

Coastal Risk Planning Maps - Amendment to Great Lakes LEP 2014

Proposal Title : **Coastal Risk Planning Maps - Amendment to Great Lakes LEP 2014**

Proposal Summary : **The proposal seeks to amend the the Great Lakes LEP 2014 to reflect results of the Great Lakes Coastal Hazard Study 2013. This will result in additional areas covered by the Coastal Risk Planning Maps, and minor amendments to existing maps for Bluey's Beach and Boomerang Beach.**

PP Number : **PP_2014_GLAKE_001_00**

Dop File No :

14/08465

Proposal Details

Date Planning
Proposal Received : **16-Jun-2014**

LGA covered : **Great Lakes**

Region : **Hunter**

RPA : **Great Lakes Council**

State Electorate : **MYALL LAKES
PORT STEPHENS**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Policy**

Location Details

Street : **n/a**

Suburb : **LGA wide**

City : **Great Lakes**

Postcode : **2428**

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Dylan Meade**

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RPA Contact Details

Contact Name : **Alexandra Macvean**

Contact Number : **0265917348**

Contact Email : **alexandra.macvean@greatlakes.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A**

Release Area Name : **N/A**

Regional / Sub
Regional Strategy : **Mid North Coast Regional
Strategy**

Consistent with Strategy : **Yes**

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MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : Council have accepted delegation for plan making and requested to use these delegations for this proposal. It is recommended that delegation be granted to Council.

The proposal was originally lodged on 26 May 2014, but was not recorded as received until additional information and an updated PP was submitted on 16 June 2014.

The proposal was sent to the LEP Panel for decision as it is considered to be a potentially controversial planning matter. The inclusion of Clause 7.4 Coastal Risk Planning in the Great Lakes LEP 2014 generated considerable community debate during exhibition and finalisation of LEP 2014, with a number of submissions being made to the Department and relevant Ministers at the time.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The statement of objectives provided states that the objective of the proposal is to amend the Coastal Risk Planning Maps in accordance with the Great Lakes Coastal Hazard Study 2013.

The planning proposal will result in minor changes to existing Coastal Risk Planning Maps, and introduce new maps for areas identified in the 2013 Study. Properties identified as being in a coastal risk planning area on the maps will be subject to Clause 7.4 Coastal Risk Planning of the Great Lakes LEP 2014. The Clause does not prohibit development and only requires the consent authority to consider certain matters when assessing development applications.

The statement of objectives is supported.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions provided states that the Coastal Risk Planning Maps of the Great Lakes LEP 2014 will be amended.**

The explanation of provisions is supported.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

2.1 Environment Protection Zones

2.2 Coastal Protection

3.1 Residential Zones

4.3 Flood Prone Land

5.1 Implementation of Regional Strategies

* May need the Director General's agreement

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 71—Coastal Protection

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

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Council has provided copies of the draft Coastal Risk Planning Maps that will be exhibited.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council advises that 120 property owners are covered by the existing Coastal Risk Planning Maps, and 30 additional owners will be subject to the Maps and thus Clause 7.4 Coastal Risk Planning by the proposed LEP amendment. The Clause does not prohibit development and only requires the consent authority to consider certain matters when assessing development applications.**

Council advises it will undertake consultation of the planning proposal in conjunction with the to be prepared Coastal Zone Management Plans (CZMP) for the affected beaches. The time frame for the completion of the Boomerang/Blueys CZMP is late November 2014, and for the remainder of the coastline (Great Lakes CZMP), May 2015 is anticipated.

It is considered that a comprehensive exhibition including documentation comprising the planning proposal, draft LEP Coastal Risk Planning Maps, CZMPs and the 2013 Coastal Risk Study will enable maximum community engagement and understanding of the plans implications. However, as the timeframe for completion of the CZMPs are expected to take up to May 2015, a 24 month Gateway timeframe may be required to enable the comprehensive exhibition.

Council proposes a minimum period of 28 days for consultation. Given the high level of community interest in the Coastal Risk Planning Maps during the exhibition of the Great

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Lakes LEP 2014, it is recommended that a minimum 28 days are required for community consultation.

Council has indicated its preference to consult with the Office of Environment and Heritage and the State Emergency Service as these agencies are already involved in the development of the CZMP. It is considered that Council be encouraged to consult these agencies as part of the CZMP, but that agency consultation is not Gateway requirement for the planning proposal.

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 :

Proposal Assessment

Principal LEP:

Due Date : **April 2014**

Comments in
relation to Principal
LEP :

The Great Lakes LEP was gazetted on 4 April 2014.

Assessment Criteria

Need for planning
proposal :

The planning proposal is required in order to amend the Great Lakes LEP 2014.

