

## Planning and Assessment

IRF20/899

### Gateway determination report

<b>LGA</b>	Woollahra
<b>PPA</b>	Woollahra Municipal Council
<b>NAME</b>	Amendment to the Flood Planning Maps of the Woollahra Local Environmental Plan 2014 to implement the recommendations of the Paddington Floodplain Risk Management Study and Plan 2019 (0 homes, 0 jobs)
<b>NUMBER</b>	PP_2020_WOOLL_002_00
<b>LEP TO BE AMENDED</b>	Woollahra Local Environmental Plan 2014
<b>ADDRESS</b>	837 properties in Paddington, Edgecliff and Woollahra
<b>DESCRIPTION</b>	Various ( <b>Attachment E</b> )
<b>RECEIVED</b>	13 February 2020
<b>FILE NO.</b>	IRF20/899
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required.
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal.

## 1. INTRODUCTION

### 1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to amend the Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) by adding 837 properties (**Attachment E**) to the Flood Planning Maps. The identification of these properties was based on the Paddington Floodplain Risk Management Study and Plan 2019 (Paddington FRMSP) (**Attachment F**) adopted by Woollahra Municipal Council on 9 September 2019.

### 1.2 Site description

The planning proposal applies to 837 properties in Paddington, Edgecliff and Woollahra bound by New South Head Road to the north, Oxford Street to the south-west, Ocean Street to the east and Boundary Street to the north-west (**Figure 1 and Attachment D**). The study area includes the Paddington Heritage Conservation Area.

The study area is zoned mostly R2 Low Density Residential characterised by mainly two-storey Victorian terraces with infill single and two-storey dwellings. The area also contains sections of R3 Medium Density Residential (**Figure 5**).

The study area also encompasses a range of facilities that service vulnerable members of the community, such as, schools, hospitals, childcare centre and aged care facilities. These facilities include the Presbyterian Aged Care Centre in

Paddington, Goodwin Village retirement centre in Woollahra and Sydney Grammar School Preparatory and the Eastern Suburbs Medical Service in Edgecliff.



**Figure 1:** Aerial photograph of the subject study area (Source: Council, Near Maps)

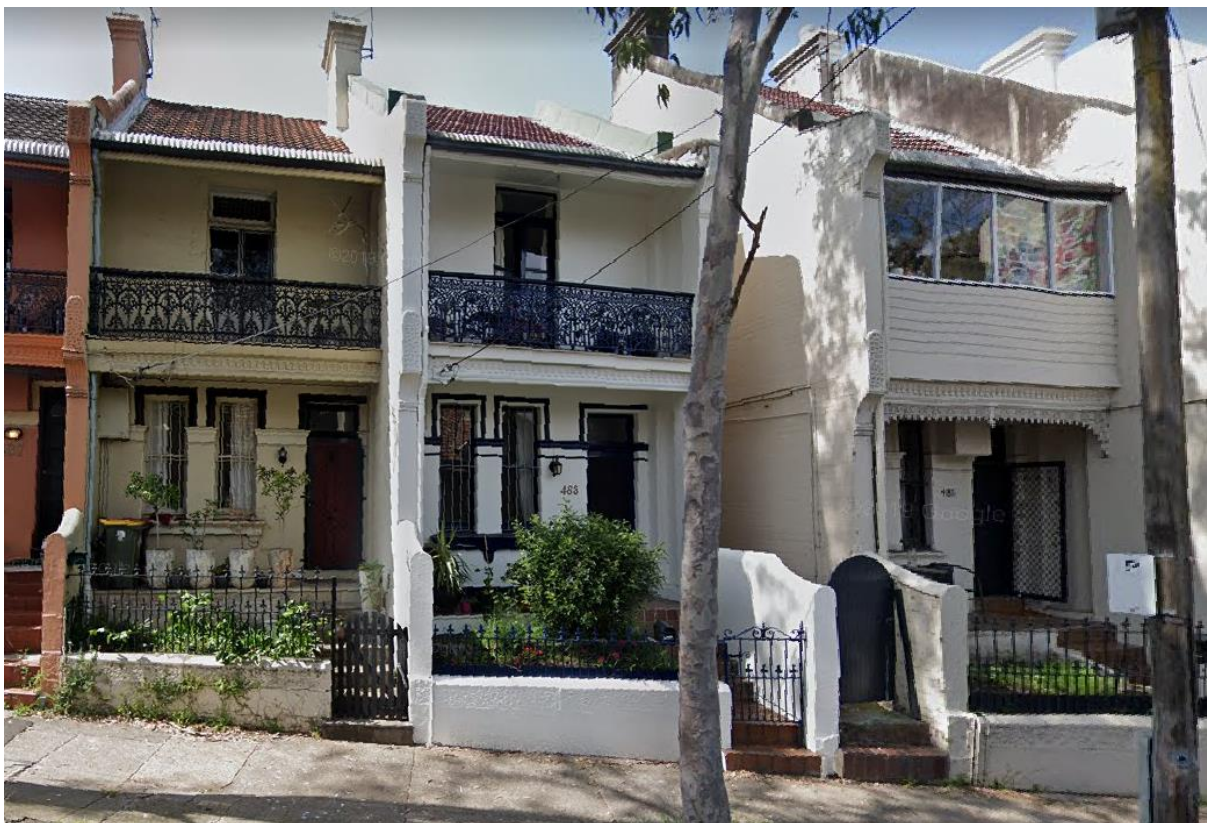


**Figure 2:** Sutherland Avenue, part of the proposed flood planning area (Source: Google Maps)





**Figure 3:** The lower section of north Hampden Street, part of the proposed flood planning area. The block of residential flats at the end of Hampden Street experiences significant flooding in heavy rain events. (Source: Google Maps)



