

Planning Services

Gateway Determination Report

LGA	Wingecarribee
PPA	Wingecarribee Shire Council
NAME	Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 to update flood maps (0 homes, 0 jobs)
NUMBER	PP_2018_WINGE_002_00
LEP TO BE AMENDED	Wingecarribee Local Environmental Plan 2010
ADDRESS	Nattai Ponds, Nattai River, Robertson Village and Gibbergunyah Creek
DESCRIPTION	Various lots within Nattai Ponds, Nattai River, Robertson Village and Gibbergunyah Creek
RECEIVED	18 May 2018
FILE NO.	IRF18/1637
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of planning proposal

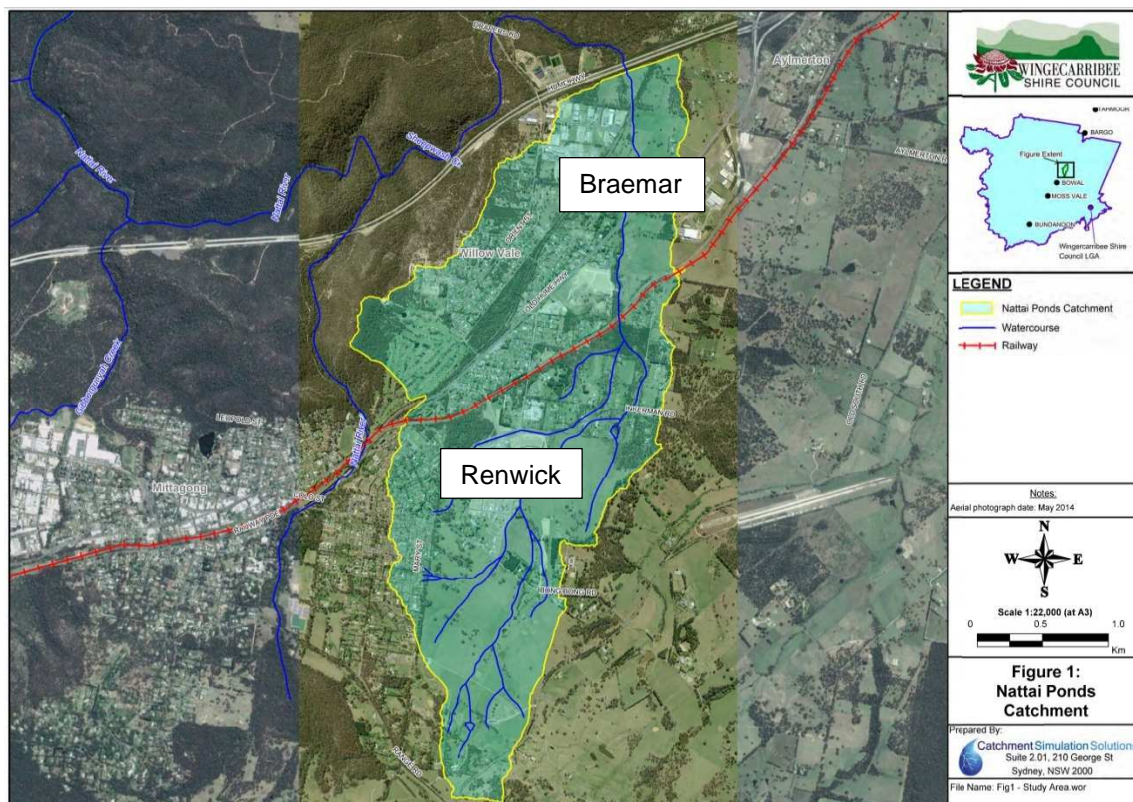
The planning proposal seeks to update the flooding maps in the Wingecarribee Local Environmental Plan 2010 to incorporate flood prone land identified in flood studies completed for Nattai Ponds, Nattai River, Robertson Village and Gibbergunyah Creek in the Wingecarribee Shire.

