

Narrabri LEP 2012 - Amendment to update Flood Planning Maps

Proposal Title : **Narrabri LEP 2012 - Amendment to update Flood Planning Maps**

Proposal Summary : **Planning Proposal to amend Narrabri LEP 2012 to update the Flood Planning Maps in accordance with the findings of the 'Namoi River, Mulgate Creek and Long Gully Flood Study'.**

PP Number : **PP_2017_NARRB_002_00** Dop File No : **17/06145**

Proposal Details

Date Planning Proposal Received : **27-Apr-2017** LGA covered : **Narrabri**

Region : **Northern** RPA : **Narrabri Shire Council**

State Electorate : **BARWON** Section of the Act : **55 - Planning Proposal**

LEP Type : **Policy**

Location Details

Street :

Suburb : City : **Narrabri** Postcode : **2390**

Land Parcel : **Land within the Narrabri LGA**

DoP Planning Officer Contact Details

Contact Name : **Gina Davis**

Contact Number : **0267019687**

Contact Email : **gina.davis@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Hamish McTaggart**

Contact Number : **0267996817**

Contact Email : **hamishm@narrabri.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Tamara Prentice**

Contact Number : **0266416610**

Contact Email : **tamara.prentice@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **N/A** Consistent with Strategy : **No**

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MDP Number :

Date of Release :

Area of Release (Ha) **0.00**

Type of Release (eg

Residential /

Employment land) :

No. of Lots : **0**No. of Dwellings **0**

(where relevant) :

Gross Floor Area : **0**No of Jobs Created : **0**The NSW Government **Yes**

Lobbyists Code of

Conduct has been

complied with :

If No, comment :

The Department of Planning and Environment's Code of Practice in relation to communications and meetings with lobbyists has been complied with to the best of the Region's knowledge.

Have there been **Yes**

meetings or

communications with

registered lobbyists? :

If Yes, comment :

The Northern Region has not met with any lobbyists in relation to this proposal, nor has the Northern Region been advised of any meeting between other Departmental Officers and lobbyists concerning the proposal.

Supporting notes

Internal Supporting

Notes :

External Supporting

Notes :

Adequacy Assessment**Statement of the objectives - s55(2)(a)**Is a statement of the objectives provided? **Yes**

Comment :

The objectives and intended outcomes of the Planning Proposal are adequately expressed for the proposed amendment to Narrabri LEP 2012.

Explanation of provisions provided - s55(2)(b)Is an explanation of provisions provided? **Yes**

Comment :

The explanation of provisions clearly outlines the intent of the Planning Proposal which is to amend NLEP 2012 to update two Flood Planning Maps so that they reflect the most current data as informed by the 'Namoi River, Mulgate Creek and Long Gully Flood Study'.

Justification - s55 (2)(c)a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

3.1 Residential Zones

* May need the Director General's agreement

4.3 Flood Prone LandIs the Director General's agreement required? **Yes**c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

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e) List any other matters that need to be considered :

The draft New England North West Regional Plan 2036 and the New England North West Strategic Regional Land Use Plan apply to the Narrabri Shire LGA.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The Planning Proposal includes mapping that show the current Flood Planning Maps as well as a Flood Planning Area Map derived from the 'Namoi River, Mulgate Creek and Long Gully Flood Study'. It will be necessary for maps which comply with the Standard Technical Requirements for SI LEP Maps to be prepared prior to exhibition so that the community can clearly compare existing flood planning areas with those proposed under the Planning Proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The planning proposal recommends a 21 day consultation period including direct notification of adjoining landowners and any affected community organisations. Taking into consideration the community consultation undertaken for the flood study, it is considered appropriate that the Planning Proposal be exhibited for a 14 day timeframe.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The Planning Proposal and accompanying documentation are considered to satisfy the adequacy criteria by:

- 1. Providing appropriate objectives and intended outcomes;**
- 2. Providing a suitable explanation of the provisions proposed by the LEP to achieve the outcomes;**
- 3. Providing an adequate justification for the proposal;**
- 4. Outlining a proposed community consultation program; and**
- 5. Providing a project timeline.**

Council is seeking an authorisation to exercise its plan making delegations. As the Planning Proposal deals only with matters of local significance, it is considered appropriate that an authorisation to exercise its plan making delegations be issued to Council.

