

Planning Proposal

To amend Wingecarribee Local Environmental Plan 2010 to update the relevant Flood Planning Area maps to include adopted flood studies.

Prepared by
Wingecarribee Shire Council
Strategic Planning
mail@wsc.nsw.gov.au
02 4868 0888

Version 2 – For Gateway Determination

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Civic Centre, 68 Elizabeth St, Moss Vale, NSW 2577.
PO Box 141, Moss Vale. ABN 49 546 344 354
T. (02) 4868 0888 E. wscmail@wsc.nsw.gov.au

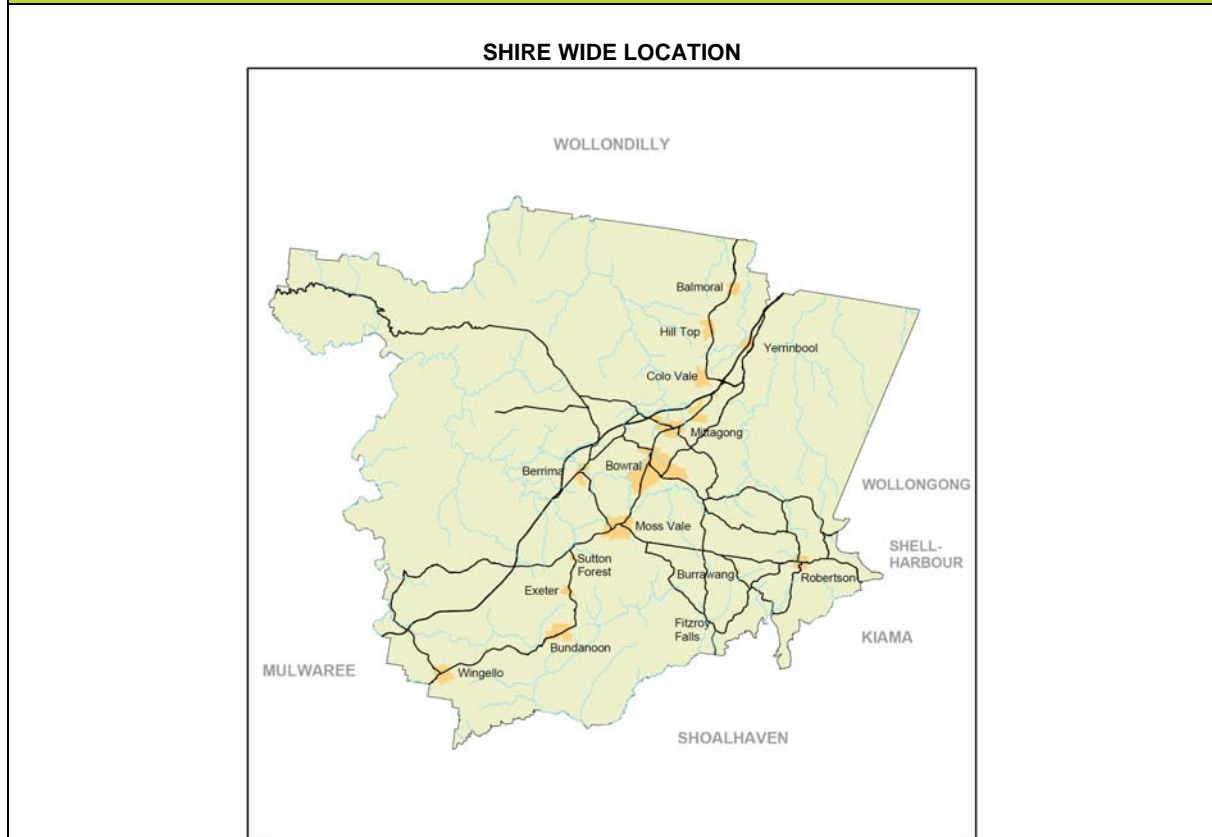
www.wsc.nsw.gov.au

ATTACHMENTS WHICH FORM PART OF THIS PLANNING PROPOSAL

1	Planning Proposal Report to Council - 22 November 2017
2	Planning Proposal Resolution of Council - 22 November 2017
3	Report to Council - Nattai Ponds Flood Study Stage 1 - Council 12 October 2016
4	Resolution of Council - Nattai Ponds Flood Study Stage 1 - Council 12 October 2016
5	Report to Council - Nattai River Floodplain Risk Management Study & Plan Stage 2 - 26 April 2017
6	Resolution of Council - Nattai River Floodplain Risk Management Study & Plan Stage 2 - 26 April 2017
