

Clarence Valley LEP 2011 – Amendments to the Flood Planning Map

Proposal Title : **Clarence Valley LEP 2011 – Amendments to the Flood Planning Map**

Proposal Summary : **The proposal seeks to amend the Flood Planning Map of the Clarence Valley LEP 2011 to include land affected by flood hazard at Glenreagh and update the flood planning map for land within the Clarence River floodplain, downstream of Seelands-Mountainview.**

PP Number : **PP_2015_CLARE_001_00** Dop File No : **15/01036**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions:
- 1.1 Business and Industrial Zones**
 - 1.2 Rural Zones**
 - 1.5 Rural Lands**
 - 2.1 Environment Protection Zones**
 - 2.2 Coastal Protection**
 - 2.3 Heritage Conservation**
 - 3.1 Residential Zones**
 - 3.2 Caravan Parks and Manufactured Home Estates**
 - 3.4 Integrating Land Use and Transport**
 - 4.1 Acid Sulfate Soils**
 - 4.3 Flood Prone Land**
 - 4.4 Planning for Bushfire Protection**
 - 5.1 Implementation of Regional Strategies**
 - 5.4 Commercial and Retail Development along the Pacific Highway, North Coast**
 - 6.1 Approval and Referral Requirements**

- Additional Information : **It is recommended that;**
- 1. The Planning Proposal proceed as a routine planning proposal.**
 - 2. The Planning Proposal be completed within twelve (12) months.**
 - 3. The Planning Proposal be amended prior to public exhibition to include:**
 - Maps in accordance with the Department's Technical Guidelines for the proposed Flood Planning Area.**
 - Separate maps which identify the change to land parcels affected by the Probable Maximum Flood Event and Flood Planning Area on the Clarence River Floodplain for exhibition purposes.**
 - Additional explanatory information that clearly outlines the difference between the level of a 1:100 ARI flood event and the probable maximum flood event and the implications of the draft planning controls for properties affected by these constraints.**
 - 4. That a community consultation period of 28 days is necessary.**
 - 5. That a condition be included with the Gateway Determination to require adoption of the Glenreagh Flood Risk Management Plan prior to making of the plan in order to resolve inconsistencies with Ministerial Direction 4.3 Flood Prone Land.**
 - 6. That the RPA consult with the NSW Office of Environment and Heritage, NSW Rural Fire Service, the State Emergency Service and Transport for NSW (Roads and Maritime Services) in relation to the proposed amendment that affects land owned or managed by this authority.**
 - 7. The delegate of the Department's Secretary note the potential outstanding inconsistency with s117 Direction 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection.**
 - 8. A written authorisation to exercise delegation be issued to Clarence Valley Council in this instance to enable Council to make the plan.**

Supporting Reasons : **The reasons for the recommendation are as follows;**

- 1. The planning proposal is consistent with Council's broad strategic framework for management of flood hazard and the Mid North Coast Regional Strategy.**

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2. The planning proposal has planning merit, in particular it will provide greater transparency in relation to flood hazard in the vicinity of Glenreagh Village, ensure that Council's planning controls reflect the latest flood data and that flood hazard is accurately identified and appropriately managed.
3. The inconsistencies of the proposal with the S117 Directions are of minor significance or can be resolved prior to the plan being made.
4. The proposal is otherwise consistent with all relevant local and regional planning strategies, section 117 Directions and SEPPs.

Panel Recommendation

Recommendation Date :

Gateway Recommendation :

Panel Recommendation : This planning proposal is considered of local significance and the Gateway Determination is to be issued under delegation by the General Manager, Northern Region. Therefore the planning proposal will not be considered by the panel.

Gateway Determination

Decision Date : 16-Jan-2015

Gateway Determination : Passed with Conditions

Decision made by : General Manager, Northern Region

Exhibition period : 28 Days

LEP Timeframe : 12 months

Gateway

Determination :

This Planning Proposal should proceed subject to the following conditions:

1. Council is to amend the Planning Proposal prior to public exhibition to include:

- Maps that accord with the Department's Technical Guidelines for the proposed Flood Planning Area;
- Separate maps for exhibition purposes which identify the change to land parcels affected by the Probable Maximum Flood Event and Flood Planning Area on the Clarence River Floodplain, and;
- Additional explanatory information for exhibition purposes that clearly outlines the difference between the level of a 1:100 ARI flood event and the probable maximum flood event and the implications of the draft planning controls for properties affected by these constraints.

2. Council is to consult with the NSW Rural Fire Service as per the requirements of section 117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary to take into consideration any comments made prior to undertaking public exhibition.

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2013).

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- NSW Office of Environment and Heritage
- Transport for NSW (Roads and Maritime Services)
- NSW Rural Fire Service
- State Emergency Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it

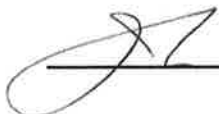
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may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The Local Environmental Plan amendment is not to be finalised until a Floodplain Risk Management Plan for Glenreagh has been adopted.

7. The timeframe for completing the LEP is to be twelve (12) months from the week following the date of the Gateway determination.

Signature:



Printed Name:

JIM CLARK

Date:

16 January 2015

Acting AM