



Burwood Council

heritage ■ progress ■ pride

Planning Proposal

Amendment to Clause 6.2 Flood Planning of the Burwood Local Environmental Plan 2012

Revised August 2019

A Planning Proposal is the first step in proposing amendments to Council's principle environmental planning instrument, known as the Burwood Local Environmental Plan (BLEP) 2012. A Planning Proposal explains the intended effect of the proposed amendment and also sets out the justification for making the change. The Planning Proposal is submitted to the NSW Department of Planning, Industry and Environment (DPIE) for its consideration, referred to as the Gateway Determination, and is also made available to the public as part of the community consultation process.

Part 1 – Objectives or Intended Outcomes

The intent of the Planning Proposal (PP) is to amend Clause 6.2 Flood planning of the Burwood Local Environmental Plan (BLEP) 2012 to identify flood affected land for the purposes of applying planning controls and engineering solutions so that development on land is compatible with the land's flood affectation.

Part 2 – Explanation of the Provisions

Council commissioned external consultants to undertake four Overland Flood Studies that inform the appropriate flooding description and levels to be incorporated within the BLEP 2012. The studies were as follows:

- Dobroyd Canal Overland Flood Study
- Cooks River Overland Flood Study
- Powells Creek Overland Flood Study
- Exile Bay-St Luke's-William Street Overland Flood Study

These four studies led to the development of a Consolidated Flood Identification (CFI) Map, which can accurately identify potentially flood prone land.

It is intended to introduce a flood planning map, which is to be based on the CFI Map developed from the four flood studies. The flood planning map reflects land at or below the **flood planning level**, which means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.3 metre freeboard for overland flooding or 0.5 metre freeboard for mainstream flooding.

