Department of Climate Change, Energy, the Environment and Water

Your ref: SSD-71687208
Our ref: DOC24/881734

Rodger Roppolo
Senior Planning Officer
Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy St
Parramatta NSW 2150

27 November 2024

Subject: Request for Advice - EIS - Mowbray Road, Lane Cove North, Affordable Housing (SSD-71687208)

Dear Rodger,

Thank you for your referral received 25 October 2024, requesting advice from the Biodiversity, Conservation and Science Group (BCS) of the NSW Department of Climate Change, Energy the Environment and Water (DCCEEW) on the State Significant Development Application (SSD-71687208) located at 618-624 Mowbray Road and 25-29 Mindarie Street, Lane Cove North.

BCS has reviewed the EIS prepared by FPD Planning (dated 8 October 2024) and accompanying technical reports and provides its comments and recommendations at Attachment A.

Should you have any queries regarding this matter, please contact Rachel Walker, Senior Conservation Planning Officer via rachel.j.walker@environment.nsw.gov.au.

Yours sincerely,

Louisa Clark
Director, Greater Sydney Branch
Regional Delivery
Biodiversity Conservation and Science Group

Attachment A

BCS comments on the Environmental Impact Statement for Mowbray Road, Lane Cove North, Affordable Housing (SSD-71687208)

Flood Risk Management

In preparing this advice BCS has reviewed the following documents:

- Environmental Impact Statement prepared by FPD Planning dated 8 October 2024
- Stormwater management and flood impact risk assessment by WSP dated 3 October 2024 Revision 3.

It is noted that the proposed building density is consistent with the existing zoning in this location. The building site is not impacted by riverine flooding however is in an area impacted by overland flooding. A large 525 mm trunk drainage pipe passes diagonally across the subject site and requires relocation to construct the proposed development.

The pipeline is proposed to be moved around the western side of the building and the overland flow path similarly relocated. A concept design for the pipe has been provided in the WSP report and this design is supported by flood impact modelling.

Both the pipe and the flow path will be much closer to boundaries than the previous infrastructure and the overland flow path is highly constrained.

The provided modelling declares that a maximum of 20 mm adverse impact occurs on adjacent roadways in the 1% AEP event however the impact on adjacent properties is not stated and difficult to determine from the provided mapping.

BCS has the following concerns:

1. **SEARs Requirements**	• The flood assessment outlined in the stormwater management and flood impact risk assessment (WSP, October 2024) does not satisfy the requirements of clause 15 of the project's SEARs. The SEARs require the proponent to undertake a flood impact and risk assessment (FIRA) in accordance with the Flood Impact and Risk Assessment – Flood Risk Management Guide LU01. • The flood assessment undertaken by WSP does not provide the basic information to provide sound understanding of flood behaviour, flood risk and constraints at the vicinity of the project and its surrounding for the full range of flooding, up to and including the probable maximum flood (PMF). **Recommendation 1** The flood assessment should be amended in accordance with the Flood Impact and Risk Assessment Guideline LU01. The reporting and deliverable requirements of the FIRA should be guided by Appendix A of the Guideline.
2. **Modelling Parameters and methods**	• The flood modelling does not state Mannings n values used in the study except for treatment of roads and landscaping. Very limited detail is given for modelling parameters and no detail is given for how pit/pipe blockage has been considered. A rough catchment plan is provided however flow rates and model types used are not disclosed. BCS is not able to determine if the modelling is fit for purpose based on output maps only. • It is unclear how the pipe and the onsite detention system are included in the model.

