

PLANNING PROPOSAL

Under Section 55 of the EP&A Act

**Draft Uralla Local Environmental Plan 2012
(Amendment No 3)**

**Proposed Flood Planning Map
Uralla**

Prepared for: Uralla Shire Council
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TEL: 0458 515963
PO BOX 4481
COFFS HARBOUR 2450
kelly@kellyhunter.com.au

Planning Proposal status

STAGE	VERSION / DATE
	Blank until achieved
Draft	24/2/15
Reported to Council (section 55)	
Adopted by Council and referred to Department of Planning (sec 56(1))	
Gateway Panel determination (sec 56 (2))	
Revisions required :	Completed
Public exhibition (where applicable) (sec 57)	
For Council review (sec 58 (1))	
Adopted by Council for final submission to Department of Planning (sec 58(2))	

This Planning Proposal was prepared by Keiley Hunter Urban Planner in February 2015 as requested by the Planning Manager, Uralla Shire Council.

Council will carry out the statutory processing of the Planning Proposal.

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PART 1

Objectives or Intended Outcomes

1.1 Overview

This Planning Proposal was prepared under Section 55 of the *Environmental Planning and Assessment Act 1979* in relation to a proposed amendment to Uralla Local Environmental Plan (ULEP 2012).

The purpose of this report is to recommend that Council seek a Gateway Determination from NSW Planning and Environment (P&E) requesting to place the Planning Proposal on public exhibition.

The purpose of the Planning Proposal is to include an additional **Flood Planning Map** in the ULEP that identifies land within a "Flood Planning Area". The proposed mapping was derived from the **Rocky and Uralla Creeks Flood Study**. The proposed **Flood Planning Map** relates to the Uralla town area and will be included in the Map Index and statutory mapping that is part of the ULEP 2012.

The Flood Planning Map identifies land to which Part 6 *Additional Local Provisions* of the ULEP 2012 applies. Currently, the Flood Planning Map (sheet FLD_001A) only applies to the town of Bundarra. The Planning Proposal seeks to include a Flood Planning Map for the town of Uralla.

The Rocky and Uralla Creeks Flood Study was adopted by Council on 23 June 2014. Figure 13 *Design 1% AEP Flood Extents* (see Illustration 1.1) of the Flood Study provides the base mapping for the proposed Flood Planning Map for the town of Uralla.

The Flood Planning Area is based on the 1% AEP flood extent plus 0.5 m (500mm) freeboard.