**Figure 4:** Hampden Street, Paddington. Part of the existing flood planning area. (Source: Google Maps)

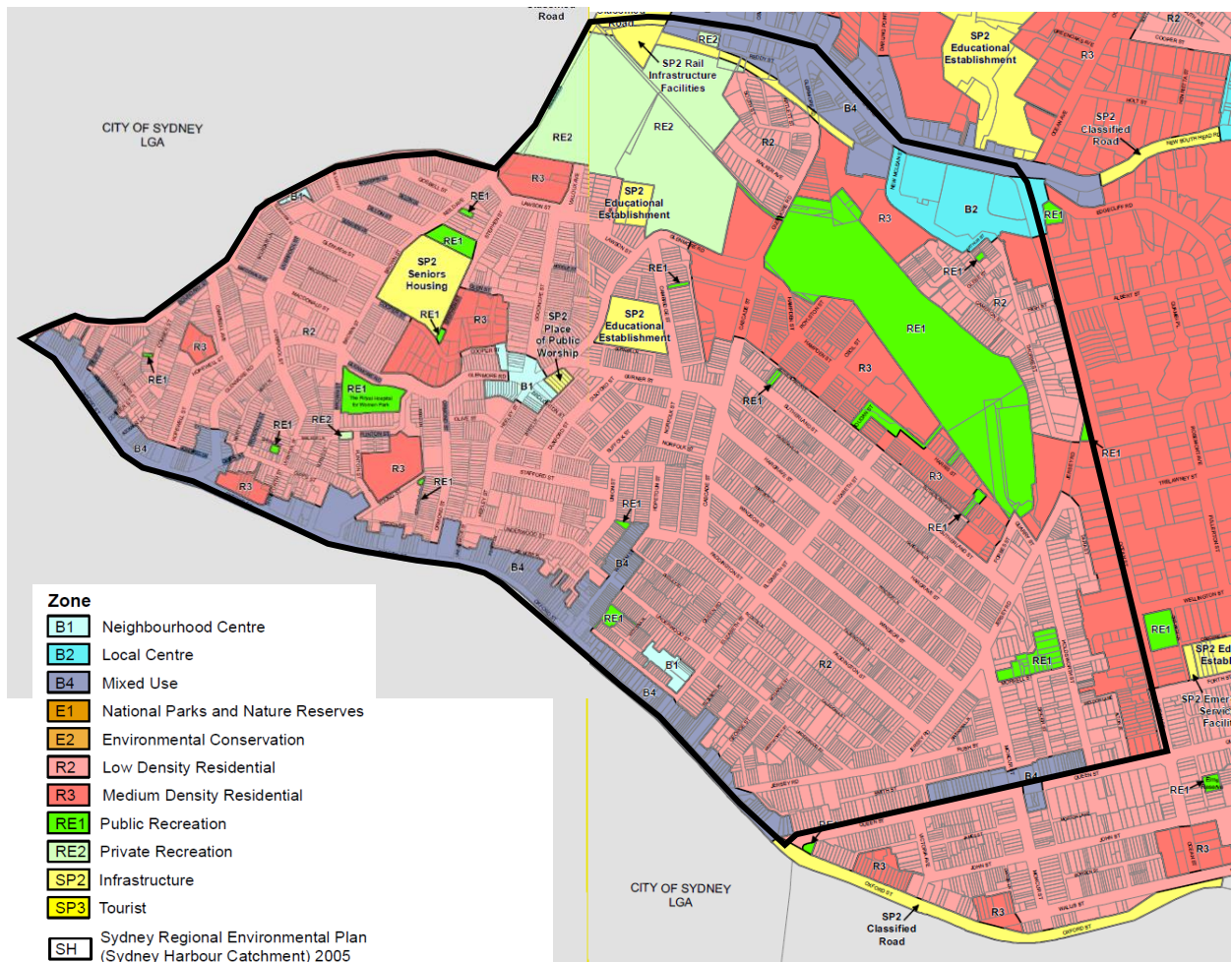
### 1.3 Existing planning controls

Under the existing Woollahra Local Environmental Plan 2014, the subject area is primarily zoned R2 Low Density Residential with small sections of R3 Medium Density Residential (**Figure 5**).

