

1704/015 **PLANNING PROPOSAL TO AMEND BLAYNEY LOCAL ENVIRONMENTAL PLAN 2012 - FLOOD PLANNING MAP**
RESOLVED

That Council forward a Planning Proposal to the Minister for Planning and Environment seeking to amend the flood planning map within the Blayney Local Environmental Plan 2012.

(Radburn/Oates)

CARRIED

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
Councillor Ewin	
Councillor Braddon	
Councillor Oates	
Councillor Kingham	
Councillor Somervaille	
Councillor Ferguson	
Councillor Radburn	
Total (7)	Total (0)

15) PLANNING PROPOSAL TO AMEND BLAYNEY LOCAL ENVIRONMENTAL PLAN 2012 - FLOOD PLANNING MAP

Department: Planning and Environmental Services

Author: Director Planning and Environmental Services

CSP Link: 3.4 Sustainable land use practices across the Shire.

File No: LP.PL.2

Recommendation:

That Council forward a Planning Proposal to the Minister for Planning and Environment seeking to amend the flood planning map within the Blayney Local Environmental Plan 2012.

Reason for Report:

The purpose of this report is to seek Council resolution to submit a Planning Proposal to the Department of Planning & Environment (DPE) to amend the Blayney Local Environmental Plan 2012 (BLEP).

Report:

Council at its 19 December 2016 meeting resolved; **(Resolution No 1612/014)** to adopt the Floodplain Risk Management Study and Floodplain Risk Management Plan for Blayney – Final, dated December 2016.

This Planning Proposal seeks to amend the BLEP 2012 by updating the Flood Planning Map applicable to the town of Blayney.

The proposed Planning Proposal prepared by iPLAN PROJECTS on behalf of Blayney Shire Council which details the proposed amendments to the BLEP2012 in this PP is provided as an attachment.

Issues:

The Floodplain Risk Management Study was prepared in accordance with the NSW Government (April 2005) Floodplain Development Manual. The study has identified additional properties that were not previously identified as being at risk to flooding.

Once the Flood Planning Map is changed within, the BLEP 2012 properties previously not identified, as being at risk of flooding;

- Will be identified in Section 149 Certificates is subject to flood related development controls;
- Will not be able to undertake certain development as exempt development;
- Will have future development applications subject to flood related development controls.

Budget Implications:

Allocation within the 2016/17 operational plan has already been made for IPLAN PROJECTS to prepare the PP. Council staff will be required to facilitate the PP if a favourable Gateway determination from DPE is received

Enclosures (following report)

Nil

Attachments (separate document)

1	Planning Proposal - Flood Planning Map	23 Pages
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Planning Proposal – Updated Flood Planning Map BLEP2012, Blayney Shire NSW

**Planning Proposal to Amend
Blayney Local Environmental Plan 2012
Flood Planning Map**
Applicable to the Town of Blayney & Surrounds

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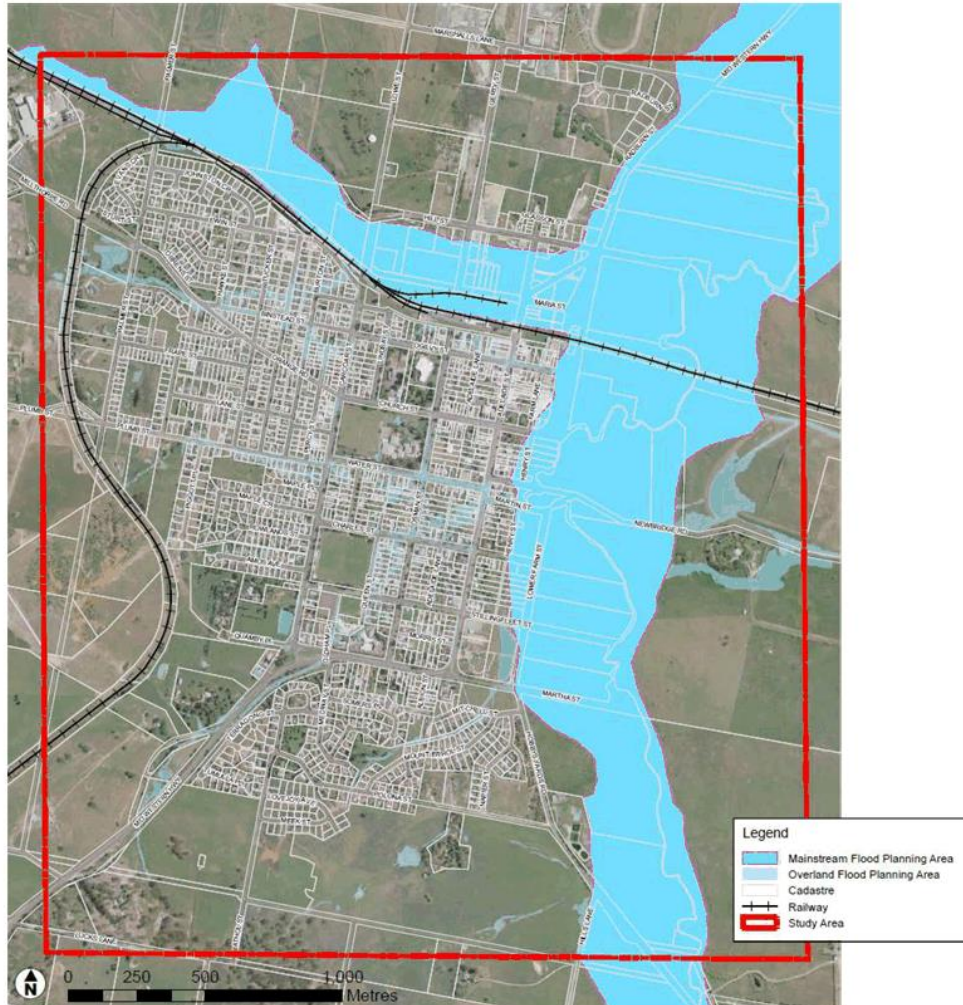


Figure 1: Proposed Flood Planning Area (including Mainstream and Overland Flood Planning Areas) for Blayney Local Environmental Plan 2012 (Source: Figure.5-5 Jacobs (2016) FRMS&P).

Prepared on behalf of Blayney Council for
Submission to the NSW Department of Planning & Environment

3 April 2017

Version: B (Final Council Resolution / Gateway Determination)

iPLAN PROJECTS
Planning & Development Solutions

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Document Control

Version / Date	Document	Provided To
A – 17/02/17	Draft Final for Internal Review	Mark Dicker – Blayney Council
B – 03/04/17	Final for Council Resolution & to DPE for Gateway Determination	Mark Dicker – Blayney Council

1 OVERVIEW

1.1 Reason for Amendment / Supporting Information

This Planning Proposal seeks to amend *Blayney Local Environmental Plan 2012* ('BLEP2012'), in particular, by updating the Flood Planning Map applicable to the Town of Blayney and surrounds.

The reason for this update is that Blayney Council ('Council') has (through its consultants – Jacobs) prepared the following key studies that provide updated flooding information for the Town of Blayney and this information should be updated in BLEP2012 in accordance with NSW Government flood policies. Those studies are:

- a) Jacobs (15 June 2015) *Blayney Flood Study – Flood Study Report* ('Flood Study');
- b) Jacobs (December 2016) *Floodplain Risk Management Study and Floodplain Risk Management Plan for Blayney – Final* ('FRMS&P').

The Flood Study and FRMS&P were both prepared in accordance with the NSW Government (April 2005) *Floodplain Development Manual – the management of flood liable land* ('Flood Manual'). They provide updated modelling and mapping of potential flood risks based on improved information.

Flood risk is an important input into development management and control. The Flood Planning Maps provide guidance on flood risks and require applicants and Council to consider the requirements of Clause 6.1 of BLEP2012 (and any other relevant State and Local Government Policy) for development affected by flood risk.