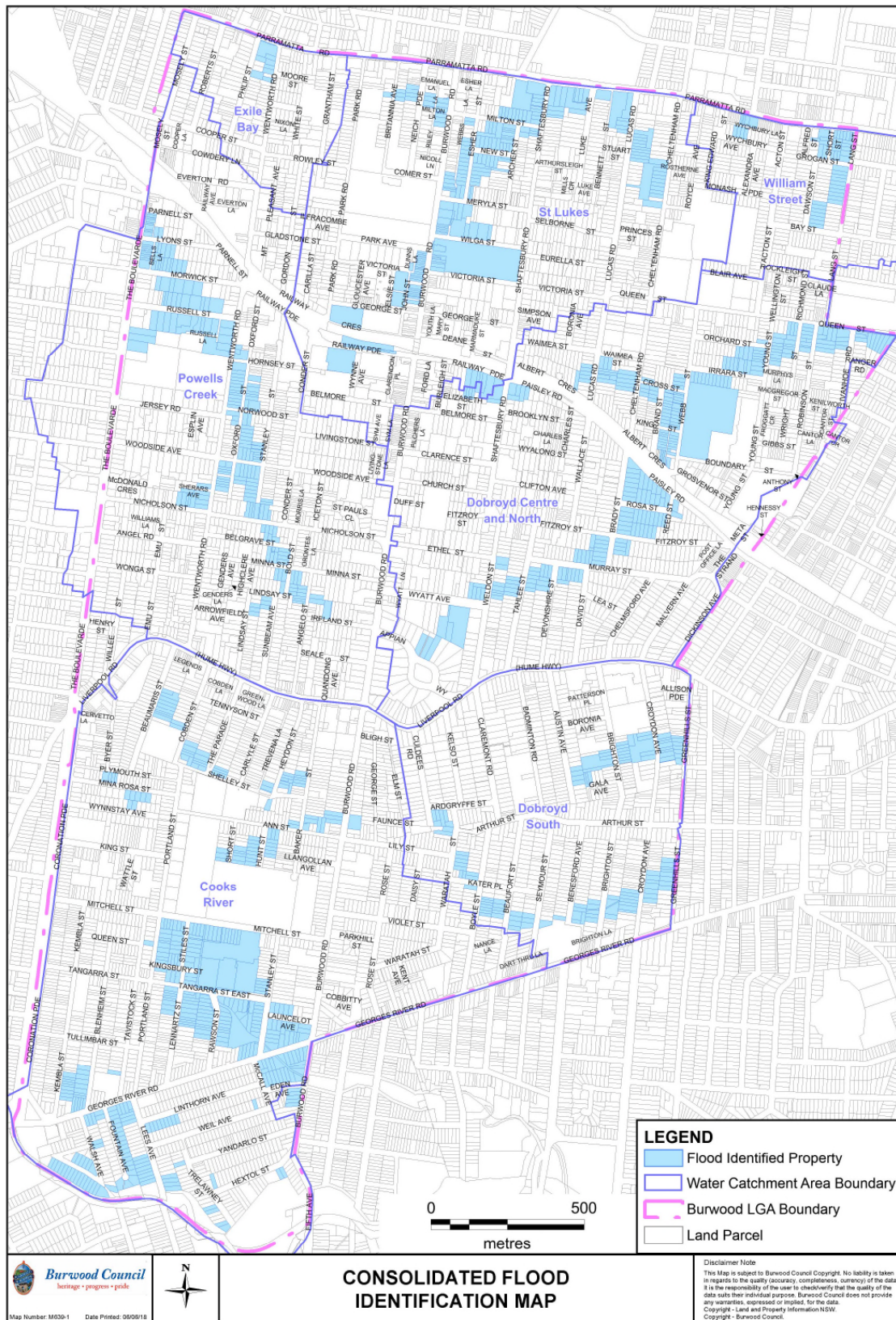


Figure 1: Consolidated Flood Identification Map

Part 3 – Justification

Section A – Need for the Planning Proposal

1. *Is the planning proposal part of any strategic study or report?*

Yes. This PP is in response to Council resolutions of 26 June 2018 and 26 March 2019. The resolutions were to prepare a PP to amend Clause 6.2(5) of the BLEP in relation to the definition of the flood planning level, and submit the PP to DPIE for a Gateway Determination.

The PP has now been updated following communications between officers of the Department and Council since the initial PP submission. The PP in its current form seeks to amend Clause 6.2 Flood planning, with amending 6.2(2) and 6.2(5) in particular, of the BLEP 2012.

Council commissioned consultants to undertake four Overland Flood Studies in accordance the Floodplain Development Manual (FDM) 2005. These studies led to the development of the CFI Map, which identifies any parcels at risk of potential flooding and provides greater certainty with respect to flood affected land within the Burwood LGA. The undertaking of the studies demonstrated Council's commitment to the NSW Floodplain Risk Management Process.

The FDM 2005 specifies five stages for the floodplain risk management process. The five stages are:

1. Data collection: to compile existing data and collect additional data in order to assess flood behaviour and the effectiveness, costs and benefits of management measures.
2. Flood study: to determine the nature of flood risk by providing information on the extent, level and velocity of floodwaters and on the distribution of flood flows across various sections of the floodplain.
3. Floodplain Risk Management Study: to identify, assess and compare various risk management options and consider opportunities for environmental enhancement as part of mitigation works.
4. Floodplain Risk Management Plan: to provide input into the strategic and statutory planning roles of Council. The management plan provides the type of information necessary for adequate forward planning for flood prone land.
5. Plan implementation: to implement the Floodplain Risk Management Plan once it has been adopted by Council. The implementation will include incorporating flood related development controls into an Environmental Planning Instrument and flood education.

The four Overland Flood Studies covered Stages 1 and 2 and will be followed by Stage 3. The PP preparation will address part of Stage 5 outlined above.

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

Yes. The PP is considered the best and the only means of amending Clause 6.2 Flood planning of the BLEP to ensure the most current flooding information is publicly accessible

and is used by Council in its flood management practices and the development on land is compatible with the land's flood affectation.

Section B – Relationship to Strategic Planning Framework

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

Yes. The PP is consistent with metropolitan, subregional and district strategies.

The State Government has prepared the Eastern City District Plan (to which the Burwood Local Government Area (LGA) belongs) to manage growth for the next 20 years in the context of economic, social and environmental matters at a district level, to contribute towards the 40-year vision for Greater Sydney. It contains the planning priorities and actions for implementing the Greater Sydney Region Plan, *A Metropolis of Three Cities*, at a district level, and is a bridge between local and regional planning.

