

Ref: SY211740-00-CV-LE01-1
11 June 2024

Oliver McGeachie

Woolworths
1 Woolworths Way
Bella Vista NSW 2153

Dear Oliver,

Re: Woolworths Metro Rose Bay – Response to Submissions

We have received and reviewed the submission from Department of Climate Change, Energy, The Environment and Water (Department) dated 15 May 2024 in response to the Exhibition of Planning Proposal – 488-492 Old South Head Road and 30 Albemarle Avenue, Rose Bay (PP-2022-731)

The below submission responds to the concerns raised in this letter.

Response to Department of Climate Change, Energy, The Environment and Water Submission

Our response to the themes raised in the above letter are summarised below in Table 1.

Table 1 - DCCEEW response

Department Theme	Response
Consistency with the Ministerial Direction 4.1	Please see below detailed response confirming consistency with the Ministerial Direction 4.1 in Table 2.
Increase of residential land use in a high hazard area.	Residential accommodation is permitted under the current zoning. The proposed rezoning does not result in any significant increase in residential accommodation on the site (see separate analysis for further information). Therefore, the rezoning does not result in increased residential population or visitation to a high-risk area that will increase reliance on emergency services The site currently operates as a direct to boot retail service at ground level, it is unlikely to significantly increase government spending on emergency services due to its location within an existing built-up area. Additionally, the new building will have significantly greater flood resilience and provide refuge above the PMF which currently does not exist.
Flood planning	The indicative concept scheme is conceptual to validate the planning controls. The more detailed


Department Theme	Response
	flood mitigant measures and operational aspects incorporated into the proposal are recommended to be more appropriately resolved at the Development Application phase.
Adequacy of FIRA	The Planning Proposal is consistent with the Ministerial Direction 4.1. Council's adopted flood study and floodplain risk management study and plan (FRMSP) do not show flooding across the site or that the site is flood affected. Therefore, a FIRA is not required.
Potential for very large losses to occur	The proposed rezoning does not substantially increase the developable floor space at risk to flooding. Therefore, the risk of loss due to flooding has not been increased through the planning proposal and associated LEP amendments.


Consistency with Ministerial Direction 4.1 Flooding

Below is a review of the Ministerial Direction and response to confirm consistency.

Table 2 – Consistency with Ministerial Direction

Item	Requirement	Response
Flooding Requirements		
(1)	A planning proposal must include provisions that give effect to and are consistent with:	
(1) (a)	the NSW Flood Prone Land Policy,	The planning proposal is consistent with this policy through the consideration of items (1) (b) to (1) (d).
(1) (b)	the principles of the Floodplain Development Manual 2005,	The 2005 manual has been superseded by the 2023 Flood Risk Management Manual. The planning proposal is consistent with the principles of the new manual and appropriate Council engagement and endorsement of the flood assessment and incorporated mitigation measures has been resolved based on Council advice.
(1) (c)	the Considering flooding in land use planning guideline 2021, and	The planning proposal considers this guideline and notes the ability of Council to determine flood-based controls across their LGA. The site is already within the flood

Item	Requirement	Response
		<p>planning area and planning controls apply to the site.</p>
(1) (d)	<p>any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.</p>	<p>This submission is consistent with the Council's adopted flood study and floodplain risk management study and plan (FRMSP) for the subject site.</p> <p>These documents do not show flooding across the site and do not state the site is flood affected.</p> <p>The Department comment around flood affection of the site refers to a comment in Figure B2 of the FRMSP which notes the area as a problem area due to "very high flow in a nearby channel". This does not state the site is flood affected.</p>
(2)	<p>A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones.</p>	<p>Not applicable.</p>
(3)	<p>A planning proposal must not contain provisions that apply to the flood planning area which:</p>	<p>The site is considered within the flood planning area.</p>
(3) (a)	<p>Permit development in floodway areas</p>	<p>The flood study and floodplain risk management study and plan (FRMSP) do not show the site noted as floodway.</p> <p>An extract of Figure 10 from the FRMSP is presented below (site highlighted in yellow).</p> 

Item	Requirement	Response
(3) (b)	Permit development that will result in significant flood impacts to other properties,	<p>The flood study and floodplain risk management study and plan (FRMSP) do not show flooding on the site. Based on this lack of affectation, the development is not expected to cause impacts on other properties.</p> <p>An extract from Figure 8 from the FRSMP is presented below (site highlighted in yellow).</p> 
(3) (c)	Permit development for the purposes of residential accommodation in high hazard areas	<p>The flood study and floodplain risk management study and plan (FRMSP) do not show flooding on the site.</p> <p>Residential accommodation is permitted under the current zoning on the site. The proposed rezoning does not result in any significant increase in residential accommodation on the site (see separate analysis for further information)</p>
(3) (d)	Permit a significant increase in the development and/or dwelling density of that land	The proposed rezoning does not result in any significant increase in residential accommodation (see separate analysis for further information)
(3) (e)	Permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,	Not applicable.
(3) (f)	Permit development to be carried out without development consent except for the purposes of exempt development or	Not applicable.

Item	Requirement	Response
	agriculture. Dams, drainage canals, levees, still require development consent	
(3) (g)	Are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities	<p>The site currently operates as a direct to boot supermarket.</p> <p>We believe the proposed development is likely to have no significant change on government spending on emergency management services, flood mitigation and emergency response measures – primarily because of its scale and location within an existing urbanised area, and also due to the provisional of a high-level refuge above the PMF which doesn't currently exist.</p> <p>The preparation of a FERP at DA stage can further reduce residual flood risk on the site and can restrict access to the lower levels of the facility.</p>
(3) (h)	Permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event	The proposed development is to include a retail business with residential accommodation above and not proposed to be a hazardous industry or hazardous storage establishment.
(4)	Special Considerations	Not adopted in Woollahra.
(5)	For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.	We confirm the flood planning area is consistent with these documents.
	<p>Consistency</p> <p>A planning proposal may be inconsistent with this direction only if the planning proposal authority can satisfy the Planning Secretary (or their nominee) that:</p>	Not applicable
(a)	the planning proposal is in accordance with a floodplain risk management study or plan adopted by the relevant council in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or	Not applicable

Item	Requirement	Response
(b)	where there is no council adopted floodplain risk management study or plan, the planning proposal is consistent with the flood study adopted by the council prepared in accordance with the principles of the Floodplain Development Manual 2005 or	Not applicable
(c)	the planning proposal is supported by a flood and risk impact assessment accepted by the relevant planning authority and is prepared in accordance with the principles of the Floodplain Development Manual 2005 and consistent with the relevant planning authorities' requirements, or	Not applicable
(d)	the provisions of the planning proposal that are inconsistent are of minor significance as determined by the relevant planning authority.	Not applicable

We trust the above is what you require. Should you have any queries please feel free to contact the undersigned on (02) 4943 1777.

Yours faithfully,



Angus Brien
Principal | Group Manager | Senior Civil Engineer

On behalf of Northrop Consulting Engineers Pty Ltd

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