1.2 Summary of Amendment(s)

In summary, this Planning Proposal seeks to amend the **Flood Planning Map** for the Town of Blayney & surrounds (FLD_004B). There is no need to amend the wording of Clause 6.1 or other clauses in BLEP2012 at this time. This is a mapping issue only. By updating the map in accordance with the FRMS&P, this Proposal seeks to create a more secure future for the township of Blayney and minimise risk of flood damage/loss.

1.3 Process Overview

The Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') and the NSW Government Guideline (August 2016) '*A guide to preparing planning proposals*'.

A gateway determination under Section 56 of the EP&A Act is requested from the Department of Planning & Environment ('DPE') to allow this planning proposal to be placed on public exhibition.

Planning Circular PS 16-005 (30 August 2016) updates delegation of plan making decisions under Part 3 of the EP&A Act (and replaces PS12-006). The regional office of DPE has delegations to make Gateway Determinations unless the proposal is not supported or is contentious because it is not consistent with strategic planning for the area (in which case the Executive may consider the application).

We suggest that the update of Flood Planning Maps is a procedural matter (when it implements the adopted Flood Study / FRMS&P that were prepared in accordance the Flood Manual/NSW Policy).

We also request delegation to Council (as the Relevant Planning Authority or RPA) of the power to make this amendment as it is a procedural matter and the Proposal is consistent with adopted Flood Risk Plan.

Once a Gateway Determination is achieved it may provide details of any further studies / consultation required by the Applicant / Council to enable the public exhibition and finalisation of the LEP amendments. Please see Part 6: Project Timeline for an indicative timetable of steps to achieve the outcomes in this Proposal.

2 BACKGROUND

Whilst the Planning Proposal Guidelines provide a structure for explaining the amendment and justifying it against relevant legislation, instruments and policy, it is important to provide some background and a summary of the outcomes of the Flood Study and FRMS&P so the reason for and implications of the amendment are clearer to the affected community.

2.1 Affected Area - Town of Blayney

As stated in Section 1.2 of the FRMS&P:

The Town of Blayney sits in the Belubula River valley, part of the larger Lachlan River basin, and is surrounded by rolling hills that range from 890m to 930m above sea level and falling to the river corridor at approximately 850m to 860m. As a result of this pattern of watercourses and the catchment topography there are potential drainage/flooding issues present in Blayney.

The town generally drains from west to east, with the major watercourse being the Belubula River running north to south along the eastern edge of the urban area (catchment size approximately 120km² upstream of the town). Remaining watercourses are either drainage channels or intermittent watercourses that generally run from the higher elevations to the north and west towards the Belubula River in the east.

The only other named watercourse is Abattoir Creek (sometimes referred to as Farm Creek and with an approximate catchment area of 20km²), which rises in the rural lands and undulating hills to the north west and drains along the northern edge of town, north of the Main Western Railway, before joining the Belubula River.

As stated in Section 1.1 of the FRMS&P:

The town is located in the upper reaches of the catchment, so flooding occurs with little or no warning, other than the contributory rain. Severe weather events in September and December 2010 and March 2012 resulted in the Belubula River and its tributaries all experiencing high flows which caused damage to infrastructure including roads and bridges. Roads were closed in the town due to elevated water levels and SES attended houses in the area.

Note: Whilst BLEP2012 in 2017 only includes a Flood Planning Map for the Town of Blayney and surrounds, this does not mean that there are no flood risks elsewhere in the Shire, just that other areas do not have sufficiently detailed studies to support the mapping of those risks. Clause 6.1 of BLEP2012 applies both to:

- a) Land identified as ‘**Flood Planning Area**’ on the **Flood Planning Map**, AND
- b) Other land that is flood liable land.

This Planning Proposal does not affect the fact that other parts of the Shire may be considered **flood liable land**.

The land on which the Flood Planning Area will be shown is illustrated by the Study Area on the figure below and/or the maximum area where there is verified data in the FRMS&P that would fit within the existing Flood Planning Map FLD_004B for the Town of Blayney and surrounds.

Planning Proposal – Updated Flood Planning Map BLEP2012, Blayney Shire NSW

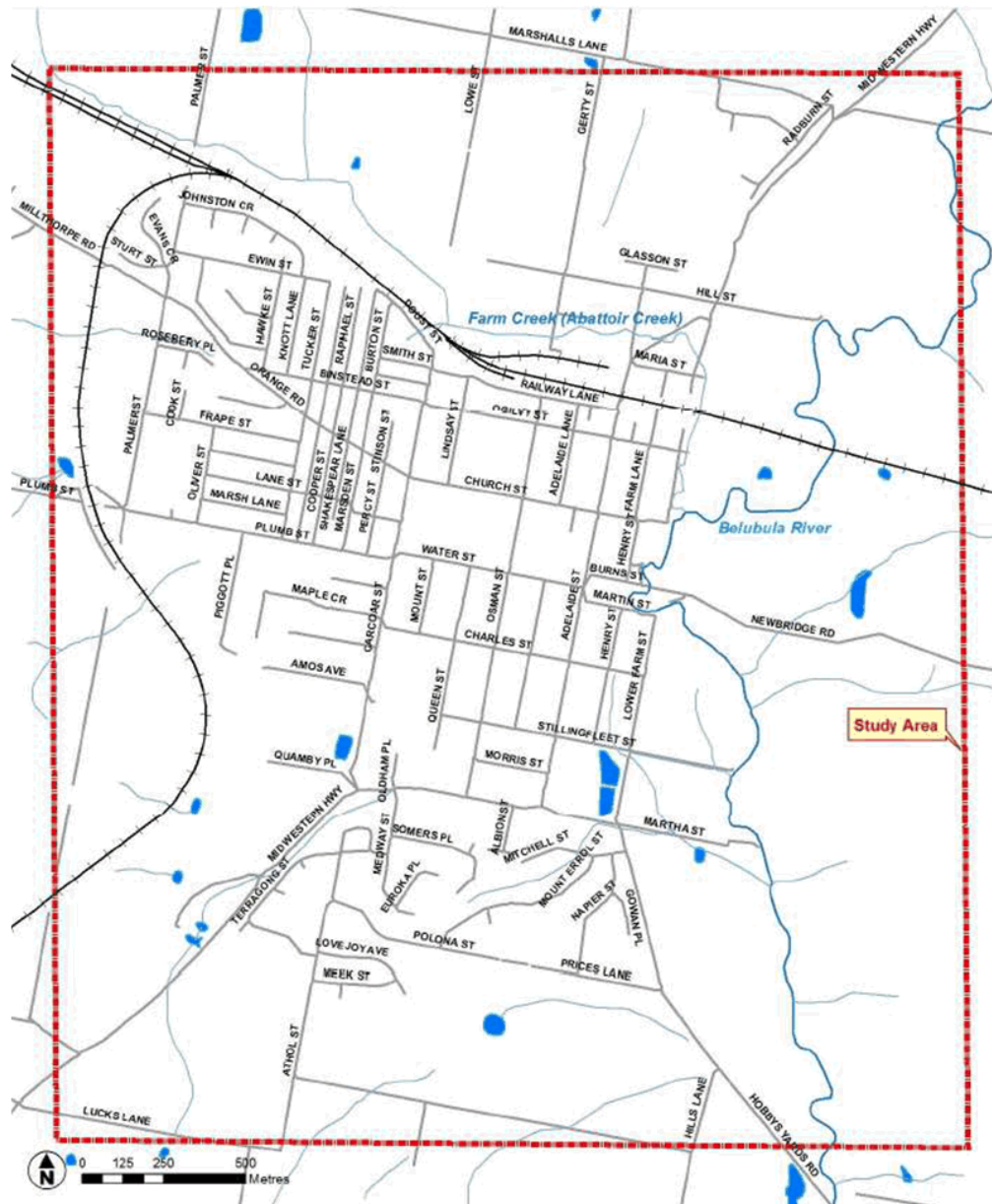
Map 1 – Study Area for the Town of Blayney

Figure 2: Study Area (Source: Figure 1-1 of FRMS&P).