Objective 37 of the Region Plan and Eastern City District Plan considers potential exposure to natural and urban hazards and prioritises reducing impacts, stating that *“To be resilient, communities need social cohesion, access to economic resources, and access to quality information about hazards that may affect them and their property”*. The Floodplain Development Manual (FDM) 2005 is referred to within the objective.

The PP is consistent with both the objective of the Region Plan and District Plan and the FDM 2005. It will provide the community with a greater amount of detail relating to potential flood risk.

4. *Is the planning proposal consistent with Council’s local strategy or other local strategic plan?*

Yes.

The Burwood 2030 Community Strategic Plan recognises the need for providing a well-connected, sustainable and safe community. The Burwood 2030 Community Strategic Plan describes the long term vision for Burwood as, *“A well connected, innovative, sustainable and safe community that embraces and celebrates its diversity”*.

While flood management is not specifically mentioned, a key theme of the Burwood 2030 Community Strategic Plan is, *“Maintaining and ensuring we live in a healthy, safe and sustainable natural environment”*.

Strategic Goal 4.4 of the Burwood 2030 Community Strategic Plan is to *“Participate in regional planning and infrastructure projects to ensure the best outcomes for the community”*. The PP helps to facilitate development by identifying potential land at risk of flooding and ensuring the best planning outcome for the entire community.

A draft Burwood Local Strategic Planning Statement (LSPS) has been prepared. The LSPS provides a 20 year strategic land use vision for the Burwood LGA and identify local priorities and actions that is aligned with State Government strategic planning objectives. The draft LSPS was reported to the Council meeting on 23 July 2019, when Council resolved to

progress it to public exhibition, which is scheduled to be between 6 August 2019 and 16 September 2019.

A key action identified under the sustainability theme in the draft LSPS is to prepare a Resilience Strategy for the LGA to assess community and built environment risks and vulnerabilities and to guide the planning for how the Council reacts to shocks and stresses, delivers sustainable infrastructure and identifies priorities to increase resilience to natural and urban hazards, such as flooding, as well as changes in technology. The PP is consistent with this the objectives of this key action.

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

All SEPPs applicable to the Burwood LGA are set out in the table below, together with a comment regarding the PP's consistency:

SEPP	Comment
SEPP No. 1 – Development Standards	Not relevant. BLEP 2012 contains Clause 4.6 Exceptions to development standards, which replaces this SEPP in relation to variations of development standards.
SEPP No. 19 – Bushland in Urban Areas	Not relevant.
SEPP No. 21 – Caravan Parks	Not relevant.
SEPP No. 30 – Intensive Agriculture	Not relevant.
SEPP No. 33 – Hazardous and Offensive Development	Not relevant.
SEPP No. 50 – Canal Estate Development	Not relevant.
SEPP No. 55 – Remediation of Land	Not relevant.
SEPP No. 64 – Advertising and Signage	Not relevant
SEPP No. 65 – Design Quality of Residential Apartment Development	Not relevant. This SEPP is only applicable to development of three storeys or more. The SEPP may become relevant should a redevelopment of any site identified on the CFI Map and eventually the flood planning map under the BLEP be proposed in the future, in which case the design controls under the Apartment Design Guide (ADG) would need to be considered.
SEPP No. 70 – Affordable Housing (Revised Schemes)	Not relevant.
SEPP (Building Sustainability Index: BASIX) 2004	Not relevant.
SEPP (Housing for Seniors or People with a Disability) 2004	Not relevant.
SEPP (Major Developments) 2005	Not relevant.
SEPP (Infrastructure) 2007	Not relevant.
SEPP (Miscellaneous Consent Provisions) 2007	Not relevant.
SEPP (Mining, Petroleum and Extractive Industries) 2007	Not relevant.
SEPP (Repeal of Concurrence and Referral Provisions) 2008	Not relevant.