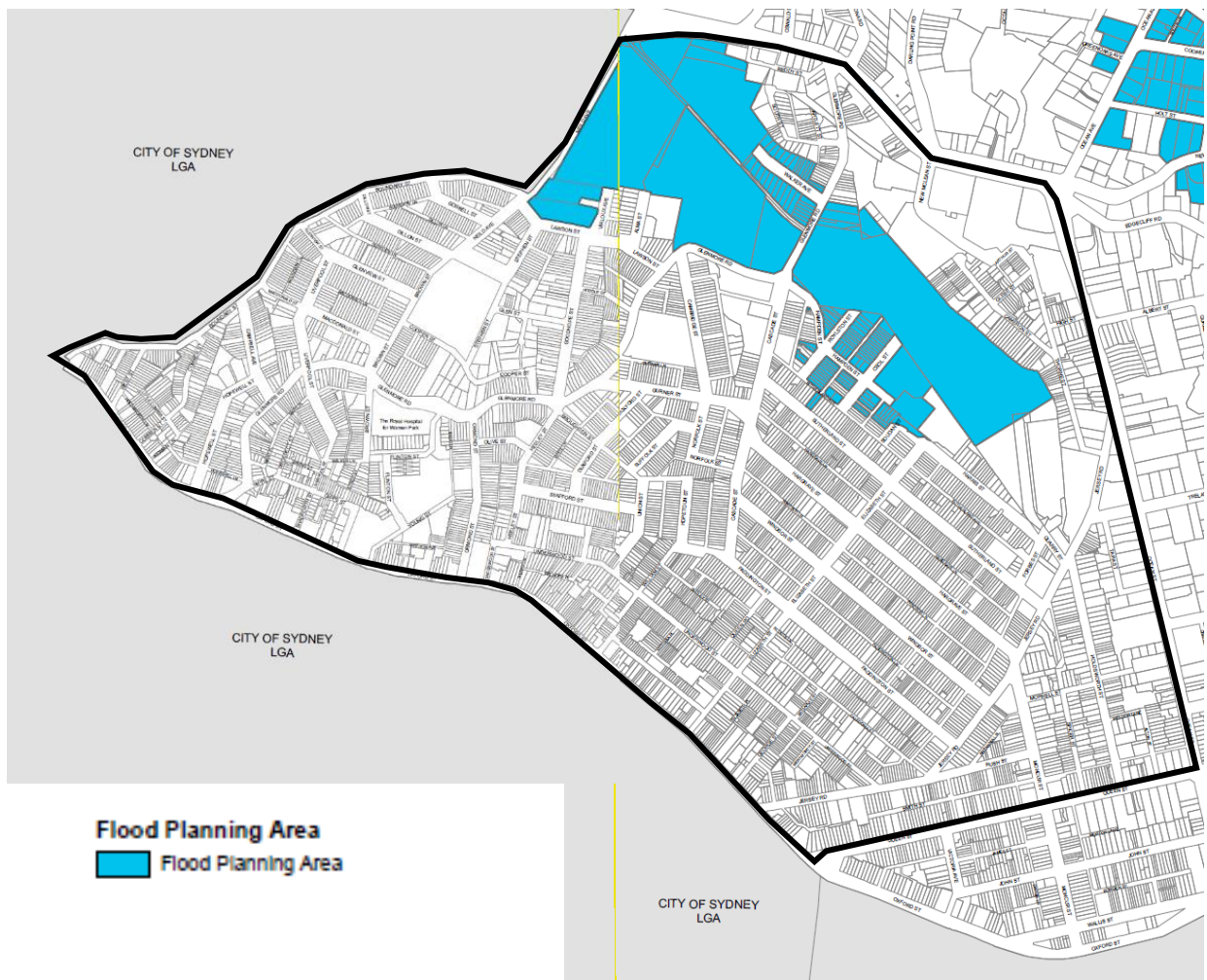


The area also contains land zoned B1 Neighbourhood Centre, B2 Local Centre, B4 Mixed Use, SP2 Infrastructure (Seniors Housing), SP2 Infrastructure (Place of Public Worship), RE1 Public Recreation and RE2 Private Recreation (**Figure 5**).

Extracts of the existing Flood Planning Maps (**Figure 6**) were not included in the planning proposal. To provide clarity to the community, the planning proposal should be updated to include these maps prior to public exhibition. This will be required as a condition of the Gateway determination.



**Figure 5: Woollahra LEP 2014 Land Zoning Map (LZN\_001 and LZN\_003)**



**Figure 6:** Existing Flood Planning Maps (FLD\_001 and FLD\_003)

### 1.3 Background

The Paddington catchment is part of the broader Rushcutters Bay catchment area (**Figure 7**). In 2016, the Rushcutters Bay Catchment Floodplain Risk Management Study and Plan (Rushcutters Bay Catchment FRMSP) was prepared for the Rushcutters Bay area, however, this study focused on flooding across the lower sections of the Rushcutters Bay catchment. The 2016 study also identified overland flood problems across the upper catchment areas, relating to Paddington, and recommended that modelling be prepared as part of a further detailed study of this area.

Council engaged consultants, Catchment Simulation Solutions to prepare a flood study and floodplain risk management plan as a result of previous significant overland flood events in the upper catchment. The aim of the study was to identify, assess and compare various options for managing flood risk.

During the course of the study, significant damage was caused to several properties within the lower catchment during at least two rainfall events, demonstrating the flooding issues were not resolved in the lower catchment despite previous mitigation measures. Council requested to extend the study to explore further flood risk mitigation measures.

A Floodplain Risk Management Committee (FRMC) was established to assist Council in the preparation of Floodplain Risk Management Plans.

The draft Paddington FRMSP (**Attachment F**) found that the stormwater system in the Paddington catchment has adequate capacity. However, during periods of heavy rainfall there was potential for the stormwater system to overflow resulting in overland flooding and for water to flow over the top of open channels. This flooding results in disruption and inconvenience to residents and businesses in the Paddington area. In severe rainfall events, there is potential for damage to property and risk to life (**Figures 8 to 11**).

The consultants, in conjunction with Council engineers, identified certain land as likely flood control lots, consistent with the NSW Floodplain Development Manual. The report provided a high-level evaluation of recommendations and potential options for the better management of the flood risk.