Site description and surrounding area

Nattai Ponds

The Nattai Ponds catchment occupies a total area of 7.9 km² and is shown in **Figure 1**. The catchment originates near the intersection of Range Road and Old South Road at Mittagong and extends in a north-easterly direction through Renwick and Braemar.

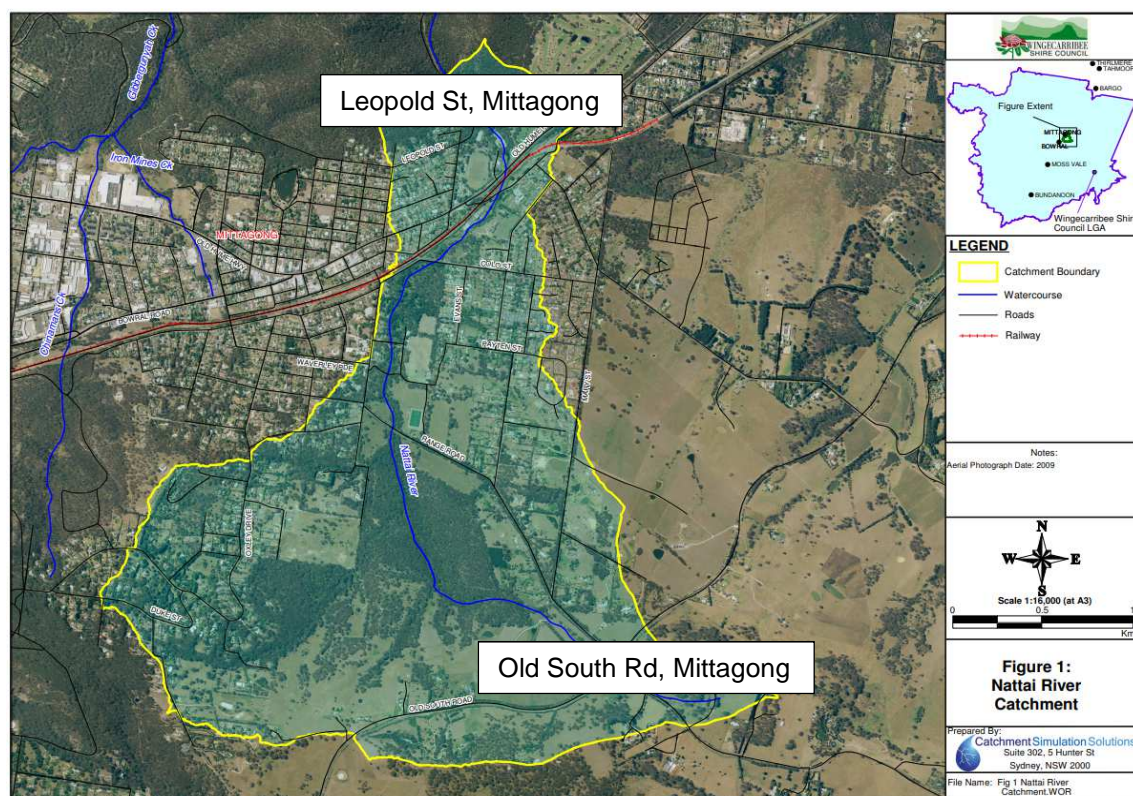
Figure 1 – Nattai Ponds Catchment (Source: Wingecarribee Shire Council)



Nattai River

The Nattai River catchment occupies a total area of 6.75 km² and is shown in **Figure 2**. The catchment extends in a south-easterly direction from Leopold Street, Mittagong in the north to a point near the intersection of Range Road and Old South Road, Mittagong in the south-east.