Council's project timeline has outlined a 6 month timeframe for the Planning Proposal with the LEP expected to be ready for submission to the Department for notification by October 2016. A six (6) month period to complete the proposal is considered appropriate.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Narrabri LEP was made in December 2012.**

Assessment Criteria

Need for planning proposal :

The purpose of the Planning Proposal is to implement the findings of the 'Namoi River, Mulgate Creek and Long Gully Flood Study'. This study was exhibited from Monday 31 October 2016 to 21 November 2016 with two (2) submissions being received from members of the public. Neither submission objected to the study. The study was subsequently adopted by Council on 13 December 2016.

The Narrabri flood study constitutes the first stage of the Floodplain Risk management process and assesses the risk of regional flooding from the Namoi River and local flooding from its tributaries, Mulgate Creek and Long Gully. A detailed study of these tributaries had not previously been done. Individually these watercourses will flood the eastern and northern parts of Narrabri; collectively these systems have the potential for severe flooding of Narrabri. Updated flood mapping will show the 1%AEP + .5m freeboard flood heights unlike current flood mapping for the LGA. This will provide a more thorough understanding of the flood behaviour of these watercourses and will help reduce impacts to life and property by guiding future development.

Consistency with strategic planning framework :

Regional Strategies

The draft New England North West Regional Plan and the New England North West Strategic Regional Land Use Plan apply to the Narrabri LGA. The Planning Proposal is considered to be consistent with the provisions of both of these plans.

SEPP's

The Planning Proposal has been identified as being consistent with all applicable SEPPs.

S117 Directions

Of particular relevance is s117 Direction 4.3 Flood Prone Land. The Planning Proposal is considered to be consistent with this direction as it will give effect to and is consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, it will not rezone any land or contain provisions which permit development in floodways or significantly increase the development of land or impose flood related development controls above the residential flood planning level for residential development. It is recommended that the Office of Environment and Heritage be consulted as part of this process.

The Planning Proposal is considered to be consistent with all applicable section 117 Directions except 4.4 Planning for Bushfire Protection.

Direction 4.4 Planning for Bushfire Protection

This Direction is relevant to the proposal as certain parcels of land covered by the Flood Planning Maps are also mapped as bushfire prone. The direction provides that the RPA must consult with the Commissioner of the NSW Rural Fire Service, and the draft plan must include provisions relating to bushfire control. Consultation with the RFS is required after a Gateway Determination is issued and before public exhibition and until this consultation has occurred the inconsistency of the proposal with the direction remains unresolved.

The Planning Proposal has not identified Direction 4.4 as being relevant and therefore it will be necessary for the Planning Proposal to be updated to reflect this prior to community consultation.

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Environmental social
economic impacts :

It is not anticipated that the Planning Proposal will have any detrimental impact on the social, economic or physical environment but will provide an up to date framework in which Council and the community can make informed decisions in relation to potential development within flood prone areas. This in turn will help to mitigate flooding related risks and impacts to the community and the local economy.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
2017-04-27 - Planning Proposal.pdf	Proposal	Yes
2017-04-27_PP cover letter.pdf	Proposal Covering Letter	Yes
NLEP 2012 - Flood Map Amendment_Eval Criteria completed.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones**
4.3 Flood Prone Land

Additional Information : **It is recommended that:**

1. The Planning Proposal be supported;

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2. The Planning Proposal be exhibited for 14 days;
3. The Planning Proposal be completed within 6 months;
4. That the Planning Proposal be amended prior to exhibition to:
 - include Flood Planning Maps which comply with the Standard Technical Requirements for SI LEP Maps;
 - discuss the relevance and consistency of Section 117 Direction 4.4 Planning for Bushfire Protection; and
 - Remove the last sentence on page 8 which incorrectly states that proposal does not relate to any rural land.
5. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
 - (a) Office of Environment and Heritage
 - (b) NSW Rural Fire Service
6. That an authorisation to exercise delegation be issued to Council.

Supporting Reasons :

The Planning Proposal will amend NLEP 2012 by updating the relevant Flood Planning Maps with the latest data from the 'Namoi River, Mulgate Creek and Long Gully Flood Study'. This constitutes the first stage of the Floodplain Risk Management process under the NSW Government's Flood Prone Land Policy. The proposed amendments to NLEP 2012 will provide social, economical and environmental benefits to the Narrabri LGA by enabling Council and the community to appropriately assess and manage the risk of regional flooding as well as developing sustainable strategies for managing human occupation and use of the floodplain.

Signature:



Printed Name:

Craig Diss

Date:

3/5/17