2.2 Relevant Flood Definitions

Definitions are critical to understanding the outcomes of the relevant flood studies and are set out in the Flood Manual (and replicated in the Flood Study & FRMS&P). Key definitions to understand this Planning Proposal include: (**Note:** Other definitions can be found in the Flood Study or FRMS&P)

Chance of a Flood & Flood Levels

- **Annual Exceedance Probability (AEP)** is the chance of a flood of a given or larger size occurring in any one year, usually expressed as a percentage. [Flood Study p.38/ Flood Manual p.19].
- **Flood liable land** is synonymous with **flood prone land** and **floodplain** i.e. 'area of land which is subject to inundation by floods up to and including the probable maximum flood ('PMF') event. Note that the term flood liable land covers the whole floodplain, not just that part below the Flood Planning Level. [Flood Study p.39/ Flood Manual p.21]
- **Probable Maximum Flood (PMF)** means the largest flood that could conceivably occur at a particular location; usually estimated from probable maximum precipitation, where applicable, snow melt, coupled with the worst flood producing catchment conditions. Generally, it is not physically or economically possible to provide complete protection against this event. The PMF defines the extent of flood prone land that is the floodplain. [Flood Study p.41/ Flood Manual p.24]
- **Flood Planning Area ('FPA')** is the area of land below the **Flood Planning Level ('FPL')** and thus subject to flood related development controls. [Flood Manual p.21] The FPA is shown on the Flood Planning Map where Clause 6.1 of BLEP2012 must be considered.
- **Flood Planning Levels (FPLs)** are the combinations of flood levels (derived from significant historical flood events or floods of specific AEPs) and freeboards selected for floodplain risk management purposes, as determined in management studies and incorporated in management plans. [Flood Study p.39/ Flood Manual p.21]
- **Freeboard** provides reasonable certainty that the risk exposure selected in deciding on a particular flood chosen as the basis for the FPL is actually provided. It is a factor of safety typically used in relation to the setting of floor levels. Freeboard is included in the FPL. [Flood Study p.40/ Flood Manual p.22]

In the FRMS&P, Blayney Council has adopted as its **Flood Planning Level (FPL)** - a freeboard of 0.5m above the 1% AEP flood level on mainstream floodplains (e.g. Belubula River and Abattoir Creek) and a reduced freeboard of 0.3m has been used for those areas affected by overland flooding through the Town of Blayney

Types of Flooding

- **Mainstream flooding** is the inundation of normally dry land occurring when water overflows the natural or artificial banks of a stream, river, estuary, lake or dam. [Flood Study p.40/ Flood Manual p.23]
- **Local overland flooding** is inundation by local runoff rather than overbank discharge from a stream, river, estuary, lake or dam. [Flood Study p.40/ Flood Manual p.22]
- **Overland flowpath** is the path floodwaters can follow as they are conveyed towards the main flow channel or if they leave the confines of the main flow channel. They can also occur through private property or along roads. [Flood Study p.41]

Hydraulic Categories / Areas in a Floodplain

- **Floodway areas** are those 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 flood flow, or a significant increase in flood levels. [Flood Study p.40/ Flood Manual p.22]. Generally characterised by relatively high flow rates; depths and velocities. [FRMS&P p.23]
- **Flood storage areas** are those areas of the floodplain that are important for the temporary storage of floodwater during passage of a flood. The extent and behaviour of flood storage areas may change with

flood severity, and loss of flood storage can increase the severity of flood impacts by reducing natural flood attenuation. [Flood Study p.40/ Flood Manual p.22]

- **Flood fringe areas** are the remaining areas of flood prone land after floodway and flood storage areas have been defined. [Flood Study p.39/ Flood Manual p.21] In the FRMS&P flood depths below 150mm were trimmed from the flood fringe.

In addition, the FRMS&P defined a 'low hazard' and 'high hazard' flood areas (see Section 5.3 Hazard Categorisation). Generally, the highest flood risks are in floodways and flood storage areas and lower risks in the flood fringe areas but this is not always the case. The flood hazard categories will be dealt with in the DCP, not in the LEP.

2.3 NSW Policy & Guidelines

2.3.1 NSW Flood Risk Management (FRM) Policy & Guidelines

The NSW Flood Prone Land Policy is produced within Section 1.1 of the Floodplain Development Manual ('Flood Manual'). The primary objective of NSW Flood Risk Management ('FRM') (from Flood Manual p.1) is:

'To reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible.'

This policy is consistent with that first introduced in 1984, which places the primary responsibility for implementation on local councils. This provides the opportunity for FRM to be integrated within council's normal planning processes but also to recognise that flood characteristics are site-specific and the outcomes of a merit based approach would be different in different communities.

The NSW Government provides financial and technical assistance, and indemnity is provided in Section 733 of the Local Government Act 1993, subject to acting in "good faith" - being performance in accordance with the principles and guidelines of the Flood Manual unless proven otherwise.

The Flood Manual requires a merit approach to be adopted for the purposes of formulating a FRMS&P that provides a basis for decision making in the floodplain. This recognises that flood prone land is a valuable resource which should not be unnecessarily sterilised by the rigid application of prescriptive criteria, and to equally avoid the approval of inappropriate proposals. The merit approach is defined as follows:

"The merit approach weighs socio-economic, ecological and cultural impacts of land use options for different flood prone land areas together with flood damage, hazard and behaviour implications, and environmental protection and wellbeing of the State's rivers and floodplains."

The NSW Flood Prone Land Policy and the Flood Manual provide a platform for the management of floodplains in a manner that follows a risk management approach. Consistent with this approach the Flood Manual is a manual which provides guidance with regard to how to implement the NSW Flood Prone Land Policy. The Flood Manual requires that the level of flood risk acceptable to the community is to be determined through a process overseen by a committee comprised of local elected representatives, community members and state and local Government officials (including the SES).

The ultimate outcome is the preparation of a Floodplain Risk Management Plan (FRMP), which is a plan formally adopted by a local council in accordance with the NSW Flood Prone Land Policy. FRMPs should have an integrated mix of management measures that address existing, future and continuing risk. Council's adopted FRMS&P would satisfy this requirement.

2.3.2 2007 Flood Planning Guideline ('Guideline')

On 31 January 2007, the NSW Planning Minister announced a new guideline for development control on floodplains (the "Flood Planning Guideline"). An overview of the new Guideline and associated changes to the *Environmental Planning and Assessment Act, 1979* ('EP&A Act') and *Environmental Planning and Assessment Regulation 2000* ('Regulation') was issued by the Department of Planning in a Circular dated January 31, 2007 (Reference PS 07-003).

The Flood Planning Guideline issued by the Minister in effect relates to a package of directions and changes to the EP&A Act, Regulation(s) and Flood Manual. This Flood Planning Guideline provides an amendment to the Flood Manual.

The Guideline confirms that **unless there are “exceptional circumstances”, Councils are to adopt the 100 year flood as the flood planning level (FPL) for residential development**, with the exception of some sensitive forms of residential development such as seniors living housing.

The Guideline does provide that controls on residential development above the 100 year flood may be imposed subject to an “exceptional circumstance” justification being agreed to by the Department of Natural Resources (now the Office of Environment and Heritage -OEH) and the Department of Planning (now the Department of Planning and Environment - DPE) prior to the exhibition of a Draft LEP or Draft DCP.

The Guideline provides various potentially ambiguous statements in regard to what is the Residential FPL for the purposes of applying the directions in the Guideline. The **DPE has advised that the reference to the FPL is a reference to the 100 year flood plus freeboard (typically 0.5 metres)**. The Guideline only applies to the introduction of “new” controls and does not rescind pre-existing controls.

2.3.3 Section 117 EP&A Act (‘Ministerial Directions’)

Section 117(2) of the EP&A Act specifies matters which local councils must take into consideration in preparing Local Environmental Plans (‘LEPs’). Direction 4.3 deals specifically with flood prone lands and includes two objectives:

- a) *“To ensure that the 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.*
- 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”.*

This is dealt with in more detail in the Planning Proposal requirements below but in short the Flood Planning Map will affect what land can be rezoned for development in flood prone areas, particularly in flood-ways and high risk areas. It also reiterates that an LEP cannot have flood related development controls above the residential flood planning level for residential development unless there is adequate justification.

