



W A V E R L E Y
COUNCIL

STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING

ATTACHMENTS UNDER SEPARATE COVER

7.30 PM, TUESDAY 5 MARCH 2024

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STRATEGIC PLANNING AND DEVELOPMENT COMMITTEE MEETING

Tuesday, 5 March 2024

ATTACHMENTS

PD/5.2/24.03 Planning Proposal - Affordable Housing Contribution Scheme - Post-Exhibition

1	Planning proposal - Affordable Housing Contribution Scheme	2
2	Affordable Housing Contribution Scheme	27
3	Gateway determination	37

PD/5.3/24.03 Waverley Development Control Plan 2022 (Amendment No. 2) - Flood Planning - Adoption

1	Waverley Development Control Plan 2022 - Amendment 2 - Flood Planning.....	39
2	Annexure B5-4 Flood Planning Area	75
3	Community consultation report.....	78



PLANNING PROPOSAL

Waverley Council Affordable Housing Contributions Scheme

Planning Proposal Information

Council versions:

No.	Date	Version
1	24 March 2021	For review by the Waverley Local Planning Panel
2	13 April 2021	Strategic Planning and Development Committee Meeting for endorsement to proceed to Gateway
3	13 July 2023	Amendments in line with January Gateway Determination and SPDC minutes
4	5 October 2023	Amendments in line with the DPHI letter to Council dated 19 September 2023
5	2 November 2023	Amendments in line with 25 October 2023 Gateway Determination

*Planning Proposal – Waverley Council Affordable Housing Contributions Scheme***Contents**

Executive Summary	3
INTRODUCTION	4
Background to this Planning Proposal	4
PART 1 – OBJECTIVES OR INTENDED OUTCOMES	5
1.1 Description Statement.....	5
1.2 Intended Outcomes.....	6
PART 2 – EXPLANATION OF PROVISIONS.....	6
2.1 A new additional local provision.....	6
PART 3 – JUSTIFICATION.....	8
3.1 Section A – Need for the planning proposal.....	8
3.1.1 Is the planning proposal a result of any strategic study or report?	8
3.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	9
3.2 Section B – Relationship to strategic planning framework	11
3.2.1 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Greater Sydney Region Plan and exhibited draft strategies)?.....	11
3.2.2 Is the planning proposal consistent with a council’s local strategy or other local strategic plan?.....	14
3.2.3 Is the planning proposal consistent with applicable State Environmental Planning Policies?	17
3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?	19
3.3 Section C – Environmental, social and economic impact	21
3.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?	21
3.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	21
3.3.3 Has the planning proposal adequately addressed any social and economic effects?	22
3.3.4 Is there adequate public infrastructure for the planning proposal?.....	24
PART 4 – MAPPING.....	24
PART 5 – COMMUNITY CONSULTATION.....	24
PART 6 – PROJECT TIMELINE	24

Executive Summary

There is a strong underlying demand for affordable housing provision in the Waverley LGA. An additional 600 affordable dwellings will be required by 2036 to address the current proportion of households in rental stress. The Waverley Affordable Housing Contributions Scheme (the Scheme) aims to ensure that lower income households can continue to live and work locally within the LGA, to facilitate a socially diverse and inclusive community. The Scheme intends to do this through capturing value attributed to individual landowners through uplift granted by the planning system for the public purpose of affordable housing, as well as through a 1% flat rate levy on new residential flat buildings, independent living units, multi-dwelling housing, and shop top housing development to expand Council's existing affordable housing portfolio.

Without intervention in the form of planning mechanisms, the provision of dedicated affordable housing stock in the Waverley LGA, the market will continue to produce housing that is only affordable to households on relatively high incomes. In early 2019, The Department of Planning, Industry and Environment announced that, under *State Environmental Planning Policy 70 – Affordable Housing (Revised Schemes)* (SEPP 70) (which has since been replaced by the Housing SEPP), all Councils were eligible to impose a condition of consent on new development for contributions to affordable housing. An affordable housing condition of consent would be any condition on a development consent that requires monetary or in-kind contributions to affordable housing.

Council's recently adopted Local Housing Strategy identifies that existing housing capacity under current controls would deliver the appropriate housing supply to meet our housing targets. Notwithstanding, the Local Housing Strategy identified a strong need for affordable housing in the Waverley LGA and indicated that new market housing was not addressing this need but exacerbating it by often reducing existing affordable housing. To this end, there is a clear case for intervention, in the form of an affordable housing contribution, to ensure that new housing delivery is contributing to the delivery of affordable housing. The LHS recommended a percentage range of 1-3% contribution on all new residential flat buildings, independent living units, multi-dwelling housing, and shop top housing development and 10-15% contribution on sites receiving uplift. It was identified that a specific percentage of 1% on all new residential flat buildings, independent living units, multi-dwelling housing, and shop top housing development, and a contribution (calculated at the time of planning proposal assessment) on sites receiving uplift through planning controls would be an appropriate starting point. The contribution will be excluded from employment generating only development and development for the primary purpose of social housing and affordable rental housing. Furthermore, a post-exhibition change has been to allow Council to continue to levy for loss of affordable housing contributions under the Housing SEPP 2021. This change was made upon finding that Chapter 2 'Affordable Housing' of the Housing SEPP no longer explicitly provides coverage under Section 7.32 of the *Environmental Planning and Assessment Act 1979*, which the former ARHSEPP did.

At present, feasibility testing found that a 3% contribution on new residential flat buildings, independent living units, multi-dwelling housing, and shop top housing development in the R3 zone is viable under a 15% development margin, but is unviable against an 18-20% development margin. For this reason, a 3% contribution is not being recommended at this time for such new residential flat buildings, independent living units, multi-dwelling housing, and shop top housing development in any zone and instead a 1% contribution is proposed for such development in all zones.

Planning Proposal – Waverley Council Affordable Housing Contributions Scheme

Facilitating the provision of more affordable housing through the Scheme will help to bridge the gap in housing inequality in Waverley and ensure that long term residents who are in rental stress are not displaced.

INTRODUCTION

In early 2019, DPHI announced that, all Councils were eligible to impose a condition of consent on new development for contributions to affordable housing. To do this, Council must have an affordable housing contributions scheme referenced in the LEP. This Planning Proposal (the Proposal) has been prepared to give the Waverley Council Affordable Housing Contributions Scheme (the Scheme) legislative weighting by referencing it in the Waverley Local Environmental Plan 2012 (WLEP 2012).

This Proposal will apply to all of the Waverley LGA. This Proposal will apply to all new residential flat buildings, independent living units, multi-dwelling housing, and shop top housing development. Employment generating only development and development for the primary purpose of social housing and affordable rental housing are excluded. The Proposal does not apply to single family homes (i.e. detached, semi-detached, attached) or dual occupancies. The Proposal will introduce a new affordable housing contribution requirement that consists of:

- A contribution on all new residential flat buildings, independent living units, multi-dwelling housing, and shop top housing development of 1% of gross floor area at a flat \$ rate/sqm.
- A contribution of gross floor area (calculated at the time of planning proposal assessment) towards affordable housing for sites that receive planning uplift through planning controls.
- A change to the LEP to allow Council to continue to levy for loss of affordable housing contributions under the Housing SEPP 2021.

Background to this Planning Proposal

Legislative requirement

In early 2019, DPHI announced that all Councils were eligible to impose a condition of consent on new development for contributions to affordable housing. To do this, Council must have an affordable housing contributions scheme referenced in the LEP.

An affordable housing condition of consent would be any condition on a development consent that requires monetary or in-kind contributions to affordable housing.

Action from the adopted Local Housing Strategy (LHS)

The preparation of the scheme is also in line with actions from the LHS, where it was recommended to implement a contributions scheme that requires a 1-3% base rate monetary contribution on shop top housing and specific residential accommodation development and a higher 10-15% monetary contribution on sites receiving uplift. The scheme identified that a specific percentage of 1% on all new residential flat buildings, independent living units, multi-dwelling housing, and shop top housing development and contribution (calculated at the time of planning proposal assessment) for sites receiving uplift would be appropriate as a starting point.

At present, feasibility testing found that a 3% contribution on new residential flat buildings, independent living units, multi-dwelling housing, and shop top housing development in the R3 zone is viable under a 15% development margin, but is unviable against an 18-20% development margin. For this reason, a 3% contribution is not being recommended at this time for such new residential flat

Planning Proposal – Waverley Council Affordable Housing Contributions Scheme

buildings, independent living units, multi-dwelling housing, and shop top housing development in any zone and instead a 1% contribution is proposed for such development in all zones. This component of the scheme is subject to Department of Planning, Housing and Industry (DPHI) approval to update the LEP with such a clause via a Planning Proposal. Therefore, Council is required to prepare this Proposal in order to make an amendment to the Waverley LEP.

New Housing SEPP wording

Council officers have been able to levy for affordable housing contributions for the loss of affordable housing under the old Affordable Rental Housing SEPP (ARHSEPP) 2009. They were able to do this as the old ARHSEPP had a clause that allowed Councils to levy affordable housing contributions under the provisions of 7.32(3)(b) of the Act, as follows:

“51 Contributions for affordable housing

(2) For the purposes of section 7.32(3)(b) of the Act, this Policy authorises a condition to be imposed under section 7.32 of the Act if

(a) the consent authority, when determining a development application referred to in clause 50 (1), is satisfied that the proposed development will or is likely to reduce the availability of affordable housing within the area, and

(b) the condition is imposed in accordance with the scheme for dedications or contributions set out in subclauses (3) and (4).”

The ARHSEPP was repealed in 2021 when it was combined into the Housing SEPP. However, the Housing SEPP does not have a clause that provides coverage for Councils to levy affordable housing contributions under Clause 7.32(3)(b) of the Act, meaning that Councils may need a clause in their LEP to authorise the levying of such a contribution.

Therefore a post-exhibition amendment to this Planning Proposal has been made to authorise the continued levying of these contributions.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

1.1 Description Statement

This Proposal will apply to residential flat buildings, independent living units, multi-dwelling housing, and shop top housing development excluding development for the primary purpose of social housing and affordable rental housing. It does not apply to single family homes (i.e. detached, semi-detached, and attached dwelling housing).

This Planning Proposal seeks to amend the Waverley Local Environmental Plan 2012 (WLEP 2012) by introducing a new affordable housing contribution as a requirement in the WLEP 2012, consistent with the recommendations from the Local Housing Strategy:

- A contribution on all new residential flat buildings, independent living units, multi-dwelling housing, and shop top housing development of 1% of gross floor area at a flat \$ rate/sqm.
- A contribution (calculated at the time of planning proposal assessment) of gross floor area at a flat \$ rate/sqm towards affordable housing for sites that receive planning uplift through planning controls.

- A change to the LEP to allow Council to continue to levy for loss of affordable housing contributions under the Housing SEPP 2021.

1.2 Intended Outcomes

The objectives or intended outcomes of the proposed amendments to the WLEP 2012 are:

- Provide a transparent framework for development and uplift received through the planning proposal process to make equitable affordable housing contributions
- Increase the amount of affordable housing within Waverley LGA to achieve Waverley's affordable housing targets set out in the Local Housing Strategy for 2036
- Ensure affordable housing contribution rates do not impact on development viability
- Ensure certainty for landowners and developer seeking to develop land in the LGA in understanding the contribution rates applicable to their development
- Continue to levy Housing SEPP Chapter 2 contributions with greater certainty, given recent changes to the Housing SEPP.

PART 2 – EXPLANATION OF PROVISIONS

2.1 A new additional local provision

The intended outcomes will be achieved by including three new local provisions and a new Schedule in the WLEP 2012 that enables the collection of affordable housing levy contribution. For the purposes of illustrating the intent of this, three new proposed clauses are provided as follows. The proposed provisions will be subject to legal drafting by Parliamentary Counsel, should the proposal proceed.

Part 6 Additional Local Provisions

6.13 Affordable housing contribution for certain development

(1) This clause applies to all land in the Waverley Local Government Area.

(2) This clause applies to development for the purposes of a new residential flat building, multi dwelling housing, independent living unit, and shop top housing development.

(3) The consent authority may impose a condition requiring a contribution equivalent to the affordable housing contribution levy of 1% of the total new gross floor area of the residential component of applicable development.

(4) A condition imposed under this clause must satisfy the affordable housing levy contribution

(a) by way of a monetary contribution to the Council that is the per square metre value calculated in accordance with subclause (5), or

(b) by way of a dedication in favour of the Council of land comprising 1 or more complete dwellings (each having a total gross floor area of no less than 50 square metres).

(5) For the purposes of this clause, the per square metre monetary value is to be calculated in accordance with the Waverley Affordable Housing Contributions Scheme.

(6) This clause does not apply to development for the purposes of any of the following –

Planning Proposal – Waverley Council Affordable Housing Contributions Scheme

(a) development for the purposes of new residential flat building, multi dwelling housing, independent living unit, and shop top housing development that is used to provide affordable housing or social housing, or

(b) development for the sole purposes of generating employment, or

(c) development where a contribution under Clause 6.14 has been paid.

(7) The demolition of a building, or a change in the use of land, does not give rise to a claim for a refund of a contribution.

6.14 Affordable housing contribution on Planning Proposal sites

(1) This clause applies to development on land identified in Schedule 7.

(2) The consent authority may, when granting development consent to development to which this clause applies, impose a condition requiring an affordable housing levy contribution equivalent to the contribution specified for the land in Schedule 7 (the contribution).

(3) A condition imposed under this clause must satisfy the affordable housing levy contribution

(a) by way of a monetary contribution to the Council that is the per square metre value calculated in accordance with subclause (4), or

(b) by way of a dedication in favour of the Council of land comprising 1 or more complete dwellings (each having a total gross floor area of no less than 50 square metres).

(4) For the purposes of this clause, the per square metre monetary value is to be calculated in accordance with the Waverley Affordable Housing Contributions Scheme.

(5) This clause does not apply to development for the purposes of any of the following –

(a) development for the purposes of residential accommodation that is used to provide affordable housing or social housing

(b) development for the sole purposes of generating employment.

(6) The demolition of a building, or a change in the use of land, does not give rise to a claim for a refund of a contribution.

6.15 Affordable housing contribution under the Housing SEPP 2021

(1) This clause applies to development subject to Part 3 of the Housing SEPP 2021.

(2) The consent authority may, when granting development consent to development to which this clause applies, impose a condition requiring an affordable housing levy contribution, with the amount calculated in accordance with the formula set out in Cl48(2) and (3).

Schedule 7 Planning Proposal Land

Planning Proposal Land	Contribution requirement
<i>[intentionally blank – future PP lot and dp's would be added here]</i>	<i>[intentionally blank – contribution rate would be added here]</i>

PART 3 – JUSTIFICATION

3.1 Section A – Need for the planning proposal

There is an undeniable need to provide affordable housing within the Waverley LGA for low-moderate income households. In Waverley the household income to house price ratio has risen from 4 in 1994 to 12 in 2016. The house price to income ratio indicates that Sydney median household income of \$1,750 would need to spend 12 times their annual gross income to purchase the average house in Waverley. Furthermore, Waverley's rent (for all dwellings) is 130% higher than the Sydney average. The median rent for a house of \$1,300/week is well beyond the affordable rental range (more than 30% of household income). In particular, the disparity between rents in Waverley compared to Greater Sydney are more pronounced for three or more-bedroom places. This reflects a high demand for this type of housing product in Waverley.

The median rent for a unit is \$680/week. The median unit rent is affordable for households on a moderate income that is 20% more than the gross median household income for Waverley. The median weekly unit rent in Waverley suburbs is approximately \$500 to \$1,500 more than Sydney suburbs. According to the latest Rental Affordability Index 2020, most of the Waverley LGA is unaffordable for rental households with an income of \$95,000. In 2016, 20% of households renting in Waverley are in rental stress. This is a growing issue as the current supply of affordable rental housing is only meeting 57% of demand and new developments in Waverley may result in the loss of affordable housing.

When looking at the apartment types by bedroom number, the affordable units were for one and two-bedroom apartments. Like rental prices for houses, there is a significant increase in price for three-bedroom dwellings. This points to a demand for larger affordable units and the potential forced relocation for those residents who cannot afford these dwellings.

The above analysis highlights how Waverley has become severely unaffordable. In order to reduce the impact of this exacerbation Council needs to be able to increase the supply of dedicated affordable housing available to low-moderate income households.

3.1.1 Is the planning proposal a result of any strategic study or report?

The Proposal is a result of the Waverley Affordable Housing Contributions Scheme, as well as an identified problem with the new wording of the Housing SEPP. The Scheme identifies the clear and critical need for increased supply of affordable housing within Waverley. The scheme proposes a modest contribution levy on all new residential flat buildings, independent living units, multi-dwelling housing, and shop top housing development excluding development for the primary purpose of social housing and affordable rental housing. The scheme also proposes a contribution for sites that receive uplift through the Planning Proposal process as well as a clause that facilitates Council continuing to apply the Housing SEPP contributions

This Proposal also responds to the findings of the Local Housing Strategy. The Local Housing Strategy suggests that there is sufficient capacity under current controls to meet Waverley's set housing targets and accommodate housing needs up to 2036. The proposed Waverley scheme is inconsistent with the Department's *Guideline for Developing an Affordable Housing Contribution Scheme* ("the AHCS

Planning Proposal – Waverley Council Affordable Housing Contributions Scheme

Guidelines”), which require precinct scale upzonings to levy affordable housing contributions. However, the proposed Waverley Affordable housing Scheme is consistent with cl 7.32(1) of the *Environmental Planning and Assessment Act 1979* (the Act). This Planning Proposal intends to explain why Waverley’s circumstances are unique and – notwithstanding any inconsistencies with the AHCS Guidelines – are the most appropriate way to secure affordable housing.

3.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best means of facilitating new affordable housing contributions within the Waverley LGA as it is the only means of amending the LEP to reference the Scheme under the Housing SEPP. Currently Council allocates contributions from Planning Agreements towards public purposes including the provision of affordable housing. Council also levies contributions for affordable housing through the Housing SEPP if there is a reduction in affordable housing. Whilst Council has historically secured contributions through these methods, they are not the most effective means of securing contributions for affordable housing and there is now uncertainty given the current wording of the Housing SEPP. The contributions collected under the Housing SEPP are sent to NSW FACS and pooled to be provided to a Community Housing Provider for any affordable housing projects in the area.

Waverley has the second highest population density (80 people/Ha) in NSW with 66% of residents living in flats, units or apartments, compared to the Greater Sydney average where about 60% of the population live in detached houses. Even in relatively less dense parts of the LGA such as Dover Heights, the population density of 42 people/Ha still places it in the top 5% of most dense SA2s in NSW (30th out of 576 SA2s). Therefore, opportunities for ‘significant’ or ‘large scale’ rezoning (commonly known as “upzoning”) are limited. The requirement for significant precinct-scale upzoning provides a windfall gain to landowners and imposes only a minimal requirement for affordable housing. We suggest that in instances where sites receive an upzoning that a higher percentage of affordable housing is required and would best form part of a value capture / value sharing scheme.

The District Plan requires that all Councils develop 6-10 year (2022-2026) and 11-20 (2027-2036) year housing targets. The GSC developed 0-5 year targets (2016-2021) for all Councils and Waverley’s was 1,250 dwellings. This reflected the current housing supply pipeline that we were already on track to exceed. The proposed housing target of 3,400 dwellings to 2036 reflects a growth rate of 0.4% p.a to 2036. In comparison, DPHI’s dwelling projection for Greater Sydney is that it will grow by 2% p.a to 2036.

The housing target projects a similar level of growth to historical supply because beyond being already significantly dense, there are number of additional constraints to any further growth above current capacity. There is only so much ‘low hanging fruit’ left i.e. feasible and profitable sites, and these have been picked up in the capacity assessment. Once these sites are redeveloped, the high number of existing sites are predominantly strata titled reducing the amount of developable areas. The feasibility of these remaining non-strata areas is limited because much of these are Heritage Conservation Areas, heavily capitalised or in locations where single dwellings attract a higher premium compared to apartments (i.e. some apartment complexes have been converted to single dwellings). Whilst a housing target has been developed, it should be noted that ultimately the take up of the housing target will be left to the market.

Given the above, the LHS does not recommend any precinct upzonings and as such is inconsistent with the current version of the AHCS Guidelines, which focus on contributions being predicated on large scale precinct upzoning. Notwithstanding, the guidelines are much narrower in their scope than the

Planning Proposal – Waverley Council Affordable Housing Contributions Scheme

Act, which provides for a broader range of conditions in which an Affordable Housing Contribution Scheme can apply. In particular, this Planning Proposal is consistent with the *CI 7.32(1)(c)* of the Act “the proposed development is allowed only because of the **initial zoning** of a site, or the rezoning of a site (emphasis added).” The AHCS Guidelines too narrowly circumscribe the conditions for when affordable housing contributions can be levied by only focusing on the ‘rezoning’ and not the ‘initial zoning’. Furthermore, the Act refers to a site, not precincts as the AHCS Guidelines focus on. The interpretation of ‘initial zoning’ indicates that if a development is permissible, whether that be through the existing zoning or rezoning, or proposes to remove affordable housing, then Council should be able to levy a contribution from the development; regardless of if the site has been a part of a significant rezoning.

It is acknowledged that DPHI did not support an action in the LHS reading “develop an affordable housing contributions scheme that is inconsistent with DPHI guidelines” and asked Council to “revise its Affordable Housing Contribution Scheme to commit Council to examining the feasibility of levying affordable housing contributions for any new planning proposals that would result in development uplift or an increase in land value in line with SEPP 70 and the Department’s Guideline for Developing an Affordable Housing Contribution Scheme.” In response to this feedback, the recommended LEP clause wording under this Planning Proposal has been adjusted to provide opportunity for case by case feasibility testing – see proposed clause 6.14(3).