SEPP (Exempt and Complying Development Codes) 2008	Lots identified on the CFI Map and eventually the flood planning map under the BLEP will not be eligible for exempt development. Complying development applications will need additional information to be provided by a Hydraulic Engineer to consider the appropriateness of the proposed development.
SEPP (Affordable Rental Housing) 2009	Complying development applications will need additional information to be provided by a Hydraulic Engineer to consider the appropriateness of the proposed development on land identified as flood prone.
SEPP (Vegetation in Non-Rural Areas) 2017	Not relevant.
SEPP (Educational Establishments and Child Care Facilities) 2017	Not relevant.
Draft Coastal Management SEPP	Not relevant. The subject properties are not located within the coastal areas identified by this SEPP.

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

Yes. Consistency with the list of Directions by the Minister for Planning (pursuant to section 9.1(2) of the Act) is set out in the following table.

Direction	Issue Date / Date Effective (if relevant)	Comment
1. Employment and Resources		
1.1 Business and Industrial Zones		Not relevant.
1.2 Rural Zones		Not relevant.
1.3 Mining, Petroleum Production and Extractive Industries		Not relevant.
1.4 Oyster Aquaculture		Not relevant.
1.5 Rural Lands		Not relevant.
2. Environment and Heritage		
2.1 Environment Protection Zones		Not relevant.
2.2 Coastal Protection		Not relevant.
2.3 Heritage Conservation		Not relevant.
2.4 Recreation Vehicle Areas		Not relevant.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs		Not relevant.
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones		Not relevant. The PP does not seek to amend the zoning or range of permissible uses on the site.
3.2 Caravan Parks and Manufactured Home Estates		Not relevant.
3.3 Home Occupations		Not relevant.
3.4 Integrating Land Use and Transport		Not relevant.

3.5 Development Near Licensed Aerodromes		Not relevant.
4. Hazard and Risk		
4.1 Acid Sulfate Soils		Not relevant. The majority of properties within the Burwood LGA have class 5 acid sulfate soil. A number of properties located between the southern boundary of the LGA and Mitchell Street Croydon Park are identified as having class 4 acid sulfate soil. The PP will not alter the acid sulfate soil classifications.
4.2 Mine Subsidence and Unstable Land		Not relevant.
4.3 Flood Prone Land	1 July 2009	<p>The objectives of the Direction are:</p> <ul style="list-style-type: none"> 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 (FDM) 2005, and b. to ensure that the provisions of a 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. <p>This PP satisfies the objectives of the Direction.</p> <p>Clause 8 of the Direction states: 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).</p> <p>The four Overland Flood Studies have been undertaken in accordance with the FDM 2005.</p> <p>Council was provided grant funding by the Office of Environment & Heritage to prepare these studies, on the basis that this work was consistent with the State Government's Floodplain Management Program. Furthermore, Section 6.4 'Flood Planning' of Council's Development Control Plan (DCP) affirms Council's commitment to the FMD 2005.</p> <p>The FDM 2005 specifies five stages for the floodplain risk management process. Please refer to page 3 of this document for detail on how the flood studies and this PP fit within these stages for the management of flood affected land.</p>

		<p>Clause 7 of the Direction states: 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).</p> <p>This PP does not impose flood related planning controls above the residential flood planning level for residential development on land.</p> <p>The development controls are not altered by this PP. The criteria for granting consent to development on flood liable land remain as per BLEP Clause 6.2(3) – which are written in accordance with the State Government’s Model Provisions. Likewise, DCP controls remain the same, except for updating the flood planning level definition to be consistent with the amendment to the BLEP, which this PP is aiming to achieve. The DCP controls are largely based on the principle that ground floor levels in new development must be sufficiently elevated so as not to be subject to flooding.</p> <p>The identification of properties on the CFI Map and eventually on the flood planning map together with an updated definition of flood planning level will be more robust than the current definition in BLEP Clause 6.2(5) that relies on the 1:100 average recurrent interval (ARI) flood extent plus 0.50 metre freeboard, which does not differentiate between overland flooding and mainstream flooding.</p> <p>The CFI Map is a consolidation of the work of two experienced Hydraulic Engineering firms, across four study areas, with work that included the “ground-truthing” of potentially affected parcels of land. The engineers inspected above-ground features along each catchment’s overland flowpaths, following a calibration and verification of a hydraulic model. This work entailed producing design flood results and mapping the peak flood depth in detail across catchments. By going beyond a “desktop” or modelled scenario, the resulting data is more accurate, and fewer parcels of land would be affected by flood related planning controls.</p>
4.4 Planning for Bushfire Protection		Not relevant.