2.4 BLEP2012 Flood Map & Clause 6.1 – Flood Planning

In 2012 the *Blayney Local Environmental Plan 2012* (‘BLEP2012’) was prepared, and commenced on 23 November 2012. BLEP2012 includes Clause 6.1 – Flood Planning that is applicable to land identified as ‘**Flood Planning Area**’ on the ‘**Flood Planning Map**’ and other land this is flood liable land (see Clause below). In summary, development consent cannot be granted to land in the Flood Planning Area unless the impacts on and from a flood are addressed and justified in accordance with the Flood Manual.

It incorporated a Flood Map based on historical knowledge of flood prone lands but it was not supported by a comprehensive Flood Study or Floodplain Risk Management Plan using detailed hydrological studies.

The Flood Map was taken from *Blayney Local Environmental Plan 1998* (‘BLEP1998’) so it had been relied on and enforced for some time (an analysis of the origins of the maps has not been undertaken but it may have been based on the Rankine & Hill (1983) *A Plan for Flood Mitigation in the Lachlan Valley* (see Flood Study Figure 2-1)). The mapping was indicative only but was the best available information at the time. This is now in Flood Map FLD_004B (see excerpt below).

6.1 Flood planning

- (1) The objectives of this clause are as follows:
 - (a) to minimise the flood risk to life and property associated with the use of land,
 - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
 - (c) to avoid significant adverse impacts on flood behaviour and the environment.
- (2) This clause applies to:
 - (a) land identified as "Flood planning area" on the Flood Planning Map, and
 - (b) other land that is flood liable land.
- (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) will not 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) will not 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.
- (4) A word or expression used in this clause has the same meaning as it has in the *Floodplain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

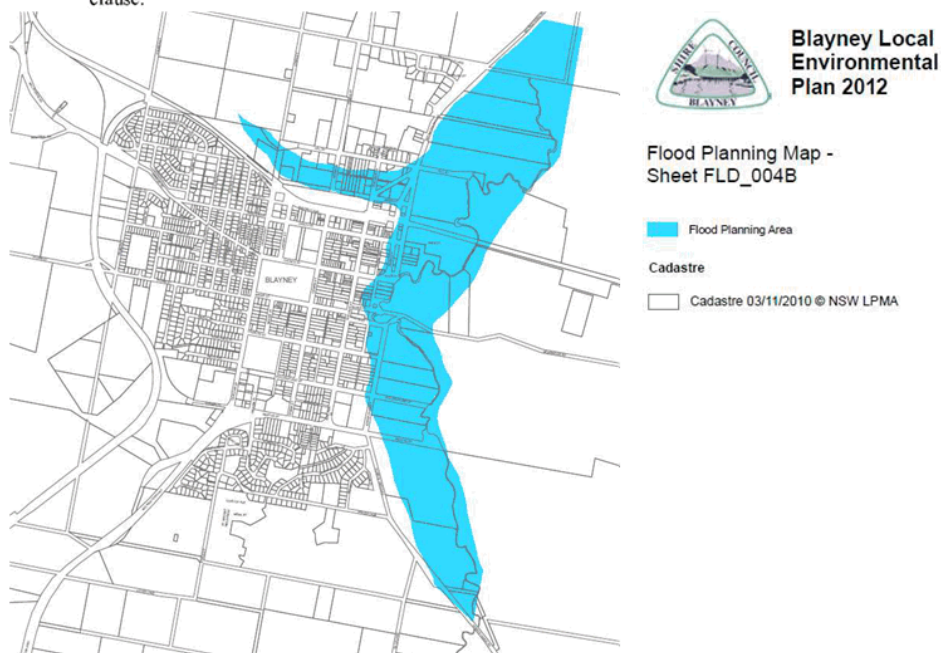


Figure 3: Clause 6.1 & Excerpt from Flood Planning Map FLD_004B for the Town of Blayney (Source: BLEP2012 as at Feb.2017).

2.5 Flood Study (2015)

Subsequently, Council received funding from the NSW Government to prepare up-to-date flood modelling in accordance with the Floodplain Development Manual. The first step was a Flood Study to determine the nature and extent of the flood problem. The final version was dated 15 June 2015.

This included modelling the topography, stormwater infrastructure, watercourses, and flood potential in the Study Area, community consultation. Detailed flood mapping was created to define peak flood depths, maximum flood extents, peak flow velocities, and a sensitivity analysis for the full range of flood events. Provisional flood hazard mapping was undertaken for the 5% AEP and 1% AEP events. A preliminary flood planning area map was created showing the extent of the 1% AEP flood level with a 0.5m freeboard. The flood behaviour shown on the flood maps was generally consistent with the flood behaviour experienced by the community.

2.6 Flood Risk Management Study & Plan (2016) ('FRMS&P')

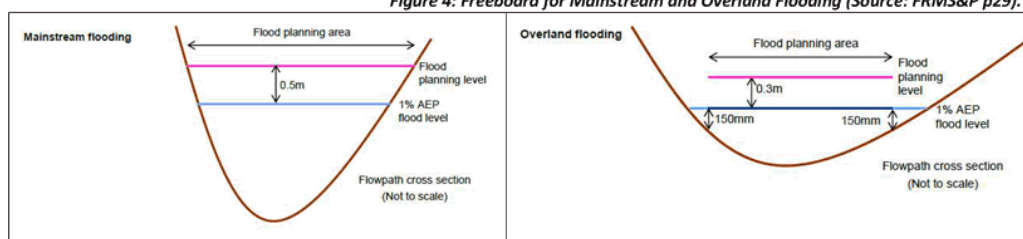
The next step in the process was to prepare a Floodplain Risk Management Study that evaluates management options in consideration of social, ecological and economic factors relating to flood risk with respect to both existing and future development. This was then followed by a Floodplain Risk Management Plan that involved consideration of floodplain risk management measures and formal adoption by Council of a plan of management for the floodplain. The combination is the FRMS&P. Additional data was prepared including, but not limited to surveyed floor levels of 185 buildings (more reliable than the LiDAR data used in the Flood Study) and feedback from community consultation on the draft Flood Study.

The FRMS&P (p.26) states that *'the preliminary flood hazard map was revised to determine the 'true' hazard. The flood hazard for the 20% and 1% AEP events has been determined based on the peak depth and peak velocity (as defined in Figure 5-2). Other factors, such as isolation, effective warning time, flood readiness, etc. have been considered in determining the 'true' hazard for these events.'*

The FRMS&P (p.26) states that *'the flood hazards for the 5% AEP event are generally restricted to the Belubula River and Abattoir Creek, with some isolated areas where there is deep ponding of water and along designated drainage channels. The flood hazards for the 1% AEP event for Blayney are generally low for the majority of the overland flooding that occurs through the town, with some areas of high hazard flooding along designated drainage channels, the lower portion of Water Street and Martin Street, and a section of Plumb Street and Binstead Street. The Belubula River and Abattoir Creek contain the majority of high hazard area which encroaches on the town.'*

The flood planning area map for Blayney is shown in **Figure 5-5 of the FRMS&P (See Appendices)**. The Flood Study and FRMS&P have adopted the 1% **Annual Exceedance Probability** (1% AEP) plus a **freeboard** as the **Flood Planning Level** ('FPL'). Since Blayney is subject to both **mainstream** and **overland flooding**, a combination of **freeboards** has been considered in defining the **flood planning area**.

Figure 4: Freeboard for Mainstream and Overland Flooding (Source: FRMS&P p29).



As the Figure above shows, a freeboard of 0.5m above the 1% AEP flood level has been used to define the flood planning level on mainstream floodplains (e.g. Belubula River and Abattoir Creek). However, a reduced freeboard of 0.3m has been used for those areas affected by overland flooding through the Town of Blayney. Flood depths below 150mm were filtered out of the flood results as well as small areas of isolated and shallow inundation that could be considered 'drainage' issues rather than 'flooding'.