Implementing affordable housing contributions will allow Council to secure much needed housing for the purposes of affordable housing to be made available to low-moderate income households through community housing providers.

Why an LEP clause is more appropriate than Voluntary Planning Agreements

Historically Waverley has allocated funds received from Voluntary Planning Agreements (VPAs) to affordable housing. However, VPAs are ultimately voluntary and, in the absence of a clause in the LEP binding upzoned sites with an AH contribution, then there is nothing obligating developers to provide affordable housing as part of upzonings. Furthermore, VPAs must be entered into by each landowner and hence there may be circumstances where most landowners subject to an upzoning are supportive of an AH contribution, but an objecting landowner can undermine the VPA applying for affordable housing. For example, for the War Memorial Hospital Planning Proposal, Uniting owns 90% of all lots, but there are other owners interspersed and this is undermined the ability to apply a VPA and hence why an LEP clause that binds all landowners is preferred.

Why the 1% affordable housing levy contribution is needed?

Given the significant need for affordable housing in the Waverley LGA and the limited opportunities for large scale upzoning (i.e. most of the LGA being either strata titled, heritage listed or heavily capitalised), applying a 1% levy across all new residential flat buildings, independent living units, multi-dwelling housing, and shop top housing development is the only way to achieve a meaningful number of new affordable dedicated dwellings. Furthermore, the *CI 7.32(1)(c)* Act refers to the ‘initial zoning’ of a site regardless if the site has been a part of a significant rezoning.

Other Councils such as Willoughby and the City of Sydney, have applied a broad and low percentage rate across large area and this approach seeks to emulate these Councils. City of Sydney, for example, applied a 3% affordable housing contribution rate to all residential floorspace in Green Square and 1% to non-residential floorspace. In Ultimo/Pymont area, a 0.8% contribution rate was applied to residential floorspace and 1.1% applied to non-residential floorspace.

It is envisaged that the market could absorb a 1% affordable housing levy applying across the Waverley LGA as the only developer contributions that are payable are the 1% 7.12 levy – equating to

approximately \$4,000 per dwelling – which is very low in the context of the typical 7.11 contribution across most Sydney Councils (which is around \$20,000 per dwelling on average). Furthermore, viability testing of case study sites showed that a 1% affordable housing levy is viable. Depending on the suburb, the 1% affordable housing contribution would equate to between \$8,000 and \$14,000 per dwelling (each suburb has pre-scheduled rates in the Affordable Housing Contribution Scheme). On balance, ***the total contribution level even with the 1% AH contribution would be lower than most Councils' existing developer contributions arrangements; therefore, the burden to development would be tolerable.*** See Section 3.3.3 for a detailed discussion in the financial feasibility modelling.

The impact of the 1% affordable housing levy is likely to be absorbed by landowners, resulting in lower land price as demonstrated by extensive research in this area.¹ Research showed that the costs cannot be passed onto purchasers and add to the price of housing, because if the purchaser is willing to pay a higher price for the land or development, the landowner would likely charge it in any case.² As the impact of 1% affordable housing levy on development cost is minimum, in the short-term, if a developer had not accounted for a cost (such as an inclusionary zoning mandate), the costs are borne by the developer. In the medium to long-term, these costs are built into the cost profile of any potential development prior to the acquisition of a development site, thereby directly reducing the sale price landowners could achieve for development sites as purchasers would require a tenable profit margin (effectively shifting the windfall 'planning gain' from private to public interests). This is reflected by the NSW Productivity Commission *Review of Infrastructure Contributions in NSW*:

"Contributions do not necessarily add to the final price of new housing. The maximum price achievable for a new apartment or dwelling will be determined to a large degree by the broader housing market, with consideration of the unique characteristics of the property and its location. When a contribution is levied, to the extent that the broader housing market and characteristics of the dwelling are no different, the maximum price achievable for the dwelling would remain unchanged."³

3.2 Section B – Relationship to strategic planning framework.

3.2.1 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Greater Sydney Region Plan and exhibited draft strategies)?

A Metropolis of Three Cities

A Metropolis of Three Cities – the Greater Sydney Region Plan (Region Plan) prepared by the Greater Sydney Commission is a high-level strategy applicable to the proposal. The Region Plan sets forward a vision for Greater Sydney of three 'Cities' of which Waverley falls into the 'Eastern Harbour City.' Each city has goals related to Infrastructure and Collaboration, Liveability, Productivity and Sustainability, as well as Ten Directions that relate to the whole of the Greater Sydney Region. Each of the above

¹ Gurran, N., Rowley, S., Milligan, V., Randolph, B., Phibbs, P., Gilbert, C., James, A., Troy, L. and van den Nouwelant, R. (2018) Inquiry into increasing affordable housing supply: Evidence-based principles and strategies for Australian policy and practice, AHURI Final Report 300, Australian Housing and Urban Research Institute Limited, Melbourne, <http://www.ahuri.edu.au/research/final-reports/300>, doi: 10.18408/ahuri-7313001.

² Evans-Cowley, J.S. and L.L. Lawhon. (2003) 'The effects of impact fees on the price of housing and land: A literature review', *Journal of Planning Literature*, 17(3):351-359.

³ NSW Productivity Commission, *Review of Infrastructure Contributions in NSW*, pg. 33.

objectives within the Eastern City District Plan give effect to objectives within *A Metropolis of Three Cities*, the connections are set out below.

Eastern City District Plan

Planning priority E4: Fostering healthy, creative, culturally rich and socially connected communities

This Planning Proposal will help to target local responses to address spatial variations in socio-economic disadvantage across the Eastern City District as it will provide the supply of affordable housing in various suburbs throughout Waverley. The high connectivity and high accessibility of Waverley's public transport and proximity of surrounding suburbs to the Strategic Centre of Bondi Junction means that the affordable housing stock within Waverley will ensure that the tenants experience a higher quality of life.

Increased affordable housing stock will help to diversify Waverley's community by providing a greater emphasis on very low, low and moderate household incomes. This will ensure that Waverley isn't only affordable to those on high and very high household incomes.

This Proposal is in line with this direction of the Eastern City District Plan which in turn gives effect to the *Metropolis of Three Cities* this Planning Proposal delivers on the following objectives and corresponding strategies and actions:

- Objective 8 – Greater Sydney's communities are culturally rich with diverse neighbourhoods

Planning priority E5: Providing housing supply, choice and affordability, with access to jobs, services and public transport

Introducing the requirement for 1% affordable housing in all residential unit developments, a contribution (calculated at planning proposal assessment stage) for any site receiving uplift, and a clause allowing us to apply the Housing SEPP contributions will increase the availability of affordable housing within Waverley. This housing will be given to a community housing supplier to manage so that the rent will be capped at a percentage of the market rate meaning those on very low, low and moderate household incomes can still afford to live in Waverley. This will help to improve housing inequalities within Waverley and ensure that there will be a variety of housing typologies available at low rental rates.

As the contributions are proposed to cover the entirety of the Waverley LGA there will be greater certainty that the supply of housing will be located with good access to jobs, services and public transport. The relatively small requirement will also ensure that the development will still be economically feasible which in turn will ensure that the stock of affordable housing will grow with at least 1 dwelling per residential unit development being used for affordable housing purposes.

This Proposal is in line with this direction of the Eastern City District Plan which in turn gives effect to the *Metropolis of Three Cities* this Planning Proposal delivers on the following objectives and corresponding strategies and actions:

- Objective 10 – Greater housing supply
- Objective 11 – Housing is more diverse and affordable

Planning Proposal – Waverley Council Affordable Housing Contributions Scheme

Local Environmental Plan Making Guideline (August 2023) – Site Specific and Strategic Merit Tests

Table 1: Assessment of Proposal against Strategic Merit Test

Strategic Merit Test	
a) Does the proposal have strategic merit? Does the proposal:	
Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, and/or corridor/precinct plans applying to the site. This includes any draft regional, district or corridor/precinct plans released for public comment or a place strategy for a strategic precinct including any draft place strategy.	<p>As listed above, the Planning Proposal is consistent with Planning Priority E4: Fostering healthy, creative, culturally rich and socially connected communities and Planning Priority E5: Providing housing supply, choice and affordability, with access to jobs, services and public transport.</p> <p>Introducing the requirement for 1% affordable housing in select new residential development and a levy (calculated during planning proposal assessment stage) of any site receiving uplift will increase the availability of affordable housing within Waverley. This housing will be given to a community housing supplier to manage so that the rent will be capped at a percentage of the market rate meaning those on very low, low and moderate household incomes can still afford to live in Waverley. This will help to improve housing inequalities within Waverley and ensure that there will be a variety of housing typologies available at low rental rates.</p>
Demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan.	As seen below in Section 3.2.2 this Proposal is consistent with the LSPS, specifically <i>Planning Priority 6: Facilitate a range of housing opportunities in the right places to support and retain a diverse community</i> .
Respond to a change in circumstances that has not been recognised by the existing planning framework.	<p>This Proposal responds to the housing affordability crisis in Waverley that has been steadily growing for many years. The existing high house prices in Waverley continue to climb and are expected to have a detrimental impact on the socio-economic diversity of Waverley. There are great levels of inequality between those who can and cannot afford housing in Waverley. Increasing housing stress caused by the loss of affordable housing has detrimental ramifications such as the displacement of long-term residents in gentrifying areas, loss of cultural and social diversity, and key workers struggle to afford high housing costs proportionally to low incomes.</p> <p>This Proposal will ensure that there is housing available for those with very low, low and moderate household incomes. This Proposal is the mechanism by which the LEP can secure this affordable housing.</p>

Table 2: Assessment of Proposal against Site Specific Merit Test

Site-specific Merit Test	
b) Does the proposal have site-specific merit, having regard to the following:	
The natural environment on the site to which the proposal relates and other affected land (including	N/A. This Planning Proposal applies to the entirety of Waverley LGA. This Proposal will not have any impacts on the natural environment.

Planning Proposal – Waverley Council Affordable Housing Contributions Scheme

known significant environmental areas, resources or hazards).	
The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal.	This Proposal will not inhibit any proposed development within Waverley. The Proposal will ensure that any development for residential units or Proposal seeking an uplift through the Planning Proposal process will provide affordable housing. The loss of affordable rental housing will continued to be levied for contributions, as they have historically been done under the ARHSEPP. The modest and relatively low percentages proposed to be levied will ensure that the proposals are still economically viable so that the development can still go ahead, and a social benefit can be achieved.
The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.	This will be assessed as part of any subsequent DA or Planning Proposal that is lodged. The Proposal will not lead to any increase in population, only subsequent DAs and PPs will lead to this and these will be dependent on market demand.
Any proposed financial arrangements for infrastructure provision.	Any arrangements for infrastructure provision will be secured through a VPA which will be assessed on its merits.

3.2.2 Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Waverley Local Environmental Plan 2012

The Waverley LEP has seven main aims that all Planning Proposals and development should be consistent with where applicable. This Planning Proposal is consistent with the following key aims of the Waverley LEP.

to promote and co-ordinate a range of commercial, retail, residential, tourism, entertainment, cultural and community uses to service the local and wider community

This Proposal will promote a range of housing choices available to the Waverley community and importantly will service the needs of those on very low, low and moderate household incomes. This will in turn support the wider community as it will ensure equity in housing choices and promote diversity through allowing members of the community of a variety of socio-economic backgrounds to live in the area. This will also ensure long term residents are not displaced as a result of housing affordability.

to provide for a range of residential densities and range of housing types to meet the changing housing needs of the community

The Planning Proposal is the best means of facilitating new affordable housing contributions within the Waverley LGA which will allow Council to secure much needed affordable housing stock within Waverley. At present, Waverley is severely unaffordable. Waverley's rent for all dwellings is 1.3 times higher than the Sydney average. As a result, 30% of all renting households are in rental stress and, most strikingly, 85% of low-income households are in rental stress. The current forms of affordable housing supply are not going to meet the relevant demand. Waverley has the fifth lowest key worker population

Planning Proposal – Waverley Council Affordable Housing Contributions Scheme

in Greater Sydney. Where key workers are on a very low, low and moderate income, this is contributing to overall demand for affordable housing. This Planning Proposal responds to this need from the community for increased supply of affordable housing.

*Waverley Local Strategic Planning Statement***Table 3: Assessment of the Proposal against the Local Strategic Planning Statement**

Direction: Housing the city	
Planning Priority 6: Facilitate a range of housing opportunities in the right places to support and retain a diverse community	
<p>1. Prepare and implement a Local Housing Strategy that:</p> <ul style="list-style-type: none"> • Sets a 6-10 year and 20 year housing target; • Includes a review of the demand for seniors housing; • Investigates demand for student and worker housing to support the Randwick Health and Education Precinct, and other local needs. 	<p>The District Plan requires that all Councils develop 6-10 year (2022-2026) and 11-20 (2027-2036) year housing targets. The GSC developed 0-5 year targets (2016-2021) for all Councils and Waverley's was 1,250 dwellings. This reflected the current housing supply pipeline that we were already on track to exceed. The proposed housing target of 3,400 dwellings to 2036 reflects a growth rate of 0.4% p.a to 2036. In comparison, DPHI's dwelling projection for Greater Sydney is that it will grow by 2% p.a to 2036.</p> <p>The housing target projects a similar level of growth to historical supply because beyond being already significantly dense, there are number of additional constraints to any further growth above current capacity. There is only so much 'low hanging fruit' left i.e. feasible and profitable sites, and these have been picked up in the capacity assessment. Once these sites are redeveloped, the high number of existing sites are predominantly strata titled reducing the amount of developable areas.</p> <p>The Local Housing Strategy suggests that there is sufficient capacity under current controls to meet Waverley's set housing targets and accommodate housing needs up to 2036. Therefore, Waverley is not proposing any upzoning as part of the Comprehensive LEP Review 2021 as the housing demand can be met under current controls.</p>
<p>2. To increase the avenues to deliver affordable housing:</p> <ul style="list-style-type: none"> • Work with Woollahra and Randwick Councils to prepare a regional approach to affordable housing; • Involve community housing providers in the preparation of the Affordable Housing Strategy; • Investigate opportunities to form partnerships to increase housing for very low to medium income groups; 	<p>This Proposal is the implementation mechanism by which the affordable housing contributions scheme will be recognised in the LEP. This will help to increase housing supply available to very low, low- and medium-income households. As the contribution will apply to the entirety of the Waverley LGA, it will be the first step in preparing a regional approach to affordable housing in the Eastern City District. The Randwick Contribution Scheme's inclusion into the Housing SEPP (formerly SEPP 70) and Woollahra's application for an Affordable Housing Contribution Scheme</p>

Planning Proposal – Waverley Council Affordable Housing Contributions Scheme

Direction: Housing the city	
Planning Priority 6: Facilitate a range of housing opportunities in the right places to support and retain a diverse community	
<ul style="list-style-type: none"> • Prepare and implement the Affordable Housing Strategy; • Review planning controls to support the delivery of affordable housing 	<p>will ensure that there are a variety of housing typologies available throughout the East to socio-economically disadvantaged groups.</p> <p>Once secured, the affordable housing will be managed by a community housing provider and rented out at rates that do not exceed a benchmark of 30% of the tenant's household income.</p> <p>Once this Proposal is gazetted by DPHI, this will be the avenue by which the planning controls have been amended to support the delivery of affordable housing.</p>
3. Work with the Department of Planning, Industry and Environment to prepare an affordable housing scheme to ensure the Housing SEPP is effective in Waverley	<p>This Planning Proposal will ensure that the Housing SEPP is effective within Waverley. The Planning Proposal provides the legislative means by which Council can require contribution payments for the purposes of affordable housing. As discussed throughout this report, the scheme requires some exemptions from the guidelines of the scheme but it does so in meeting the objectives of the scheme. As the Waverley Local Housing Strategy outlines there are no precincts left in Waverley to be upzoned as the LGA has the second highest population density in NSW among other issues which are discussed in Section 3.1.2. The proposed modest contribution rates will ensure that Waverley Council can still secure much needed affordable housing for its community without stifling development viability as seen in the economic feasibility modelling.</p>
4. Review planning controls to provide for diverse types of housing, and work with NSW Government to improve character considerations in the Codes SEPP	<p>This Proposal will help to promote affordable housing within Waverley by increasing the supply of affordable housing for socio-economically disadvantaged people. The Proposal applies to residential unit developments and sites seeking uplift through a Proposal and as such will ensure a mix of apartment types are made available to the affordable housing market.</p> <p>Whilst the Proposal is not specifically making any recommendations to provide diverse housing typologies, Council will be implementing controls to target this issue as part of the Comprehensive LEP 2021.</p>
5. Implement controls to regulate Short Term Holiday Letting in the LGA	Not applicable.
6. Advocate for changes to the ARHSEPP to increase the effective application of Part 3 to introduce a maximum cap on permissible rents, and increase effective and localised contributions schemes	Waverley Council has long advocated for changes to the former ARHSEPP and Housing SEPP to ensure the effectiveness of Part 3 and increase the effectiveness of securing localised contributions for affordable housing purposes.

Planning Proposal – Waverley Council Affordable Housing Contributions Scheme

Direction: Housing the city	
Planning Priority 6: Facilitate a range of housing opportunities in the right places to support and retain a diverse community	
	Whilst this Proposal does not impact the ARHSEPP or Housing SEPP at all, it does propose to ensure the effectiveness of securing contributions for localised affordable housing by introducing the 1% and uplift contribution levies and ensuring that Chapter 2 Affordable housing contributions under the Housing SEPP can continued to be applied. This Proposal is consistent with this action within the LSPS.

Waverley Community Strategic Plan 2022 - 2032

Table 4: Assessment of Proposal against Waverley Community Strategic Plan

Section	Consistency
1.7 Actively drive housing policy to meet the needs of the vulnerable, diverse and growing population	This Proposal will provide the mechanism that will ensure that affordable housing is secured in all future residential unit development and for any site receiving uplift. These units will be managed by community housing providers and strict conditions for tenants will be used so that the housing is made available only for those on very low, low and moderate household incomes. This Proposal is consistent with 1.7 of the Waverley Community Strategic Plan.

Waverley Local Housing Strategy

Table 5: Assessment of the Proposal against the Local Housing Strategy

Section	Consistency
Priority H2: Encourage a range of housing options to support and retain a diverse community	The Planning Proposal is consistent with this priority as the contributions will assist Council to increase affordable and social housing stock, contributing to greater housing options and providing accommodation that allows a diversity of individuals and families to continue residing in Waverley.
Priority H3: Increase amount of affordable rental and social housing. H3. 1. Develop an affordable housing contributions scheme for all new apartment developments. Initial modelling and analysis suggests the scheme could comprise the following elements: * A small levy (1-3%) applying to all new residential apartment development. * A higher levy (10-15%) applying to sites receiving uplift through planning controls.	The Planning Proposal is consistent with this priority as the contributions will assist Council to increase affordable and social housing stock.

Planning Proposal – Waverley Council Affordable Housing Contributions Scheme

* Contributions to offset the loss of affordable housing.	
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3.2.3 Is the planning proposal consistent with applicable State Environmental Planning Policies?

