

Item No: R4 Recommendation to Council
Subject: **ADVICE OF THE WOOLLAHRA LOCAL PLANNING PANEL - PLANNING PROPOSAL - PADDINGTON FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN 2019**
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File No: 20/6484
Reason for Report: To report on the advice made to Council by the Woollahra Local Planning Panel.

To obtain Council's approval to proceed with the planning proposal to amend the Flood Planning Map of Woollahra Local Environmental Plan 2014 based on the adopted Paddington Floodplain Risk Management Study and Plan 2019.

Recommendation:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 5 December 2019.
- B. THAT the planning proposal attached at **Annexure 1** of the report to the Environmental Planning Committee meeting of 3 February 2020, be forwarded to the Department of Planning, Industry and Environment with a request for a gateway determination to allow public exhibition.
- C. THAT Council request the Minister for Planning and Public Spaces authorise Council as the local plan-making authority in relation to the planning proposal, to allow it to make the local environmental plan, under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

1. Background:

On 9 September 2019 Council adopted the Paddington Floodplain Risk Management Study and Plan (FRMSP). One of the recommendations identified in the Paddington FRMSP is that Council's Flood Planning Maps are updated to recognise the updated flood information generated as part of the study (p. 113, Paddington FRMSP).

Due to the size of the document, the adopted Paddington FRMSP has not been attached to this report. A copy can be found at the following link:

https://www.woollahra.nsw.gov.au/environment/water_and_coast/our_projects/floodplain_management/paddington_catchment_area

On 28 October 2019 the *Environmental Planning Committee* considered a report on this matter (see **Annexure 2**) and on 11 November 2019, Council resolved:

- A. *THAT a planning proposal be prepared to amend the Flood Planning Map of Woollahra Local Environmental Plan 2014 based on the adopted Paddington Floodplain Risk Management Study and Plan 2019.*

- B. *THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice.*
- C. *THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.*

2. Woollahra Local Planning Panel advice

A planning proposal was prepared to amend the Flood Planning Map of Woollahra Local Environmental Plan (LEP) 2014 based on the adopted Paddington FRMSP. On 5 December 2019 the Woollahra Local Planning Panel (Woollahra LPP) considered a report on the planning proposal (see **Annexure 3**). At that meeting the Woollahra LPP provided the following advice:

*THAT the Woollahra Local Planning Panel advises Council that it supports the planning proposal at **Annexure 1** to amend the Flood Planning Map of Woollahra Local Environmental Plan 2014 based on the adopted Paddington Floodplain Risk Management Study and Plan 2019.*

As a consequence, *Part 1.1 Background* of the planning proposal attached at **Annexure 1** was amended to make reference to the advice of the Woollahra LPP from 5 December 2019.

3. Next steps

Subject to the Council's decision, the planning proposal will be referred to the Department of Planning, Industry and Environment (the Department) for a gateway determination. This will allow the planning proposal to be placed on public exhibition.

The public exhibition of the planning proposal will be undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000* and the gateway determination issued by the Department as delegate for the Minister. The gateway determination will specify the minimum duration of the public exhibition period. This period is usually a minimum of 28 days, which is consistent with Council's standard practice for the exhibition of a planning proposal.

Public notification of the exhibition will comprise:

- A weekly notice in the local newspaper (the Wentworth Courier) for the duration of the exhibition period.
- A notice on Council's website.
- A letter to the land owners of the additional properties identified to be included in the flood planning area.
- Local community and business groups, including The Paddington Society.

To streamline the plan-making process, the Minister can delegate plan-making powers to Council for routine matters. In this case, Council may request authorisation to exercise the functions of the Minister to make an LEP under section 3.36 of the Act. Part C of the recommendation of this report deals with this request.

4. Conclusion

On 5 December 2019 the Woollahra LPP provided advice to Council that it supports the planning proposal to amend the Flood Planning Map of Woollahra LEP 2014 based on the adopted Paddington Floodplain Risk Management Study and Plan 2019.

The Council may now proceed with referring the planning proposal to the Department requesting a gateway determination to allow public exhibition.

Annexures

1. Planning Proposal - Paddington Floodplain Risk Management Study and Plan 2019 [↓](#) 
2. Report to the EPC meeting of 28 October 2019 - Paddington Floodplain Risk Management Study and Plan 2019 (Annexures removed) [↓](#) 
3. Report to the Woollahra LPP meeting of 5 December 2019 - Paddington Floodplain Risk Management Study and Plan 2019 (Annexures removed) [↓](#) 