



J. Widenstrom
File Ref: LP/06/209411

19 February 2014

Satina Camroux
GPO Box 39
Sydney NSW 2001

Dear Santana,

Draft Planning Circular – Coastal hazard notations on Section 149 planning certificates

[In response, please quote File Ref: LP/06/209411]

I refer to the above draft Planning Circular that was on exhibition from 30 January 2014 until 3 March 2014. Thank you for the opportunity to comment on this draft Planning Circular concerning coastal hazard notations on section 149 planning certificate. Whilst this exhibition is now closed, it would be appreciated if the following comments could be considered prior to the finalisation of the circular. It must also be noted that the opinions expressed in this draft submission are those of the council officers of Sutherland Shire Council. Given the timing of the exhibition period for this draft Planning Circular and Sutherland Shire Council's meeting dates, this submission has not been considered or resolved by Council.

The proposed changes contained in the draft Planning Circular requiring councils to make a clear distinction between current and future hazards on s.149 certificates are supported. Council supports the provision of Departmental guidelines to assist councils when disclosing coastal hazard information on planning certificates.

Upon review of the circular, there is concern regarding the advice to councils to seek their own legal advice as to the wording to be included on the planning certificates. By seeking independent legal advice there will be a degree of inconsistency among councils when providing coastal hazard notations to their planning certificates. Inconsistency will only make it harder for the community to understand the information being provided to it. Given the benefits of consistency across the State, it would have been far more sensible for the Department to rely on its own legal advice and provide the necessary wording to councils. The requirement for each council to seek its own legal advice will simply shift costs and legal liability to councils.

Fortunately Council has sufficient information to meet the requirements of the circular. In 2011, GHD on behalf of Sutherland Shire Council, completed the 'Sutherland Shire Council Sea Level Rise Risk Assessment: *Potential impacts of a changing climate on coastal and catchment flooding*'. This comprehensive study determined the potential impacts of a changing climate on coastal and catchment flooding as part of the development of Council's Climate Change Adaptation Plan. The study provides a

complete understanding of risks and quantifies the possible extents to which projected sea level rise, changes in storm patterns and river flooding may impact on the Shire and its various assets over time. However, not all councils will have this degree of information available to them and will incur significant costs in meeting the intent of the circular.

Thank you for the opportunity to provide input to the draft Planning Circular. Should you have any enquiries in relation to the matters raised please contact Jordan Widenstrom on 9710 0639.

Yours faithfully



Jordan Widenstrom
for J W Rayner
General Manager