Table 6: Assessment of Proposal against relevant SEPPs

Title	Applicable	Consistent
Housing SEPP	Yes	<p>A key intention of the Housing SEPP is to facilitate more affordable rental housing by encouraging smaller and by nature, less expensive, dwellings into the local housing market. However, the SEPP historically relied on the smaller nature of the housing to make it affordable, with no formal requirements to cap rent at an affordable rate until recently. In the 2016/17 financial year 20% of secondary dwellings were rented out on the private market and were more expensive than comparable product in the market. Anecdotal evidence indicates that the remaining 80% of secondary dwellings are being utilised under private, likely informal arrangements for extended family or adult children to live in. This reflects a wider shift towards multi-generational households for social and cultural reasons but also increasing housing affordability pressures particularly for young adults trying to get their foot in the market. Moreover, it is out of Council's control to monitor the rents to ensure that they are addressing the demand for affordable housing.</p> <p>Furthermore, developments only need to be available at a discounted affordable rate for 15 years, not in perpetuity.</p> <p>In early 2019, DPHI announced that, under (the now-repealed SEPP 70), all Councils were eligible to impose a condition of consent on new development for contributions to affordable housing. To do this, Council must have an affordable housing contributions scheme referenced in the LEP. This Proposal is the mechanism by which the contributions scheme is reference in the LEP.</p> <p>Waverley raised concerns in its submission to the draft SEPP 70 Guidelines that affordable housing contribution scheme should apply to all new development and that it is possible the guidelines misrepresent the Act by only focusing on the 'rezoning' and not the 'initial zoning'. To further address these concerns Council prepared the Local Housing Strategy.</p> <p>Council's Local Housing Strategy does not propose any rezoning in the LGA. This is because it was determined that existing housing capacity under current controls would deliver the appropriate housing supply to meet housing targets. Notwithstanding, the Local Housing Strategy identified a strong need for affordable housing in the Waverley LGA and indicated that new market housing was not addressing this need but exacerbating it by often reducing existing affordable housing. To this end, there is a clear case for intervention, in the form of an affordable housing</p>

Planning Proposal – Waverley Council Affordable Housing Contributions Scheme

		<p>contribution, to ensure that new housing delivery is contributing to the delivery of affordable housing.</p> <p>The contribution will apply to all new residential flat buildings, independent living units, multi-dwelling housing, and shop top housing development excluding employment generating only development and development for the primary purpose of social housing and affordable rental housing and will consist of:</p> <ul style="list-style-type: none"> • A contribution on all new residential flat buildings, independent living units, multi-dwelling housing, and shop top housing development of 1% of gross floor space at a flat \$ rate/sqm. • A contribution of gross floor space towards affordable housing for sites that receive planning uplift through planning controls. • A clause allowing for the continued application of affordable housing contributions under Chapter 2 of the Housing SEPP. <p>This Proposal justifies this proposed amendment further throughout. This Planning Proposal is the best means of facilitating new affordable housing contributions which will allow Council to secure much needed affordable housing stock within Waverley. This is consistent with the objectives of the SEPP.</p>
Transport and Infrastructure SEPP	N/A	Not inconsistent
Primary Production SEPP	N/A	Not inconsistent
Biodiversity and Conservation SEPP	N/A	Not inconsistent
Resilience and Hazards SEPP	Yes	Yes. This Planning Proposal does not contain provisions that contradict or would hinder the application of this SEPP
Industry and Employment SEPP	Yes	Yes. This Planning Proposal does not contain provisions that contradict or would hinder the application of this SEPP
Resources and Energy SEPP	N/A	Not inconsistent
Planning Systems SEPP	N/A	Not inconsistent
Precincts SEPPs: Eastern Harbour City SEPP, Western Parkland City SEPP, Central River City SEPP and Regional SEPP	N/A	Not inconsistent
Codes SEPP	Yes	Yes. This Planning Proposal does not contain provisions that contradict or would hinder the application of this SEPP
Sustainable Buildings SEPP	Yes	Yes. This Planning Proposal does not contain provisions that contradict or would hinder the application of this SEPP

3.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Table 7: Assessment of Proposal against NSW Ministerial Directions

Ministerial Directions	Comment
3.1 Residential Zones	This Planning Proposal aligns with the relevant actions listed in this ministerial direction. The

Planning Proposal – Waverley Council Affordable Housing Contributions Scheme

Ministerial Directions	Comment
<p>(1) The objectives of this direction are:</p> <p>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) to minimise the impact of residential development on the environment and resource lands</p> <p>(4) A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and</p> <p>(b) make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p>(5) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p>	<p>Proposal proposes to commit gross floor area to affordable housing for any site that receives uplift and 1% of gross floor area for any residential unit development, as well as allow for the continued application of the Housing SEPP. The Proposal will cover all of Waverley LGA so all resulting development for affordable housing will be well located to make use of existing infrastructure and public transport services to provide access to surrounding areas.</p> <p>This Proposal will not contain provisions which will reduce the permissible residential density of land.</p>
<p>3.2 Heritage Conservation</p> <p>(1) A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</p> <p>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning</p>	<p>This Planning Proposal is not inconsistent with this direction, as clause 5.10 of the WLEP 2012 will continue to require heritage conservation.</p>

Planning Proposal – Waverley Council Affordable Housing Contributions Scheme

Ministerial Directions	Comment
authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.	
<p>5.1 Integrating Land Use and Transport</p> <p>(1) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</p> <p>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</p>	This Planning Proposal is not inconsistent with this direction, as it is still proven to be financially viable to development the applicable residential land uses in well-connected areas with good access to jobs and services by cycling, walking and public transport particularly within the MU1, E1, R3 and R4 zones.
<p>6.1 Approval and Referral Requirements</p> <p>(1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p>	The proposal aims to ensure that the amended WLEP2012 would give effect to the redevelopment of the site and the appropriate assessment of development.
<p>7.1 Employment Zones</p> <p>(1) A planning proposal must:</p> <p>(a) give effect to the objectives of this direction,</p> <p>(b) retain the areas and locations of Employment zones,</p> <p>(c) not reduce the total potential floor space area for employment uses and related public services in Employment Zones.</p> <p>(d) not reduce the total potential floor space area for industrial uses in E4, E5 and W4 zones, and</p> <p>(e) ensure that proposed employment areas are in accordance with a strategy that is approved by the Planning Secretary.</p>	<p>This Planning Proposal is not inconsistent with this direction as it will not discourage employment growth in suitable locations nor impact on the viability of identified centres.</p> <p>Employment-only generating development is excluded from either contribution.</p>

3.3 Section C – Environmental, social and economic impact

3.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

This Planning Proposal does not propose any physical development and the collection of contributions for the purposes of affordable housing will not have any environmental impacts. Any development that is lodged with Waverley Council will be assessed on its merits.

3.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Planning Proposal – Waverley Council Affordable Housing Contributions Scheme

There are no environmental impacts proposed as part of this Planning Proposal.

3.3.3 Has the planning proposal adequately addressed any social and economic effects?

Economic effects

Financial feasibility modelling was completed to understand the impact of a 10% levy across the LGA (see attachments). Local developers were contacted to discuss assumption parameters. The following assumptions were used in the modelling.

Assumption	Comment
Cost assumptions	
High standard finish	Applied to all development tested and revenues reflected this level of finish.
Contingency	The building costs in the DPHI spreadsheet reflect Rawlinsons 'Australian Construction Handbook' costs, which have contingency built into the costs. Therefore, additional contingency was not added (cell reference E113 of 'Assumptions' tab).
Revenue Assumptions	
Sales prices	Where possible new apartment sales in the suburb were used. Where there has been a lack of new sales, existing apartments (typically 1970s stock) has been used with a 20% premium added to reflect a new sale.
Other Assumptions	
Apartment mix	Adopted the standard apartment mix as this covers off a broad section of development types in the LGA.
Uplift %	An uplift % of typically 30% was used across scenarios. Though most planning proposals seek uplift greater than this amount, this low uplift % was used to be conservative.
Land premium	Typically, 20% premium on existing use value has been used, although this was reduced to 15% in areas where prices are really high. Local developers indicated that a lower premium was offered in these areas.
Examples	Where possible actual developments were used in each suburb that was tested. Not all suburbs were tested as they had similar characteristics of neighbouring suburbs that were tested.

Overall, the modelling demonstrated that a 10% affordable housing levy applying to new developments with modest uplift was financially viable and hence would have an acceptable effect from a developer's financial point of view. However, it is important to make the distinction that *private feasibility* occurs when industry can generate a return on capital that is sufficient to proceed with a project. This will arise when a purchaser's willingness to pay exceeds delivery costs and a minimum acceptable profit to developers. This is very different from an economic perspective, which is concerned with the public interest and measures changes to society's welfare and economic benefits or costs. The economic case for affordable housing contributions is strong.

The benefits of affordable housing are based on the social and economic sustainability associated with a greater social mix. Quality of life and well-being are enhanced if people transact their citizenship in diverse communities rather than polarised districts. Health outcomes, engagement in civic process and

Planning Proposal – Waverley Council Affordable Housing Contributions Scheme

social capital building are supposed to be superior for rich and poor alike in mixed communities. The failure to provide affordable housing permanently in well serviced locations as the city develops leads to the geographic isolation, and subsequent marginalisation of low income and at-risk groups. There is evidence that concentration exacerbates disadvantage and diminishes the potential for involvement in training and work. Therefore, the inclusion of affordable housing in established areas with good access to opportunity is fundamental to social function and to avoid foregone human capital.⁴

Social Impacts

The existing high house prices in Waverley continue to climb and are expected to have a detrimental impact on the socio-economic diversity of Waverley. There are great levels of inequality between those who can and cannot afford housing in Waverley. Increasing housing stress caused by the loss of affordable housing has detrimental ramifications such as the displacement of long-term residents in gentrifying areas, loss of cultural and social diversity, and key workers struggle to afford high housing costs proportionally to low incomes.

Rental stress is a growing issue across Sydney as more people choose or can only afford to rent in a competitive housing market. In 2016, 30% of households renting in Waverley are in rental stress, which makes up 13% of all households in Waverley. When broken down into the income brackets below, there is a stark comparison between the proportion of households in rental stress when compared to Greater Sydney. This is markedly noticeable for very low income and low-income households where 81% and 85% of these households are in rental stress. Based on anecdotal evidence, these households are likely to be those on a pension or single income families.

The proportion of households in rental stress has been translated as a base level demand target for the provision of affordable rental housing. In 2016, 13% of Waverley households were in rental stress equating to 3,440 dwellings (assuming one household equals one dwelling). This made up 11% of the total dwelling stock in 2016. The Waverley Local Housing Strategy highlights that just to address the current proportion of households in rental stress, an additional 600 affordable dwellings will be required by 2036, equating to approximately 30 affordable rental dwellings per annum.

Facilitating the provision of more affordable housing through the Scheme will help to achieve this target set for approximately 30 affordable rental dwellings per year as it is a much more consistent and certain way of securing the contribution for affordable rental housing as opposed to a VPA. This will have a positive social impact as it will help to bridge the gap in housing inequality in Waverley and ensure that long term residents who are in rental stress are not displaced.

It is important to understand the demand for key worker housing as key workers are essential to the social and economic wellbeing of cities. The financial ability of key workers to live somewhere is often used as a measure of housing affordability because they are generally in lower-paid occupations and need to live close to their place of work because of irregular shifts (e.g. at night) or the need to respond to emergency situations. Typically, key workers are teachers, nurses, ambulance, paramedic and emergency services and police officers.

In 2016, there were 1,600 key workers on very low, low to moderate incomes living in Waverley. Between 2006 and 2011, there was a 15.2% net loss of these key workers in the Eastern Suburbs, and now Waverley LGA has the fifth lowest key worker population in Sydney.⁵ The loss of key workers is

⁴ Spiller M and Anderson-Oliver M, 'Revisiting the economics of inclusionary zoning', SGS Economics and Planning, April 2015.

⁵ Gurran, N., Gilbert, C. Zhang, Y., Phibbs, P. 2018, "Affordability in Sydney", Report prepared for Teachers Mutual Bank, Police Bank and My Credit Union, The University of Sydney, Sydney.

Planning Proposal – Waverley Council Affordable Housing Contributions Scheme

telling of the broader picture that Waverley has grown as an increasingly unaffordable area for very low and low income households. This entrenches and exacerbates disadvantages as it “can force long distance commutes and increasingly displace asset poor older and younger people from areas where they have historically lived; thereby excluding those who play a valuable role in the Waverley’s economic and social fabric”.⁶

3.3.4 Is there adequate public infrastructure for the planning proposal?

While this Planning Proposal will facilitate more affordable housing, it does not propose an increase in density above that which is currently permissible under the Waverley LEP. As such, it will not result in an increase in residential or worker population greater than what have already been anticipated and is not expected to result in any additional burden on existing public infrastructure.

Any Planning Proposals or DAs proposing uplift above the development standards will be considered on their merits.

PART 4 – MAPPING

This Planning Proposal will apply to all of Waverley LGA and as such no changes to mapping are required.

PART 5 – COMMUNITY CONSULTATION

Public exhibition is likely to include a newspaper advertisement, hard copy display in the Council’s Library and Customer Service Centre, a display on the Council’s website and written notification to landowners. The gateway determination will specify the level of public consultation that must be undertaken in relation to the planning proposal.

Pursuant to Division 3.4 of the Act, a planning proposal must be placed on public exhibition for a minimum of 28 days, or as specified in the gateway determination for the proposal. The Responsible Planning Authority must consider any submissions made concerning the proposed instrument and the report of any public hearing.

PART 6 – PROJECT TIMELINE

The following indicative project timeline will assist with tracking the progress of the planning proposal through its various stages of consultation and approval. It is estimated that this amendment to WLEP will be completed by December 2021.

The detail around the project timeline is expected to be prepared following the referral to DPHI for a Gateway Determination.

Table 7: Project Timeline

Tasks	Timeframe
First Gateway Determination	January 2023
Second Gateway Determination	September 2023

⁶ Judith Stubbs and Associates, 2016, SSROC Affordable Housing Submission: Background report part 1 – demographic and housing market analysis.

Planning Proposal – Waverley Council Affordable Housing Contributions Scheme

Resubmission of Planning Proposal	October 2023
Community Consultation	November 2023
Post Exhibition Review	January 2024
Update Planning Proposal / Report to Council	February 2024
Parliamentary Counsel drafting of LEP	March 2024
DPHI to finalise LEP	March 2024

Waverley Affordable Housing Contribution Scheme 2023



Waverley Affordable Housing Contributions Scheme 2023

Waverley Affordable Housing Contribution Scheme 2023

Document Control

No.	Amendment	Date
1	Document first adopted	01/12/2020
2	Amendments proposed for clarity	13/04/2021
3	Amendments in line with Gateway Determination, sent to 4 April 2023 SPDC	04/04/2023
4	Amendments in line with Gateway Determination and SPDC minutes	31/05/2023
5	Amendments in line with DPE Letter to Council dated 19 September 2023	04/10/2023

Waverley Affordable Housing Contribution Scheme 2023

Table of Contents

Contents

1. Strategic context and background4

1.1. Background 4

1.2. Introduction..... 4

1.3. Aim of this scheme 6

1.4. Where does the scheme apply?..... 6

1.5. What types of development does the scheme apply to?..... 6

1.6. Overview of affordable housing need in Waverley..... 6

1.7. Legislative basis for affordable housing contributions..... 7

1.8. Relationship to other affordable housing provisions in the LGA..... 7

1.9. Affordable housing principles 7

2. Affordable housing contributions8

2.1. Voluntary Planning Agreements..... 8

2.2. Monetary contribution rates in the LEP..... 8

2.2.1. Dedication of dwellings..... 8

2.3. Development that is exempt from the affordable housing contribution scheme..... 8

2.4. Conditions of consent for affordable housing..... 8

3. Administration and implementation.....9

3.1. How to make a contribution..... 9

3.2. Processes for the distribution and management of funds..... 9

3.4. How tenants are assessed and allocated homes..... 10

3.5. Monitoring and review of scheme.....Error! Bookmark not defined.

Waverley Affordable Housing Contribution Scheme 2023

1. Strategic context and background

1.1. Background

Section 7.32 of the Act requires an affordable housing contributions scheme in order to impose a condition requiring land or contributions for affordable housing.

The Waverley Affordable Housing Needs Analysis (Appendix A) demonstrates the need to increase the supply of affordable rental housing in Waverley Local Government Area (LGA). Without provision of more affordable forms of housing, the market will continue to produce more expensive housing in the area, so that housing will only be affordable to households on relatively high incomes. The flow on effect is that existing lower income groups would need to move out of the area, and new lower income households may be prevented from finding housing in the local area.

The Waverley LGA is undergoing significant change from projected population growth and redevelopment pressures. These changes combined with access to the eastern beaches, significant open spaces, Bondi Junction rail interchange, commercial and retail centre makes the area an attractive place to live, work and visit. This will continue to place upward pressure on property values beyond the means of lower income households to purchase or rent in the area.

1.2. Introduction

The *Waverley Affordable Housing Contributions Scheme* (herein referred to as the Scheme) aims to ensure that lower income households continue to live and work locally within the Waverley LGA, to facilitate a socially diverse and inclusive community.

Council's affordable housing programs

Council administers its own affordable housing programs which comprise Council's broader Social and Affordable Housing Program. These are:

- Waverley Affordable Housing Program (WAHP)
- Waverley Housing for Older People (WHOP), and
- Waverley Community Living Program (WCLP).

Each of these programs targets different groups in need of social and affordable housing support in the local community.

At the time that this scheme was prepared, Council owns 79 housing units as part of Council's overall program, with many of these located in the suburb of Queens Park. The majority of current tenants in Council's program are single person households.

Affordable stock owned by Council are administered by an eligible community housing provider. The

Waverley Affordable Housing Contribution Scheme 2023

provider is appointed by a tender process and contractual agreements between Council and the community housing provider include maintenance responsibilities and a performance management framework which includes but is not limited to the provision of detailed financial statements; quarterly performance monitoring reports relating to vacancies; renewals compliments and complaints; and annual outcomes monitoring for tenants.

Current approach for collecting contributions

Waverley's current approach to collecting affordable housing contributions is under Waverley's Planning Agreement Policy 2014. This Policy has been successfully utilised to negotiate and draft planning agreements accompanying Development Applications seeking a Clause 4.6 variation to Clause 4.4 Floor space ratio for additional floorspace. Waverley has had a longstanding commitment to the provision of affordable housing where every planning agreement contribution allocates 10% of funds towards affordable housing. Amendment 3 increased this to a minimum of 25%.

The NSW Government released a Ministerial Direction requiring that Councils who wish to require land or contributions for affordable housing through a voluntary planning agreement must have an affordable housing contributions scheme. Council wishes to continue allocating planning agreement funds to affordable housing and hence the preparation of this Scheme.

Proposed approach for collecting contributions

Under *State Environmental Planning Policy (Housing) 2021 (previously known as State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes))* (Housing SEPP) all Councils in NSW were made eligible to start collecting affordable housing contributions where there is uplift in the planning controls, an identified local housing need (Appendix A) and where it is viable.

Council has adopted the Local Housing Strategy which does not propose any upzoning in the LGA. This is because it was determined that existing housing capacity under current controls would deliver the appropriate housing supply to meet housing targets. Notwithstanding, the Local Housing Strategy identified a strong need for affordable housing in the Waverley LGA and indicated that new market housing was not addressing this need but exacerbating it by often reducing existing affordable housing. To this end, there is a clear case for intervention, in the form of an affordable housing contribution, to ensure that new housing delivery is contributing to the delivery of affordable housing. The LHS recommended a percentage range of 1-3% contribution on all new residential apartment development and 10-15% contribution on sites receiving uplift.

This scheme will apply a 1% contribution levy to the total gross floor area on all new residential apartment development (including independent living units), multi-dwellings and mixed-used developments. The levy rates are outlined in Section 2.2.

Furthermore, Council also receives unsolicited planning proposals from private industry. Council will seek to apply an affordable housing contribution target of 10% of total gross floor area for sites subject to uplift via a Planning Proposal.

Waverley Affordable Housing Contribution Scheme 2023

“Uplift” in a planning proposal refers to situations where a site’s value increases through increased gross floor area, a change of zoning or other planning variations.

1.3. Aim of this scheme

The aim of the Scheme is to deliver affordable housing resulting from contributions in the Waverley LGA. The scheme aims to:

- Support a socially diverse community
- Capture value attributed to individual landowners through uplift granted by the planning system for the public purpose of affordable housing
- Expand Council’s existing affordable housing portfolio

1.4. Where does the scheme apply?

The Scheme applies to the whole Waverley Local Government Area.

1.5. What types of development does the scheme apply to?

The scheme applies to all new residential flat buildings, independent living units, multi-dwelling housing and mixed-use development (shop top housing).

1.6. Overview of affordable housing need in Waverley

Affordable housing refers to a spectrum of housing options including social housing, affordable rental housing, and certain types of market housing. There are few opportunities in Waverley to access affordable housing. Unaffordability has been a growing issue over the last two decades as household income-to-house price ratio has increased from 4:1 in 1994 to 12:1 in 2016. At present, Waverley is severely unaffordable. Waverley’s rent for all dwellings is 1.3 times higher than the Sydney average. As a result, 30% of all renting households are in rental stress and, most strikingly, 85% of low-income households are in rental stress.

The current forms of affordable housing supply are not going to meet the relevant demand. Waverley has the fifth lowest key worker population in Sydney. Where key workers are on a very low, low and moderate income, this is contributing to overall demand for affordable housing. To meet the base demand, 11% of total dwelling stock needs to be affordable. Projecting this to 2036, this equates to an additional 600 affordable rental dwellings, or approx. 30 affordable rental dwellings per annum. Proposed affordable housing targets of 1% of gross floor area on all new development specified in section 1.5 and a target of 10% of total gross floor area on development receiving uplift, while not meeting all underlying demand, will provide a pathway to increasing affordable housing in the LGA. Furthermore, to retain the current proportion (2%) and ensure no further net loss of social housing, 90 social housing units should be delivered by 2036. Whilst Council can continue to advocate for this, the state government owns and manages social housing.

The current sources of affordable housing are from what is approved under the Housing SEPP Waverley Council’s Affordable Housing program and what’s available in the market. The current supply of affordable

Waverley Affordable Housing Contribution Scheme 2023

rental housing is only meeting 57% of demand and 43% of households in rental stress are not going to have their housing needs met in the current housing climate.

1.7. Legislative basis for affordable housing contributions

Residential development and mixed-use development excluding dwelling houses (a building containing only one dwelling) and employment generating only development within the Waverley LGA is subject to the collection of contributions for affordable housing under Section 7.32 Clause 1 of the Act because:

- The Housing SEPP is applied to the whole state. It allows Councils to collect affordable housing contributions where there is an identified need for affordable housing in the area. Appendix A provides additional analysis for affordable housing in the LGA.
- Redevelopment in the LGA will reduce the availability of affordable housing by increasing demand for affordable housing while also increasing the cost of housing.

1.8. Relationship to other affordable housing provisions in the LGA

Where an applicant seeks to utilise the bonus provisions of the Housing SEPP - *Division 1 In-fill affordable housing*, this contributions plan does not apply to the gross floor area dedicated to affordable housing as part of that development.

1.9. Affordable housing principles

The Waverley affordable housing principles are:

- Affordable housing must be provided and managed in Waverley so that a socially diverse residential population representative of all income groups is available in Waverley,
- Affordable housing must be rented to tenants whose gross household incomes fall within the following ranges of percentages of the median household income for the time being for the Sydney Statistical Division according to the Australian Bureau of Statistics:
 - Very low income household - less than 50%
 - Low income household - 50% or more, but less than 80%
 - Moderate income household - 80–120%
 - and at rents that do not exceed a benchmark of 30% of their actual household income, and
- Dwellings provided for affordable housing must be managed so as to maintain their continued use for affordable housing,
- Rental income from affordable housing received by or on behalf of the Council, after deduction of normal landlord's expenses (including management and maintenance costs and all rates and taxes payable in connection with the dwellings), must be used for the purpose of improving or replacing affordable housing or for providing additional affordable housing in Waverley or for research and policy development for housing and affordable housing purposes, and
- Affordable housing must consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with other dwellings within the development, especially in terms of internal fittings and finishes, solar access and privacy.