5. Regional Planning		
5.1 Implementation of Regional Strategies		Not relevant.
5.2 Sydney Drinking Water Catchments		Not relevant.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast		Not relevant.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast		Not relevant.
5.5 Revoked 18 June 2010		
5.6 Revoked 10 July 2008		
5.7 Revoked 10 July 2008		
5.8 Revoked 20 August 2018		
5.9 North West Rail Link Corridor Strategy		Not relevant.
5.10 Implementation of Regional Plans		Not relevant.
5.11 Development of Aboriginal Land Council land		Not relevant.
6. Local Plan Making		
6.1 Approval and Referral Requirements		Not relevant. The PP will not contain provisions which require the concurrence, referral or consultation of other public authorities, nor identify any use as designated development.
6.2 Reserving Land for Public Purposes		Not relevant.
6.3 Site Specific Provisions		Not relevant.
7. Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney		Not relevant.
7.2 Implementation of Greater Macarthur Land Release Investigation		Not relevant.
7.3 Parramatta Road Corridor Urban Transformation Strategy	9 December 2016	The PP is not inconsistent with this Direction, which applies when a PP is prepared for land within the Parramatta Road Corridor as identified on the Map titled Parramatta Road Corridor on pages 14 and 15 of the Parramatta Road Corridor Urban Transformation Strategy (November, 2016). Any redevelopment of a property within the Parramatta Road Corridor that is identified on the CFI Map and eventually on the flood planning map will be required to address flooding issues in the application and assessment processes.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan		Not relevant.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan		Not relevant.

7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan		Not relevant.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor		Not relevant.
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan		Not relevant.
7.9 Implementation of Bayside West Precincts 2036 Plan		Not relevant.
7.10 Implementation of Planning Principles for the Cooks Cove Precinct		Not relevant.

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?*

No. There is no known critical habitat or threatened species, populations or ecological communities, or their habitats, which will be affected by the PP.

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

The PP is expected to reduce environmental impacts by mitigating against potential flooding of property.

9. *How has the planning proposal adequately addressed any social and economic effects?*

The PP is not expected to have any adverse social or economic effects. Council holds there to be social and economic benefits, particularly to the local community, as the PP will safeguard future development from potential flooding impacts.

Section D – State and Commonwealth Interests

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

The PP is not expected to generate demand for any infrastructure or services.

11. *What are the views of State and Commonwealth authorities consulted in accordance with the gateway determination?*

The Gateway Determination will confirm and specify any consultation required with State and Commonwealth authorities on the PP.

Part 4 – Mapping

The PP seeks to introduce a flood planning map, which will be based on the CFI Map developed from the four flood studies, and amend BLEP Clause 6.2(2) which will make reference to the flood planning map.

Part 5 – Initial Community Consultation

Community consultation was undertaken as part of the four Draft Overland Flood Studies. This included the distribution of an information sheet and a questionnaire to gather information pertaining to the community's experience of flooding within the various catchments. The information sheet and questionnaire were distributed to properties affected by the preliminary 1:100 ARI extents. The results of the consultation were used to test the validity of the flood model in identifying flood affected properties. The following table shows the response rate for each catchment area.

Catchment	Response rate
Dobroyd Canal	6%
Cooks River	4%
Powells Creek	5%
Exile Bay-St Lukes-William Street	4%

Submissions received from the consultation were referred back to the consultants, who have been assessing each submission with the view to recommending further amendments to the CFI Map where necessary.

The Gateway Determination will specify the community consultation that must be undertaken on the PP.

