

## Acquisition of Trunk Drainage Land within Rouse Hill Development Area, Stages 1 to 4

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### 1. Overview

#### 1.1. Objective

The objective of this policy is to set out Sydney Water's priorities for acquisition of Trunk Drainage Land within the Rouse Hill Development Area.

#### 1.2. Scope

Sydney Water is designated as the Acquisition Authority for certain land that is identified for Trunk Drainage purposes within the Rouse Hill Development Area, Stages 1 to 4. This land is zoned 5(a) (Special Uses - Trunk Drainage) by the Blacktown and Baulkham Hills Shire Local Environmental Plans.

This policy applies to land required by Sydney Water for trunk drainage purposes along Smalls, Second Ponds, Caddies, Strangers, and Elizabeth Macarthur Creeks and their tributaries within the Rouse Hill Development Area Stages 1 to 4.

#### 1.3. Policy

Sydney Water will determine whether it wishes to proceed with any acquisition of Trunk Drainage Land at a point in time based on the criteria outlined in this policy.

The owner of any land for which Sydney Water is nominated as the Acquisition Authority may at any time approach Sydney Water to request that Sydney Water initiate Voluntary Acquisition.

Sydney Water acknowledges its obligations and where relevant, will apply the hardship provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*, as applied by section 27(3) of the *Environmental Planning and Assessment Act 1979*.

If Sydney Water does not require the land at that point in time and the hardship tests are not met by the landowner, Sydney Water will not acquire the land.

If a landowner wishes to establish or modify a subdivision layout, Sydney Water will review and confirm the extent of the land required for trunk drainage purposes. Sydney Water will advise the landowner and Council if there are any changes to the extent of land required for trunk drainage purposes.

#### 1.4. Criteria

Sydney Water will use the following criteria to determine whether it wishes to proceed with the acquisition of any land zoned for Trunk Drainage Purposes at any point in time. The ultimate decision is at Sydney Water's discretion given the circumstances at the time.

1. The land provides flood conveyance and/or floodplain storage based on up to date modelling of flood behaviour within the catchment.

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2. The land contains Sydney Water Trunk Drainage Infrastructure.
3. Sydney Water has plans to undertake Trunk Drainage Works on the land within the next 2 to 3 years.
4. Sydney Water is likely to need to undertake Trunk Drainage Works on the land to address unacceptable flood risks to public areas or infrastructure.
5. Acquisition of the land would significantly improve access by Sydney Water to and along the Trunk Drainage Land for maintenance purposes.
6. Sydney Water may include small areas of land ancillary to that required for flood storage or flood conveyance in the area to be acquired if it assists in the orderly roll out of infrastructure and development of lots.
7. The land is close to land already owned, or to be owned, by Sydney Water and its acquisition would enable more effective and efficient debris management, weed control, fire risk reduction and bush regeneration.
8. Any other matters that are relevant to achieving the outcomes that Sydney Water is obliged to deliver as Trunk Drainage Authority.

## 2. Context

### 2.1. Definitions

Term	Definition
Acquisition Authority	As per Local Environmental Plans.
ARI	Annual Recurrence Interval – this is used to describe the probability of an event, for example a 1:5 year ARI flow is a flow that would on average be expected to occur once every 5 years.
Rouse Hill Development Area	As per Sydney Regional Environmental Plan 19.
Trunk Drainage (definition specific to Rouse Hill Development Area only)	Stormwater infrastructure, including major drains and waterways conveying more than 5 cubic metres a second of stormwater in a 1:5 year ARI event.
Trunk Drainage Authority	Authority responsible in the Rouse Hill River Management Area for the management of Trunk Drainage in order to provide stormwater drainage, flood conveyance, floodplain storage, and stormwater quality improvement.
Trunk Drainage Land	Land required to exercise the role of Trunk Drainage Authority, and generally within the 1:100 year ARI flood extents.

### 2.2. References

Document type	Title
Legislation	<i>Sydney Water Act 1994</i> – section 47 gives Sydney Water the power to acquire land.
	<i>Land Acquisition (Just Terms Compensation) Act 1991</i> – sets out Sydney Water's obligation to acquire land designated for acquisition, and the process for owner-initiated acquisition in cases of hardship.
	<i>Environmental Planning and Assessment Act 1979</i> – provides for the designation of land for acquisition through environmental

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	<p>planning instruments, and makes such acquisitions subject to the hardship provisions in the Land Acquisition (Just Terms Compensation) Act.</p> <p>Blacktown Local Environmental Plan 1988 – clause 17 places the obligation on the landowner to approach Sydney Water to acquire land that is zoned 5(a) (Special Uses - Trunk Drainage).</p> <p>Baulkham Hills Local Environmental Plan 2005 – clause 42 places the obligation on the landowner to approach Sydney Water to acquire land that is zoned 5(a) (Special Uses - Trunk Drainage).</p> <p>Sydney Regional Environmental Plan 19 - Rouse Hill Development Area – defines the boundary and planning objectives of the Rouse Hill Development Area.</p>
<b>Policies and procedures</b>	Nil
<b>Forms and checklists</b>	Nil
<b>Other documents</b>	Pricing Regulatory Strategy project examining Sydney Water’s obligations regarding Sydney Water acquisition of Trunk Drainage Land and hardship provisions.

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