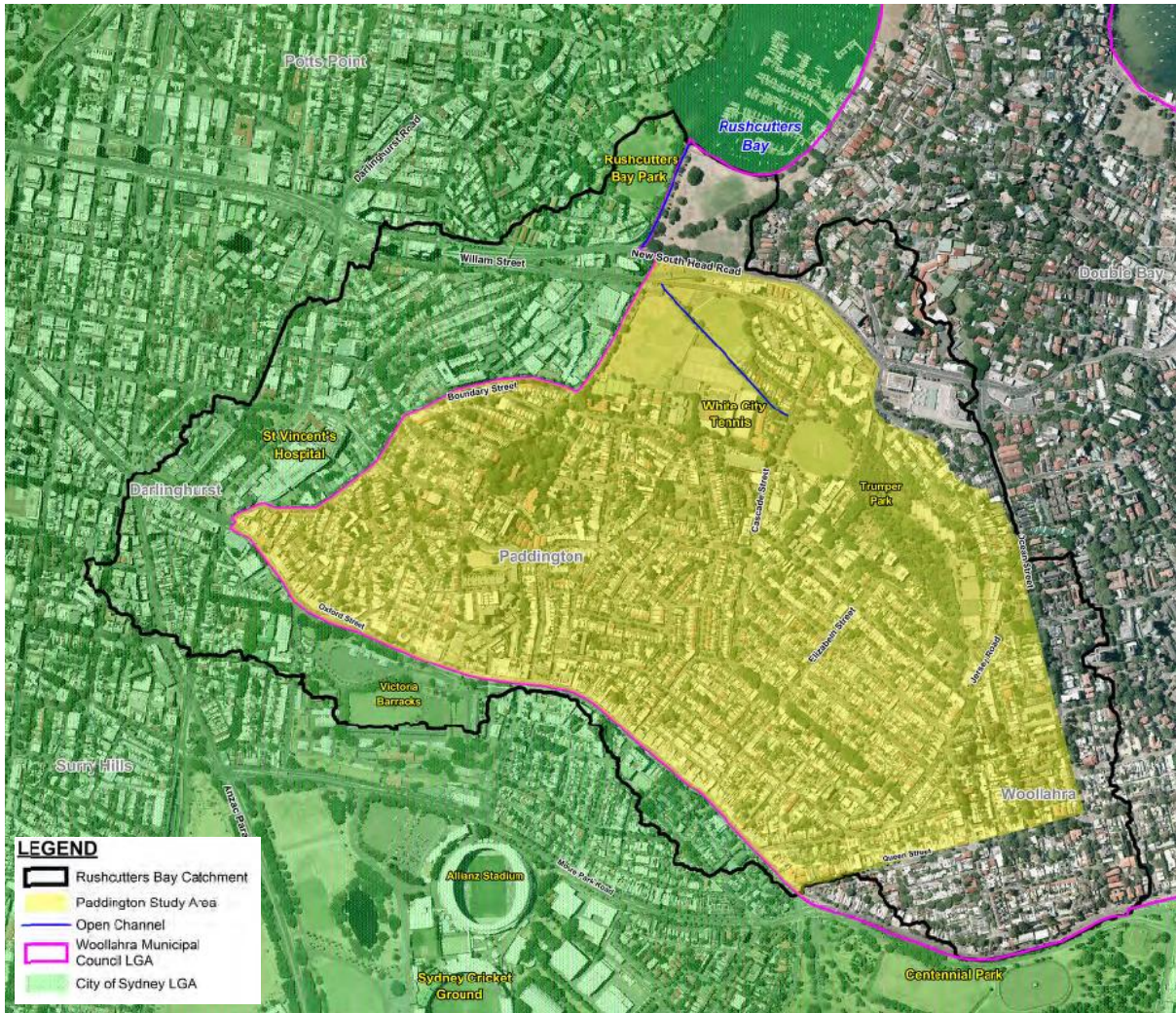
The FRMC identified three key implications associated with the proposed inclusion of the additional 837 properties in the 'flood planning area':

- properties identified in the 'flood planning area' must be assessed against the provisions in Clause 6.3 *Flood Planning* of the Woollahra LEP for all development applications (DA);
- planning certificates must identify if the land is subject to flood related development controls; and
- minor development such as fences cannot be carried out as exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

In February 2019, as resolved by the FRMC, the Paddington FRMSP was updated and completed and:

- on 2 September 2019 the Environmental Planning Committee (EPC) recommended the adoption of the Paddington FRMSP (**Attachment I**);
- at their meeting on 9 September 2019, Council resolved to adopt the Paddington FRMSP (**Attachment J**);
- on 28 October 2019 the EPC advised that a planning proposal should be prepared to amend the Flood Planning Map of the Woollahra LEP and the planning proposal should be referred to the Woollahra Local Planning Panel (WLPP) for advice (**Attachment K**);
- on 11 November 2019, Council resolved to prepare a planning proposal to amend the Flood Planning Maps in the Woollahra LEP 2014 based on the adopted Paddington FRMSP (**Attachment M**). On 5 December 2019, the WLPP (**Attachment L**) advised Council that it supported the planning proposal based on the adopted Paddington FRMSP;
- on 3 February 2020, the EPC advised Council to note the WLPP advice and to proceed with the planning proposal (**Attachment N**); and
- at their meeting on 10 February 2020, Council noted the advice of the WLPP and resolved to forward the planning proposal to the Department for Gateway determination (**Attachment O**).





**Figure 7: Paddington Study Area (Source: Paddington FRMSP)**



**Figure 8: Stormwater surcharge, Hampden Street, Paddington during 2012 event (Source: Paddington FRMSP)**



**Figure 9: Intersection of New South Head Road and Neild Avenue, Paddington during 2015 event (Source: Paddington FRMSP)**





**Figure 10:** Stairs between Forbes Street and Sutherland Avenue, Paddington during August 2015 event (Source: Paddington FRMSP)



**Figure 11:** Intersection of New South Head Road and Neild Avenue, Paddington during 2015 event (Source: Paddington FRMSP)

### 1.5 Surrounding area

Most of the area covered by the planning proposal is in the suburb of Paddington with smaller sections of Edgecliff and Woollahra. Paddington is located within the Woollahra Local Government Area (LGA) approximately 3kms from the Sydney CBD with an area of around 2.5km<sup>2</sup>. It consists of a mix of residential and commercial uses as well as public and private open space and sporting facilities. Residential dwellings in Paddington are predominately characterised by one and two-storey Victorian terraces (**Figures 3 and 4**).

The subject area is bordered to the north by the Woollahra LGA suburbs of Edgecliff and Rushcutters Bay and to the east by the suburb of Woollahra. To the south is Centennial Park in the Randwick LGA. Also to the south is Moore Park and to the west is Darlinghurst, both in the Sydney City LGA.