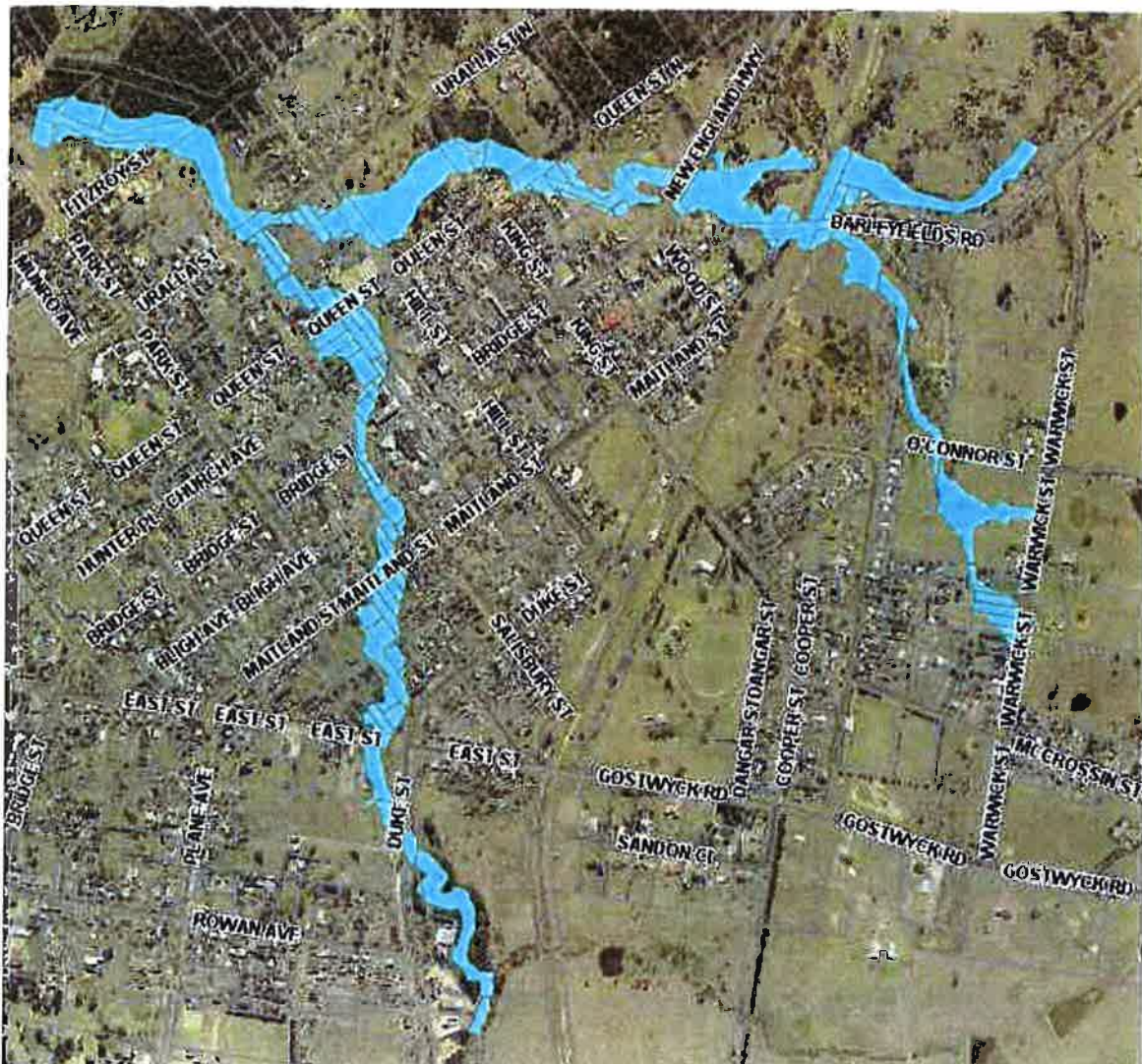
The key issues reported to Council arising from the Flood Study included *'the end use of this flood study will be the basis for setting development controls'*. Development on land that is identified as "Flood Planning Area" on the Flood Planning Map is captured by Clause 6.2 of the ULEP, which provides that:

- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
 - a. *is compatible with the flood hazard of the land, and*
 - b. *is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*

- c. incorporates appropriate measures to manage risk to life from flood, and
- d. is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- e. is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding

It is noted that additional flood controls will be drafted and included in Chapter 11 of the Uralla Development Control Plan.