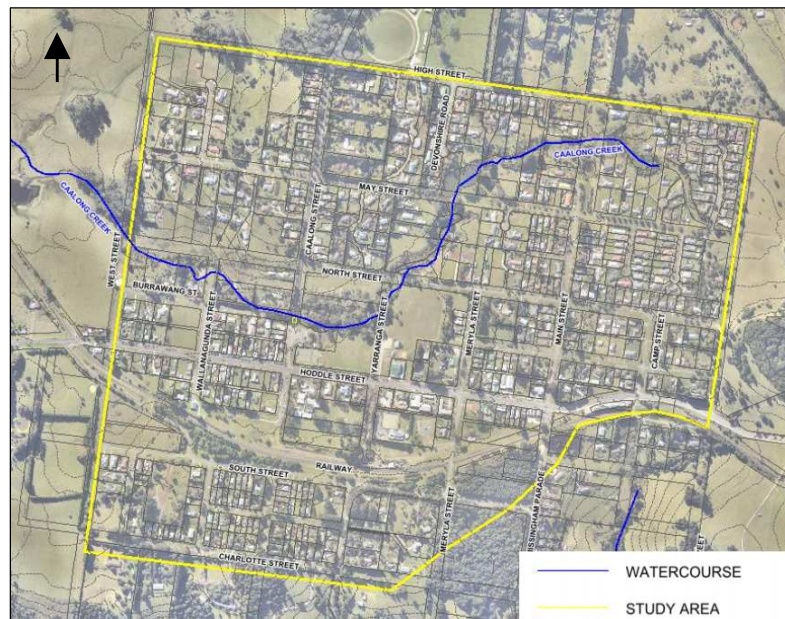
Figure 2 – Nattai River Catchment (Source: Wingecarribee Shire Council)



Robertson Village

Robertson is a large village located in the south-east part of the Wingecarribee Shire and is shown in **Figure 3**.

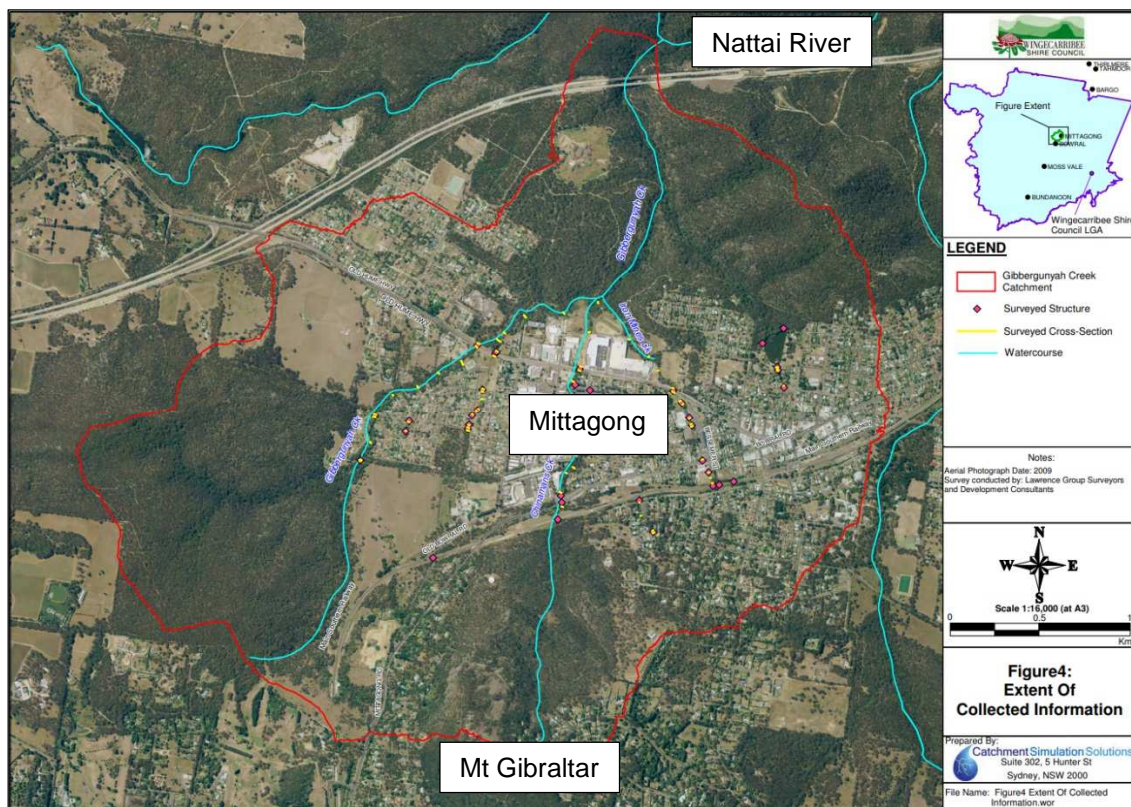
Figure 3 – Robertson Village Study Area (Source: Wingecarribee Shire Council)