Note: A reduced freeboard may also be considered in the Development Control Plan for less sensitive land uses such as commercial and industrial activities (subject to environmental risks and storage above the 0.5m freeboard).

Section 6.4 sets out the estimated flood damage in key flood events as follows:

Flood damage in Blayney is primarily attributed to residential dwellings that are impacted by overland flooding. There are 55 properties that are estimated to experience above floor flooding (nominal flood levels) for the 20% AEP event and this number increases to 106 properties for the 1% AEP event. In the PMF, 569 properties are estimated to experience above floor flooding, with damages reaching \$55 million. The total flood damages for the 20% to 1% AEP events, however, range from \$6.23 Million to \$12.24 Million when considering flood damages using nominal flood levels only. The AAD for Blayney based on nominal flood levels is \$2.66 Million.

These numbers increase significantly if freeboard is allowed for (0.3m for overland flooding and 0.5m for mainstream flooding). The number of properties with flooding above the protection level is 266 for the 20% AEP event and 455 for the 1% AEP event. Flood damages range from \$19.95 Million to \$34.56 Million for these events. The AAD is estimated at \$7.99 Million based on flooding above the protection level.

It can also be seen that the majority of costs associated with flood damages is from residential dwellings, contributing approximately 90-95% of the flood damages in each flood event up to the 0.5% AEP flood. From the assessment it is also evident that the flood damages due to overland flooding are far greater than those related to mainstream flooding in Abattoir Creek and Belubula River. Overland flooding contributes at least 95% of the flood damages in events up to the 0.5% AEP flood. Together, residential dwellings impacted by overland flooding contribute at least 90% of flood damages in events up to the 0.5% AEP.

Although this damage assessment is based upon tangible damages only, it is worthy to note that intangible damages could be significant for Blayney. This is due to the duration of flooding being more than a day and lack of warning of an event occurring. While flood damage estimates for Blayney are indicative only, they are useful in the evaluation of flood management options, aimed at reducing flood damage estimates while being economically viable to implement.

The FRMP recommended relevant changes to the planning controls applicable to development including (in summary – See Executive Summary of FRMS&P for details):

- **LEP & DCP:** Flood levels of new developments are to be located at the Flood Planning Level (1% AEP flood levels plus the adopted freeboard) for residential buildings (though the DCP may detail alternative requirements or exceptions for commercial and industrial buildings)(High Priority);
- **LEP & DCP:** A detailed flood assessment should be undertaken prior to Council approval of any proposed works within the Floodway and Major Overland Flowpaths identified in the FRMS&P (Jacobs 2016) (High Priority);
- **LEP & DCP:** A cumulative flood impact assessment is to be undertaken for all development applications involving significant earthworks within the Blayney Flood Planning Area (High Priority);
- **DCP:** All new development within the Flood Planning Area are to be constructed using flood compatible materials to withstand hydrostatic pressures and debris loads (High Priority);
- **S.149 Certificates:** Council to provide information on flooding in Section 149 Certificates.
- **WSUD:** Council to develop a stormwater management strategy to implement principles of water sensitive urban design for the town of Blayney.
- **Future Development (p.36)** It is recommended that a detailed flood study be undertaken to address any flooding issues that may occur as a result of new residential development on existing vacant lands. On-site retention / detention is to be considered to maintain site runoff at pre-development levels.

These recommendations have supported this Proposal to update the BLEP2012 Flood Planning Maps in accordance with the mapping in the FRMS&P.

3 PLANNING PROPOSAL

The guidelines require the Planning Proposal to address six (6) parts, including:

- Part 1 - A statement of the objectives or intended outcomes of the proposed LEP;
- Part 2 - An explanation of the provisions that are to be included in the proposed LEP;
- Part 3 - The justification for those objectives, outcomes and provisions and the process for their implementation;
- Part 4 - Discusses proposed mapping changes;
- Part 5 - Details of the community consultation that is to be undertaken with the planning proposal. Part 5 would be confirmed following a gateway determination of this Planning
- Proposal by the Department of Planning; and,
- Part 6 – Project Timeline.

3.1 Part 1: Objectives or Intended Outcomes

Part 1 of the planning proposal should be a short, concise statement setting out the objectives or intended outcomes of the planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved. It should be written in such a way that it can be easily understood by the general community.

The objective of this Proposal is the same as the objective of the NSW Flood Prone Lands Policy and Floodplain Development Manual (page 1) is:

‘To reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible.’

This Planning Proposal aims to ensure that flood mapping (that relates to flood-related development controls) is updated in accordance with the latest available/accurate information and to ensure compliance with the NSW Flood Prone Lands Policy and Floodplain Development Manual 2005.

3.2 Part 2: Explanation of Provisions

Part 2 of the planning proposal provides a more detailed statement of how the objectives or intended outcomes are to be achieved by means of amending an existing local environmental plan.

The objective or intended outcome is to be achieved by amending the *Blayney Local Environmental Plan 2012* (‘BLEP2012’) Flood Planning Map (Sheet FLD_004B) applying to the Town of Blayney and surrounds in accordance with the updated Flood Planning Area (‘FPA’) and Flood Planning Levels (‘FPLs’) from Figure 5-5 in the FRMS&P (reproduced in the Appendices).

Note: This does not require any amendment to Clause 6.1 of BLEP2012 or any other clauses in BLEP2012.

3.3 Part 3: Justification of Proposed LEP Amendments

Part 3 of the planning proposal provides a justification that sets out the case for the making of the proposed LEP. The overarching principles that guide the preparation of planning proposals are:

- The level of justification should be proportionate to the impact the planning proposal will have;
- It is not necessary to address the question if it is not considered relevant to the planning proposal (as long as a reason is provided why it is not relevant);
- The level of justification should be sufficient to allow a Gateway determination to be made with the confidence that the instrument can be finalised and the time-frame proposed.

As a minimum a planning proposal must identify any environmental, social and economic impacts associated with the proposal. Generally detailed technical studies are not required prior to the Gateway determination. In accordance with the Department of Planning's 'Guide to Preparing Planning Proposals', this section provides a response to the following issues:

- Section A: Need for the planning proposal
- Section B: Relationship to strategic planning framework
- Section C: Environmental, social and economic impact
- Section D: State and Commonwealth interests.

3.3.1 Section A – Need for the Planning Proposal

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

The Proposal seeks to implement the recommendations of the Flood Study (2015) and FRMS&P (2016) that were prepared in accordance with NSW Flood Policy and the Floodplain Development Manual and have been publicly exhibited and adopted by Council. Therefore, it is entirely consistent with the relevant strategic study for flooding for the area. As stated above, the previous Flood Planning Map for the Town of Blayney was not supported by such a comprehensive study and was due for amendment and update.

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 only way to achieve the intended outcomes as the Flood Planning Map in BLEP2012 can only be amended by a Planning Proposal / LEP Amendment. The aim is to highlight to land owners / applicants where land is at or below the Flood Planning Level so that it triggers the requirements of Clause 6.1 and requires any Applicant to consider / address the requirements in that clause in accordance with NSW Flood Policy. The best way to show where that clause applies is through mapping overlays supported in BLEP2012 and, particularly, linked to Clause 6.1 Flood Planning.

There is no need to change any clause wording in BLEP2012 as the existing Clause 6.1 Flood Planning provides the same flood controls for any affected lots in the Flood Planning Area but can generate different solutions depending on what development/works are being proposed.

The potential methods for achieving the outcomes through amendments to BLEP2012 include map changes, clause changes, schedule changes, and land-use table changes. The Flood Planning Area / Level is best shown by a map rather than listing all of the properties that may be affected as it covers a significant area of the Town of Blayney.

It is not appropriate at this time to change the zoning of those particular lots as that could unduly sterilise land and whilst flooding has different impacts for different land uses, the best method to test what is a suitable outcome is to require applicants and Council to address Clause 6.1 Flood Planning.

The proposed amendment is not of a scale to be considered 'State or Regionally Significant' such that amendments to a State Environmental Planning Policy ('SEPP') would be appropriate to sit above and amend BLEP2012.