Illustration 1.1 1% AEP Flood Extents



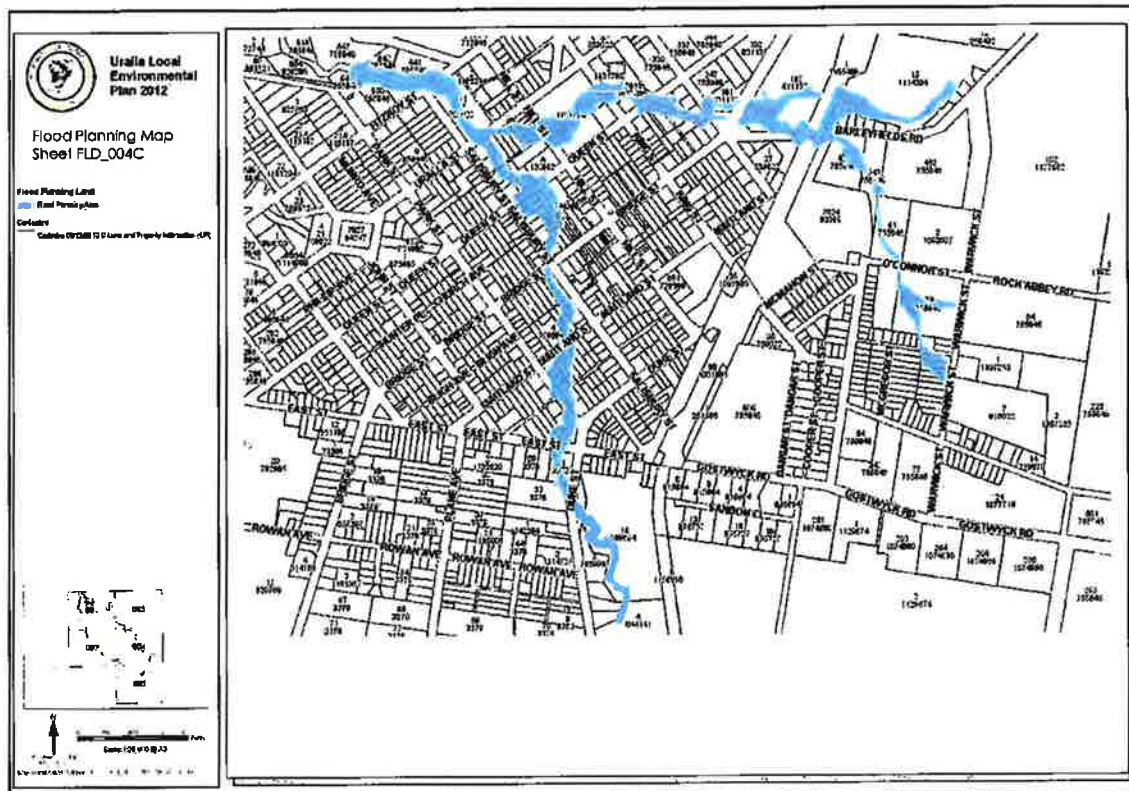
Part 2

Explanation of Provisions

The intended outcome of the Planning Proposal will be achieved by including an additional Flood Planning Map for the town of Uralla within the statutory mapping associated with the Uralla Local Environmental Plan (ULEP) 2012.

The proposed Flood Planning Map will be referenced in the ULEP Map Index as "Flood Planning Map Sheet FLD_004C". An illustration of the proposed map is shown below.

Illustration 2.1 Draft Flood Planning Map



Part 3

Justification

3.1 Justification

Need for a Planning Proposal

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

Yes. The Planning Proposal has resulted from the findings of the Rocky and Uralla Creeks Flood Study, prepared by Patterson Consultants Pty Ltd in 2014 and adopted by Council on 23 June 2014.

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 only statutory method of amending the ULEP 2011 to enable the inclusion of an additional Flood Planning Map.

Relationship to strategic planning framework.

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

The New England North West Strategic Regional Land Use Policy was prepared in September 2012 and applies to the land. The policy focuses on mineral resources and agriculture and is not particularly relevant to the subject rezoning.

The proposal is consistent with applicable Section 117 directions (see below).

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

The New England Development Strategy (NEDS) was prepared to identify land use planning objectives and strategies to guide growth and change in the Uralla Local Government Area. The Strategy was adopted by Council in April 2010 and was prepared as context for the preparation of the standard template LEP conversion which is now the ULEP 2012

The Planning Proposal is consistent with Section 9.2 *Natural hazards and land capability* (pages 76 and 77) of the NEDS as follows:

- **Policies**

- ✓ Adopt a consistent flood standard for the Sub-region, in accordance with floodplain management studies and the NSW Floodplain Development Manual.
- ✓ Recognise the need to appropriately consider bushfire, flooding and salinity as natural hazards in LEP provisions.
- **Strategic Actions**
 - ✓ Upgrade and maintain spatial information systems on natural hazards for planning overlay maps to be included in proposed LEP provisions
 - Include all available data relating to floodways and land subject to inundation within urban zonings as overlays.