Gibbergunyah Creek

The Gibbergunyah Creek catchment occupies a total area of 10.5 km² and is shown in **Figure 4**. The catchment originates in the vicinity of Mount Gibraltar and extends in a northerly direction through the Mittagong urban area and eventually the Nattai River.

Figure 4 – Gibbergunyah Creek Catchment (Source: Wingecarribee Shire Council)



Existing planning controls

The WLEP includes Flood Planning Area Maps illustrating the flood prone areas of the Shire and associated provisions to minimise flood risk to property and ensure development does not adversely impact on flood behaviour. Council has advised flood prone areas at Nattai Ponds, Nattai River, Robertson Village and Gibbergunyah Creek are not currently mapped in the WLEP.

Summary of recommendation

It is recommended that the planning proposal proceed as submitted.

PROPOSAL

Objectives or intended outcomes

The intended outcome of the planning proposal is to incorporate mapped flood prone land identified in flood studies completed for Nattai Ponds, Nattai River, Robertson Village and Gibbergunyah Creek into the WLEP.

Explanation of provisions

To achieve the intended outcome of the planning proposal the Flood Planning Area Maps in the WLEP would be updated to reflect the 100-year flood planning level for each of the flood study areas.

Mapping

The planning proposal will require amendment of the Flood Planning Area Maps in the WLEP to incorporate each area indicated by the flood studies. Council will need to prepare conceptual maps to be included as part of the planning proposal for consultation purposes.

NEED FOR THE PLANNING PROPOSAL

The planning proposal states it is needed to assist in the identification and protection of flood prone land, thereby avoiding inappropriate development on land which is flood affected.

The Southern Region agrees the planning proposal will provide information and controls to ensure flood risk to property and the potential impacts of development on flood behaviour in the Wingecarribee Shire are minimised.

The Southern Region considers that a planning proposal is the only way to amend the LEP to achieve these outcomes.

STRATEGIC ASSESSMENT

South East and Tablelands Regional Plan

Council has assessed the proposal against the South East and Tablelands Regional Plan and states that it is consistent with the plan, specifically:

- Direction 16 – to protect the coast and increase resistance to natural hazards; and
- Action 16.1 – to locate development, including new urban release areas, away from areas of known high bushfire risk, flooding hazards or high coastal erosion/inundation; contaminated land; and designated waterways to reduce the community's exposure to natural hazards.

The Southern Region agrees with Council's assessment and is satisfied that the planning proposal will be consistent with the above directions and actions, and the

overall intent of the Regional Plan, through identification of flooding hazards and prevention of inappropriate development on flood affected land.

The Southern Region also notes the planning proposal would be consistent with Action 16.4 of the Regional Plan by incorporating the best available hazard information in local environmental plans consistent with current flood studies, flood planning levels and modelling.

Local

Council noted there are no specific references to flood prone land in the Wingecarribee Local Planning Strategy 2015-2031 and noted all applications for residential development are assessed for site constraints, including flooding.

Council's Local Planning Strategy has been reviewed and partially endorsed by the Department. It is noted that the endorsed part of the Strategy includes a commitment from Council to continue to identify and map flood prone land and to incorporate these into the WLEP. The Southern Region therefore considers the subject planning proposal is consistent with Council's Local Planning Strategy.

Section 9.1 Ministerial Directions

The planning proposal has identified applicable section 9.1 Directions.

Directions of particular relevance are discussed below:

4.3 Flood Prone Land

This Direction aims to ensure development on flood prone land is consistent with government policy and provisions of local environmental plans affecting flood prone land appropriately consider potential flooding hazards.