Therefore, the most appropriate ‘tool’ or methodology is to amend the Flood Planning Map in BLEP2012 applying to the Site so it is a ‘site-specific’ outcome that does not affect other sites and creates a transparent connection between the land use controls and the intended development outcomes in the Flood Planning Area.

3.3.2 Section B – Relationship to Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Draft Central West and Orana Regional Plan (2016)

Within the Draft Central West and Orana Regional Plan (2016) is *Goal 3 – A region that protects and enhances its productive agricultural land, natural resources and environmental assets*. Included is *Direction 3.6 - Protect people, property, and the environment from exposure to natural hazards and build resilient communities* that outlines the importance and challenges of natural hazard management in the region.

The proposal can be directly related to:

Action 3.6.1 Review and map natural hazard risks to inform land use planning decisions. Specifically this action requires councils to adopt ‘a more strategic approach to mapping ... including the progressive updating of regional hazard datasets, and improved communication with councils about updated data (p.69).’ ‘Managing flooding is an important priority for the NSW Government and councils’ (p.69). Support is provided ‘so they can develop and implement Floodplain Risk Management Plans to manage flood risk in local communities’ (p.69).

Action 3.6.3 Support communities to build resilience to the impacts of natural hazards and climate also requires a systematic and coordinated approach to manage climate change risks and reduce the community’s exposure to natural hazards. This includes requiring councils to ‘incorporate best available hazard information into planning controls, prohibit new urban releases in high flood hazard areas and designated waterways, consistent with the floodplain risk management plans, implement the findings of flood studies, modelling and floodplain risk management plans, for example, by including amendments to planning instruments and incorporating findings into local strategic plans, and to locate developments away from known ... flooding hazard’ (p.71). This planning proposal seeks to comply with these actions.

The Sub-Regional Rural and Industrial Land Use Strategy (2008)

The Sub-Regional Rural and Industrial Land Use Strategy (2008) covered Councils of Blayney, Cabonne and Orange and is applicable to the proposal. Under Section 12.3 Strategies and Actions (for Natural and Scenic Environment), Environmental Hazard strategies are outlined. The Planning Proposal is entirely consistent with the following relevant strategies:

- Limit development within areas as identified as having an environmental hazard;
- Ensure land development and hazards avoided in the first instance, with minimisation, rehabilitation, and offsetting impacts in instances where development is allowed; and,
- Identify and direct development away from flood prone lands.

4. Is the planning proposal consistent with a council’s local strategy or other local strategic plans?

The planning proposal is consistent with Council adopted Flood Study (2015) and FRMS&P (2016). Please see sections 2.4 and 2.5 above for details.

The Blayney Settlement Strategy (2012) addresses flood hazard both at the Local Government Level (Section 2.6.15 Natural Hazards – Inundation & Drainage issues) and specifically for the Town of Blayney (Section 3.10.2 Natural Environment – Water Management – Watercourses, Flooding & Drainage). The Strategy recommended that more comprehensive flood studies and floodplain management plans should be prepared and adopted across the LGA (but specifically for the Town of Blayney) and this should be used to

guide future land use planning. Obviously Figure 13 in Chapter 3 should be updated with the Flood Map. Stormwater and drainage issues are also raised with potential for review. This proposal seeks to comply with recommendations.

The Proposal is also consistent with the Blayney 2025 Community Strategic Plan and the Integrated Planning and Reporting documentation in that avoidance and minimisation/mitigation of flood hazard aims to:

- Direction 1: Growth the wealth of the shire – by avoiding flood related impacts and costs;
- Direction 3: Preserve and enhance our heritage and rural landscapes – by avoiding inappropriate development along key waterways in high flood impact areas;
- Direction 4: Develop and maintain Shire infrastructure – by ensuring that it is protected from or capable of withstanding flooding;
- Direction 5: Develop strong and connected communities – by ensuring resilience to flood hazards and appropriate flood related development controls to protect life and property;
- Direction 6: Leadership – provide clear direction on flood hazards and appropriate development outcomes with community engagement and education.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

A State Environmental Planning Policy (SEPP) is a planning document that deals with matters of significance for environmental planning for the State. An analysis of the applicable State Environmental Planning Policies (SEPP) is included in the table below. It is noted that the proposal is consistent with any applicable SEPP's.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

This SEPP is relevant because certain development or works may be 'exempt' or 'complying' development unless there are particular site constraints that prevent the SEPP from applying. A 'flood control lot' is:

'a lot to which flood related development controls apply in respect of development for the purpose of industrial building, commercial premises, dwelling houses, dual occupancies, multi-dwelling housing or residential flat buildings (other than development for the purposes of group homes or seniors housing).'

In 2014 Clause 1.19 of the Codes SEPP was amended so that land identified as a 'flood control lot' is no longer excluded from the application of the Code. Where lots are only partially affected by flooding then complying development can take place on parts of the lot that are not affected (subject to specific controls).

Also, specified development and development standards have been added to the Code for development on low hazard flood control lots. The development standards have been designed to ensure that complying development is not allowed on high hazard or high risk flood control lots including flood-ways, flood storage areas, a flow path or areas identified in local flood plans as high hazard or high risk.

Key clauses reference 'flood control lots' including:

- Part 2 (Exempt Dev. Codes) Division 1 (General Ex. Dev. Code) – Subdivision 15 (Earthworks, retaining walls, structural sup.) Cl.2.29 / Subdivision 17 (Fences-residential zones) Cl.2.33 / Subdivision 18. (Fences-rural & env. prot. zones) Cl.2.36 / Subdivision 19 (Fences-business & ind. zones) Cl.2.37
- Part 3 (General Housing Code) Division 2 – Subdivision 9 (Dev. standards for particular land), Cl.3.36C
- Part 3A (Rural Housing Code) Division 3, Subdivision 9 (Dev. standards for particular land), Cl.3A.38
- Part 4 (Housing Alterations Code) Division 1 Subdivision 2A (Ext. alterations to res. accom. other than dwelling houses), Cl.4.4A
- Part 5 (Commercial & Industrial Alterations Code) Division 1 Subdivision 9 (Dev. Ancillary to the use of land), Cl.5.17 / Subdivision 10 (Earthworks, retaining walls, and structural support) Cl.5.19
- Part 5A (Commercial & Industrial – New Buildings and Additions) Division 4 Cl.5A.30

Therefore, if the flood status of particular land changes it may affect whether exempt or complying development would be permissible on that land or for specific development (but it is less restrictive than in the past). The Proposal only seeks to implement updated mapping that can more accurately determine where exempt or complying development would be appropriate. **Consistent.**

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 This SEPP aims to encourage development of residences that meet the needs of seniors or people with a disability. Whilst it acts to set aside development controls that prevent this in certain circumstances there are provisions requiring an assessment of the suitability of land including natural hazards such as flooding. On this basis the Proposal is consistent with and guides appropriate development in flood planning areas, particularly for sensitive uses such as seniors housing. Consistent.
State Environmental Planning Policy (State and Regional Development) 2011 This SEPP seeks to facilitate state and regionally significant development that includes, amongst others, intensive agriculture and rural industries, above a certain investment value. This SEPP would not be affected by the proposed amendments and state and regionally significant development must still address any known flooding provided by this Proposal. Consistent.
State Environmental Planning Policy (Rural Lands) 2008 This policy aims to facilitate the orderly use and development of rural lands, identify Rural Planning Principles and Subdivision Principles, reduce land use conflicts, and identify State significant agricultural land. The proposed Flood Planning Map will affect rural lands. However, it is consistent with this policy by reducing conflicts with flood hazards and seeking appropriate development of rural lands. Consistent.
State Environmental Planning Policy (Infrastructure) 2007 This SEPP is concerned with appropriate opportunities for infrastructure development throughout the State and protecting that infrastructure from incompatible development. The proposed Flood Planning Map will guide where it may be appropriate for infrastructure development but will not substantially affect the application or objectives of this SEPP. Flood mitigation work is permitted under Part 3 Division 7 and would be facilitated by this Proposal. Consistent.
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 There are no known mineral or extractive resources in or near the Subject Area that would be affected by the proposal. White Quarry is out to the north-west of Blayney. Not Applicable.
SEPP No 55 – Remediation of Land This SEPP seeks to promote remediation of contaminated land and reduce the risk of harm to human health – to be considered when rezoning land or consenting to development on land. Clause 6 and Clause 7 state that contaminated land be remediated when rezoning or when determining a development application. This proposal does not seek to rezone land for the purpose of development. Not Applicable.
SEPP No 52 – Farms Dams and Other Works in Land and Water Management Plan Areas The Policy provides the thresholds to determine when consent is, or is not required for farm dams. The SEPP considers significant dams designated development. The policy also enables irrigation corporations to carry out maintenance and emergency works without development consent. The Town of Blayney is not within any of the identified irrigation areas. Not applicable.
SEPP No 44- Koala Habitat Protection This SEPP aims to encourage the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range. Blayney LGA is identified in the SEPP as containing koala habitat, however, this proposal is not changing the use of any land that may contain critical habitat. Consistent.