The NEDS also recommends identifying flood constraints relevant to urban infill development 'some flood prone areas along Uralla Creek (that) are unsuitable for intensification' (page 42).

The Planning Proposal is consistent with the NEDS in that the Flood Planning Map for Uralla is an overlay based on the findings of the Rocky and Uralla Creeks Flood Study. The Flood Study was prepared in accordance with the NSW Floodplain Development Manual. The ULEP already includes Flood Planning provisions and Clause 6.2 and a Flood Planning Map for Bundarra.

Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPP)?

There are no SEPPs relevant to this Planning Proposal.

Is the Planning Proposal consistent with applicable Ministerial Directions (Section 117 Directions)?

The PP is consistent with the applicable 117 Directions below.

1. Employment and Resources

1.1 Business and Industrial Zones

RELEVANT TO PLANNING PROPOSAL	Yes
APPLICATION	This direction applies when a relevant planning authority prepares a PP that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).
CONSISTENCY	Yes. The PP affects all zoned land in the town of Uralla.

1.2 Rural Zones

RELEVANT TO PLANNING PROPOSAL	Yes
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APPLICATION	This direction applies when a relevant planning authority prepares a PP that will affect land within existing or proposed rural zone (including the alteration of any existing rural zone boundary)
CONSISTENCY	Yes The PP does not rezone land or contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

1.3 Mining, Petroleum Production and Extractive Industries

RELEVANT TO PLANNING PROPOSAL No

1.4 Oyster Aquaculture

RELEVANT TO PLANNING PROPOSAL No

1.5 Rural Lands

RELEVANT TO PLANNING PROPOSAL No

2. Environment and Heritage

2.1 Environment Protection Zones

RELEVANT TO PLANNING PROPOSAL No

2.2 Coastal Protection

RELEVANT TO PLANNING PROPOSAL No

2.3 Heritage Conservation

RELEVANT TO PLANNING PROPOSAL No

2.4 Recreation Vehicle Areas

RELEVANT TO PLANNING PROPOSAL No

3. Housing, Infrastructure and Urban Development

3.1 Residential Zones

RELEVANT TO PLANNING PROPOSAL Yes

APPLICATION This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:
(a) an **existing** or proposed **residential zone** (including the alteration of any existing residential zone boundary),
(b) any other zone in which significant residential development is permitted or proposed to be permitted.

CONSISTENCY The subject PP is inconsistent with this direction however the inconsistency is minor and is justified by an adopted flood study.

3.2 Caravan Parks and Manufactured Home Estates

RELEVANT TO PLANNING PROPOSAL No

3.3 Home Occupations

RELEVANT TO PLANNING PROPOSAL No

3.4 Integrating Land Use and Transport

RELEVANT TO PLANNING PROPOSAL No

3.5 Development Near Licensed Aerodrome

RELEVANT TO PLANNING PROPOSAL No

3.6 Shooting Ranges

RELEVANT TO PLANNING PROPOSAL No

4. Hazards and Risk

4.1 Acid Sulfate Soils

RELEVANT TO PLANNING PROPOSAL No

4.2 Mine Subsidence and Unstable Land

RELEVANT TO PLANNING PROPOSAL No

4.3 Flood Prone Land

RELEVANT TO PLANNING PROPOSAL Yes

OBJECTIVES

- (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
- (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

WHEN THIS DIRECTION APPLIES

This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

APPLICATION

A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).

The Uralla and Rocky Creeks Flood Study (Patterson 2014) was prepared in accordance with the NSW Flood Prone Land Policy.

A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.

Consistent.