The planning proposal seeks to update the Flood Planning Area Maps in the WLEP to reflect the 100-year flood planning level for each of the flood study areas. This is consistent with government flood policy and would ensure future development is appropriately located and does not adversely impact flood behaviour.

The Southern Region is satisfied the planning proposal is consistent with this Direction.

5.1 Sydney Drinking Water Catchment

This Direction aims to protect water quality in Sydney's Drinking Water Catchment, including land within the Wingecarribee LGA.

This Direction requires consultation with the Sydney Catchment Authority (SCA) during preparation of the proposal.

Council has advised the planning proposal will not result in any adverse impacts on the water catchment and has committed to consulting with WaterNSW (formerly SCA) prior to exhibition of the planning proposal.

The Southern Region agrees a planning proposal to incorporate the most up to date flooding information into a local environmental plan is unlikely to give rise to adverse water quality impacts.

The Secretary's delegate may be satisfied that any inconsistency with this Direction is of minor significance, subject to the Gateway determination including a requirement for consultation with the WaterNSW prior to public consultation on the planning proposal.

5.10 Implementation of Regional Plans

This Direction gives legal effect to the vision, directions and actions contained in Regional Plans.

The Southern Region considers the planning proposal is consistent with directions and actions identified in the Regional Plan as it seeks to incorporate best available hazard information in local environmental plans consistent with current flood studies, flood planning levels and modelling.

The proposal is considered to be consistent with all other applicable Directions.

State environmental planning policies

The PP identifies several State Environmental Planning Policies (SEPPs) applying to the subject land which seek to guide appropriate development in the State.

The Southern Region notes the planning proposal is administrative and would assist in the identification of flood prone land to ensure future development is appropriately located and does not adversely impact of flood behaviour.

The Southern Region is therefore satisfied the planning proposal is not inconsistent with relevant State Environmental Planning Policies.

SITE-SPECIFIC ASSESSMENT

Social and Economic

The planning proposal would assist in the identification of flood prone land, thereby avoiding inappropriate development which may cause distress and result in financial costs for property owners of flood affected sites.

Environmental

The planning proposal seeks to update flooding maps in the WLEP, is administrative and would not result in any material or adverse impacts to critical habitat or threatened species, populations or ecological communities, or their habitats.

Infrastructure

The provision of infrastructure is not considered relevant to a planning proposal of this nature.

CONSULTATION

Community

Council has proposed a 28-day community consultation period which is considered adequate having regard to the nature of the planning proposal.

Agencies

Council has proposed consultation with WaterNSW which is considered adequate having regard to the nature of the planning proposal.

TIME FRAME

Council anticipates a 4-month time frame to finalise the LEP. It is recommended that a 12-month period be provided to provide a buffer in case issues arise during consultation or any other part of the process.

LOCAL PLAN-MAKING AUTHORITY

Council has asked for plan making authority in relation to this proposal. This is considered appropriate, as the proposal is minor in nature and consistent with strategic planning.

CONCLUSION

The Southern Region concludes the planning proposal is consistent with key directions and actions of the South East and Tablelands Regional Plan, by assisting in the identification of flooding hazards and prevention of inappropriate development on flood affected land.

The planning proposal implements Action 16.4 of the Regional Plan and commitments made by Council in its endorsed Local Planning Strategy by incorporating the best available flood hazard information in local environmental plans consistent with current flood studies, flood planning levels and modelling.

It is therefore recommended that the proposal be supported.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistency with section 9.1 Direction 5.1 Sydney Drinking Water Catchment is minor.

It is recommended that the delegate of the Minister for Planning determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with WaterNSW prior to community consultation.
3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.
5. Council is to prepare proposed Flood Planning Area Maps for inclusion as part of the planning proposal prior to exhibition.



8/6/18

Graham Towers
Team Leader, Southern



13 June 2018

Sarah Lees
Director Regions, Southern
Planning Services

Contact: Andrew Hartcher
Senior Planning Officer
02 4224 9473