Consistency with strategic planning framework :

MID NORTH COAST REGIONAL STRATEGY

The planning proposal is consistent with the Mid North Coast Regional Strategy (MNCRS). The MNCRS requires actions relating to management of coastal risks by incorporating appropriate planning provisions into local environmental plans to minimise the risk from flooding and coastal erosion. It is considered that the proposal fulfils these required actions of the MNCRS.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

SEPP No. 71 - Coastal Protection

This SEPP is applicable as the planning proposal applies to land in the coastal zone. The SEPP requires that councils take into account certain matters for consideration when a draft local environmental plan is prepared, as specified under Clause 8. The proposal is considered to be consistent with these matters, particularly 'the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards'.

The proposal is considered consistent with all other applicable SEPPs.

LOCAL PLANNING (SECTION 117) DIRECTIONS

2.1 Environment Protection Zones

This direction is applicable as the proposal affects land zoned for environmental protection purposes. The proposal is consistent with this direction as it does not reduce the environmental protection standards that apply.

2.2 Coastal Protection

This direction is applicable as the proposal affects land within the coastal zone. The direction requires that the planning proposal must include provisions that give effect to and are consistent with the (a) NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997, and (b) the Coastal Design Guidelines 2003, and (c) the manual relating to the management of the coastline for the purposes of section 733 of the Local Government Act 1993 (the NSW Coastline Management Manual 1990).

The proposal is consistent with (a), particularly in regards to objective 2.1 which is 'to give the impacts of natural processes and hazards a high priority in the planning and management of coastal areas'; (b), particularly in regards to ensuring development is 'set well back from areas affected by coastal processes, flooding, erosion and sea level rise.', and (c), particular in regards to the coastline hazard management options listed under Section 5.

3.1 Residential Zones

This direction is applicable as the planning proposal will affect land within an existing residential zone. The planning proposal is considered consistent with this direction as it encourages housing that is of good design.

4.3 Flood Prone Land

This direction is applicable as the planning proposal alters a provision that affects flood prone land. The proposal is considered consistent with the direction as it does not permit development in flood prone areas or alters food planning controls.

5.1 Implementation of Regional Strategies

As discussed above, it is considered that the proposal is consistent with the MNCRS.

DRAFT PLANNING CIRCULAR - COASTAL HAZARD NOTIFICATIONS ON SECTION 149 PLANNING CERTIFICATES

The proposal is considered consistent with the Draft Planning Circular 'Coastal hazard

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notifications on Section 149 planning certificates' exhibited from 30 January 2014. The existing Maps and Clause 7.4 Coastal Risk Planning in Great Lakes LEP 2014 clearly identifies the exposure as a future risk by referring to the 2060 hazard lines. Council does not propose any changes to the Clause or notations on the maps.

The draft Circular mentions that 'a section 117 Direction will be issued to ensure compliance with an evidence-based approach and consistency in application of coastal hazard certificates along the coast by councils.' The proposal has not been assessed against this to be issued Section 117 Direction as it is not yet in effect, nor has it been exhibited.

Environmental social
economic impacts :

ENVIRONMENTAL

The proposal is considered to have no environmental impacts.

SOCIAL AND ECONOMIC

It is considered that the long term benefits of informing the wider community of areas of coastal hazards will result in long term financial benefits. However, Council advises that it has not assessed the impact on land values that the proposal may have. The Coastal Risk Clause does not prohibit development and only requires that coastal risk processes be taken into account for certain development. It is considered if this is communicated during exhibition, then there will be limited impact on land values.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority
Consultation - 56(2)
(d) :

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

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Adopted Planning Proposal Coastal Risk V2 (DPI add info).pdf	Proposal	No
Planning Team Recommendation Preparation of the planning proposal supported at this stage : Recommended with Conditions S.117 directions: 2.1 Environment Protection Zones 2.2 Coastal Protection 3.1 Residential Zones 4.3 Flood Prone Land 5.1 Implementation of Regional Strategies Additional Information : The Planning Proposal should proceed subject to the following conditions: 1. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act. However, this does not limit Council undertaking consultation with the Office of Environment and Heritage, State Emergency Services and other relevant authorities during preparation of the Coastal Zone Management Plans. 2. 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 & Infrastructure 2013). 3. Community consultation should occur concurrently with exhibition of relevant Coastal Zone Management Plans. 4. 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 may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land). 5. The timeframe for completing the LEP is to be 24 months from the week following the date of the Gateway determination. Plan making delegation: The Minister delegated his plan making powers to councils in October 2012. Council has sought delegation for this planning proposal. Council should be issued with plan making delegation because the proposal is considered to be a matter of local planning significance. Supporting Reasons : The planning proposal is consistent with the Mid North Coast Regional Planning, and all relevant SEPPs and Section 117 Directions. A time frame of 24 months is recommended to enable exhibition of the planning proposal at the same time as relevant Coastal Zone Management Plans. This will ensure the community has the opportunity to consider all relevant documentation together.		

Signature:

K. O'Flaherty

Printed Name:

KOFLAHERTY

Date:

27-6-14