



Professor Mary O'Kane AC
Chair
Independent Planning Commission
GPO Box 3415
SYDNEY NSW 2001

Dear Professor O'Kane

Prestons Industrial Estate (SSD 7155 MOD 5)

Please find attached a response to matters raised by the Independent Planning Commission during its consideration of the above application.

The response seeks to clarify matters raised in relation to development contributions plans and the 2014 Interim Stormwater Report. In responding, the Department reaffirms its conclusions and recommendations presented in the Assessment Report dated 3 July 2019.

Yours sincerely


Chris Ritchie 25/9/19
Director
Industry Assessments

**Attachment A: Questions on Notice – Independent Planning Commission
Prestons Industrial Estate – SSD 7155 MOD 5**

- 1. Is there an obligation of Council to update their contributions plan and budget?**
 - The *Development Contributions Practice Notes* (practice notes) dated July 2005 (Department of Infrastructure Planning and Natural Resources, 2005) provides best practice guidance to councils on the amendment and review of contributions plan. The practice notes are not legally binding.
 - The practice notes outline that a plan may be:
 - amended for minor typographical corrections and updating contributions rates, but would not need to be repealed
 - reviewed, which may or may not extend the life of the plan, and which leads to the repeal of the plan.
 - The *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) sets the parameters for the amendment and review of a development contributions plan.
 - Clause 33A(1) of the EP&A Regulation requires a council to keep a development contributions plan under review. If a review date is specified in the plan, council is to review that plan by that date.
 - The Liverpool Contributions Plan 2009 states the contributions plan would be reviewed on a regular basis but the plan did not specify a review date.
 - It is the Department's understanding that the contributions plan has not been updated since December 2010.

- 2. Could the Department please provide the Commission with a copy of the 2014 Interim Stormwater Report to assist with its consideration of the application?**
 - Please see **Attachment B**

- 3. The Commission would also like clarification of:**
 - a) whether the drainage works, as approved/constructed reflect the design/layout of the 2014 Interim Stormwater Report**
 - The 2014 Interim Stormwater Report is a local flood study commissioned by Liverpool City Council which included flood modelling and a revised drainage strategy to mitigate flooding issues within the Prestons industrial area.
 - The 2014 Interim Stormwater Report found the:
 - site is subject to flooding during the 1% and 10% Annual Exceedance Probability event via an overland flow path which runs from south to north through the site before discharging to existing trunk drainage culverts under Bernera Road
 - stormwater infrastructure planned along Bernera Road under Council's Contributions Plan would only convey peak flows to a location further downstream rather than attenuating local flooding impacts.
 - To manage overland flows, the 2014 Interim Stormwater Report recommended a revised drainage strategy which involved the construction of a large regional bioretention basin in the south eastern corner of the site and culverts along Bernera Road.
 - However, it appears that Council's contributions plan was not updated to reflect the revised drainage strategy recommended in the 2014 Interim Stormwater Report.
 - The Applicant's Overland Flow Assessment, which was prepared as part of the original development application, relied on the 2014 Interim Stormwater Report to validate the flood models for pre-development flooding conditions.
 - However, the Applicant's proposed drainage design did not adopt the revised drainage strategy identified in the 2014 Interim Stormwater Report, because the development site layout required the use of the south-eastern corner of the site where the bioretention basin would have been located.
 - The Applicant and Council subsequently agreed on a final drainage design for conveying stormwater through the site to the Bernera Road culvert system, which involved the use of an open swale along Bernera Road instead of culverts.
 - The Applicant's Overland Flow Assessment confirmed the final drainage design would not increase flood effects downstream of the site and would achieve the same outcomes as the revised drainage strategy recommended in the 2014 Interim Stormwater Report.

- In its assessment of the original application, the Department was satisfied the Applicant's final drainage design would not result in additional flooding impacts.

b) the difference (if any) between the predicted cost of the 2014 Interim Stormwater and 2009 Contribution Plan works.

- The Department notes the 2014 Interim Stormwater Report included a comparison of the preliminary costs of the revised drainage strategy identified in the 2014 Interim Stormwater Report and the 2009 contributions plan works.
- The 2014 Interim Stormwater Report indicated the revised drainage strategy would be more cost effective than the works identified in the contributions plan, with an estimated reduction in construction costs to Council and any future developers by around \$2.4 million.
- The Department, however is unable to provide accurate cost estimates as it does not have access to Council's development contributions rates, including the Consumer Price Index and land value rates to determine the costs.
- The Department suggests this question be redirected to Council or the Applicant for a response.

Attachment B: 2014 Interim Stormwater Report