6. Is the planning proposal consistent with applicable ministerial directions (s. 117 directions)?

Section 117 Direction		Applicable to Planning Proposal
1. Employment and Resources		
1.1	Business and Industrial Zones	See response below.
1.2	Rural Zones	See response below.
1.3	Mining, Petroleum Production and Extractive Industries	See response below.
1.4	Oyster Aquaculture	No.
1.5	Rural Lands	See response below.
2. Environment and Heritage		
2.1	Environment Protection Zones	See response below.
2.2	Coastal Protection	No.
2.3	Heritage Conservation	See response below.
2.4	Recreation Vehicle Areas	No.
2.5	E2 / E3 Zones & Environmental Overlays Far North Coast	No.
3. Housing		
3.1	Residential Zones	See response below.
3.2	Caravan Parks and Manufactured Home Estates	See response below.
3.3	Home Occupations	No.
3.4	Integrating Land Use and Transport	No.
3.5	Development Near Licensed Aerodromes	No.
3.6	Shooting Ranges	No.
4. Hazard & Risk		
4.1	Acid Sulfate Soils	No.
4.2	Mine Subsidence and Unstable Soil	No.
4.3	Flood Prone Land	See response below.
4.4	Planning for Bushfire Protection	No.
5. Regional Planning		
5.1	Implementation of Regional Strategies	No.
5.2	Sydney Drinking Water Catchments	No.
5.3	Farmland of State & Regional Significance on the NSW Far North Coast	No.
5.4	Commercial & Retail Development along the Pacific Highway North Coast	No.
5.8	Second Sydney Airport: Badgerys Creek	No.
5.9	North West Rail Link Corridor Strategy	No.
6. Local Plan Making		
6.1	Approval & Referral Requirements	No change.
6.2	Reserving Land for Public Purposes	No.
6.3	Site Specific Provisions	No.

Applicable Section 117 Direction Responses
1. Employment and Resources
1.1 Business and Industrial Zones The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres. This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone. <i>Blayney Local Environmental Plan 2012 Land Zoning Map Sheet LZN_004B</i> shows that there are both industrial and business zones along Abattoir Creek and throughout the eastern side of the Town of Blayney that are affected by the Flood Planning Map. As a result, the planning proposal must: - give effect to the objectives of this direction, - retain the areas and locations of existing business and industrial zones, - not reduce the total potential floor space area for employment uses and related public services in business zones, - not reduce the total potential floor space area for industrial uses in industrial zones, and - ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning. The introduction of an updated Flood Planning Map will not affect the areas and locations of existing business and industrial zones in Blayney. However, it may affect the development controls applicable in those areas and therefore, has the potential to reduce the total floor space of these zones and uses. We suggest that this Proposal may be inconsistent with this direction as it is justified by the Flood Study (2015) and FRMS&P (2016) that recognise the importance of business and industrial land but appropriately places a higher priority on minimising or mitigating flood impacts on those land uses/people through improved flood mapping. Alternatively, flooding is an <u>existing</u> affectation and the updated map merely reflects that hazard – so in reality it does not change the appropriate development outcomes for any lots affected. Consistent or Inconsistency Justified.
1.2 Rural Zones This direction applies when preparing a planning proposal that will affect land within an existing or proposed rural zone. Clause (4) applies to the Blayney LGA and requires that a draft LEP shall not rezone land from a rural zone to another specific zone or contain provisions that will increase the permissible density within a rural zone. This Proposal only provides an updated Flood Planning Map that overlays part of the existing rural zone east of the Town of Blayney. It does not rezone land or increase permissible density. Consistent.
1.3 Mining, Petroleum and Extractive Industries This direction seeks to protect State or regionally significant reserves of coal, other minerals, petroleum and extractive materials. This direction applies when a draft LEP would affect the permissibility of these activities or restrict the potential development of known resources. There are no known mineral or extractive resources to the east of and in close proximity to the area covered by the proposed Flood Planning Map. Whilst there may be Exploration Licences in the area it is unlikely these will become future mining areas in close proximity to an urban centre. We suggest that consultation with NSW Resources & Energy Division is not required. Consistent or Not Applicable.
1.5 Rural Lands Objectives seek to protect the agricultural production value of rural land and to facilitate the orderly and economic development of rural lands for rural and related purposes. The direction applies when a draft LEP affects land within an existing or proposed rural or environment protection zone or changes the minimum lot size in those areas. The Proposal overlaps Zone RU2 Rural Landscape but does not affect the zoning or minimum lot size. Therefore, there is no need to determine consistency with the Rural Planning Principles or Rural Subdivision Principles. Consistent or Not Applicable.

2. Environment and Heritage 2.1 Environment Protection Zones The objective is to protect environmentally sensitive areas including environmental protection zones or land otherwise identified for environment protection purposes in a LEP. Whilst there are environmentally sensitive areas (ESA's) identified along some of the watercourses and within the Flood Planning Area, the introduction of a Flood Planning Map will not reduce the environmental protection requirements, unless covered by flood mitigation works. Consistent or Not Applicable. 2.3 Heritage Conservation The objective is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. Much like environmental protection areas above, this Proposal will not reduce the existing heritage protections in BLEP2012. Consistent or Not Applicable. 3. Housing, Infrastructure and Urban Development 3.1 Residential Zones The objective is to encouraging housing variety, efficiently use existing infrastructure for new housing, and to minimise the impact of residential development on the environment and resource lands. The direction applies when a draft LEP affects an existing or proposed residential zone or other zone in which significant residential development is permitted. The Proposal does overlap residential zones in the Town of Blayney and may have the potential to affect the location, density and building types permissible on that land subject to flood assessment. We suggest that this Proposal may be inconsistent with this direction as it is justified by the Flood Study (2015) and FRMS&P (2016) that recognise the important of residential land but appropriately places a higher priority on minimising or mitigating flood impacts on those land uses/people through improved flood mapping. Alternatively, flooding is an existing affectation and the updated map merely reflects that hazard – so in reality it does not change the appropriate development outcomes for any lots affected. Consistent or Inconsistency Justified. 3.2 Caravan Parks and Manufactured Home Estates The objective is to encourage opportunities for caravan parks and manufactured home estates. However, it applies when identifying suitable zones and locations for caravan parks/MHEs. This Proposal merely provides updated flood hazard risk that would inform where it is appropriate to have this type of development. Consistent or Not Applicable. 4. Hazard & Risk 4.3 Flood Prone Land The objectives of this direction are: (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. 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. In such cases, the Direction requires draft LEPs to ensure the following: (4) 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). (5) 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. (6) 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, - 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

e. 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.

(7) 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).

(8) 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).

This Planning Proposal seeks to update a Flood Planning Map in accordance with an adopted Flood Study (2015) and FRMS&P (2016) prepared in accordance with the Floodplain Development Manual and NSW Flood Policy & Guidelines. **Complies.**

3.3.3 Section C – Environmental, Social and Economic Impact

7. 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 Proposal seeks to introduce an updated Flood Planning Map for the Town of Blayney and surrounds that recognises existing flood risk – so the map and associated flood related development controls do not themselves increase the risk of flood related impacts or increase the requirement for flood mitigation works. The aim is to minimise the impact of flooding on future development (and vice-versa) through improved knowledge of flood risks and levels. Another benefit is that flooding is not exacerbated and potentially flood impacts on sensitive environmental areas is not increased or reduced.