Part 6 – Project Timeline

Anticipated date of Gateway Determination	By end of August 2019
Anticipated timeframe for the completion of required technical information	By end of September 2019
Timeframe for government agency consultation	September to October 2019
Commencement and completion dates for the public exhibition period	September to October 2019
Dates for public hearing	Not applicable
Timeframe for consideration of submissions	October 2019
Timeframe for the consideration of a proposal post exhibition	November 2019
Anticipated date RPA will make the plan (if delegated)	November 2019
Anticipated date RPA will forward to the department for notification (if delegated)	November 2019

Supporting Documentation

Appendix One

- Proposed Amendment to the BLEP

Appendix Two

- Delegation Checklist

Appendix Three

- Consolidated Flood Identification Map

Links to Supporting Material

- Council Meeting Agenda of 26 March 2019 (including report to Council regarding PP to amend Clause 6.2(5) of the BLEP) is available on Council's website:
https://www.burwood.nsw.gov.au/verve/_resources/Council_Meeting_Agenda_26_March_2019.pdf
- Council Meeting Minutes of 26 March 2019 (including Council resolution regarding PP to amend Clause 6.2(5) of the BLEP) is available on Council's website:
https://www.burwood.nsw.gov.au/verve/_resources/Council_Meeting_Minutes_26_March_2019.pdf
- Burwood Local Planning Panel Meeting Agenda of 13 November 2018:
http://www.burwood.nsw.gov.au/verve/_resources/LPP_13112018_AGN_AT.pdf
- Burwood Local Planning Panel Meeting Minutes of 13 November 2018:
http://www.burwood.nsw.gov.au/verve/_resources/BLPP_13_November_Minutes.pdf
- Council Meeting Agenda of 26 June 2018 (including report to Council regarding PP to amend Clause 6.2(5) of the BLEP) is available on Council's website:
http://www.burwood.nsw.gov.au/verve/_resources/Agenda_-_26_June_2018_-_Council_Meeting.pdf
- Council Meeting Minutes of 26 June 2018 (including Council resolution regarding PP to amend Clause 6.2(5) of the BLEP) is available on Council's website:
http://www.burwood.nsw.gov.au/verve/_resources/Official_Ordinary_Council_Meeting_Minutes_26062018.pdf
- Reports of the four Draft Overland Flood Studies by Council's consultants have been provided to the Department.

Appendix One

Proposed Amendment to the BLEP

The wording of the BLEP clause would be subject to negotiation with State agencies, however may comprise a clause generally as follows, or words to similar effect:

6.2 Flood planning

... ..

(2) *This clause applies to:*

- (a) *land that is shown as 'Flood planning area' on the Flood Planning Map, and*
- (b) *other land at or below the flood planning level.*

... ..

(5) *In this clause:*

flood planning level means the level of a 1:100 VRI (average recurrent interval) flood event plus 0.3 metre freeboard for overland flooding or 0.5 metre freeboard for mainstream flooding

Flood Planning Map means the Burwood Local Environmental Plan 2012 Flood Planning Map.

The wording of any BLEP provisions will be subject to liaison with, and possible revision by, the Parliamentary Counsel's Office.

Appendix Two

Delegation Checklist and Evaluation Criteria

Checklist for the review of a request for delegation of plan making functions to councils
Local Government Area:
Burwood.
Name of draft LEP:
Amendment to Clause 6.2 – Flood Planning of the Burwood Local Environmental Plan 2012
Address of Land (if applicable):
Whole LGA.
Intent of draft LEP:
Introduce a flood planning map, which is to be based on the CFI Map developed from the four Draft Overland Flood Studies. The flood planning map will identify land at or below the flood planning level , which means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.3 metre freeboard for overland flooding or 0.5 metre freeboard for mainstream flooding.
Additional Supporting Points/Information:
Please refer to the PP.