7	Report to Council - Robertson Village Overland Flow Study Report - 14 June 2017
8	Resolution of Council - Robertson Village Overland Flow Study Report - 14 June 2017
9	Report to Council - Gibbergunyah Creek Floodplain Risk Management Study & Plan - 26 July 2017
10	Resolution of Council - Gibbergunyah Creek Floodplain Risk Management Study & Plan - 26 July 2017
11	Delegation Request Evaluation Form

LOCAL GOVERNMENT AREA : WINGECARRIBEE SHIRE COUNCIL

WHOLE OF SHIRE



SITE LOCATION & DESCRIPTION

The Planning Proposal affects those areas of the Shire impacted by the following flood studies:

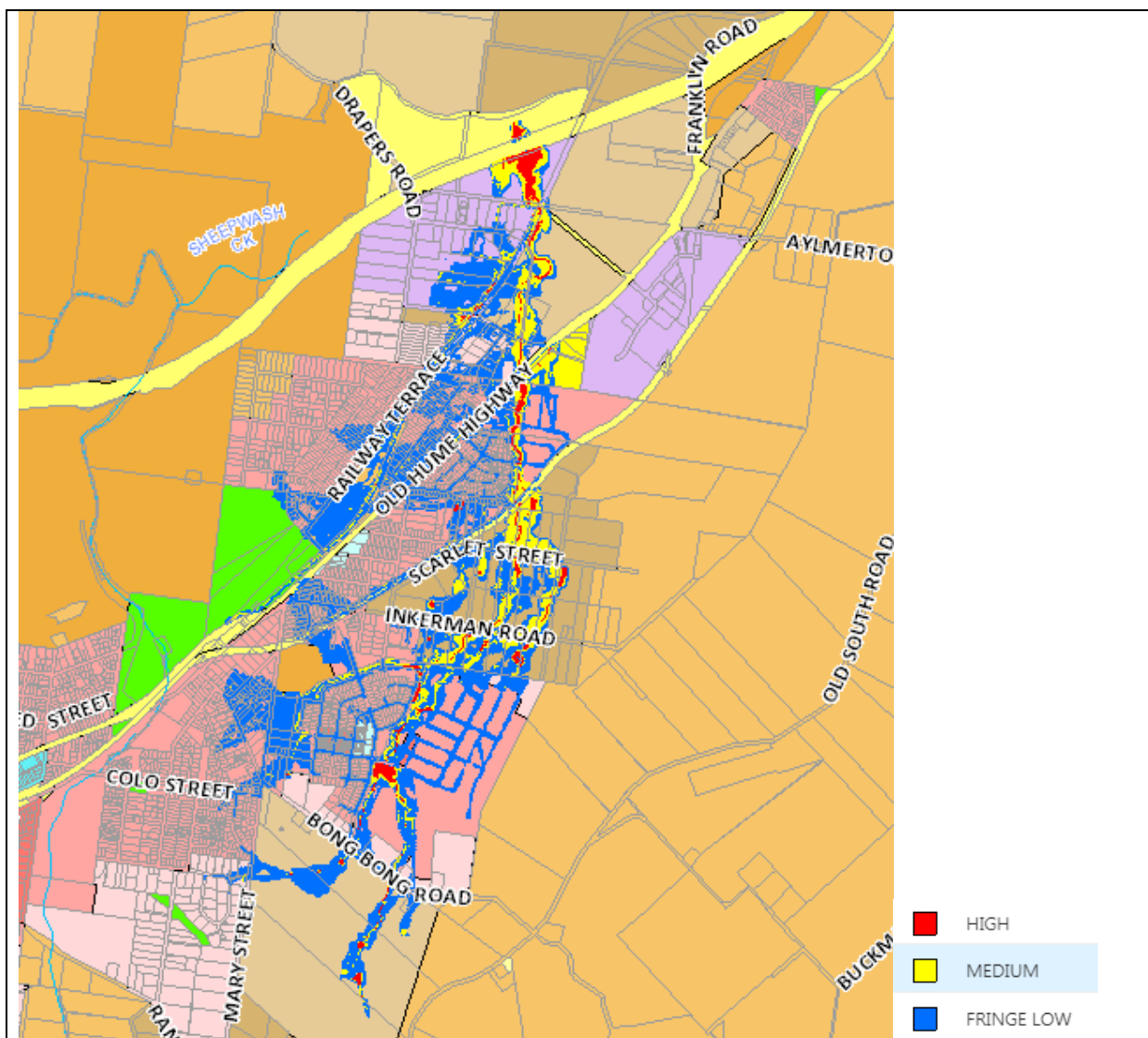
- a) Nattai Ponds Flood Study Stage 1, adopted by Council 12 October 2016
- b) Nattai River Floodplain Risk Management Study & Plan Stage 2, adopted by Council 26 April 2017
- c) Robertson Village Overland Flow Study Report, adopted by Council 14 June 2017
- d) Gibbergunyah Creek Floodplain Risk Management Study & Plan, adopted by Council 26 July 2017