### 1.6 Summary of recommendation

It is recommended that the planning proposal proceed subject to conditions because:

- the proposal is consistent with the objectives and directions of the Greater Sydney Region Plan, the Eastern City District Plan, local strategic plans and the relevant section 9.1 Ministerial Directions;
- it is supported by the Paddington FRMSP (**Attachment F**) prepared in accordance with the *NSW Floodplain Development Manual*, which provides an evidence base to the proposed amendment to the Flood Planning Maps; and
- the identification of the additional 837 properties in the Flood Planning Maps as flood control lots will provide clarity to the community to ensure that future development is compatible with the flood risk on the land.

## 2. PROPOSAL

---

### 2.1 Objectives or intended outcomes

Overland flooding was not considered in previous flood studies in this area and as such some properties were not included as part of Council's current flood planning area.

The objective of the planning proposal is to amend and update the Flood Planning Maps to the Woollahra LEP 2014 as recommended in the Paddington FRMSP. This



is to ensure that the development of flood affected properties in the Paddington catchment as identified in the FRMSP will be assessed against the provisions of Clause 6.3 *Flood Planning* in the Woollahra LEP 2014.

The planning proposal is consistent with the *NSW Floodplain Development Manual* as part of the NSW Government's Flood Prone Land Policy. The policy has a primary objective of reducing the impact of flooding and flood liability on owners and occupiers of flood prone property and to reduce private and public losses resulting from floods.

The policy does not prevent development but ensures that flood prone land is not subjected to development inconsistent with its exposure to flooding risk.

## 2.2 Explanation of provisions

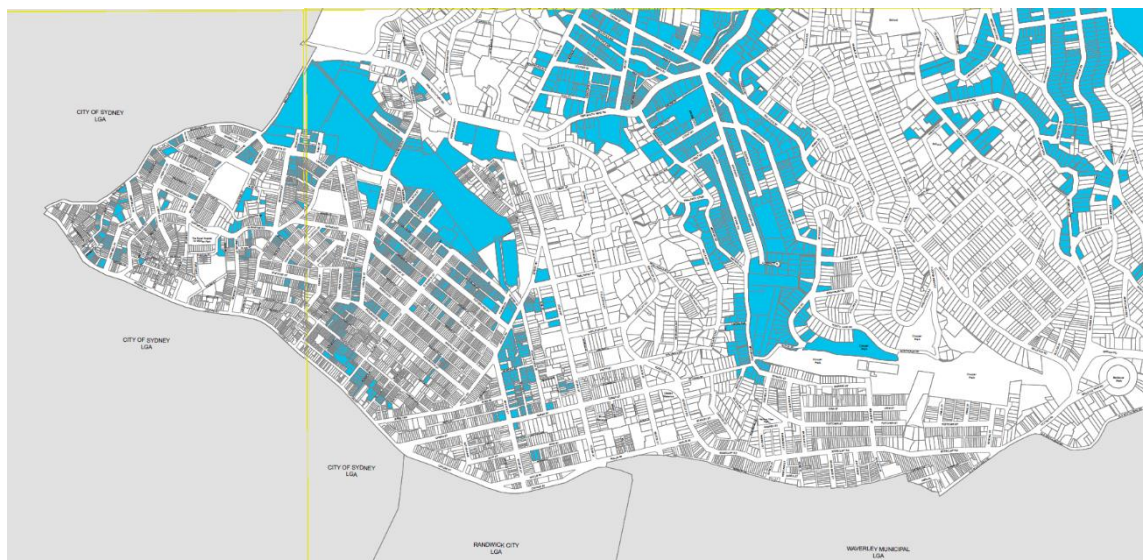
The planning proposal seeks to amend the Woollahra LEP 2014 to:

- identify a property as a flood control lot if the flood planning area (equal to 1:100 ARI flood event) extends across more than 5% of the property, consistent with the *NSW Floodplain Development Manual*; and
- add 837 properties in the Paddington area to the Flood Planning Maps FLD\_001 and FLD\_003 as recommended in the Paddington FRMSP.

## 2.3 Mapping

The proposed addition of 837 properties as flood control lots identified in the Paddington FRMSP requires that the corresponding Flood Planning Maps be amended.

At the request of the Department, the relevant proposed flood planning maps (**Figure 12 and Attachment H1 and H2**) have been provided but were not included in the planning proposal. The planning proposal will need to be updated prior to community consultation. This will be required as a condition of the Gateway determination.



**Figure 12:** Proposed Woollahra LEP 2014 Flood Planning Maps (FLD\_001 left and FLD\_003 right)

### **3. NEED FOR THE PLANNING PROPOSAL**

---

The planning proposal is a result of the recommendations of the adopted Paddington FRMSP (**Attachment F**) prepared by Council's consultant. Previous studies did not consider overland flooding in the Paddington catchment, resulting in properties in Paddington, Edgecliff and Woollahra not being included as part of the current flood planning area.

The planning proposal will add 837 properties to the Woollahra LEP 2014 Flood Planning Maps that have been identified as being most significantly impacted by floodwater (**Attachment G1 – G3**).

This will ensure that development on the subject sites will be assessed under Clause 6.3 *Flood Planning* of the Woollahra LEP 2014 so that:

- future development is compatible with the flood hazard of the land;
- there will be no significant adverse effect on flood behaviour that will affect other development or properties;
- measures are incorporated to manage risk to life from flood;
- there is no significant adverse effect to the environment or to cause avoidable damage including erosion; and
- it is not likely to result in unsustainable social and economic costs to the community as a result of flooding.

The planning proposal is the best way to achieve the intended outcomes and provide the most up-to-date publicly accessible information relating to land that is flood affected.

The planning proposal contains a list of lot and DP numbers and street addresses of flood affected properties to be added to the Flood Planning Maps. The Department identified certain property details which appear to contain errors, such as possible incorrect addresses and plan/lot numbers, etc. It is recommended that Council review and confirm the property details prior to public exhibition (**Attachment P**). This will be a condition of the Gateway determination.

### **4. STRATEGIC ASSESSMENT**

---

#### **4.1 District**

##### Eastern City District Plan

The Eastern City District Plan was released on 18 March 2018 and supports the implementation of the Region Plan at a district level.