	• It is noted that a Drains model has been prepared for the hydrology assessment. No details of the inputs or outputs of the Drains model have been provided. **Recommendation 2** Modelling parameters need to be provided for assessment. Full details of modelling parameters together with updated model results clearly showing site boundaries and building footprints are to be provided. Mannings roughness used in the model must reflect surface treatments required in the flow path.
3. **Inconsistency in flood report:**	• The pipe configuration shown on the Enstruct Drawing Rev02 in the flood report appears to different to that shown on the flood model. • The landscaping plan in the EIS indicates significant tree planting along the western boundary and along the area adjacent to 31-29 Mindarie Street. This area is required to become a constructed flow path and is shown as high hazard, H5 to H6 which will require armouring to resist erosion. Planting in this area is unlikely to be feasible. Similarly, the remainder of the landscaping does not account for the need to manage overland flow. **Recommendation 3** Inconsistencies in provided information need to be resolved. The relocated pipe will impose significant constraints on the landscaping arrangements on the site. A detailed overland flow path including requirements for surface treatment to prevent erosion will need to be developed.
4. **Impacts on property held by others**	• It is not possible on the flood model outputs diagrams, in particular the afflux diagram to tell where the building footprint is or where the site boundaries are. There appear to be impacts outside the site boundary. • Impacts outside of the site boundaries are shown in broad level ranges on the key to the afflux mapping. Impacts greater than 10 mm are generally not accepted if they occur on public property or on land owned by others. Pooling of impacts from 20 mm to 100 mm is a broad range and has different consequences. A table showing impact at key locations would be helpful for interpreting results. • The overland flow path requires significant regrading to ensure that the flow path can be contained on the development site. No details are given regarding how this will be achieved or how this will fit into the landscaping. The boundary between the development site and the rear of 31-39 Mindarie Street where the pipe and flow path are required to turn a corner is particularly vulnerable to offsite overflow. **Recommendation 4** Mapping needs to be provided at larger scale and separate impacts into tighter categories or provide a table of impacts at key locations. Broad range of impacts in one colour band does not allow assessment of impact. Design should be adjusted to achieve 10 mm offsite impact.

5. **Requirement for access for maintenance and reconnection of existing pipework is unclear**	• The relocated pipework is required to be contained within a 2.5 m wide easement for maintenance by Council. It is unclear how this has been accommodated in the landscaping plan and part of the pipework passes under the corner of the building where concrete encasement is proposed. • For the existing case pipework is shown entering the existing pipe from a westerly direction towards the rear boundary of the adjoining site (31-29 Mindarie Street). It is not shown how this connection is made in the diverted pipe system. **Recommendation 5** Council stormwater engineers should be consulted regarding easements and access to ensure this can be achieved. Engineering requirements for the flow path and pipe infrastructure will then need to be co-ordinated with the landscape design to see how much of the commitments to tree planting and soft landscaping can still be achieved.
6. **Protection of proposed development from overland flow**	• No details are provided regarding how buildings and basement are protected from flows in the street or in the overland flow path. **Recommendation 6** Tabular presentation of protection from flood water ingress at key locations would be helpful. Flood level with respect to finished floor levels and basement entry points is required for 1% and PMF floods.
7. **Flood Emergency Management**	• The flood assessment does not provide information for flood events rarer than the 1% AEP. Accordingly, BCS is not able to assess the emergency management constraints associated with this project in extreme events up to and including the PMF. **Recommendation 7** The required FIRA should provide information on existing and post-development condition on flood depth and hazard at the vicinity of the project and access streets including Hatfield Street, Mindarie Street and Mowbray Street. The FIRA should address any potential risk of isolation, risk that may be faced by the itinerant population and how these risks can be managed. Consultation with the State Emergency Service is recommended.
Extent and Timing	Prior to determination.

Biodiversity

BCS has undertaken the review without access to the case in the BAM-C. Once the case is finalised, the assessor must 'submit to consent authority' in the BAM-C, the consent authority in this case being 'Greater Sydney – Compliance & Regulation'. BCS has also undertaken this review without access to relevant spatial data.

Whilst a review was still able to be adequately undertaken without the shapefiles for this project, it is requested that all future projects have the shapefiles provided to avoid potential delays or refusal.

The following comments are provided in relation to the Biodiversity Development Assessment Report (BDAR) prepared by Cumberland Ecology dated 4 October 2024:

- It is noted that there are design changes that have not been considered with the addition of a rock channel for flood management.
- The BDAR refers to 0.06ha of PCT 3136, conforming to the critically endangered ecological community (CEEC) Blue Gum High Forest (BGHF), being cleared, and 0.02 being retained but modified, for a total of 0.08ha on the subject land, which is the entirety of PCT 3136 on the subject land. The BAM Credit Summary Report attached in the report has input 0.08ha to be cleared, generating 1 ecosystem credit, therefore even if there are changes to the vegetation clearance to accommodate the rock channel, it would not significantly alter the impact to the CEEC BGHF, or the total credits required.
- The rest of the report has provided adequate information, and no further information is required.

End of Submission