment as per the proponent group submission.</p>		<p>See Sections 4.2 and 4.3 of this report.</p> <p>The request for access to the flood model was received after the close of the exhibition period.</p> <p>The flood impact assessments undertaken by Cardno and Advisian are high level assessments with their primary roles being to demonstrate that an acceptable development outcome is possible and to inform the proposed SEPP amendments.</p> <p>The flood impact assessments are not intended to represent the final form or impact of all possible future development scenarios. They are not to be construed as defining a specific cut and fill strategy for future development applications or approving actual cut and fill earthworks.</p> <p>Future development applications may propose alternative cut and fill strategies. Whatever the future proposal may be, the resultant business and industrial development will be confined to land zoned for such purposes and the impacts on flood behaviour, in particular flood levels, external to the precinct will need to comply with the amended section 3.27 and the DCP. This will include the submission of a detailed Floodplain Management Strategy, a Cut and Fill Plan and a Flood Emergency Response Plan.</p>

No.	Name	Nature of submission	Submission	Proponent's Response	Department of Planning and Environment response
			<p>Option 2 – Development achieved under the existing controls. The development outcome for Riverstone West can be delivered now without the need to amend the current controls, bringing economic benefits to the north west immediately. Given that the outcome envisaged by the current controls applying to Riverstone West are reliant on Leamac's land holdings, we remain open to collaborating with the proponents of Riverstone West to realise the development of the precinct</p>	<p>The development of the precinct as envisaged by the original rezoning of the precinct cannot proceed without an amendment to the existing SEPP. This is because of a technical interpretation of section 3.27 by the LEC.</p> <p>At the time of rezoning, the Leamac land holding in the Marsden Park North precinct was held in common ownership with precinct but this subsequently ceased to be the situation. The Marsden Park North is not yet zoned for urban purposes and remains subject to the outcome of a precinct planning process.</p> <p>The flood modelling independently undertaken for the Department in association with the proposed SEPP amendments, concluded that the precinct could be developed as planned within no external flood impacts, independently of the Leamac land holding. The proposed SEPP amendments will remove any reliance on the Leamac land holding by the development of the precinct.</p>	<p>The current wording of section 3.27(2)(b) is an unreasonable and unnecessary barrier to achieving the planned development outcome for the precinct.</p> <p>The flood impacts assessment undertaken by Cardno and Advisian did not include the "cut" site on Leamac's land. The assessments show that, when allowing for flood modelling sensitivity tolerances, an acceptable development outcome in terms of impacts on adjoining lands is achievable. Hence, development of the precinct is not reliant on the Leamac's cut site.</p>