Waverley Affordable Housing Contribution Scheme 2023

2. Affordable housing contributions

2.1. Voluntary Planning Agreements

The Planning agreement policy 2014 requires that at a minimum 25% of all VPA contributions go to affordable housing. In some circumstances, this may be higher.

2.2. Monetary contribution rates in the LEP

The levy will be calculated as a percentage across the whole development in accordance with the market value of residential floorspace at the time of the planning proposal being assessed and before a Gateway Determination. These rates are outlined on Council's website [\[insert hyperlink\]](#) and will be updated on a regular basis in line with current market conditions.

- A levy of 1% of the total gross floor area will be sought to apply to all new residential flat buildings, independent living units, multi-dwelling housing and mixed-use developments (shop top housing) only. This excludes residential development not specified in the above, or commercial generating only developments and other types of development referred to in section 2.3.
- A levy of the total gross floor area will apply to sites receiving uplift through planning proposals, with a target rate of 10% of total gross floor area.

Sites that have previously received uplift through the planning proposal process and have also provided a contribution in line with Council's AHCS will not be subject to the prescribed levy of 1% of the total gross floor area at DA stage referred to above.

2.2.1. Dedication of dwellings

Council's preference is for monetary contributions. However, where the opportunity arises that the monetary contribution is equal to that of a whole unit (at least 50 sqm), this could be dedicated to Council.

2.3. Development that is exempt from the affordable housing contribution scheme

Residential development not specified in section 1.5, employment generating only developments, social and affordable housing developed exclusively for the purposes of affordable housing and residential care facilities are all exempt from the affordable housing contribution scheme.

2.4. Conditions of consent for affordable housing

Where the total floor area to be dedicated as affordable housing is less than the amount equivalent to a unit at least 50sqm or where the proposed dwellings are considered not appropriate for the purpose of affordable housing (subject to Council approval), an equivalent monetary contribution that would otherwise be required will be sought in accordance with the rate, outlined in section 2.2.

Where an in-lieu contribution is being made the condition of consent is to contain but not be limited to, the following information:

- The monetary contribution required in accordance with the rates as specified under 2.2 of this plan;
- The total floor area of the development used for residential purposes that was used in the calculations;

Waverley Affordable Housing Contribution Scheme 2023

- A requirement that the condition be satisfied (to Council's approval) prior to the issue of a construction certificate.

3. Administration and implementation

3.1. How to make a contribution

Payment of contributions will be by unendorsed bank cheque or electronic transfer to the Council prior to issue of any construction certificate. In circumstances where no construction certificate is required, payment is required prior to commencement of use/occupation.

3.2. Processes for the distribution and management of funds

Contributions resulting from in-kind or monetary contributions are to be provided in accordance with the following criteria:

- Affordable housing is to be dedicated to the Council
- Contributions are to be pooled and managed by the Council until such time as there is sufficient funding available to develop and/or acquire new affordable housing
- Affordable housing units are owned by the Council and managed by an eligible community housing provider
- Affordable housing is rented to low and moderate income households at 30 per cent of gross household income
- All rent received after deduction of management and maintenance costs will be reinvested back into Council's Affordable Housing Program to be used for the purpose of improving, replacing or providing additional affordable rental housing in Waverley LGA, and
- Affordable housing is designed and constructed to a standard which, in the opinion of Council, is consistent with other dwellings within the same development, that is, they are not differentiated (internally and externally) as affordable housing compared with the design of other housing.

3.3. Tenant eligibility criteria¹

In order to be eligible to participate in the WAHP, successful applicants must be able to substantiate compliance with the following criteria:

- a) The average household gross annual income, which includes all people in the household aged eighteen (18) years and older, taken over the last two (2) years prior to application to WAHP must fall within the following ranges of percentages of the median household income from the Waverley Statistical Division according to the Australian Bureau of Statistics:
 - Low 0% - 80% (the precise income amount will vary annually)
 - Medium 0% - 120% (the precise income amount will vary annually)
- b) Must be able to demonstrate a connectedness to the Waverley LGA area meaning a tenant must be living in the Council LGA currently and for the past three (3) years; or if not living the Waverley Council LGA, have lived in the area for at least five (5) years in the previous ten (10) years;

Waverley Affordable Housing Contribution Scheme 2023

- c) Must not own assets or property which could reasonably be expected to be used to solve their housing needs;
- d) Employees, or immediate relatives of employees of the Waverley Council and the Affordable Housing Manager ("AHM");
- e) Must not be already living in secure medium and long term subsidized social housing the Eastern Suburbs including the Local Government Area of Waverley, Woollahra, Randwick, Botany and City of Sydney at the time of application submission;
- f) Prior to accepting potential tenants on the waiting list, their eligibility needs to be confirmed through:
 - proof of income, through documentation such as income tax returns, social security documentation, declaration of all assets etc, and
 - proof of connection with the Waverley area, through evidence of current and past phone/power bills and/or current and past rent receipts.

Interviews are conducted with applicants in order to verify compliance with eligibility criteria; and

- g) Prior to placement of anyone from the waiting list in a dwelling, the income and connectedness criteria, lack of secure accommodation are to be verified.

Applicants no longer meeting the criteria should be removed from the waiting list.

3.4. How tenants are assessed and allocated homes

WAHP properties are allocated to approved tenants as per the following:

- a) properties will be advertised. Advertisements for properties will clearly stipulate all eligibility criteria; applicants who fulfil the eligibility criteria will be short listed;
- b) eligible applicants whose household numbers are appropriate to the available property size will be further short listed; and
- c) all eligible potential tenants will enter a ballot which will be drawn.

Three (3) years is the maximum period available to any tenant in the WAHP. Shorter periods of tenure may be negotiated for privately owned rent capped properties. Previous tenants unsuccessful at the ballot will be advised of new similar properties coming into the WAHP by way of letter from the respective AHM for twelve (12) months only. It is noted, there will be no succession or transfer of tenure. The AHM should inform prospective tenants of all possible conditions of tenure.

3.5. Monitoring and review of scheme

Council will regularly review this policy and the manner in which it operates. As necessary, amendments and other changes may be required to ensure the policy operates in the way that Council intends.

¹ This tenant eligibility criteria is from the *Waverley Affordable Housing Program Policy 2007 (Amendment 1)*. This policy will be updated from time to time and should be referred to.



Department of Planning and Environment

Gateway Determination

Planning proposal (Department Ref: PP-2023-2221): to amend the Waverley Local Environmental Plan 2012 (WLEP) to introduce two new additional local provisions and a new Schedule, to enable the collection of affordable housing contributions as part of the development approval process for specified development.

I, the Executive Director, Metro East and South, at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Waverley Local Environmental Plan 2012 to enable the collection of affordable housing contributions as part of the development approval process for specified development should proceed subject to the following conditions:

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be updated to:
 - (a) remove the proposed contribution target of 10% of the total floor area applying to sites receiving uplift through separate and future planning proposal processes;
 - (b) address the consistency of the proposal with Waverley 2032 – Waverley Community Strategic Plan 2022-2032;
 - (c) reinstate example clause 6.13(6)(b) reflect that the scheme does not apply to non-residential development; and
 - (d) ensure the format of the proposal and supporting documentation is adequate for public exhibition.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as 'standard' as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:

- NSW Department of Communities and Justice
- NSW Land and Housing Corporation

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The planning proposal should be made available for community consultation for a minimum of 20 working days.
6. Given the nature of the planning proposal, it is recommended that Council not be authorised the local plan-making authority for this proposal.
7. The timeframe for the LEP to be completed is on or before 25 August 2024.

Dated 25 October 2023



Amanda Harvey
Executive Director, Metro East and South
Planning, Land Use Strategy and Housing
Department of Planning and Environment

Delegate of the Minister for Planning and Public Spaces

PP-2023-2221(IRF23/2688)

56.2 FLOOD PLANNING

The NSW State Government defines the ‘Floodplain’ as ‘*land susceptible to flooding by the PMF (probable maximum flood) event*’. The document also defines ‘flood’ as natural phenomena where water inundates land that is usually dry, generally due to weather systems that generate a high amount of rainfall. Flooding can be due to water flowing within, out of, or towards a waterway. Water that runs towards a watercourse is known as an overland flow and this type of flooding is the predominant type of flooding that occurs throughout the Waverley Local Government Area.

For the purposes of insurance most of the water where inundation could occur, aside from Bronte Gully and Tamarama Gully, in the Waverley LGA should be considered as ‘stormwater’.

Sections 56.2.1-56.2.8 apply to land identified in the ‘Flood Planning Areas’ layer on Council’s mapping website [and identified in annexure B5-4. These Flood Planning Areas cumulatively represent the Flood Planning Area referred to in clause 5.21 of Waverley LEP 2012.](#)

Section 56.2.9 provides controls for all other development.

Waverley Online Mapping Tool	
Discover Waverley Mapping Tool	
Map Configuration	Planning
Layer	Flood Planning Areas

There are three different ~~flood risk~~ levels [of potential flood risk](#) associated with the Flood Planning Areas, high, medium and low, see below. ~~The Flood Planning Areas are available on Council’s mapping website.~~

Table 1 Flood Risk Precinct Definitions

Flood Risk Precinct	Description	Technical Definition
High	Land within the 1% AEP flood extent with a high hydraulic hazard classification. There is a high potential for damage to property, risk to life or evacuation difficulty. Most development should be restricted in this precinct. <i>In this precinct there would be a significant risk of flood damages without compliance with flood related building and planning controls.</i>	Land classified as “H4-H6” in the 1% AEP event. event (Waverley LGA Flood Study, 2021)
Medium	Land below the 1% AEP flood that is not subject to high hydraulic hazard and where they are no significant evacuation difficulties. <i>Note: in this precinct there would still be significant risk of flood damage, but these damages can be minimised by the application of appropriate development controls</i>	Land classified as “H1-H3” in the 1% AEP event. (Waverley LGA Flood Study, 2021)

Water Management B6

Low	<p>All other land within the floodplain (ie. within the extent of the Probably maximum Flood (PMF), that is not classified as a High or Medium Flood Risk Precinct.</p> <p><i>Note: The Low Flood Risk Precinct is where the risk of damages is low for most land uses. The Low Flood Risk Category is the entire area above the 1% AEP flood, and most land uses would be permitted in this category. Development controls may apply to special land uses with critical functions or vulnerable occupants.</i></p>	Flood affected land between the PMF and 1% AEP extent.
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Notes:

1. Where sufficient information is not available, but the potential for flood risk issues are evident based on available information, ~~as~~ Applicants may be required to undertake a flood study/site specific flood assessment. These situations include where:
- a) Council has knowledge that the property has been previously affected by or impacted upon flooding or an overland flow path;
 - b) ~~(b)~~ The property is on the low side of the road and/or the boundary levels are below the level of Council's kerb;
 - c) The property is lower than surrounding properties;
 - d) The property is in a natural low point, gully or depression; or
 - e) The property is adjacent to or contains a flow path, open channel, watercourse or drainage line.
- The assessment would ~~to~~ determine the flood extent and Flood Risk Categories in order to apply appropriate controls in addition to any further assessments required by this Development Control Plan.
2. Technical definitions for flood risk precincts as outlined in Table 1 are defined by the relevant flood events in the governing study, which is the most recently endorsed Council Flood Study or Flood Risk Management Study and Plan.

Council may require flood related development controls in situations where:

- (a) ~~Council has knowledge that the property has been previously affected by or impacted upon flooding or an overland flow path;~~
- (b) ~~The property is on the low side of the road and/or the boundary levels are below the level of Council's kerb;~~
- (c) The property is lower than surrounding properties;
- (d) The property is in a natural low point, gully or depression; or
- (e) The property is adjacent to or contains a flow path, open channel, watercourse or drainage line.

Water Management B6

Objectives

- (a) ~~Minimise risk to life and damage to property by controlling development on flood prone land~~
- ~~Reduce risk to human life and minimise damage to property caused by flooding. (b)~~
Ensure that development is sited to minimise potential risk from flooding.
- (c) ~~Ensure that, in the event of a flood, adequate access to affected properties is available for emergency service personnel and that safe egress is available for residents and employees.~~
- (d) ~~Ensure that proposed development does not increase the flood inundation of other properties.~~
- (e) ~~(b) Ensure the impacts of the full range of potential floods up to and including the PMF are considered when assessing development having regard to the sensitivity of different land uses to flooding. Ensure that sensitive land uses are designed and sited to minimise risk from flooding and have safe and reliable access.~~
- (f) ~~Ensure that development does not have an unacceptable impact on flood behaviour, people's safety, surrounding properties and structures, and the natural environment;~~
- (d) ~~To provide detailed controls that if satisfied would address the considerations required by clause 5.21 of Waverley Local Environmental Plan 2012. Ensure that potential environmental contamination resulting from inundation of sensitive developments is minimised by appropriate design and siting.~~
- (g) ~~Facilitate, where appropriate, conversion of floodways to natural waterway corridors.~~
- (h) ~~Minimise potential impact of development on the ecology and the aesthetic and recreational value of waterways.~~
- (i) ~~Ensure that land identified by Council as having a potential flood risk is subject to a full flood risk assessment before approval of new development.~~
- (j) ~~Provide detailed controls for the assessment of applications lodged in accordance with the Environmental Planning and Assessment Act 1979 on land affected by potential floods.~~

Controls

How to determine what planning controls apply

Refer to land use risk categories ~~the table below~~ in Annexure B56-1, and the planning controls matrix ~~in Annexure B6-2 below~~ to determine which controls are applied.

Application of Controls

Compliance with the prescriptive controls must be demonstrated.

Where the prescriptive controls are not satisfied, applicants must demonstrate, based on site specific assessments, that the performance criteria are clearly satisfied to the satisfaction of Council.

Water Management **B6**

Planning Controls Matrix for Flood Planning

The Planning Controls Matrix identifies the [prescriptive](#) flood related development controls that apply to the Flood Planning Areas and land use category. [Refer to all Annexure B5-1 for explanations of each land use category. The detailed controls are provided in B6.](#)

Table 2 Planning Controls Matrix

Flood Risk	Low Flood Risk								Medium Flood Risk								High Flood Risk								
LAND USE	Critical uses and facilities: Essential	Sensitive Uses and Facilities	Subdivision	Residential	Commercial or Industrial	Tourist Related Development	Recreation or Non-urban Uses	Concessional Development	Critical uses and facilities: Essential	Sensitive Uses and Facilities	Subdivision	Residential	Commercial or Industrial	Tourist Related Development	Recreation or Non-urban Uses	Concessional Development	Critical uses and facilities: Essential	Sensitive Uses and Facilities	Subdivision	Residential	Commercial or Industrial	Tourist Related Development	Recreation or Non-urban Uses	Concessional Development	
	3	3		2	2	2						2, 4	2, 4	2, 4	1	5				2, 4	2, 4		1	5	
	2	2		1	1	1						1	1	1	1	1				1	1		1	1	
	2	2				2						1	1	2	1	1				1	1		1	1	
											1	1	1	1	1	1			1	1	1		1	1	
	2, 3, 4	2, 3, 4	2, 3, 4	2, 3, 4	2, 3, 4	2, 3, 4	2, 3, 4	2, 3, 4				1, 2, 3, 4, 5	1, 2, 3, 4, 5	1, 2, 3, 4, 5	4, 5	4, 5				1, 2, 3, 4, 5	1, 2, 3, 4, 5		4, 5	4, 5	
	Evacuation Emergency ncy Management	2, 3	2, 3	1	1	1	1	1	1			4	1	1, 3	1, 3	1, 3	1			4	1	1, 3, 5		1, 3	1
			1								1	2, 3, 4	2, 3	2, 3, 4	2, 3, 4	2, 3, 4			1	2, 3, 4	2, 3		2, 3, 4	2, 3, 4	
	Fencing	1	1	1	1	1	1	1	1			1, 2	1, 2	1, 2	1, 2	1, 2	1, 2			1, 2	1, 2	1, 2		1, 2	1, 2

Key

No controls	
Unsuitable Land Use	
Subject to significant flood constraints (refer to General Note 1)	
DCP Control Reference no.	1

General Notes:

- 1. Significantly Constrained Land:** Where development types are likely to be incompatible with the hazards existing within the nominated part of the floodplain without substantial mitigation measures. Consequently the development may be found unacceptable unless the design of the development together with the mitigation measures can address any potential unacceptable amenity or environmental impacts. Alternatively, this may require a reduction in the otherwise anticipated development intensity for the land.
- 2. Filling:** Filling of a site, or site modification works in general, that is partially affected by flooding (if acceptable to Council) may change the flood risk precinct, and the associated development controls that apply to development on the site.
- 3. Multiple FRPs:** Development controls relate to the FRP identified for the site. Where a site has two or more FRPs the relevant sets of controls apply to each risk precinct but for practical purposes the stricter controls would normally apply across the whole development.
- 4. Fencing:** Refer to the relevant fencing section ~~section XX~~ of the DCP for planning considerations involving only the erection of a fence for the type of development your application is considered. Any fencing that forms part of a proposed development is subject to the relevant flood effect and structural soundness considerations of the relevant category.
- 5. Freeboard:** Where required the following freeboard heights apply:
 - a. Areas subject to oceanic flooding conditions: 500mm

Water Management B6

- b. Other areas: 300mm.
6. Mixed Use Development: *For mixed-used developments, the planning controls apply to each use to the extent relevant. For example Floor level and Building Component controls will typically apply to only the ground floor, while the balance of the controls could apply to the overall development.*
7. Subdivision: *When assessing subdivision the planning controls for the intended end use will be taken into consideration to ensure that any potential development on a new lot would be capable of meeting the controls.*
- *Note: New residential, commercial or industrial development are not permitted in the High Flood Risk areas. Redevelopment that does not intensify the occupancy will be assessed on a merit basis presented by the applicant.*
- For mixed used developments, the planning controls matrix applies to the relevant ground floor use.*
- Key

Water Management B6

6.2.1 Floor Level

Performance Criteria

1. The cost of damages that may be incurred over the expected life of a development should be no greater than that which could be reasonably expected to be met by the occupants and/or the developer without Government assistance.
2. Despite the need to elevate floors, the development must remain acceptable with regard to its appearance and accessibility from the public domain and the amenity of the occupants.

Prescriptive Controls

1. —All floor levels are to be equal to or greater than the 5% AEP flood level.
2. Habitable floor levels are to be equal to or greater than the 1% AEP flood level plus ~~300mm~~ freeboard.
3. All floor levels are to be equal to or greater than the PMF level unless justified by a site-specific assessment.
4. All non-habitable floor levels shall be no lower than the 1% AEP flood level. Where ~~is this~~ this is impractical, non-habitable spaces should be flood-proofed to the 1% AEP level.
5. Floor levels shall be equal to or greater than the level of the 1% AEP flood level plus freeboard. Where this is not practical due to compatibility with the height of adjacent buildings, or compatibility with the floor level of existing buildings, or the need for access for persons with disabilities, a lower floor level may be considered. In these circumstances, the floor level shall be as high as practical and when undertaking alterations or additions and, no lower than the existing floor level. Floor levels are to be as close to the flood planning level as practical (or higher), and no lower than the existing floor level when undertaking alterations and additions.

Water Management B6

5f6.2.2 Building Components

Performance Criteria

1. All structures are to have flood compatible building materials below the prescribed flood planning floor flood planning level.

Prescriptive Controls

1. All new structures are to have flood compatible building components below or at the 1% AEP flood level plus 300mm freeboard. R, refer to Annexure B56-3 for the a list of recommended flood compatible building components.
2. All new structures to have flood compatible building components below or at the PMF level.

56.2.3 Structural Soundness

Performance Criteria

1. All development would be structurally sound when impacted by a 1% AEP flood plus freeboard.
2. Where development relies on sheltering in place to be acceptable it would be structurally sound when impacted by a PMF.

Prescriptive Controls

1. As part of Flood Impact Assessment (FIA), aAn engineer's report (refer to Annexure B6B5-34 for details) shall be provided for developments s in a Medium or High risk area to certify that any new structure can withstand the forces of floodwater, debris & buoyancy up to & including a 1% AEP flood level plus 300mm freeboard. Note: certification to be up to and including PMF if required to satisfy evacuation criteria (see below).
2. An part of Flood Impact Assessment (FIA), aAn engineer's report (refer to Annexure B56-34 for details) shall be provided for developments in a Medium or High risk area to certify that any new structure can withstand the forces of floodwater, debris & buoyancy up to & including the PMF level.

56.2.4 Flood Affection

Performance Criteria

Water Management B6

1. Development does not detrimentally increase the potential flood affectation on other development or properties either individually or in combination with the cumulative impact of development that is likely to occur in the same floodplain.
2. Development should not change the height or behaviour of flood waters elsewhere in the floodplain in a manner which is likely to materially and adversely impact other property. The assessment of these effects must include the potential for similar impacts that would arise as a consequence of other development in the floodplain that has the potential to occur in the future under current zoning and planning controls.

Prescriptive Controls

1. As part of an Flood Impact Assessment (FIA), aAn engineer's report (refer to Annexure B56-34 for details) shall be provided for developments in a Medium or High risk area to certify that the development (including indoor and outdoor features, such as above ground swimming pools and associated pump housing) will not materially increase flood effects elsewhere, having regard to:
 - loss of flood storage;
 - changes in flood levels, flows and velocities caused by alterations to the flood conveyance.