The subject area is within the Woollahra LGA and the relevant planning priority is:

*Planning Priority E20 – Adapting to the impacts of urban and natural hazards and climate change*

The Paddington FRMSP (**Attachment F**) was undertaken with reference to the NSW *Floodplain Development Manual 2005* which was framed to help Councils manage exposure to flooding.

The planning proposal is consistent with this planning priority as it seeks to manage flooding that has been a problem in the past and will ensure development on the



subject sites is assessed under Clause 6.3 *Flood Planning* in the Woollahra LEP 2014.

## **4.2 Local**

### Woollahra 2030 – community strategic plan

The *Woollahra 2030* establishes the strategic direction and planning framework with themes that were based on values identified by the community for the Woollahra LGA.

This planning proposal relates to the theme of *Quality places and spaces – Goal 5: Liveable Places* with an aim to reduce the impacts of local flooding and improve floodplain risk management.

The planning proposal is consistent with the *Woollahra 2030* by ensuring the sites identified as flood control lots in the FRMSP will be assessed under Clause 6.3 *Flood Planning* in the Woollahra LEP 2014. This will require development to be compatible with the flood affectation on the land as well as mitigating flood behaviour.

### Woollahra Local Strategic Planning Statement

The Woollahra Local Strategic Planning Statement (LSPS) has been finalised and made by Council. The Woollahra LSPS is a long-term, 20-year plan outlining land use vision and planning priorities in the Woollahra LGA and is consistent with the *Woollahra 2030 community strategic plan*.

The planning proposal is consistent with Planning Priority 14 – *Planning for urban resilience so we adapt and thrive despite urban and natural hazards, stressors and shocks* under the theme of *Sustainability*.

This planning priority is to plan and prepare for future change and hazards to safeguard the community and the quality of life. Part of this is to strategically manage development to limit exposure to risks such as flooding.

The planning proposal is consistent with the LSPS as it will require development in the identified flood control lots to be assessed under Clause 6.3 *Flood Planning* in the Woollahra LEP 2014. Under this clause, development on land identified on the Flood Planning Maps will need to be compatible with the potential flooding on the land as well as mitigating flood behaviour.

## **4.3 Section 9.1 Ministerial Directions**

The planning proposal is consistent with all relevant section 9.1 Ministerial Directions as follows:

### 2.3 Heritage conservation

This Direction requires that a planning proposal contains provisions that facilitate the conservation of heritage items in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

The planning proposal is consistent with this Direction as it will not change any provisions in the Woollahra LEP relating to heritage items or heritage conservation areas.

The planning proposal will add 837 properties that were identified in the Paddington FRMSP (**Attachment F**) to the Flood Planning Maps in the Woollahra LEP 2014.

This will identify land at risk of potential flooding and ensure that development is compatible with the flood affectation on the land.

Some of the above flood control lots fall within the Paddington Heritage Conservation Area (HCA). The development assessment process will ensure development for these flood control lots will address potential flood risk as well as the heritage significance of listed heritage items and the Paddington HCA with appropriate design solutions.

### 3.1 Residential zones

Under this Direction, a planning proposal must broaden housing choice, make efficient use of existing infrastructure, reduce the impact of development on the environment and resource lands, and ensure housing is of good design.

The planning proposal is consistent with this Direction as it seeks to ensure future development on flood control lots in residential zones is compatible with the potential flooding risk and that it will not increase flooding or adversely affect flood behaviour.

The planning proposal has been prepared as a result of the Paddington FRMSP. Development identified in the Flood Planning Maps will need to be assessed under Clause 6.3 *Flood Planning* to ensure the proposed design is compatible with the potential risk of flooding.

### 4.1 Acid sulfate soils

Under this Direction, a planning proposal must consider the acid sulfate soils planning guidelines and the appropriateness of a change of land use if acid sulfate soils are present.

A majority of the subject land is identified as 'Class 5' on the Acid Sulfate Soils Maps in the Woollahra LEP 2014, which is the lowest risk category with a smaller area identified as a higher risk 'Class 3' to the north-west of the subject land.

The planning proposal is consistent with this Direction as the zoning of the land will not change. The existing provisions relating to acid sulfate soils in the Woollahra LEP will not be altered by this planning proposal. Development on land identified on the Acid Sulfate Soils Maps will continue to be assessed under *Clause 6.1 Acid sulphate soils* in the Woollahra LEP 2014.

### 4.3 Flood prone land

The objective of this Direction is to ensure that development of flood prone land is consistent with the *NSW Flood Prone Land Policy* and the principles of the *Floodplain Development Manual 2005*. It is also to ensure that the provisions of an LEP on flood prone land correspond with the flood hazard and consider potential flood impacts both on and off the subject land.

The planning proposal is a result of the findings in the Paddington FRMSP and consistent with the *NSW Flood Prone Land Policy* and the principles of the *Floodplain Development Manual 2005*.

The planning proposal will not rezone land, prevent development or permit intensification of development, however, any development identified on the amended Flood Planning Maps will need to be assessed against Clause 6.3 *Flood Planning* in the Woollahra LEP.

As such the planning proposal is consistent with this Direction.



#### **4.4 State environmental planning policies (SEPPs)**

The planning proposal is consistent with the following relevant SEPPs:

##### SEPP (Affordable Rental Housing) 2009

This policy aims to facilitate the effective delivery of affordable rental housing.

It is noted that for land identified as a flood control lot in the Woollahra LEP 2014, information provided by a Hydraulic Engineer will be required to determine the appropriateness of a proposed complying development on such lots. There are also additional development standards applying to complying development on such lots.

The planning proposal contains a commentary relating to the above but incorrectly refers to SEPP No 70 Affordable Housing (Revised Schemes). A Gateway condition is included to require revision to the planning proposal to refer to SEPP (Affordable Rental Housing) 2009 prior to exhibition.