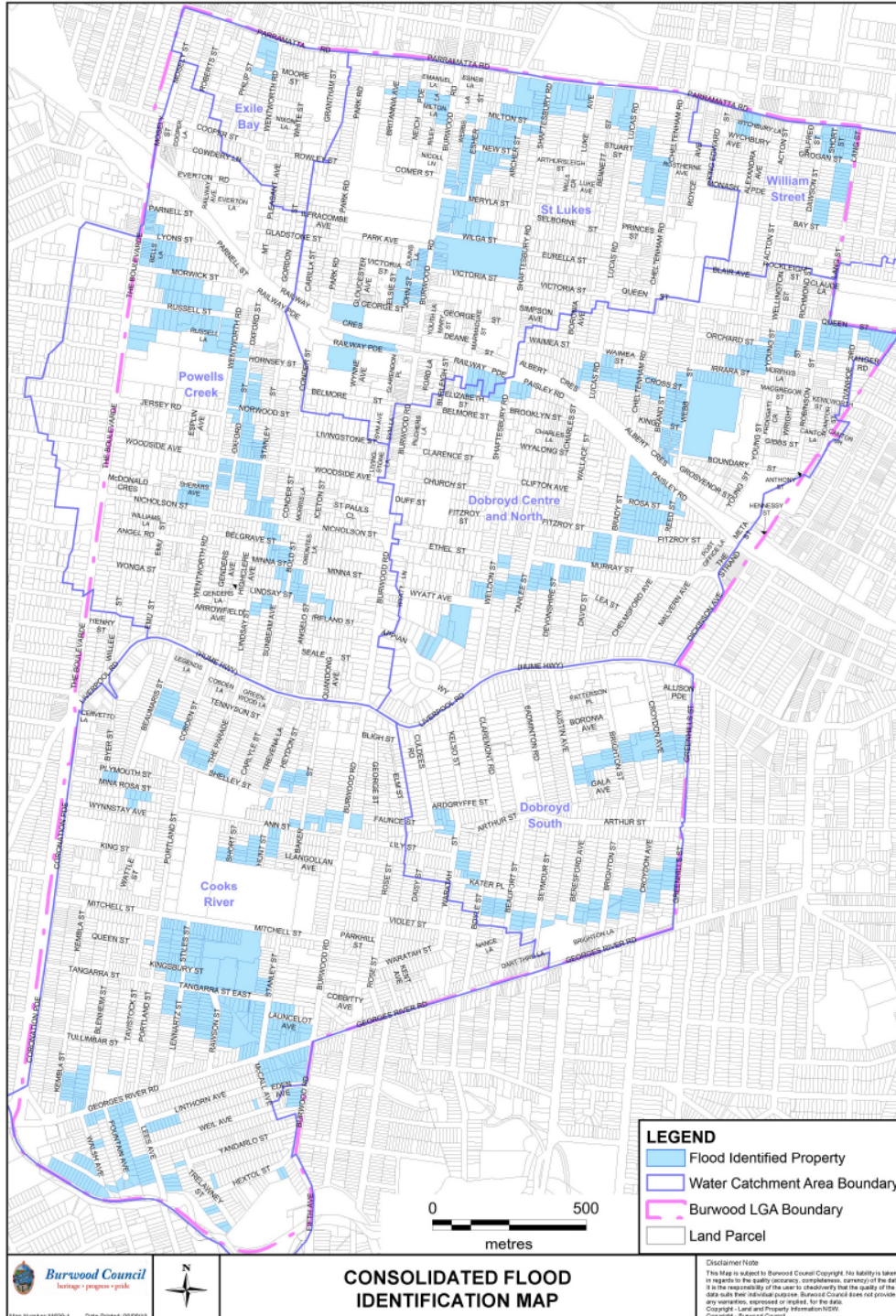
Evaluation criteria for the issuing of an Authorisation				
(NOTE - where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y*			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	N			
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	N			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		N/A		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		N/A		
Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		N/A		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A		
Is the planning proposal proposed to rectify an anomaly in a classification?		N/A		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A		
Will the draft LEP discharge any interests in public land under section 30 of the <i>Local Government Act, 1993</i> ?		N/A		

* Council seeks to amend a Model Local Clause for Standard Instrument LEPs.

If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		N/A		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) <i>Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ?		N/A		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		N/A		
Spot Rezoning	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		N/A		
Does the planning proposal create an exception to a mapped development standard?	N			
Section 73A matters				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE - the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).		N/A		
NOTES <ul style="list-style-type: none"> Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance. Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department. 				

Appendix Three

Consolidated Flood Identification Map



Note: This CFI Map will be adapted to a BLEP flood planning map. The CFI Map is subject to change depending on Council consultant's assessment of submissions to consultation on the four Draft Overland Flood Studies.