56.2.5 Car Parking and Driveway Access

Performance Criteria

1. Measures will be in place to warn people not to drive out of car parking areas where this would be dangerous and provide guidance and facilities to be able to safely exit the carpark.
2. All reasonable and practical measures are implemented to reduce the likelihood of motor vehicles being damaged by a flood.
3. All reasonable and practical measures will be in place to manage the potential vehicles floating and causing damage or becoming debris during a flood.

Prescriptive Controls

1. The minimum surface level of open car parking spaces or carports shall be no lower than the 5% AEP flood level +300mm plus freeboard.
2. Enclosed car parking spaces (garages) for three (3) or fewer vehicles shall have a minimum finished floor level no lower than the 5% AEP flood level plus 300mm freeboard.
3. Enclosed Basement car parking spaces (garages) for more than three (3) vehicles shall have a minimum finished floor level no lower than be protected from inundation the by a 1% AEP flood level plus 300mm freeboard.

Water Management B6

4. The crest of the driveway providing access between the road and ~~Basement basement cCar- Parking-parking or Below Ground Car Parking~~ shall be a minimum of 1% AEP flood plus ~~300 mm~~freeboard or the PMF, whichever is higher.
5. Restraints or vehicle barriers may be required ~~shall be provided~~ to prevent floating vehicles leaving a site during a 1% AEP flood. **(Note: A flood depth of more than 200mm will cause serious water damage to a typical vehicle and a depth of 300mm is sufficient to cause a typical vehicle to float.)*

**Note: For control no.5, site by site considerations will be assessed based on context and risk.*

56.2.6 ~~Evacuation~~Emergency Management

Performance Criteria

1. The development should be designed and be able to be managed to ensure that during a flood emergency all occupants are capable of seeking safe refuge.

Prescriptive Controls

1. The evacuation requirements of the development during flooding shall be considered ~~and identified~~ in the Statement of Environmental Effects.
2. Reliable access for pedestrians or vehicles shall be provided from a minimum level equal to the lowest habitable floor level to an area of refuge above the PMF level. Where safe and practical this should involve evacuation to an area outside of the PMF extent. ~~The evacuation requirements of the development are to be considered up to the PMF level and identified in the Statement of Environmental Effects.~~
3. The development shall be consistent with any relevant flood strategy, Floodplain Risk Management Plan adopted by Council or similar.
4. The Applicant shall demonstrate that evacuation of potential development as a consequence of a subdivision proposal can be undertaken in accordance with the Flood Planning controls.
5. The Applicant shall provide a flood emergency response plan that demonstrates how risk to life will be managed during a flood event. For example, a safe ~~the~~ evacuation route needs to be clearly identified, or a shelter in-place strategy with reliable access shall be provided to an area of refuge above the PMF level.

56.2.7 Management and Design

Performance Criteria

1. The development should be designed and managed to ensure that during a flood it does not cause unacceptable levels of pollution and valuable goods are capable of being protected.

Water Management B6

Prescriptive Controls

1. The Applicant is to demonstrate that potential development as a consequence of a subdivision proposal can be undertaken in accordance with the DCP.
2. ~~The Applicant is to demonstrate that an area is available to store goods above the 1% AEP flood level plus 300 mm freeboard.~~
3. No storage of materials below the 1% AEP plus ~~300 mm~~ freeboard which may cause pollution or be potentially hazardous during any flood.
4. In-ground swimming pools are to have surrounding coping/tiling that is no more than 100 mm above surrounding ground level. All pumping/electricals are to be above the 1% AEP flood level plus ~~300 mm~~ freeboard.

56.2.8 Fencing

1. Fencing is to be constructed in a manner that does not obstruct the flow of floodwaters so as to have an adverse impact on flooding.

~~2. Fencing shall be constructed to withstand the forces of floodwaters.~~

56.2.9 All Other Areas

- (a) For sites not in a 'flood planning area' habitable floor levels must comply with the drainage requirements of section 5.1 Stormwater Management and WSUD and as specified in the BCANCC.
- (b) ~~A reduction in the required floor level will only be considered if the development includes the installation of an automatic flood gate system.~~

Annexures

Annexure B56-

1

Land Use Risk Categories

Land use is categorised into eight Land Use Risk Categories according to the sensitivity of each type of land use to flooding. The definitions of each land use are based on the Waverley LEP 2012 and are categorised as follows.

Table 1 Land Use Risk Categories

Category	Examples (not exhaustive, refer to Waverley LEP 2012 for full list).
Critical uses and facilities Essential Community Facilities	<u>Community facilities which may provide an important contribution to the notification or evacuation</u> Emergency services; public administration building that may provide an important contribution to the notification or evacuation of the community during flood events (e.g. SES headquarters and Police Stations); hospitals, <u>emergency services; public administration building</u> and residential care facility.
Sensitive Uses and Facilities Sensitive and Hazardous Development	Offensive storage establishments; seniors housing; <u>centre-based</u> child care centres; preschools; schools and other educational institutions; correctional centres; liquid fuel depots; public utility undertakings (including electricity generating works; sewerage treatment plant; sewerage systems; telecommunication facilities; utility installations and water treatment facilities) which are essential to evacuation during periods of flood or if affected would unreasonably affect the ability of the community to return to normal activities after flood events; and waste disposal facilities.
Subdivision	Subdivision of land which involves the creation of new allotments with potential for further development.
Residential	Boarding houses; camping or caravan park site; health consulting rooms; home businesses; home industries; home occupation; <u>backpackers accommodation</u> , hotel or motel accommodation; residential accommodation (excluding seniors housing and residential care facilities); serviced apartments; and other development within residential lots including but not limited to construction of garages, swimming pools, and the construction of an outbuilding with a floor area that exceeds 30 m ² , fencing and/or retaining walls.
Commercial or Industrial	<u>Business premises; office premises; retail premises or buildings or land used for industrial activity</u> Any business, office or retail premises or buildings or land used for industrial activities.
Tourist Related Development	Camp sites or caravan parks –short–term sites (1) only As defined by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005
Recreation or Non-urban Uses	Agriculture; aquaculture; animal boarding or training establishments; extractive industry; recreation facility (indoor), recreation facility (outdoor); recreation facility (major); recreation areas and minor ancillary structures (e.g. toilet blocks or kiosks); and water recreation structure.

Annexures

Concessional
Development

- Residential development that involves:
- a. An internal or external alteration to an existing dwelling, which does not change the floor area and/or footprint of the existing dwelling;
 - b. An addition to existing premises of not more than ~~50 square metres 10% of the floor area of to~~ the existing ground floor level building footprint-
 - c. A change of use which does not increase flood risk having regard to property damage and personal safety;
 - d. Subdivision which does not propose the creation of new allotments with potential for further development;
 - e. The construction of an outbuilding with a floor area of no greater than 30 m²

Annexures

Annexure B6-2

Planning Controls Matrix for Flood Planning

The Planning Controls Matrix identifies the prescriptive flood related development controls that apply to the Flood

Planning Areas and land use category. Refer to all The detailed controls are provided in B6.

Flood-Risk	Low-Flood-Risk								Medium-Flood-Risk								High-Flood-Risk							
LAND-USE	Essential Community Facilities	Sensitive Uses and Facilities	Subdivision	Residential	Commercial or Industrial	Tourist Related Development	Recreation or Non-urban Uses	Concessional Development	Essential Community Facilities	Sensitive Uses and Facilities	Subdivision	Residential	Commercial or Industrial	Tourist Related Development	Recreation or Non-urban Uses	Concessional Development	Essential Community Facilities	Sensitive Uses and Facilities	Subdivision	Residential	Commercial or Industrial	Tourist Related Development	Recreation or Non-urban Uses	Concessional Development
Floor Level	4	2		1/2	1/2	1/2						2/4	2/4	2/4	1	5				2/4	2/4		1	5
Building Components	2	2		1	1	1						1	1	1	1	1				1	1		1	1
Structural Soundness	2	2				2						1	1	2	1	1				1	1		1	1
Flood Affection											1	1	1	1	1	1			1	1	1		1	1
Car Parking & Driveway Access	2/4	2/4	2/4	2/4	2/4	2/4	2/4	2/4				1/2	2/4	1/2	4/5	4/5				1/2	2/4	1/2	4/5	4/5
Evacuation/Emergency Management	2/3	2/3	1	1	1	1	1	1			4	1	1/2	1/2	1/2	1			4	1	1/2	1/2	1/2	1
Management & Design			1								1	2/4	2/4	2/4	2/4	2/4			1	2/4	2/4		2/4	2/4
Fencing	1	1	1	1	1	1	1	1			1/2	1/2	1/2	1/2	1/2	1/2			1/2	1/2	1/2		1/2	1/2

Key

No Controls	
Subject to significant flood constraints (refer to General Note 1)	
DCP — Control Reference no.	1

General Notes:

- **Significantly Constrained Land:** Where development types are likely to be incompatible with the hazards existing within the nominated part of the floodplain without substantial mitigation measures. Consequently the development may be found unacceptable unless the design of the development together with the mitigation measures can address any potential unacceptable amenity or environmental impacts. Alternatively, this may require a reduction in the otherwise anticipated development intensity for the land.
- **Filling:** Filling of a site, or site modification works in general, that is partially affected by flooding (if acceptable to Council) may change the flood risk precinct, and the associated development controls that apply to development on the site.
- **Multiple FRPs:** Development controls relate to the FRP identified for the site. Where a site has two or more FRPs the relevant sets of controls apply to each risk precinct but for practical purposes the stricter controls would normally apply across the whole development.
- **Fencing:** Refer to section XX of the DCP for planning considerations involving only the erection of a fence. Any fencing that forms part of a proposed development is subject to the relevant flood effect and structural soundness considerations of the relevant category.
- **Freeboard:** Where required the following freeboard heights apply:
 - Areas subject to oceanic flooding conditions: 500mm
 - Other areas: 300mm.

- 6. — **Mixed Use Development:** For mixed-used developments, the planning controls apply to each use to the extent relevant. For example Floor level and Building Component controls will typically apply to only the ground floor, while the balance of the controls could apply to the overall development.

Annexures

~~7. Subdivision: When assessing subdivision the planning controls for the intended end use will be taken into consideration to ensure that any potential development on a new lot would be capable of meeting the controls.~~

~~*Note: New residential, commercial or industrial development are not permitted in the High Flood Risk areas. Redevelopment that does not intensify the occupancy will be assessed on a merit basis presented by the applicant.~~

~~For mixed used developments, the planning controls matrix applies to the relevant ground floor use.~~

Key

Not Relevant	
Unsuitable Land Use	
DCP Control Reference no.	4 7

Annexures

Annexure B~~56-23~~ Flood Compatible Material

Table 1 List of suitable flood compatible materials

Building Component	
Flooring and sub-floor	• Concrete slab-on-ground monolith
	• suspended reinforced concrete slab
Floor covering	• clay tiles
	• concrete, precast or in situ
	• concrete tiles
	• epoxy, formed-in-place
	• mastic flooring, formed-in-place
	• rubber sheets or tiles with chemicals-set-adhesive
	• silicone floors formed-in-place
	• vinyl sheets or tiles with chemical-set adhesive
	• ceramic tiles, fixed with mortar or chemical-set
	• asphalt tiles, fixed with water resistant adhesive
Wall structure	• Solid brickwork, block work, reinforced, concrete or
Roofing structure (for situations where the relevant flood level is	• reinforced concrete construction
	• galvanised metal construction
Doors	• solid panel with water proof adhesives
	• flush door with marine ply filled with cell foam
	• painted metal construction
	• aluminium or galvanised steel frame
Wall and ceiling linings	• fibro-cement board
	• brick face or glazed
	• clay tile glazed in waterproof mortar
	• concrete
	• concrete block
	• steel with waterproof applications
	• stone, natural solid or veneer, waterproof grout
	• glass blocks
	• glass
	• plastic sheeting or wall with waterproof adhesive
Insulation windows	• Foam (closed cell types)
	• Aluminium frame with stainless steel rollers or similar corrosion and water resistent resistant
Nails, bolts, hinges and fittings	• Brass, nylon or stainless steel;
	• Removable pin hinges
	• Hot dipped galvanised steel wire nails or similar.

Annexures

Electrical and mechanical equipment <i>For dwellings constructed on land to which this DCP applies, the electrical and mechanical materials, equipment and installation must conform to the following requirements:</i>	
Main power supply	Subject to the approval of the relevant authority the incoming main commercial power service equipment, including all metering equipment, must be located above the relevant flood level. Means must be available to easily disconnect the dwelling from the main power supply.
Wiring	All wiring, power outlets, switches, must be to the maximum extent possible, located above the maximum flood level. All electrical wiring installed below this level must be suitable for continuous underwater immersion and must contain no fibrous components. Earth leakage circuit-breaker (core balance relays) or a Residual Current Device must be installed. Only submersible type splices must be used below maximum flood level. All conduits located below the relevant designated flood level must be so installed that they will be self-draining if subjected to flooding.
Equipment	All equipment installed below or partially below the relevant flood level must be capable of disconnection by a single plug and socket assembly.
Reconnection	Should any electrical device and/or part of the wiring be flooded it must be thoroughly cleaned or replaced and checked by an approved electrical contractor before reconnection.
Heating and air conditioning systems <i>Where viable, heating and air conditioning systems should be installed in areas and spaces of the house above maximum flood level. When this is not feasible, every precaution must be taken to minimise the damage caused by submersion according to the following guidelines:</i>	
Fuel	Heating systems using gas or oil as fuel must have a manually operated valve located in the fuel supply line to enable fuel cut-off.
Installation	Heating equipment and fuel storage tanks must be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. All storage tanks must be vented to an elevation of 600 millimetres above the relevant flood level.
Ducting	All ductwork located below the relevant flood level must be provided with openings for drainage and cleaning. Self-draining may be achieved by constructing the ductwork on a suitable grade. Where ductwork must pass through a water-tight wall or floor below the relevant flood level, a closure assemble operated from above relevant flood level must protect the ductwork.

Note: The above list is not considered to be exhaustive and other materials and methods can be proposed for Council's consideration as part of any application.

Annexures

Annexure B56-**34****Flood ~~Impact Assessment~~Risk – Management
Report Requirements**

A Flood ~~Impact~~ Assessment (FIA) must be prepared by a professional engineer who specialises in hydraulic engineering. The FIA must be prepared in accordance with the relevant sections of this Chapter. The 20% AEP, 1% AEP and PMF flood events must be modelled to assess the impact on existing flood conditions of a proposed development to property, infrastructure and the environment. ~~The A FIA may will be required -for any type of development where the development occurs in the floodplain (i.e. situated within the Flood Planning Area). A FIA may also be required or where the sSite in question is tagged as a Flood Control Lot as defined in the State Environmental Planning Policy (Exempt and Complying Development Codes State Environmenta Planning Policy) for the purposes of the application of the State Environmental Planning Policy.~~

Unless it can be demonstrated that hydraulic modelling is not required, the FIA must be prepared using Council's TUFLOW model (note: a fee is payable for the TUFLOW model). Once engaged, the consultant must enter into a license agreement for the use of Council's flood model for the specific purpose of preparing the FA for the proposed development only. ~~{A link to the form to acquire the model and detailing the fee would be helpful here}~~

The FIA must address the following:

- [Description of the Site \(including existing stormwater drainage and local catchment characteristics\) and details of the proposed development](#)
- [Flood affectation to the Site during the 5% AEP, 1% AEP and PMF events under existing \(i.e. pre-development\) conditions](#)
- [Overview of the Flood Risk Precinct and associated development controls applicable to the Site](#)
- [Flood affectation to the Site during the 5% AEP, 1% AEP and PMF events under post-development conditions](#)
- [Overview of the change in flood conditions associated with the proposed development](#)
- [Discussion of adherence to applicable planning controls](#)
- [Proposed mitigation measures to address any impacts or minimise risk to personal safety of occupants and the risk of property damage](#)
- [A flood evacuation strategy \(Flood Emergency Response Plan\) \(if required\) ~~{Further guidance on requirements may be required here}~~](#)
- [On site response plan to minimise flood damage, and provide adequate storage areas for hazardous materials and valuable goods above the flood level \(if required\)](#)
- [The architectural/engineering plans on which the assessment is based](#)
- [Supporting calculations and mapping](#)
- [The professional qualifications and experience of the author\(s\).](#)

~~A Flood Risk Management Report must be prepared by a suitably qualified and practising engineer with experience in floodplain risk management. The report must be prepared in accordance with the relevant sections of Annexure B6 4.~~

~~Council will request a report to determine the effects of a proposed development on flooding and the effect of flooding on a proposed development. A report will be required for any type of development where the development occurs in the floodplain or in areas where overland flow is suspected.~~

~~Unless it can be demonstrated that flood modelling is not required, any modelling must be undertaken using Council's TUFLOW model (subject to local refinements including revisions to the DEM using detailed survey). A fee is payable to use the TUFLOW model. Once engaged, the consultant must enter into a license agreement for the use of Council's flood model for the specific purpose of preparing the flood study for the proposed development only.~~

~~The Flood Risk Management Report must at a minimum address:~~

- ~~1. Extent of the 5% AEP flood, 1% AEP flood and PMF event in the vicinity of the development in the pre-development and post-development stage (where modelling has been undertaken).~~

Annexures

- ~~2. Peak Flood Velocity, Hydraulic Categorisation and Flood Hazard mapping during the 5% AEP, 1% AEP flood and PMF event in the vicinity of the development in the pre-development and post-development stage (where modelling has been undertaken).~~
- ~~3. Any difference in mapping to compare changes in flood behaviour from the pre-development and post-development stage (where modelling has been undertaken).~~
- ~~4. Recommendations on all precautions to minimise risk to personal safety of occupants and the risk of property damage for the total development to address the flood impacts on the site during a 1% AEP flood and PMF event. These precautions must include but not be limited to the following:
 - ~~a. Types of materials to be used to ensure the structural integrity of the development for immersion and impact of velocity and debris for the 1% AEP flood event and PMF;~~
 - ~~b. Waterproofing methods, including electrical equipment, wiring, fuel lines or any other service pipes or connections;~~
 - ~~c. A flood evacuation strategy (Flood Emergency Response Plan); and~~
 - ~~d. On-site response plan to minimise flood damage, and provide adequate storage areas for hazardous materials and valuable goods above the flood level.~~~~
- ~~5. Details of any flood mitigation works (including any supporting modelling and calculations) that are proposed to protect the development.~~
- ~~6. The architectural/engineering plans on which the assessment is based.~~
- ~~7. The date of site inspection undertaken.~~
- ~~8. The professional qualifications and experience of the author(s).~~

DEFINITIONS

Note: Terms used in this Plan are defined in Waverley LEP and the Act and override any identical definition in this dictionary. The definitions below refer to terms that are not defined by either the LEP or the Act.

A

A-Board (or sandwich board) - means a two sided structure generally located on the footpath outside a shop or arcade to advertise a particular shop or product.

Accessible Housing - Housing that is designed and built to accommodate the needs of occupants with mobility impairment (Australian Standard 1428: Design for Access and Mobility Services).

Active Frontage - Street frontages where there is an active visual engagement between those in the street and those of the ground floors of buildings. Frequent building entries that face and open towards the street, transparent street frontages, quality materials and refined details, and mixed landuse help to provide active frontages.

Active Solar Energy Systems - Systems which combine the sun's energy with local climatic conditions to achieve thermal comfort inside buildings with the use of mechanical devices.

Adaptable housing - Dwellings designed in accordance with the requirements under Australian Standard AS4299 – 1995 Adaptable Housing.

Adjoining Land - Land which abuts an application site or is separated from it only by a pathway, driveway, laneway, roadway or similar thoroughfare.

Advertised Development - Development, other than designated development, that is identified as advertised development by the regulations, an environmental planning instrument or a development control plan.

Affected Person - A person, organisation, company or the like who owns or occupies land that adjoins an application site; who, in the opinion of the authorised Council officer, may be detrimentally affected by the use of an application site or the erection of a building or carrying out of works on an application site; or who occupies a building (Including but not limited to a boarding house or an individual unit within a residential flat building) that is the subject of a development application.

Alteration and Addition - Any alteration or addition requiring a development application.

Applicant - The person(s) making a development application to Council.

Application Site - The land to which the development application applies.

Attic – Refer to the term “Attic” as defined in the dictionary within Waverley Local Environmental Plan.

Australian Standard – The structural, technical and building requirements prepared by the Standards Australia Committee and approved by Council of Australian Standards.

DEFINITIONS

Authorised Council Officer(s) - The Council officer(s) who are responsible for the processing, assessment or determination of an application.

Awning - A roof like structure that protrudes from the wall of a building, either over a window or doorway.

Awning Fascia Sign - A painted or adhered sign positioned on the fascia or return end of an awning.

~~**Annual Exceedance Probability (AEP)** - The probability that a given rainfall total accumulated over a given duration will be exceeded in any one year. Example, if a peak flood discharge of 500 m³/s has an AEP of 1%, it means that there is a 1% chance (that is one in 100 chance) of a 500 m³/s or larger event occurring in any one year.~~

Annual Exceedance Probability (AEP) - The chance of a flood of a given or larger size occurring in any one year, usually expressed as a percentage.

Australian Height Datum (AHD) - A common national plan of level corresponding approximately to mean sea level.

ARR 1987 - Australian Rainfall and Runoff: 1987 published by the Institute of Engineers, Australia.

ARR 2019 - Australian Rainfall and Runoff 2019, published by the Commonwealth of Australia (Geoscience Australia).

~~**Average Recurrence Interval (ARI)** - The average time interval (expressed in years or fraction of years) between recurrences of a rainfall event of a given intensity and duration. For example, floods with a discharge as great as, or greater than, the 20-year ARI flood event will occur on average once every 20 years. ARI is another way of expressing the likelihood of occurrence of a flood event.~~

B

Base Flows - Flows that occur during dry weather conditions.