PART 1 : OBJECTIVES OR INTENDED OUTCOMES

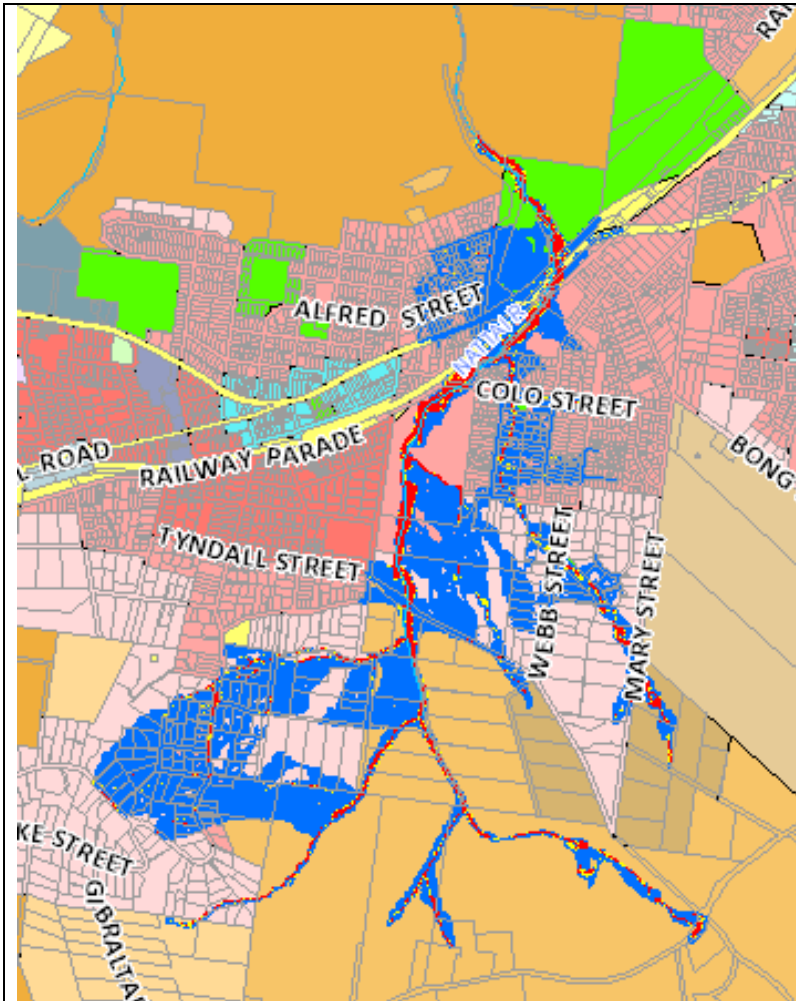
The intended outcome of the Planning Proposal is to incorporate the mapped flood prone land identified in the adopted studies into Wingecarribee Local Environmental Plan (WLEP) 2010.