##### SEPP (Educational Establishments and Child Care Facilities) 2017

The aim of this SEPP is to facilitate the effective delivery of educational establishments.

Development under this SEPP is required to address the standards and conditions that apply to certain types of development on flood affected land.

It is also noted that certain exempt development will not be able to be undertaken on flood control lots.

The planning proposal does not detract from the aims and objectives of this SEPP.

##### SEPP (Exempt and Complying Development Codes) 2008

The primary aim of this Policy is to provide streamlined assessment processes for development that complies with specified development standards.

The planning proposal does not detract from the aims and objectives of this SEPP. Development under this SEPP will continue to be required to address the standards and conditions that apply to certain types of development on flood affected land.

Certain minor developments are not qualified as exempt development on flood control lots, such as fencing.

Under the SEPP, specific requirements apply to complying development on flood control lots. These include minimum floor levels, construction requirements, and joint report by a professional hydraulic engineer and professional civil engineer stating that certain technical requirements have been satisfied.

The planning proposal should contain more detailed information to explain how the SEPP applies to flood control lots. This is to inform the community of their obligations under this SEPP and to provide clarity for future development under the exempt and complying development pathways. A Gateway condition is recommended to address the above.

##### SEPP (Infrastructure) 2007

The SEPP aims to facilitate the effective delivery of infrastructure across the State.

Development under this SEPP is required to address the standards and conditions that apply to certain types of development on flood-controlled lands.

The planning proposal does not detract from the aims and objectives of this SEPP.

#### Other SEPPS

The planning proposal is to be updated to remove reference to the following repealed SEPPs prior to public exhibition; this will be required as a condition of the Gateway:

- SEPP No 1 – Development Standards;
- SEPP No 44 – Koala Habitat Protection and replaced with the new SEPP (Koala Habitat Protection) 2019; and
- SEPP (Miscellaneous Consent Provisions) 2007.

The planning proposal contains a minor misdescription where “SEPP (Concurrences and Consents) 2018” was incorrectly referred to as “SEPP (Concurrences) 2018”. A Gateway condition is recommended to require this error to be rectified prior to exhibition.

#### Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP)

The proposal is consistent with the SREP, in particular Part 2 *Planning principles* – Clause 13(h), which states: *development is to improve the water quality of urban run-off, reduce the quantity and frequency of urban run-off, prevent the risk of increased flooding and conserve water.*

The proposal will require development on land identified in the Flood Planning Maps to be assessed against Clause 6.3 *Flood Planning* in the Woollahra LEP. This will ensure that the development on flood prone land is compatible with the flood hazard and will not have any flood impacts both on and off the subject land.

## **5. SITE-SPECIFIC ASSESSMENT**

---

### **5.1 Social**

The Paddington FRMSP (**Attachment F**) contains a summary of flooding ‘trouble spots’ that are likely to experience significant property damage, risk to life and possible evacuation difficulties during flood events.

In addition to residential dwellings, there is a range of facilities in the Paddington catchment area that cater to vulnerable members of the community such as schools, aged care facilities and childcare centres. Sydney Grammar School Edgecliff Preparatory, Presbyterian Aged Care and the Goodwin Village Retirement Centre are some of the land uses identified in the Paddington FRMSP as vulnerable facilities and subject to flooding.

Future development application for sites identified on the Flood Planning Maps will be assessed against the provisions of Clause 6.3 *Flood Planning* to ensure development addresses the flood risk and incorporates appropriate mitigation measures where needed.

The proposal is considered to have a positive social impact by reducing the risk of harm to life and property.

The planning proposal does not have a detailed discussion on the social impacts of the proposed amendment to the Flood Planning Maps, apart from information about



community consultation undertaken as part of the FRMSP and public exhibition following the issue of the Gateway determination.

A Gateway condition is recommended to require an update to the planning proposal prior to exhibition to include a discussion about the expected reduction of risk to human life and property as a result of the proposal.

## **5.2 Environmental**

The planning proposal will not affect any critical habitat areas, threatened species, populations or ecological communities, or their habitats.

The planning proposal will not affect the provisions in Woollahra LEP 2014 for the protection of environmentally sensitive areas in the Woollahra LGA.

The planning proposal seeks to add sites identified in the Paddington FRMSP to the Flood Planning Maps in the Woollahra LEP 2014. This will require new development for those sites to be assessed against Clause 6.3 *Flood Planning* to mitigate risks from flooding.

Any environmental effects that might arise through the redevelopment of the sites, including potential impacts from flood mitigation measures, would be identified and addressed through the development application process.

## **5.3 Economic**

As a result of adding the 837 properties to the Flood Planning Maps, it is considered that there may be economic implications on development due to the need to incorporate flood mitigation measures.

However, these costs would be outweighed by the protection of property, improvements to community safety, and may also alleviate intangible costs such as disruption, inconvenience and emotional stress. The assessment of properties against Clause 6.3 *Flood Planning* of the LEP will ensure that the development is compatible with the flood affectation of the land and will not result in unreasonable risk to life, property or cause avoidable environmental damage.

The Paddington FRMSP contains recommendations about engineering solutions to mitigate flooding in the area. These recommendations are outside the scope of the planning proposal.

The planning proposal in its current form does not adequately address the potential economic impacts. It is recommended that the planning proposal be updated prior to exhibition to provide a discussion about the economic costs and benefits having regard to the above. This will be included as a Gateway condition.



**Figure 13:** Cecil Lane, Paddington is subject to high-risk flooding (Source: Daily Mail)

#### **5.4 Infrastructure**

The Paddington FRMSP identifies various flood modification measures, such as upgrade to stormwater management infrastructure and regrading of road. These are outside the scope of the planning proposal.