Biodiversity - The variety of life: the different plants, animals and microorganisms, the genes they contain and the ecosystems of which they form. Biodiversity is vital in supporting human life. It provides many benefits, including our food, clean air and water and fertile soils.

Blackwater - Wastewater generated from toilets.

Body Corporate - An owner's corporation constituted under Section 11 of the *Strata Schemes Management Act 1996*.

Bulk - The combination of volume, size and shape of a building.

Basement Car Parking or Below Ground Car Parking - The car parking area generally below ground level where inundation of the surrounding areas may raise water levels above the entry level to the basement, resulting in inundation. Basement car parks are areas where the means of drainage of

DEFINITIONS

accumulated water in the car park has an outflow discharge capacity significantly less than the potential inflow capacity.

C

Café (See **Restaurant**)

Canopy - means an overhanging protection or shelter usually found over a window or door.

Carport - An open sided roof structure with no door or walls and used for car-parking purposes only.

Collection Point - The usual (or agreed) point on the footpath/roadway, or on-site, where garbage and recyclables are loaded onto vehicles.

Compost Bin - A container to hold organic and biodegradable waste while it is being converted into soil conditioner, compost or humus by a biological decay process.

Consulting Arborist - An Australian Qualification Framework Level V arborist (AQF5) or equivalent

Consent Authority - Waverley Council unless otherwise stipulated in accordance with this Plan.

Conservation Area - means an area of land of heritage significance:

- a) shown on the Waverley Local Environmental Plan Heritage Map as a heritage conservation area, and
- b) the location and nature of which is described in Waverley Local Environmental Plan Schedule 5, and includes any heritage items situated on or within that area.

Contributory Item - items that make an important and significant contribution to the character of a heritage conservation area. This not only includes buildings, but natural features such as topography, vegetation, and views as well.

Council - Waverley Council

Critical Habitat - An area or areas of land comprising the habitat of an endangered species, population or ecological community

Critical Facilities - Includes hospitals and ancillary services, communication centres, police, fire SES, major transport facilities, sewerage and electricity plants; any installations containing critical infrastructure control equipment and any operational centres for use in a flood.

D

Damage (to a tree) - Injury to a tree or vegetation and includes:

- pruning, lopping and topping
- poisoning, including applying herbicides and other plant toxic chemicals to a tree or spilling of oil, petroleum, paint, cement, mortar and the like onto the root zone

DEFINITIONS

- cutting, tearing, breaking or snapping of braches and roots that is not carried out in accordance with accepted arboricultural practices or is done for invalid reasons, including vandalism
- ringbarking, scarring the bark when operating machinery, fixing objects by nails, staples or wire or fastening materials that circle and significantly restrict the normal vascular function of the trunks or branches
- damaging a trees root zone by compaction or excavation, asphyxiation including unauthorised land filling or stockpiling of materials around the tree trunk, and / or
- underscrubbing, or clearing understorey plants.

Dead tree - Any tree that is no longer capable of performing any one of the following processes:

- photosynthesis
- take up of water through the root system
- hold moisture in its cells; or
- produce new shoots

Deep Soil Zone - site area that is not built on, or underneath, thereby leaving an area of deep soil for deep-rooted vegetation, native vegetation and natural drainage. The zone must have a minimum dimension of 2 by 2 metres and should be positioned to enable the retention of existing mature and / or significant trees.

Destroy - Any activity leading to the immediate or contributes to the death, disfigurement or mutilation of a tree

Designated Development - Development as specified under section 4.10 of the *EP&A Act 1979* to be development that is declared to be designated by an environmental planning instrument or regulation.

Desired Future Character - the character of a development that complies with the aspirations expressed within the objectives and provisions of the Waverley LEP and DCP and any other relevant plans adopted by Council.

Detention - The holding of stormwater for short time periods aimed at reducing high flows. This reduces the peak flow of runoff, not the volume.

Detention Basin - A storage area used to temporarily store stormwater flows during a storm event to reduce peak flow. No water is permanently stored in a Detention Basin but is released to the stormwater system following the peak flow event.

Development - The use of land, and the subdivision of land, and the erection of a building, and the carrying out of a work, and the demolition of a building or work, and any other act, matter or thing referred to in Section 3.14 of the *EP&A Act 1979* that is controlled by an environmental planning instrument but does not include any development of a class or description prescribed by the Regulations 2021 for the purposes of this definition.

Development Application - An application for consent under Section 1.4 of the *EP&A Act 1979*, to carry out development but does not include an application for a complying development certificate.

Dormer - A construction containing a vertical window framed into and projecting through a sloping roof.

DEFINITIONS

E

External Wall Height - "Wall height" is the vertical distance as measured from the ground level (existing or as determined by Council) to the highest point of an external wall. The highest point of an external wall is taken to be any of the following:

- the underside of the eaves of a pitched roof;
- the highest point of a parapet that forms part of an external wall;
- the highest point of the wall where it joins the roof structure for skillion or butterfly type roofs.

For the purposes of "wall height" an external wall does not include dormer windows, roof gable ends, clerestory windows, recessed/setback glazed walls designed to obtain internal light, or the like.

Effective Warning Time - The time available after receiving advice of an impending flood and before the floodwaters prevent appropriate flood response actions being undertaken. The effective warning time is typically used to raise furniture, evacuate people, and transport their possessions.

Evacuation - The transfer of people and or stock from areas where flooding is likely, either close to, or during a flood event. It is affected not only by warning time available, but also the suitability of the road network, available infrastructure, and the number of people that have to evacuate during floods.

F

Fascia Sign - A sign painted or positioned on the fascia or return end of the awning.

Fill - Depositing soil, rock or other similar extractive material obtained from the same or another site, but does not include the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land or a waste disposal landfill operation.

Fin Sign - An advertising structure attached to a flat roofed building or structure (such as a service station driveway canopy), generally positioned at right angles to street frontage.

Flush Wall Sign - A sign attached to or painted onto the wall of a building.

Food Waste - Any food waste such as vegetables, cereals, bones, meats and fish and fatty and oily sludges such as de-watered grease trap wastes.

~~**Flood** - A relatively high stream flow which overtops the natural or artificial banks in any part of a stream, river, estuary, lake or dam, and/or local overland flooding associated with major drainage as defined by the Floodplain Development Manual before entering a watercourse, and/or coastal inundation resulting from super-elevated sea levels and/or waves overtopping coastline defences excluding tsunami.~~

Flood - A natural phenomenon that occurs when water covers land that is normally dry. It may result from coastal inundation (excluding tsunamis) or catchment flooding, or a combination of both.

DEFINITIONS

Flood compatible building components - A combination of measures incorporated in the design and/or construction and alteration of individual buildings or structures subject to flooding, and the use of flood compatible materials for the reduction or elimination of flood damage.

Flood compatible materials - Those materials used in building which are resistant to damage when inundated.

Flood evacuation strategy - The proposed strategy for the evacuation of areas within effective warning time during periods of flood as specified within any policy of Council, the Floodplain Risk Management Plan (FRMP), the relevant State Government disaster plan, or by advice received from the State Emergency Services (SES). ~~or as determined in the assessment of individual proposals.~~

~~**Flood hazard** - The potential risk to life and limb and potential damage to property resulting from flooding. The degree of flood hazard varies with circumstances across the full range of floods.~~

~~**Flood planning area** - The area where flood related development controls apply. It includes land below the flood planning level (FPL) and may extend to include other areas of land where the high consequences in low probability events require additional flood related controls to reduce damages or to not alter the floodway in rarer flood events.~~

~~**Flood planning level (FPL)** - In the Waverley LGA, the FPL is the level of a 1% AEP flood event plus 300 mm freeboard, unless otherwise stated in an adopted Floodplain Risk Management Study and/or Floodplain Risk Management Plan.~~

~~**Flood prone land** - Land susceptible to flooding by the probable maximum flood (PMF) event. Flood Prone Land is synonymous with flood liable land.~~

Flood proofing - A combination of measures incorporated in the design, construction and alteration of individual buildings or structures subject to flooding, to reduce or eliminate flood damages. Examples include use of tiled surfaces and installing power points above flood planning levels etc.

Flood refuge area - An onsite refuge above the PMF that provides reasonable shelter for the likely occupants of the development commensurate with the period of time that refuge is likely to be required in floods up to the PMF.

Note: In general, it is not acceptable to rely on a refuge provided by or on other development sites. In all cases where an onsite refuge is provided, it is to be both intrinsically accessible to all people on the site, sheltered and an integrated part of the development (i.e. a second storey with internal stair access). The route to the refuge is to be fail safe, plainly evident and self-directing.

Flood Fringe Areas - The remaining areas of flood prone land after floodway and flood storage areas have been identified.

Floodway Areas - Areas of the floodplain where a significant discharge of water occurs during floods. They are often aligned with naturally defined channels. Floodways are areas that, even if only partially blocked would cause a significant redistribution of flow or a significant increase in flood levels.

Flood Storage Areas - Floodplain area that is important for the temporary storage of floodwaters during a flood.

DEFINITIONS

Flood Study - A study prepared for one or more floodplains in accordance with the requirements of the FDM (superseded) or FRMM.

Floodplain - (Synonymous with flood liable and flood prone land) is the area of land that is subject to inundation by the PMF.

Floodplain Development Manual (FDM) - Floodplain Development Manual (2005), ~~or the latest version.~~

Flood Risk Management Manual – Flood Risk Management Manual and associated Flood Risk Management Toolkit (2023).

Floodplain Risk Management Plan (FRMP) - A plan prepared for one or more floodplains in accordance with the requirements of the FDM (superseded) or FRMM.

Floodplain Risk Management Study (FRMS) - A study prepared for one or more floodplains in accordance with the requirements of the FDM (superseded) or FRMM.

~~**Freeboard** - A margin of safety applied to calculations that estimate the water surface during a storm event. The freeboard accounts for the inaccuracies in calculation methods. The height between water level and the underside of a structure or top of an embankment/channel wall is referred to as freeboard.~~

Freeboard - A factor of safety typically used in relation to the setting of minimum floor levels or levee crest levels

G

Garage - An enclosed structure with a roof, garage door and walls used for carparking purposes only.

Garbage - is any solid or inert materials generated by development and land-use activities (including domestic activities) that are discarded, rejected, unwanted, surplus or abandoned, that remains after the separation of compostable, re-useable and recyclable materials.

Garbage Chute - is a duct in which deposited material descends from one level to another within the building, due to gravity.

Green Roof - is a roof that is designed to promote the growth of various forms of vegetation and includes a vegetated layer, growing medium, drainage layer and a waterproof membrane. The roof is either partially or completely covered by vegetation, and is a non-trafficable space that is only accessed for maintenance purposes.

Green wall / Vertical garden - Green wall means walls that are either free-standing or part of a building that is partially or completely covered with vegetation. There are two main types of green wall, including:

- green façades, that are made up of climbing plants either growing directly on a wall or on specially designed supporting structures. The plant's shoot system grows up the side of the building while being rooted in the ground; and

DEFINITIONS

- living walls, with modular panels are affixed to the wall and geo-textiles, irrigation and a growing medium combine to support a dense network of plants.

Green Waste - A vegetative material, such as grass, plants, leaves, branches, shrub and tree loppings.

Grey Water - Wastewater generated from hand basins, showers, laundries and kitchens.

Gross Leasable Area - The sum of the areas at each floor of a building, where the area of each floor is taken to be the area within the internal faces of the walls, excluding stairs, amenities, lifts, corridors and other public areas but including stock storage areas.

Gross Floor Area – As per the definitions in the Waverley Local Environmental Plan, with ‘car parking’ and ‘access to that car parking’ in the WLEP definition referring to the minimum dimensions and access required in order to comply with requirements of AS2890 and the National Construction Code (NCC) – Building Code of Australia (BCA). Car parking spaces above the ‘maximum’ stated in the WDCP, and components of parking and access areas greater than the minimum dimensions required to meet the AS2890 and the BCC/BCA will contribute to the Gross Floor Area calculation.

Groundwater - Water contained within the voids and spaces in rocks or soils.

H

Habitable - In a residential situation: a living or working area, such as a lounge room, dining room, rumpus room, kitchen, bedroom or workroom; In an industrial or commercial situation: an area used for offices or to store valuable possessions susceptible to flood damage in the event of a flood.

Habitable Room - A room in a dwelling used for domestic day to day activities that excludes a bathroom, laundry, water closet, food storage pantry, walk in wardrobe, corridor, hallway and other like spaces not occupied for extended periods of time.

Habitat Corridors - are areas where vegetation provides sufficient habitat features to allow wildlife to move from one area of habitat to another. The vegetation may include remnant bushland, native plantings, weeds and gardens.

Habitat tree - Any tree that is a nest or hollow-bearing tree which is suitable for nesting birds, arboreal marsupials (possums), micro-bats or which support the growth of locally indigenous epiphytic plants such as orchids

Hardstand area - An open paved, concrete or grassed space designed to allow for car parking.

Hazardous Material - Potentially hazardous or toxic material(s) that contribute to the toxicity of residual waste. They include but are not limited to, asbestos, used batteries, waste oils, paints, solvents, cleaning and pool chemicals, pesticides, poisons and sharps such as syringes.

Hazardous Substances - A substance that:

- is listed in the *List of Designated Hazardous Substances*, (as listed on www.ascc.gov.au) or

DEFINITIONS

- fits the criteria set out in the 'Approved Criteria for Classifying Hazardous Substances', as published by the National Occupational Health and Safety Commission.

Height of a tree - means the distance measure vertically between the horizontal plane of the lowest point of the base of the tree, which is immediately above ground, and the horizontal plane of the uppermost point of the tree.

I

Impervious (non porous) - A surface that does not allow water to infiltrate into the ground, including roofs, roads, pavements, hard surfaced sports courts, any "sealed" areas and permanent water bodies such as swimming pools.

Indigenous plant species - Those species which are believed to have been present in the Waverley Council area prior to 1788. It includes those plants which originate from remnant vegetation via natural processes and does not include planted native plants or plants originating from plantings.

Infill - A new building, either in a heritage conservation area or an existing urban area.

Infiltration - is the downward movement of water from the surface to the subsoil.

Injury - Damage to a tree and includes:

- lopping and topping
- poisoning, including applying herbicides and other plant toxic chemicals to a tree or spilling of oil, petroleum, paint, cement, mortar and the like onto the root zone
- cutting, tearing, breaking or snapping of braches and roots that is not carried out in accordance with accepted arboricultural practices or is done for invalid reasons, including vandalism
- ringbarking, scarring the bark when operating machinery, fixing objects by nails, staples or wire or fastening materials that circle and significantly restrict the normal vascular function of the trunks or branches
- damaging a trees root zone by compaction or excavation, asphyxiation including unauthorised land filling or stockpiling of materials around the tree trunk, and / or
- underscrubbing, unless carried out by hand tools such as brushcutters and the like

Integrated Development - Development that in addition to Council consent, requires a number of permits, licences and other approvals from public authorities as well as approval under the *EP&A Act 1979*.

Interallotment Drainage - Common stormwater drainage system that serves one or more private properties.

Imminent danger – The risk is immediate and present at that particular moment to human life or substantial property damage.

L

DEFINITIONS

Landscaped Area - A part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area

Laneway Development - A building which fronts a rear lane.

Liquid Waste - A non-hazardous liquid waste generated by commercial premises that is supposed to drain to the sewer or be collected for treatment by a liquid waste contractor (inc. grease trap waste).

Local Native Plants - Those plants that have been propagated from local seed stocks from Sydney's Eastern suburbs, not specifically from the Waverley area, and not from outside the Sydney Basin

Lop or Lopping - Cutting branches or stems between branch unions or internodes with the final cut leaving a stub

Low Flows - Flows generated from rainfall events less than the 1 in 5 year ARI storm event including frequent events.

M

Major Alterations and Additions – Generally, where substantial portions of the existing building are being demolished and/or if the building envelope is being increased by more than 25%.

Minor Alterations – Generally, any internal alterations and additions, or external additions which only result in minor increases to the existing building envelope.

Minor Stormwater System - A stormwater conveyance system comprising the land formation, pits and pipes, gutters, swales, grated trenches and other stormwater conveyance devices that are used to convey or retain stormwater in storm events up to the 20 year average recurrence interval storm event.

Mobile Garbage Bin - A bin on wheels with a lid ('wheely' bin) supplied by Council.

Mixed Use Development - As defined in the Waverley Local Environmental Plan.

Multi Dwelling Housing – As defined in the Waverley Local Environmental Plan.

Multi Residential Development- A building containing one or more dwellings on one lot of land. This may include Mixed Use Development, and other forms of Residential Accommodation.

N

Natural Ground Level - The existing ground level on the site prior to variation by way of excavation or filling, or that level accepted or determined by Council.

Neighbouring Land - Any land, which in the opinion of the Authorised Council Officer, may be detrimentally affected by a development application (and may include properties in a neighbouring LGA).

DEFINITIONS

New Development – Generally, where a new building or structure is being constructed on site, or where alterations and additions involve significant demolition and redevelopment.

Non – Habitable Room - Spaces not occupied frequently or for extended periods.

North Point - The orientation of a dwelling or part thereof. A reference to 'north' is a reference to true solar north and not magnetic or compass north.

Noxious weed - A plant declared noxious under the *Noxious Weeds Act 1993*.

O

On-site Detention - Detention of water on-site (refer to **Detention**).

On-site Retention - Retention of water on-site (refer to **Retention**).

Open Space - An area external to a building (including an area of land, terrace, balcony or deck) and includes hard paved areas, areas containing swimming pools as well as landscaped area.

Operational hours - The hours when a commercial premises is utilised by staff for pre-works and clean up of the premises but is not open to the public for trade.

Organic Waste - A biodegradable, compostable wastes of plant and animal origin, such as garden refuse and food wastes capable of being converted into soil conditioners, compost or humus by a biological decay process.

Origin - refers to the location of plant material, where seed or cuttings were sourced to produce the plants. These may be:

- Indigenous – plant material from specimens growing in Waverley remnant vegetation or bushland (preferred)
- Local Native – plant material from Eastern Suburbs, Australia (next preference)
- Native – plant material from other region in Australia (Coastal NSW preferred)

Outbuilding - An unattached building or structure that includes a bird aviary, cubby house and other play equipment, cabana, garden shed and greenhouse and the like.

Overland flow - Runoff from rainfall that flows over the land before entering a watercourse, creek, river, lake or dam. Overland flow can flow down roads, driveways and through homes and buildings. It is typically shallow and fast flowing.

Overland Flow Path - The path that stormwater may take if the piped or channelled stormwater system becomes blocked or its capacity exceeded. Overland flow paths provide a fail safe system to ensure that stormwater is not likely to cause flood damage.

Owner - The person or persons who appear on Council's computer rates records to be the owner of the land at the date of notification; in the case of land that is the subject of a strata scheme under the *Strata Schemes (Freehold Development) Act 1973*, or a leasehold strata scheme under the *Strata*

DEFINITIONS

Schemes (Leasehold Development) Act 1986, the body corporate and each strata unit owner in the case of land that is a community, precinct or neighbourhood parcel within the meaning of the *Community Land Development Act 1989*, the Association for the parcel and each individual owner within the scheme.

P

Painted Sign - A sign painted directly onto an awning fascia and a glass shopfront.

Parapet - A wall-like barrier at the edge of a roof, or other structure.

Parking Space - Any garage, carport or carspace or court available for use by a vehicle.

Passive Solar Energy Systems - Systems which combine the sun's energy with local climate characteristics, to achieve thermal comfort inside buildings without the use of mechanical devices.

Peak Flows - The maximum instantaneous outflow from a catchment during a storm event.

Permeable Paving - Paving materials that allow infiltration into the soil.

Permissible Site Discharge - The maximum discharge from the site during a 1 in 5 year ARI storm event under pre-development (existing) site conditions.

Pervious - A surface that permits water to infiltrate into the ground.

Photovoltaic panels - A method of generating electrical power by converting solar radiation into direct current electricity.

Pitched Roof - A roof having a minimum pitch greater than 10 degrees and a maximum of 35 degrees taken from the horizontal base.

Pole Sign - A sign having an area no greater than 3.4m², erected on a pole or pylon independent of any building or other structure. A pole sign is generally used in place of a building whose setback from the street alignment renders it unsuitable for advertising display purposes.

Porous - A surface that does allows water to infiltrate into the ground.

Potable Water - Water that may be consumed.

Predominant building line - The predominant setback of the adjoining properties on the same side of the road as the subject site.

Refer to the definition of building line or setback stated in the dictionary of the Waverley Local Environmental Plan.

Private Open Space - Component of open space that is used for private outdoor purposes ancillary to the use of the building and generally relates to rear and side yards and private decks, balconies and courtyards.

DEFINITIONS

Projecting Wall Sign - A sign that is attached to a wall of the building (other than the transom of a doorway or display window).

Prune or pruning - Activities as specified in *Australian Standards AS 4373 – Pruning of Amenity Trees*:

- crown maintenance pruning involving general pruning or thinning
- deadwooding: the removal of dead wood from a tree
- selective pruning: the removal of identified branches that are causing a specific problem
- formative pruning: selective removal of specific branches to enhance form and improve structure or to directionally shape a young tree
- reduction pruning: reducing the size of the crown of the tree in either height or spread. The ends of branches are removed to internal lateral branches or stems
- crown lifting: the removal of lower branches to specified clearances
- remedial pruning: removing damaged, diseased or lopped branches back to undamaged or healthy tissue
- line clearance: pruning to maintain clearances around overhead services which should involve formative pruning, reduction pruning or remedial pruning

Public Building - A building or premises that the public or a section of the public is entitled or allowed to enter or use.