If flood mitigation works are recommended by the FRMS&P then these works will need to address the relevant development and environmental impact criteria.

As defined by the *Blayney Local Environmental Plan 2012* there are pockets of sensitive biodiversity along and adjacent to the Belubula River and within the study area. However, as this proposal is seeking to reduce the impact of development on flood liable land there will be no change to critical habitat or threatened species, populations, or ecological communities or their habitats as a result of this amendment.

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

As stated above this Proposal seeks to introduce an updated Flood Planning Map for the Town of Blayney and surrounds that recognises existing flood risk – so the map and associated flood related development controls do not themselves increase the risk of flooding or other environmental effects.

The aim is to minimise the impact of flooding on future development (and vice-versa) through improved knowledge of flood risks and levels. If flood mitigation works are recommended by the FRMS&P then these works will need to address the relevant development and environmental impact criteria. Balancing of natural hazard risks and environmental outcomes is a necessary part of development assessment.

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

Flooding (and flood related development control) has the potential for significant social and economic impact. This Proposal seeks to introduce an updated Flood Planning Map for the Town of Blayney and

surrounds that recognises existing flood risk – so the map and associated flood related development controls do not themselves increase the risk of flooding or its associated social and economic impacts.

However, it is recognised that any amendment to flood related development controls does have the potential to affect a number of related social and economic areas including, but not limited to: perceived property values, insurances (particularly for newly mapped/affected properties), development potential and/or development application requirements for flood-affected areas, and potentially also voluntary house purchase or voluntary house raising in higher flood risk areas etc. Flood risk must be highlighted on Section 149 Certificates for properties.

In accordance with NSW Government Flood Policy, Council's must implement updated flood mapping to reduce potential social and economic losses from flooding and it is perceived that this outweighs any social and economic impact from the implementation of flood related development control.

To mitigate these impacts, Council is endeavouring to consult with the community and explain why the flood controls need to be updated as well as preparing a supporting Development Control Plan ('DCP') that provides more detail about what and how development can occur within Flood Planning Areas, with flexibility based on specific site and flood risk circumstances.

3.3.4 Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the planning proposal?

The planning proposal does not require the use of current or future infrastructure at this point in time. The amendment primarily focuses on the Blayney LEP 2012 Flood Map and associated flood related development controls to guide future development decisions.

However, the outcomes of the FRMS&P may make recommendations and have implications for upgrades and new stormwater and flood-related infrastructure through the Town of Blayney and surrounds to reduce flood risk and overland flows and better manage stormwater outcomes. This Proposal and the associated updated Flood Planning Map can be used to guide some decisions on future required infrastructure.

11. What are the views of state and commonwealth public authorities consulted in accordance with the gateway determination?

The Flood Study & FRMS&P was prepared with detailed involvement and input of representatives of Office of Environment & Heritage ('OEH') (Mr Kris Grbevski) who partly funded the studies and they are best placed to provide guidance on meeting the requirements of the NSW Flood Policy and Flood Manual. OEH sits under the auspices of the Department of Planning & Environment ('DPE') and it is likely the Dubbo Office were aware of this work and had opportunities for comment.

There are no other major state or commonwealth public authorities with responsibilities relating to flood related development control. We note however that 'flood mitigation works' (in accordance with the FRMS&P) may have some implications for biodiversity and fisheries but that is not the primary role of this Proposal and the BLEP2012 amendment.

The Gateway Determination can set out any further agencies that require consultation (see also Consultation opportunities in **Part 5: Community Consultation** below).

3.4 Part 4: Mapping

The proposed amendments are reflected on the mapping attached to this Planning Proposal that is taken from **Figure 5-5 in the FRMS&P** (see Figure.1). The map in *Blayney Local Environmental Plan 2012* that will require modification is Flood Planning Map Sheet FLD_004B that applies to the Town of Blayney and surrounds.

The FRMS&P map will need to be modified into the standard format for Local Environmental Plans in NSW. Figure 5-5 has separated overlays for Mainstream Flood Planning Areas and Overland Flood Planning Areas. However, these are easily combined to form the Flood Planning Area for the purposes of BLEP2012. The FRMS&P map is fairly legible and easy to understand (when read alongside this Planning Proposal and the FRMS&P).

Therefore, we suggest the FRMS&P map is sufficient for the purposes of the public exhibition and the updated BLEP2012 Flood Planning Map can be prepared after the public exhibition of the Planning Proposal, unless the Gateway Determination conditions require otherwise.

3.5 Part 5: Community Consultation

The planning proposal community consultation is to be undertaken in accordance with the requirements set out in 'A guide to preparing planning proposals' (2016) and any requirements set out in the Gateway Determination.

As this is an amendment potentially affecting a large number of landholders throughout the Town of Blayney and surrounds it is not feasible to directly notify every land owner, resident or affected person in that area. Instead, Council will make every reasonable attempt to spread notification through local media.

The planning proposal would be notified for a period of 28 days. The notification period is expected to be outside the Christmas / New Year period (see timeline below). The notification would be placed on Council's website and advertised in the Blayney Chronicle and possibly also on Council's Facebook site.

The notification would provide:

- a description of the objectives or intended outcomes of the planning proposal;
- the land affected by the planning proposal;
- advise when and where the planning proposal can be inspected;
- give the name and address of the Council for the receipt of submissions; and
- indicate the last date for public submissions.

During the exhibition period, the following material will be made available for inspection at Council's offices in Blayney:

- the planning proposal, in the form approved for community consultation by the Director General of Planning;
- the gateway determination;
- the Flood Study & FRMS&P; and
- any reports relied upon by the planning proposal (such as the Report to Council).

Additional consultation is also expected with key government agencies and stakeholders during the public exhibition period – possibly through a letter or notification including, but not limited to:

- a) Department of Planning & Environment ('DPE') & Office of Environment & Heritage (who were actively involved with the preparation of the Flood Study/FRMS&P);
- b) DPI Water (water management);
- c) Roads & Maritime Services ('RMS') (as the Mid-Western Highway and other Regional Roads are affected);
- d) State Emergency Services ('SES') and other relevant emergency response agencies (particularly local commands who would need to deal with flood emergencies);
- e) Central Tablelands Water ('CTW') (who may have infrastructure in the flood area).

Planning Proposal – Updated Flood Planning Map BLEP2012, Blayney Shire NSW

As this amendment is relatively procedural we do not suggest that there are any other key agencies that need specific consultation through it may be worth notifying Central Tablelands Local Land Service ('LLS') and DPI Agriculture (as they have Natural resource management responsibilities) for completeness.

3.6 Part 6: Project Timeline

The following provides an anticipated / estimated project timeline for completion (subject to Gateway / Council requirements and extent of submissions/amendments). It demonstrates that from the date of the Gateway Determination it is expected the amendments can be made / commence in less than 12 months:

Table 1 - Project Timeline Task	Anticipated timeframe
<i>Planning Proposal to Council for approval to send to DPE</i> <i>Forward Proposal to DPE</i>	<i>April 2017</i>
Commencement date (Gateway determination)	May-June 2017
Timeframe for the completion of required technical information	(none expected)
Government agency consultation (pre and post exhibition as required by Gateway determination)	June-July 2017 (noting key agencies already consulted)
Commencement and completion for public exhibition period	Commence: June-July 2017 Completed: July-August 2017
Dates for public hearing (if required)	August 2017 (if required)
Consideration of submissions	August-September 2017
Consideration of a proposal post exhibition	September 2017 (if required)
Date of submission to the Department to finalise LEP	September 2017
Anticipated date RPA will make the plan (if delegated)	October – November 2017
Anticipated date RPA will forward to the Department for notification	November 2017
Potential for amendments to commence	Late 2017 – Early 2018 (i.e. within 12 months of Gateway Determination)