The planning proposal does not involve any changes to zoning and development standards applicable to the study area. A Gateway condition is recommended to require consultation with Sydney Water and Ausgrid to ensure any implications on utility and civil infrastructure will be noted and addressed as part of the planning proposal process.

### **6. CONSULTATION**

---

#### **6.1 Community**

The planning proposal states that community consultation was undertaken during the preparation of the Paddington FRMSP (**Attachment F**) including a:

- dedicated website;
- questionnaire and information brochure sent to 740 property owners, residents and businesses in the peak floodwater depth (PMF);
- public exhibition of the draft Paddington FRMSP from 20 June 2018 to 27 July 2018; and
- community briefing at the Woollahra Library in May 2019 after the community consultation to address issues identified during the public exhibition.

The planning proposal states that public exhibition will occur for a period of 28 days. The Department considers that an exhibition of 28 days is acceptable.



## 6.2 Agencies

The planning proposal does not include any consultation with public authorities. It is recommended that consultation be undertaken with the following public authorities and each agency is to be given 21 days to comment. This will be a condition of the Gateway:

- NSW Environment, Energy and Science (former Office of Environment and Heritage);
- Heritage NSW, Department of Premier and Cabinet (former Office of Environment and Heritage);
- Sydney Water;
- Ausgrid;
- State Emergency Services (SES);
- NSW Ambulance;
- NSW Police;
- NSW Fire and Rescue; and
- Department of Education – School Infrastructure NSW (SINSW).

## 7. TIME FRAME

---

The planning proposal provides an estimated project timeline of around six months to complete the LEP after the issue of Gateway determination. A time frame of **9 months** is considered appropriate given the nature of the proposal and to allow a degree of flexibility for Council to administer the planning proposal process.

## 8. LOCAL PLAN-MAKING AUTHORITY

---

Council has requested to be the local plan-making authority. The Department has determined that this is appropriate. Council should be authorised to be the local plan-making authority as it is a local matter.

## 9. CONCLUSION

---

The planning proposal to amend the Woollahra LEP 2014 is supported to proceed with conditions as:

- the proposal is consistent with the objectives and directions of the Greater Sydney Region Plan, the Eastern City District Plan, local strategic plans and the relevant section 9.1 Ministerial Directions;
- it is supported by the Paddington FRMSP (**Attachment F**) prepared in accordance with the *NSW Floodplain Development Manual*, which provides an evidence base to the proposed amendment to the Flood Planning Maps;
- it is supported by Council's EPC and the WLPP (**Attachments I and L**); and
- the identification of the additional 837 properties in the Flood Planning Maps as flood control lots will provide clarity to the community to ensure that future development is compatible with the flood risk on the land.

## 10. RECOMMENDATION


---

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be amended to address the following matters and submitted to the Department for review and endorsement prior to public exhibition:
  - (a) update the planning proposal to address the social impacts in more detail. The proposal should inform the community about its intended outcomes to reduce the risk of harm to human life and property;
  - (b) update the planning proposal to address the economic impacts in more detail. The proposal should inform the community about the potential costs and benefits of requiring future development applications on flood controlled lots to address the provisions of Clause 6.3 *Flood planning* of the Woollahra Local Environmental Plan 2014;
  - (c) update the planning proposal to provide an explanation of the requirements and restrictions on exempt and complying development on flood control lots under the SEPP (Exempt and Complying Development Codes) 2008;
  - (d) update the planning proposal to remove reference to repealed SEPPs:
    - SEPP No 1 – Development Standards;
    - SEPP No 44 – Koala Habitat Protection; and
    - SEPP (Miscellaneous Consent Provisions) 2007;
  - (e) update the planning proposal to refer to the current SEPP (Koala Habitat Protection) 2019;
  - (f) correct a misdescription by replacing reference to ‘SEPP (Concurrences) 2018’ with ‘SEPP (Concurrences and Consents) 2018’;
  - (g) correct a misdescription by replacing reference to ‘SEPP No 70’ with ‘SEPP (Affordable Rental Housing) 2008’;
  - (h) include the existing Flood Planning Maps FLP\_001 and FLP\_003;
  - (i) include the proposed Flood Planning Maps FLP\_001 and FLP\_003 to show the additional properties subject to Clause 6.3 *Flood planning* of the Woollahra LEP 2014;
  - (j) update the project timeline in part 9 of the planning proposal to reflect the current progress and the timeframe allowed to complete the LEP, where relevant; and
  - (k) review and confirm that the lot and DP numbers and addresses of all properties to be included in the Flood Planning Maps are correctly identified and referenced in the schedule to the planning proposal.
2. The planning proposal should be made available for community consultation for a minimum of **28 days**.



3. Consultation is required with the following public authorities:
  - NSW Environment, Energy and Science (former Office of Environment and Heritage);
  - Heritage NSW, Department of Premier and Cabinet (former Office of Environment and Heritage);
  - Sydney Water;
  - Ausgrid;
  - State Emergency Services (SES);
  - NSW Ambulance;
  - NSW Police;
  - NSW Fire and Rescue;
  - Department of Health; and
  - Department of Education – School Infrastructure NSW (SINSW).
4. The time frame for completing the LEP is to be **9 months** from the date of the Gateway determination.
5. Given the nature of the planning proposal, Council should be the local plan-making authority to make this plan.

 <b>30 March 2020</b> <b>Simon Ip</b> <b>Manager, Eastern and South Districts</b> <b>Eastern Harbour City</b> <b>Greater Sydney, Place and</b> <b>Infrastructure</b>	 <b>30 March 2020</b> <b>Brendan Metcalfe</b> <b>A/Director, Eastern and South</b> <b>Districts</b> <b>Eastern Harbour City</b> <b>Greater Sydney, Place and</b> <b>Infrastructure</b>
---	---

Assessment officer: Christina Brooks  
 Planner, North District  
 Phone: 8274 6045