Public Domain - All land and facilities open for public use, including open space, streets, lanes, pedestrian thoroughfares, parks and public buildings.

Probable Maximum Flood (PMF) - The largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation.

Probable Maximum Precipitation (PMP) - The greatest depth of precipitation for a given duration meteorologically possible over a given size storm area at a particular location at a particular time of the year, with no allowance made for long-term climatic trends (World Meteorological Organisation, 1986). It is the primary input to the estimation of the probable maximum flood.

R

Recognised Habitat - means an area or areas occupied, or periodically or occasionally occupied, by a species, population or ecological community and includes any biotic or abiotic component.

Remnant tree - A native indigenous tree that remains in the landscape after removal of the majority or all of the native indigenous vegetation in the locality

Remnant vegetation - or bushland, is taken to be the original (pre 1788) native vegetation which has survived to this day. It includes both undisturbed and disturbed remnant vegetation. It also includes remnant vegetation which has colonised disturbed areas, where there was no vegetation for a period. The native plants species that grow within these remnants are referred to as indigenous. Remnant vegetation does not include native species that have been planted or introduced to the area.

Remove - To cut down, take away or transplant a tree from its place of origin

DEFINITIONS

Resource Recovery - To re-use or recycle materials.

Restaurant - A building or place, the principal purpose of which is the provision of food or beverages to people for consumption on the premises, whether or not takeaway meals and beverages or entertainment are also provided.

Restricted Premises - means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

Retention - The storing of a form of water for beneficial use. Can apply to all forms of water including rainwater, stormwater and recycled water. May occur by storing water in a tank or by infiltration.

Re-use - Re-using a product for the same or different purposes without further manufacture, to prolong the original product lifetime.

Reliable Access - During a flood means the ability for people to safely evacuate an area subject to imminent flooding within effective warning time, having regard to the depth and velocity of flood waters, the suitability of the evacuation route, and without a need to travel through areas where water depths increase.

Risk - The chance of something happening that will have an impact. It is measured in terms of consequences and probability (likelihood).

S

Seedbank - Seeds (especially from remnant vegetation) that has accumulated in the soil, and has the potential to regenerate.

Setback - The horizontal distance between a building and a site boundary, measured along a line perpendicular to the site boundary.

Sex Services - means sexual acts or sexual services in exchange for payment.

Sex Services Premises - means a brothel, but does not include home occupation (sex services).

Site - The allotment or group of allotments of land on which a building stands or is proposed to be erected.

Site Analysis - The process of identification and analysis of key features of the site and immediate surroundings to assist in understanding how future dwellings will relate to each other and to their locality.

DEFINITIONS

Soil & Water Management Plan - Strategies and controls for a development or site to prevent pollution of the environment from all pollutants during the construction stage.

Solar Collector - Any building element or appliance specifically designed to capture or collect the sun's rays for the benefit of the occupants including windows to habitable rooms.

Solid fuel heating – A heating device that uses solid fuel, such as a fireplace.

State Significant Development - Development defined under Section 4.2 of the *EP&A Act 1979*.

Stormwater - Rainfall that is concentrated after it runs off all urban surfaces such as roofs, pavements, carparks, roads, gardens and vegetated open space and includes water in stormwater pipes and channels.

Street frontage - The street alignment at the front of the lot or building.

Streetscape - The character of a locality (whether it be a street or precinct) defined by the spatial arrangement and visual appearance of built and landscape features when viewed from the street.

T

Temporary Sign - An advertisement of a temporary nature that announces any local level event of a religious, educational, cultural, political, social or recreational character or relates to any temporary matter in connection with such an event and does not include advertising of a commercial nature except for the name(s) of an event sponsor, being ancillary to the purpose of the advertisement. Temporary signs may consist of advertisements in the form of banners, bunting, posters and the like.

Terrace-Style Dwelling - A dwelling-house that is part of a group of similar dwellings featuring relatively narrow width in relation to depth, attached along their side boundaries and visually similar to other dwellings in the same group, designed as an integral part of that group.

Third Party Advertising - Signs whose advertising content is unrelated to the activity of the building or site on which they are positioned, or to the sale or distribution of merchandise from that building or site.

Top Hamper Sign - A sign attached above a doorway / window of a building, and is below awning height.

Top or topping - The reduction of the height of a tree through lopping.

Trading Hours - The hours of when a commercial premises is open for trade to the public.

Transplant - The removal of a tree that is excavated from its place of origin within the ground and is relocated within the ground of the same property or re-establishment within the ground or a container within another property.

Tree - Any woody perennial plant or any plant resembling a tree greater than 3 metres in height or with a canopy spread greater than 3 metres.

DEFINITIONS

Tree protection zone - A specified area above and below ground and at a given distance from the trunk set aside for the protection of a tree's roots and crown to provide for the viability and stability of a tree to be retained where it is potentially subject to damage by development.

U

Under Awning Sign - A sign attached to the underside of an awning.

Useable Open Space - An area of open space that is accessible, relatively flat and clear of obstructions and can be used for active or passive recreation

DEFINITIONS

V

Virgin excavated natural material - Natural material (such as clay, gravel, sand, soil or rock fines) that has been excavated from areas that are not contaminated does not contain any sulfidic ores or soils or any other waste.

Vertically Stacked Parking - Where one or more vehicles are raised above a parking space by way of a mechanical or hydraulic lift, allowing more than one vehicle to occupy a surface level parking space.

W

Wastewater - is greywater and blackwater.

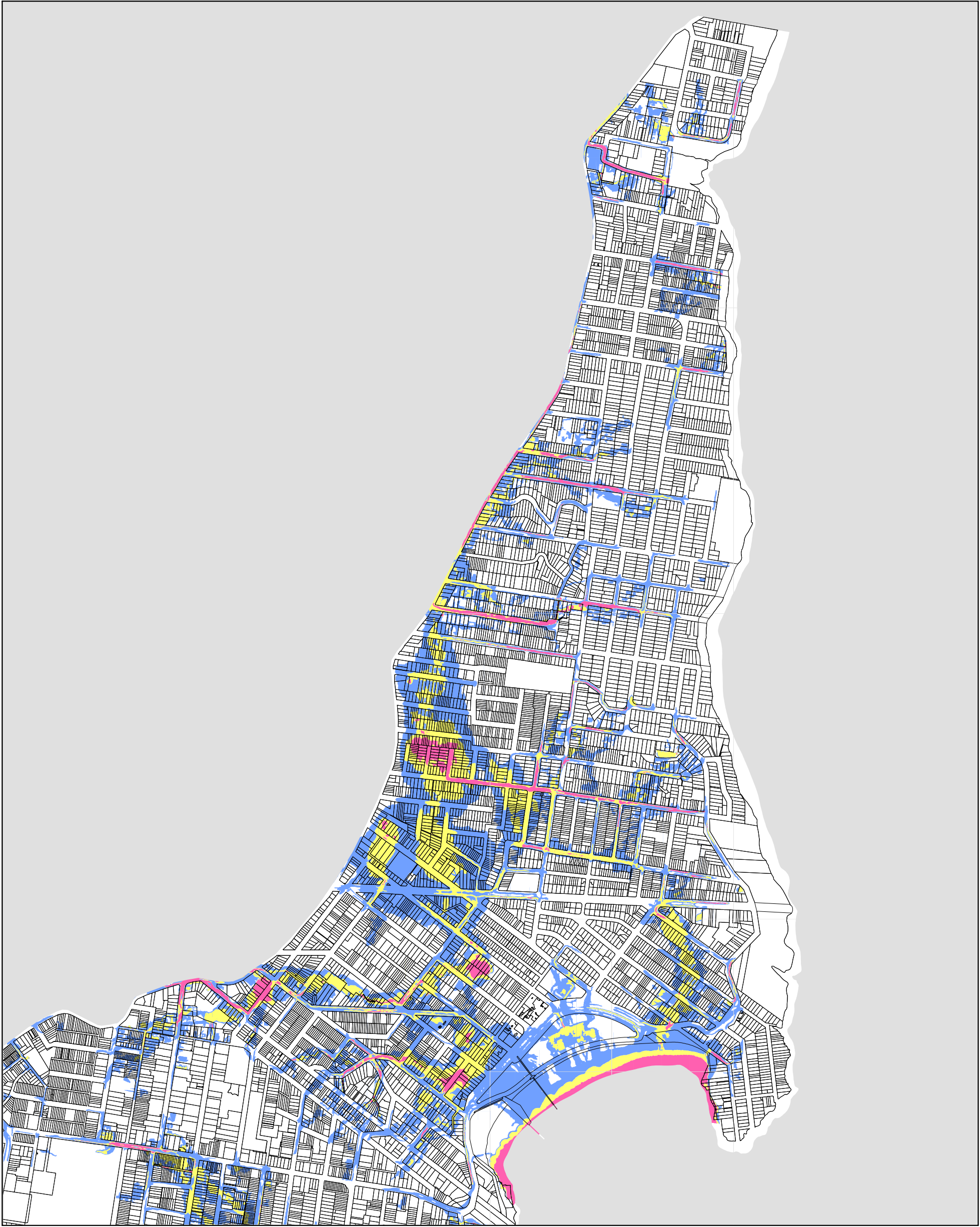
Water Sensitive Urban Design - A design approach promoting sustainable management of the total water cycle through the ecologically sensitive design of homes, streets (and their drainage systems) and whole suburbs.

Written Notice - means the written notification letter sent by Council to adjoining and neighbouring land advising of a proposed development.

ABBREVIATIONS

ABGR	Australian Building Greenhouse Rating Scheme
AHD	Australian Height Datum
AS	Australian Standards
ARI	Average Recurrence Interval
BCA	Building Code of Australia
BJC	Bondi Junction Centre
DA	Development Application
DCP	Development Control Plan
FACS	Family and Community Services
FPL	Flood planning level
FDM	Floodplain Development Manual
FRMP	Floodplain Risk Management Plan
FRMM	Flood Risk Management Manual
FRMS	Floodplain Risk Management Study
DPE	Department of Planning & Environment
EMR	Electro-Magnetic Radiation
EP&A Act 1979	Environmental Planning and Assessment Act 1979
EPI	Environmental Planning Instrument
FSR	Floor Space Ratio
GBCA	Green Building Council of Australia
GFA	Gross Floor Area
GLA	Gross Leasable Area
LEC	Land and Environment Court
LEP	Local Environmental Plan
LGA	Local Government Area
LVC	Local Village Centre
MGB	Mobile Garbage Bin
OSD	On-site Water Detention
OSR	On-site Water Retention
PA	Planning Agreement
PAPD	Public Art in the Private Domain
PMF	Probable Maximum Flood
PMP	Probable Maximum Precipitation
Regulation 2021	Environmental Planning & Assessment Regulation
RL	Reduced Level
SEE	Statement of Environmental Effects
SWRMP	Site Waste and Recycling Management Plan
TPO	Tree Preservation Order
WAHP	Waverley Affordable Housing Program
WDCP	Waverley Development Control Plan
WLEP	Waverley Local Environmental Plan 2012
WMTM	Water Management Technical Manual

Annexure B5-4 Flood Planning Area



Flood Planning Area



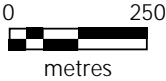
- Flood Risk Precincts**
- Low
 - Medium
 - High

Cadasre
Cadastral FRP
06/04/2023

Disclaimer:
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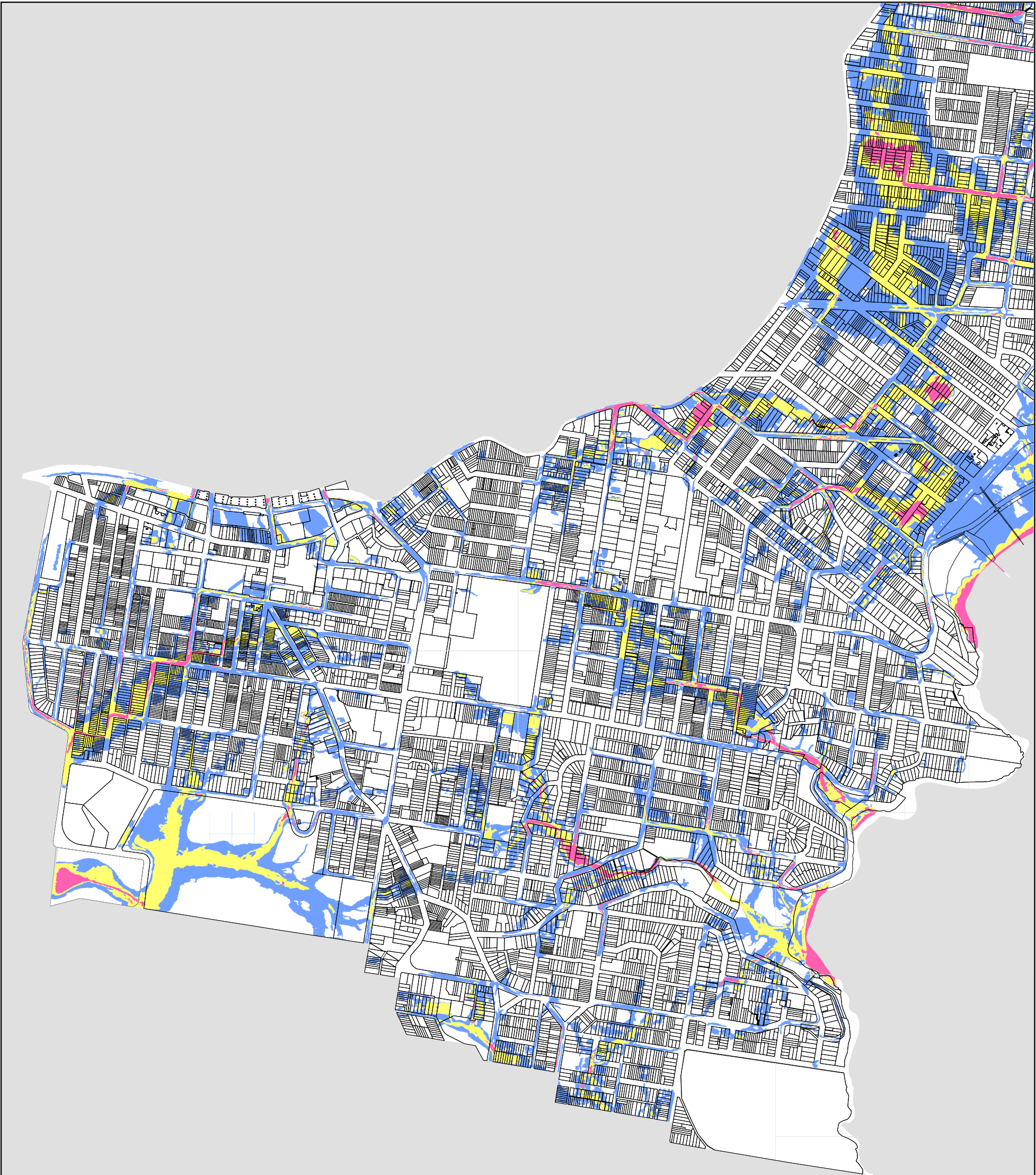


Projection: GDA 2020
MGA Zone 56



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Author: eSolutions
Date created: 17/01/2024



Flood Planning Area



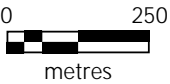
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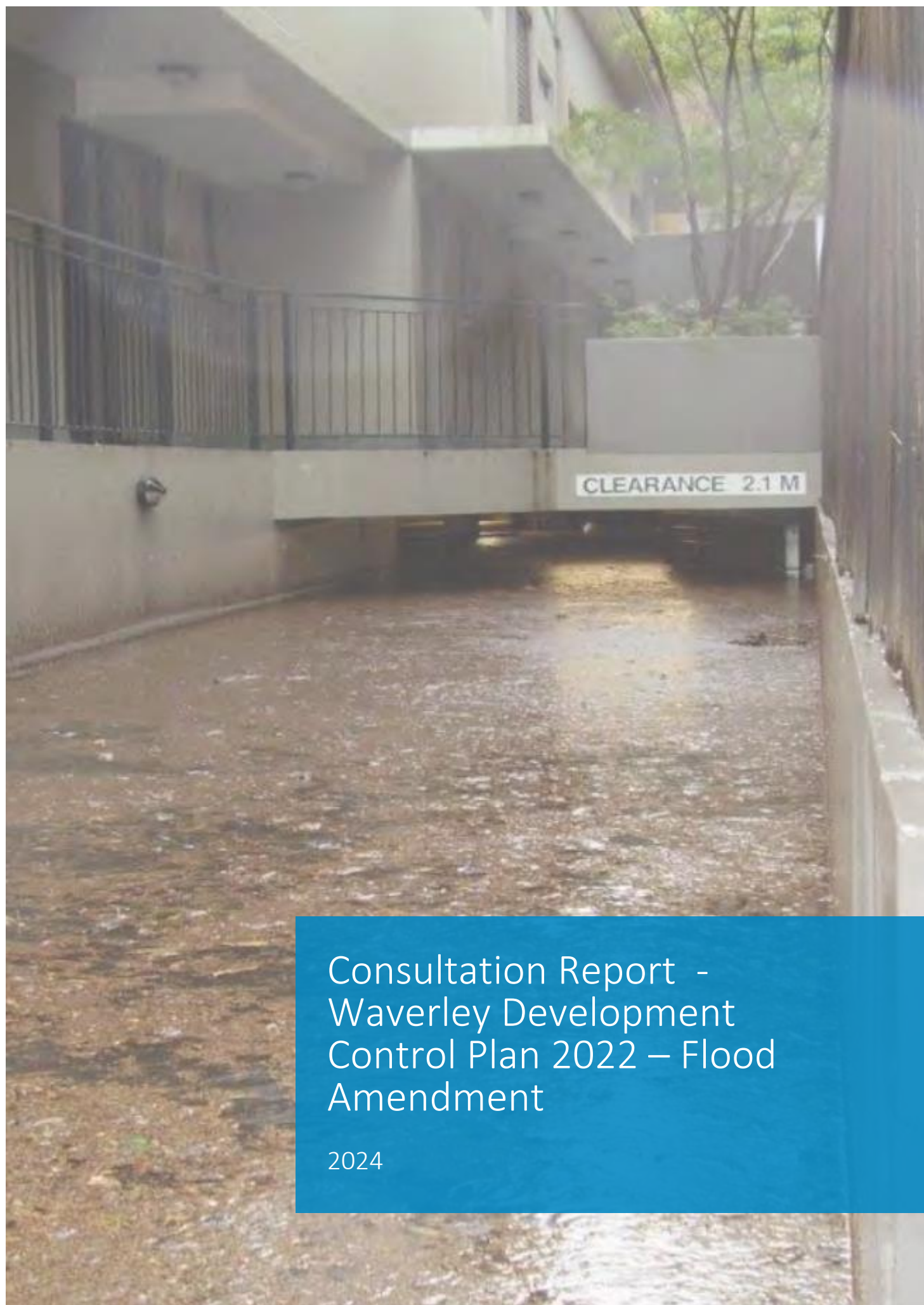


Projection: GDA 2020
MGA Zone 56



Scale: 1:12,770 @ A3

Author: eSolutions
Date created: 17/01/2024



Consultation Report - Waverley Development Control Plan 2022 – Flood Amendment

2024

Waverley Council acknowledges the Bidjigal, Birrabirragal and Gadigal people, who traditionally occupied the Sydney Coast, and we pay respect to all Aboriginal and Torres Strait Islander Elders both past and present.

Contents

Background 1

Engagement methodology..... 1

Detailed results and responses 3

Conclusion..... 7

Appendix A – Notification letter 8

Appendix B – Social media post 10

Appendix C – e-newsletter..... 10

Appendix D – Flyer update to residents..... 11

Appendix E – Updated Frequently Asked Questions 12

Executive Summary

The draft Waverley Development Control Plan 2022 (DCP) was placed on public exhibition for 4 weeks between 23 June 2023 – 21 July 2023. It sought feedback on changes to the WDCP on proposed updated to flood planning controls and mapping.

Notification letters were sent out to 10,638 residents during the formal public exhibition period and 46 people engaged by providing feedback and an additional 70 submissions were received after the formal exhibition period ended on 22 July 2023 until the time of writing this report. The total quantity of submissions received represents 1% of all notified via mailout.

No submissions were received in support of the exhibited draft amendment. Two thirds of submissions were received by residents with a medium flood risk classification in the exhibited amendment, with the remainder equally split between low and high risk. The primary concerns raised related to the risk categorisation and the perceived potential impact on insurances and property values. Other key themes related to potential implications to development and comments, questions and concerns about the role of Council's stormwater assets. These concerns informed the additional work that was undertaken and a number of subsequent proposed changes, resulting from this additional work.

Background

After a period of four years of technical investigations and community engagement, Council adopted the Waverley LGA Flood Study in 2021. The study identified flood affected areas based on up-to-date modelling techniques.

Shortly after the adoption of the Flood Study, the NSW Government introduced the Flood Prone Land Package, which brought in changes to the way flood planning is addressed in the Waverley Local Environmental Plan (LEP) and Development Control Plan (DCP). As a result, DCP controls were reviewed and updated to ensure that the risks and impacts of flooding associated with any new development or redevelopment would be appropriately managed. The new flood maps are required for the application of both the LEP and DCP flood related planning controls.

The Draft Waverley DCP - Flood Planning amendment was formally exhibited from 23 June to 21 July 2022. During this time, Council sent over 10,000 letters. The pages below summarise the the community engagement process and activities that took place throughout the process.