A planning proposal must not contain provisions that apply to the flood planning areas which:

- **permit development in floodway areas,**
- **permit development that will result in significant flood impacts to other properties,**
- **(c) permit a significant increase in the development of that land,**
- **(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or**
- **permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.**

Consistent.

The Planning Proposal give effects to the Flood Planning provisions at Clause 6.2 of the ULEP 2011 by identifying land affected by the 1% AEP flood extent.

A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).

Consistent.

For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).

Consistent.

The proposed Flood Planning Map is based on the mapping and findings of the Uralla and Rocky Creeks Flood Study (Patterson 2014) which was prepared in accordance with the NSW Flood Prone Land Policy.

RELEVANT TO PLANNING PROPOSAL No

5.1 Implementation of Regional Strategies

RELEVANT TO PLANNING PROPOSAL	No
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RELEVANT TO PLANNING PROPOSAL No

RELEVANT TO PLANNING PROPOSAL No

RELEVANT TO PLANNING PROPOSAL No

RELEVANT TO PLANNING PROPOSAL No

6.1 Approval and Referral Requirements

CONSISTENCY Substantially consistent with this direction.

CONSISTENCY	PP does not involve land reserved for public purposes.
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3.2 Environmental, Social and Economic Impact

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?

No. The Planning Proposal will have no adverse effects on critical habitat or threatened species, populations or ecological communities, or their habitats.

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

The Planning Proposal will have a positive effect on the way in which flood prone land is managed by identifying land as a "Flood Planning Area". Development proposals involving land identified as "Flood Planning Area" require consideration and consistency with the provisions of Part 6.2 of the ULEP.

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

The Planning Proposal will have a positive social and economic effect by identifying land within the 1% AEP flood extent to which the provisions of Clause 6.2 of the ULEP apply. Clause 6.2 requires that a consent authority must consider flood effects to life and property when assessing development within the flood planning area.

3.3 State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

Not applicable.

What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

NSW Planning and Environment will indicate their views during the Gateway determination of the proposal. Consultation will occur with other state agencies following Gateway assessment and/or determination.

Part 4

Mapping

Proposed Flood Planning Mapping to be included in the ULEP is shown at Illustration 2.1 of this report.

Part 5

Community Consultation

In accordance with Section 57 (2) of the EP&A Act 1979, this Planning Proposal must be approved under a Gateway determination prior to community consultation being undertaken by Council.

Pursuant to "*A guide to preparing local environmental plans*", the subject proposal meets the criteria and definition of being a low impact planning proposal given that the Planning Proposal will give effect to the recommendations of a Council adopted Flood Study.

It is proposed for this Planning Proposal should be exhibited for a period of fourteen (14) days.

Part 6

Project Timeline and Conclusion

6.1 Project Timeline

Planning Proposal Process Outline

Estimated timeframe	2015									
	F	M	A	M	J	J	A	S	O	
Report to Council / Resolution to refer to department for Gateway determination	X									
Refer to Department of Planning and Environment		X								
Completion of additional information		X	X							
Government agency consultation		X	X							
Commencement and completion of public exhibition				X						
Public hearing (if required)										
Consideration of submissions					X					
Post submission amendments (if required)						X				
Department to finalise LEP							X	X		
Date of (making) amendment to LEP										X

6.2 Conclusion

The subject Planning Proposal is the logical conclusion to the recommendations of the adopted Rocky and Uralla Creeks Flood Study. The Planning Proposal is a simple draft LEP amendment and seeks to include an additional **Flood Planning Map** for the Uralla town area into the Map Index and statutory mapping that is part of the ULEP 2012.

The proposed Flood Planning Map for Uralla provides a clear illustration of the land that is affected by the 1% AEP flood extents.

As demonstrated in this report, the proposal is consistent with the objectives of the relevant Section 117 Ministerial Directions, Council's Strategic Planning reports and relevant State Environmental Planning Policies.

It is recommended that Council seek a Gateway Determination from NSW Planning and Environment (P&E) requesting permission to place the Planning Proposal on public exhibition.