Approach and Engagement methodology

In accordance with Waverley Council's adapted IAP2 model of engagement, three methods were used to gather community feedback:

1. Online survey on the Have Your Say (HYS) platform
2. Webinar with Council officers
3. Emails to Council's info@waverley.nsw.gov.au and floodplanning@waverley.nsw.gov.au


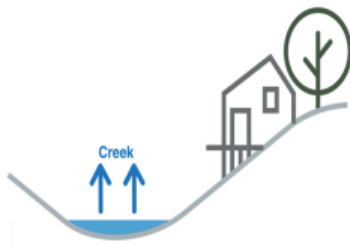
A number of Council communication channels were used to reach residents and encourage them to visit the HYS page and complete the survey.

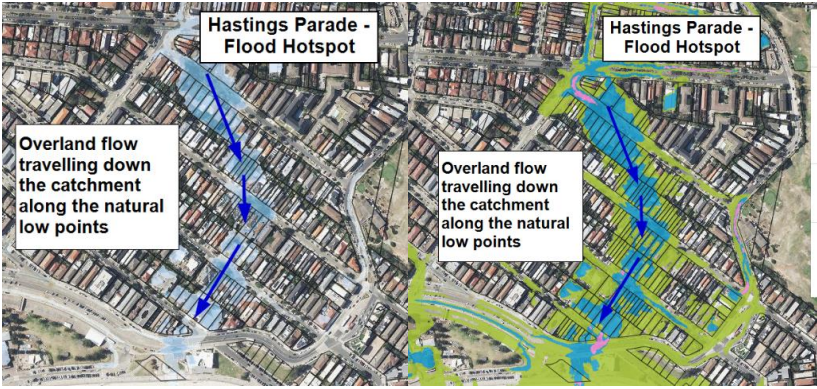
Communication method	Overview	Date	Response
Notification letters	Sent to 10,638 residents including strata lots relating to 4,368 properties.	23 June 2022	N/A
Stories in Waverley Weekly	A story encouraging readers to click the link to the HYS page and fill out the survey	30 June 2022 edition	87 clicks to the HYS page

Social media posts	Facebook post encouraging people to click the link to the HYS page and complete the survey	6 July 2022	1 Like 3 Shares
Engagement method	Overview	Date	Response
Have Your Say (HYS) webpage	A dedicated page on the HYS website that contained background information, relevant documents for download, a survey and contact details for those wanting further information.	23 June 2022 - Present	1641 visitors during the formal exhibition period. 318 visitors following the May 2023 update to residents. 666 Documents downloaded during formal exhibition period. 243 Document downloads following the May 2023 resident update.
Online survey/Letter and email submissions (formal exhibition period)	Received feedback via HYS and through emails and letters to Council.	Open from 23 June – 21 July 2022	46
Online survey/Letter and email submissions (outside of formal exhibition period)	Received feedback via HYS and through emails and letters to Council.	22 July – Present	70
Online webinar	Director of Assets and Operations Sharon Cassidy, together with other council officers held a public webinar on the topic of the proposed flood amendments in the DCP. It was an opportunity for residents to ask questions and gain a better understanding of why Council needs to update the DCP. A number of Councillors were also in attendance.	30 May 2023	35 community attendees.
Presentation to Precinct Convenynors	Director of Assets and Operations Sharon Cassidy, together with other council officers held a meeting with Precinct Convenynors. This meeting included a presentation on the findings of the additional work undertaken and also consisted of a Q&A session.	25 May 2023	7 attendees.
Emails	Email updates to residents following the closure of public exhibition in response to concerns raised.	23 June 2022 – Present.	3 resident email updates.

Detailed results and responses

The table below provides a summary of the issues raised during public exhibition and a response to each item. Feedback received has been grouped under common theme headings. Items are listed in no particular order and many answers are derived from the comprehensive list of Frequently Asked Questions published on Council's HYS page as part of the May 2023 update to residents.

Topic	Response
Concern and lack of understanding of Flood Risk Precinct classification.	<ul style="list-style-type: none"> The flood modelling outputs from the Waverley LGA Flood Study were adapted to categorise lots as either part of a low, medium or high Flood Risk Precinct (FRP). The FRP approach aligns with the requirements set by the NSW State Government and is considered best practice. Ratings were reviewed as part of the Peer Review process and deemed to be appropriate. The Peer Review can be viewed on Council's HYS website published in May 2023.
Confused as to how flooding can occur in Waverley LGA/to properties located on a hill.	<ul style="list-style-type: none"> There are two types of flood risk: mainstream flooding, where water comes out of a creek, river or other watercourse/waterbody, and overland flow, where rainfall runoff is making its way towards a watercourse/waterbody. <p>The Waverley LGA predominantly has overland flow, where rainfall runoff is making its way towards a watercourse/waterbody. Overland flow is generally shallow, can be fast flowing, occurs during heavy rain events and passes soon after the rain stops.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  <p>Overland flow flooding example</p> </div> <div style="text-align: center;">  <p>Mainstream flooding example</p> </div> </div> <p>The following two series of images shows the overland flow path in North Bondi which flows through Hastings Parade toward the beach. The image on the left shows the flood depths of the 1%AEP weather event, with the image on the right displaying the Flood Risk Precinct (FRP) line map (green = low, blue = medium and pink = high). Note that the FRP line map colours are represented differently on this map for operational reasons.</p>

	
No experience of flooding in the area in which a resident lives.	<ul style="list-style-type: none"> The Waverley LGA Flood Study was prepared in accordance with contemporary flood modelling techniques considering different rainfall intensity events. In accordance with industry standards, the study defined the 20% Annual Exceedance Probability (AEP) event (formerly referred to as a 1 in 5 year rainfall event), the 5% AEP event (formerly referred to as a 1 in 20 year rainfall event), the 1% AEP event (formerly referred to as a 1 in 100 year rainfall event) and the Probable Maximum Flood (PMF) event (the largest flood that could conceivably occur at a given location based on the meteorological and hydrologic conditions conceivably possible for the region). The storms in February 2022 were approximately equivalent to a 5% AEP event. It is likely that the flood event in November 1984 in the Waverley LGA was approximately equivalent to a 1% AEP event, when many properties within the LGA experienced flooding from the intense rainfall which occurred. Rarer more severe flooding can occur. Despite living in a property for many years, it is not unreasonable for a resident to have not witnessed these more significant rainfall events.
Assumption FRP rating would affect property value.	<ul style="list-style-type: none"> Council commissioned a review of potential property price impacts which concludes that adoption of new flood maps would unlikely have an impact on property prices and also that previous flood maps which were present in Council's Local Environment Plan had no impact on property values. The report can be viewed on Council's HYS website published in May 2023.
Could not recall consultation during Waverley LGA flood study.	<ul style="list-style-type: none"> Comprehensive engagement was undertaken during the Waverley LGA Flood Study. The consultation report can be viewed on Council's HYS website published in May 2023.
Requirement for existing properties to raise floor levels	<ul style="list-style-type: none"> There is no requirement for existing properties to raise their floor levels. DCP controls will only apply to properties submitting a development application and the extent in which the controls apply, depends on the nature and extent of the works.
Concerns with modelling outputs and accuracy from Waverley LGA Flood Study used to inform the amendment.	<ul style="list-style-type: none"> The findings of the review of the Flood Study concluded that the Flood Study was completed in accordance with the NSW State Government's requirements. The adopted modelling methodology was considered reasonable and appropriate for the catchment. However, it was identified there were limitations in the adopted approach that directly influence the level of confidence in certain (predominantly steeper upper catchment) sections of the catchment. This was clearly acknowledged and it is recommended further investigation of key model limitations and

	<p>assumptions should be considered within the Flood Risk Management Study (the next stage in the Floodplain Management Process set by the NSW State Government).</p> <ul style="list-style-type: none"> • The Peer Review found modelling outputs of the modelling was deemed appropriate for the purposes of the use of FRP maps and application of DCP controls. • Some concerns were raised with regards to whether the sandy soils in Waverley were considered and whether the type dwelling typography (for example variations in density) were used appropriately. It is confirmed that these factors were appropriately input into the modelling used in the Waverley LGA Flood Study. • Questions were also raised about Onsite Stormwater Detention Systems (OSDs) Council requires in many new developments. The Onsite Stormwater Detention Systems were not included within the Waverley LGA Flood Study This is because requirements for OSDs at the time of the Flood Study were not big enough for the weather events being planned for and would be overflowing during large events.
Unhappy with notification letter.	<ul style="list-style-type: none"> • The letter from Council stated “The adopted flood study has already been endorsed by Council and cannot be changed, neither can the categorisation of risk.” • The intent of this line was to explain that the Waverley LGA Flood Study was completed and formally adopted in 2021. The results from the Flood Study were used as the basis for the Flood Risk Precincts and Council cannot go back and change the Flood Study. Feedback received on the draft DCP amendment was considered and responded to accordingly in the proposed updated amendment. By changing from the lot based map to the line map, the risk ratings across many lots has changed to be a truer reflection of the actual flood risk.
Council should be upgrading its stormwater network instead of expanding planning controls to private property.	<ul style="list-style-type: none"> • It is a requirement for Councils in NSW to implement flood planning DCP controls in line with NSW State Government requirements. DCP controls and stormwater assets work together to reduce flood impacts. • Common to urban areas across Australia, Council stormwater assets which people would be familiar with (kerb and gutter, stormwater entry pits and underground pipes) are typically designed to cater for smaller, more frequent rainfall events, in the order of a 20% AEP event (formerly referred to as a 1 in 5 year rainfall event). In some areas of Waverley Council this stormwater infrastructure is designed to cater for larger storm events up to a 10% AEP event (1 in 10 year rainfall event). Rainfall events more severe than this are typically conveyed within roadways and through low lying open space areas (parks and ovals). • The larger stormwater drains and infrastructure (such as those which discharge at our many beaches) are typically owned, managed and maintained by Sydney Water. Council does own and manage a few of these larger stormwater drains as well. These drains receive the flow from all of the surrounding smaller Council drains before discharging to the ocean or local creeks. These drains are also designed to carry only a certain sized event and their capacity is often exceeded during more significant rainfall

	<p>events with the drain running full and backing up into the catchment. When this occurs, it can mean that water from the Council owned stormwater drains cannot discharge freely and can result in short term ponding and inundation back upstream within the catchment.</p> <ul style="list-style-type: none"> • Council is in the process of undertaking a further step in the process of the NSW Flood Risk Management program, developing Waverley's Floodplain Risk Management Study and Plan. This will involve more detailed investigation into the areas of more frequent and problematic flooding in the LGA and identification of ways of mitigating/reducing these flood impacts.
Implications to insurance premiums.	<ul style="list-style-type: none"> • Council has undertaken research to determine what impacts the draft DCP could have on insurance premiums, to ensure that any implications have been considered. The findings of the research concluded that there was no clear correlation between flood risk related planning controls, mapping and increased insurance premiums and that a variety of factors influence insurance premiums provided by insurers. • The report on insurance premiums can be viewed on Council's HYS website as published in May 2023.
Proposed controls are more onerous for development.	<ul style="list-style-type: none"> • As a legislative instrument, the Waverley Local Environment Plan (WLEP) has more weight in the development assessment process and any relevant appeal which an applicant may make to the Land and Environment Court. Previously, Council defined its Flood Planning Area (FPA) through maps in the WLEP and utilised the relevant flood planning clauses in the WLEP, with minimal controls outlined in the WDCP. Given the limited nature of controls in the WDCP, it was less prescriptive about the types of considerations applicants would need to meet in order to satisfy the WLEP Controls. In addition, the previous maps took a lot based approach to identifying areas affected by flooding. • Under the proposed draft DCP, satisfaction of the relevant DCP controls also means that any flood planning clauses within the WLEP will be deemed to be satisfied. Given the WDCP is not a legislative instrument and is, in nature a guide, will provide more flexibility for the application of controls, to suit different types of developments and circumstances. • In addition, following feedback received in the Peer Review, more flexibility has been incorporated into the proposed amendment including performance criteria, which allows for a merit assessment if the specific controls cannot be met as part of the proposed development.
Applicability of FRP to apartments.	<ul style="list-style-type: none"> • The Flood Risk Precincts apply to the land parcel as a whole, not individual apartments within the building. <p>This means that if the building on that lot was to be redeveloped in the future, the developer would need to be mindful of the flood risk on the site and related planning controls when designing the new building.</p>
People purchasing properties being made aware of the potential flood risk to the property.	<ul style="list-style-type: none"> • It is a requirement to have information on flooding in Section 10.7 Planning Certificates that Council is responsible for issuing. Section 10.7 Certificates are a requirement for the transaction of a property and are typically attached to a contract of sale.

	<ul style="list-style-type: none">Properties previously marked on the Flood Planning Area maps in Council’s Local Environmental Plan (LEP) had this information available on these certificates since the maps were included in the LEP in 2012. Information relating to properties marked on the draft DCP amendment maps has been included on these certificates since it was placed on public exhibition in June 2021 and will remain until adopted or otherwise. Properties tagged as part of the Waverley LGA Flood Study also contained notations on Section 10.7 Certificates during and following the public exhibition period.
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Conclusion

The public exhibition period for the draft Waverley Development Control Plan 2022 (DCP) took place from June 23, 2023, to July 21, 2023. During this time, feedback was sought on proposed updates to flood planning controls and mapping. A total of 10,638 residents were notified through letters, leading to engagement from 46 individuals who provided feedback. Additionally, 70 submissions were received after the formal exhibition period, extending until the preparation of this report on July 22, 2023.

The feedback received during and after the formal exhibition period revealed significant community concerns regarding the proposed amendments. These concerns have been instrumental in guiding additional work, leading to several subsequent proposed changes aimed at addressing the raised issues and enhancing the overall development control plan.

Appendix A – Notification letter



Waverley Council
PO Box 9, Bondi Junction NSW 1355
DX 12006, Bondi Junction
Customer Service Centre
55 Spring Street, Bondi Junction NSW 2022
ABN: 12 502 583 608

Our ref: A20/0261

21 May 2022

Re: Draft Waverley DCP (Amendment 10)

Dear resident

I am writing to you about proposed changes to the Waverley Development Control Plan (DCP), specifically about flood planning in the Waverley Council Local Government Area (LGA).

In April 2021, Council adopted the Waverley Flood Study after comprehensive technical investigations and substantial community engagement. The study identified existing and new flood prone areas which were then categorised as low, medium and high risk.

In July 2021, the NSW Government introduced new flood planning clauses into the Waverley Local Environmental Plan (WLEP) which sets the overarching planning controls throughout the LGA. As a result, Councils were required to define Flood Planning Areas in their DCPs and include controls to suit different types of flood risks and developments.

As a result of Waverley's Flood Study and the NSW Government's reform, planning controls have been prepared to ensure any new development in flood prone areas adequately reduces the risks and impacts of flooding.

The proposed planning controls ensure flood-related risks are appropriately managed and provides flood mitigation provisions relating to things such as; height of floor levels, structural soundness, car parking and driveway access, evacuation and fencing.

As a result of the flood study your property was categorised as having a **<insert type>** flood risk, please scan the QR code or visit haveyoursay.waverley.nsw.gov.au for more of information.

What feedback are we after?

We would like feedback on the proposed planning controls in the draft DCP. The adopted flood study has already been endorsed by Council and cannot be changed, neither can the categorisation of risk.

The draft DCP Amendment 10 will be on public exhibition from Day/Month/Year to Day/Month/Year. To view the documents on public exhibition scan the QR code below from a mobile device.



Contact us
Phone: 9369 8000
Email: info@waverley.nsw.gov.au
Web: www.waverley.nsw.gov.au

Connect with us
facebook.com/whatsonwaverley
twitter.com/waverleycouncil
www.youtube.com/user/WavCouncil



Waverley Council
PO Box 9, Bondi Junction NSW 1355
DX 12006, Bondi Junction
Customer Service Centre
55 Spring Street, Bondi Junction NSW 2022
ABN: 12 502 583 608

To make a submission, logon to Have Your Say Waverley. If you are unable to use the website for any reason you can provide comment in writing. Please quote reference number **A20/0261**, and address correspondence to:

info@waverley.nsw.gov.au

OR

The General Manager
Waverley Council
PO Box 9
Bondi Junction NSW 1355

Please note that all submissions will form part of Council's public record and as such can be made available for public viewing on request.

If you have any questions or feedback you can email Council's Strategic Town Planning Team at strategictownplanning@waverley.nsw.gov.au

Yours faithfully,

Tim Sneesby
A/Executive Manager, Urban Planning, Policy and Strategy
Waverley Council

Contact us
Phone: 9369 8000
Email: info@waverley.nsw.gov.au
Web: www.waverley.nsw.gov.au

Connect with us
facebook.com/whatsonwaverley
twitter.com/waverleycouncil
www.youtube.com/user/WavCouncil

Appendix B – Social media post

Facebook post 6 July 2022



Waverley Council

July 6, 2022 · 🌐

We are exhibiting draft planning controls to ensure that any new development in flood prone areas, adequately reduces the risks and impacts of flooding. For more information do visit have your say and you can provide feedback by 21 July.



HAVEYOURSAY.WAVERLEY.NSW.GOV.AU

Draft Waverley DCP (Amendment 10) - Flood Areas

Background In April 2021, Council adopted the Waverley Flood Study after technical investigations and two rounds (2017/18 and 2020) of community engagement. The study identified existing and new flood prone areas whic...

👍 1

3 shares

👍 Like


💬 Comment

➦ Share



Appendix C – e-newsletter

Waverley Weekly 30 June 2022



Flood-prone areas

To reduce the risks and impacts of flooding, we have proposed changes to planning controls for new developments in flood-prone areas.

Check out the Have Your Say page and provide feedback by 21 July.

MORE

Appendix D – Flyer update to residents

May 2023.



Flood Planning at Waverley Council

What is Council doing to reduce or manage flood risk in the Waverley Local Government Area (LGA)?

In 2021, Waverley Council completed detailed flood modelling of the Local Government Area (Waverley LGA Flood Study). This was the first step in completing the Floodplain Risk Management process set by the NSW Government and provides Council and the community with up-to-date information to better manage flood risk.

Council then developed and exhibited proposed changes to Waverley Council's Development Control Plan (DCP). This included Low, Medium and High-risk areas, and updated planning controls to help ensure that the impacts of flooding associated with any new development or redevelopment are appropriately managed.

The next stage Council will undertake (Flood Risk Management Study and Plan) will involve additional investigations into areas of more frequent and problematic flooding, to identify ways of further mitigating or reducing flood impacts.

My property has been tagged as low, medium or high flood risk – how will this affect my insurance premium?

Most properties in the Waverley LGA would not be considered as needing additional flood insurance cover (under the definition of 'flood' used by all Australian insurers).

Insurance premiums for specific properties and addresses are determined by individual insurance companies assessment of risk and probability of damage – based on best available research, as well as historical events in an area – and are outside of Council's control. The Insurance Council of Australia advises to shop around if you are not satisfied by the premium or cover offered by your insurer.

Council has undertaken research to determine what impacts the draft DCP could have on insurance premiums, to ensure that any implications have been considered. The findings of the research concluded that there was no clear correlation between flood risk related planning controls and mapping and increased insurance premiums and that a variety of factors influence insurance premiums provided by insurers.

My property has been tagged as low, medium or high flood risk in the draft DCP amendment – how will this affect my property value?

Since the draft amendment was exhibited, Council has commissioned a review of potential property price impacts which concludes that adoption of new flood maps would unlikely have an impact on property prices and also that previous flood maps which were present in Council's Local Environment Plan had no impact on property values.

Where can I go for more detailed information?

To find out more information email floodplanning@waverley.nsw.gov.au



Appendix E – Updated Frequently Asked Questions

May 2023.

Frequently Asked Questions

Council's response to residents' concerns and next steps

? What has Council done in response to concerns raised by residents?

Flood Planning and home insurance

? My property has been tagged as low, medium or high flood risk – how will this affect my insurance premium?

? What should you do if you think an insurer has assessed your flood risk incorrectly.

Flood Planning and property values

? My property has been tagged as low, medium or high flood risk in the draft DCP amendment – how will this affect my property value?

? How is information on flood maps and flood risks communicated to potential buyers of property?

Proposed changes to planning controls and flood maps

? Why is Council proposing these planning controls?

? Why was my Flood Risk Precinct in the draft DCP different to my neighbours?

? I've lived in my property for 5, 10, 20 years and have never seen a flood – why is my property still tagged as being subject to a flood risk?

? My house is on a hill, how can it be at risk of flooding?

? The proposed DCP changes are too technical and would seem to require expert consideration as to whether and how they apply to an individual property.

? How will the Flood Risk Precincts and new DCP controls affect the development application process?

? How were the Flood Risk Precinct categories defined?

? What alternative methods of assessing the flood risk to private property and subsequent conditions of development were considered as part of the strategic review process? Why was the Flood Risk Precinct method of Low, Medium, High categorisation chosen

Council's role in managing flood risk through its stormwater drainage network

- ? What else is Council doing to reduce or manage flood risk in the Waverley LGA?
- ? What role do Council's stormwater assets play in reducing from rainfall events to private property?
- ? Council has recently completed works to improve drainage in my area, so why is my property still at risk of flooding?
- ? Why do we need Flood Risk Precincts (Low, Medium and High categories) and planning controls related to flooding?
- ? How does the Type A, B and C categorisation from the Waverley LGA Flood Study relate to the Low, Medium and High risk categorisation within the FRP and associated DCP controls?

Waverley LGA Flood Study

- ? The letter from Council states "The adopted flood study has already been endorsed by Council and cannot be changed, neither can the categorisation of risk".
- ? What consultation has been undertaken? The letter I received in 2022 was the first I've heard about the Flood Study, Flood Risk Precincts and DCP changes.
- ? Why are there multiple versions of the Flood Study available on the internet?