PART 2 : EXPLANATION OF THE PROVISIONS

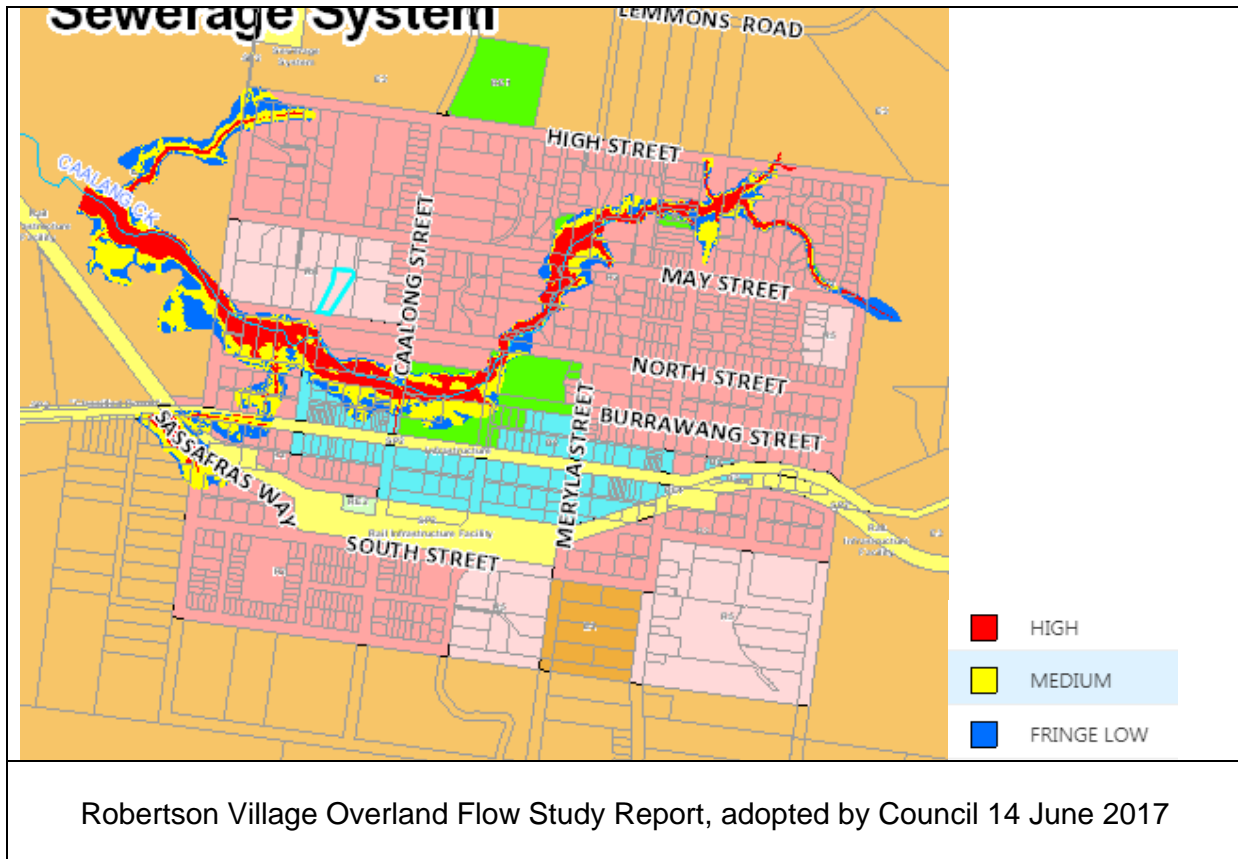
To achieve the intended outcomes of the Planning Proposal the relevant Flood Planning Area maps in WLEP will be replaced by maps which indicate the results of relevant flood studies which indicate 100 year flood extents.

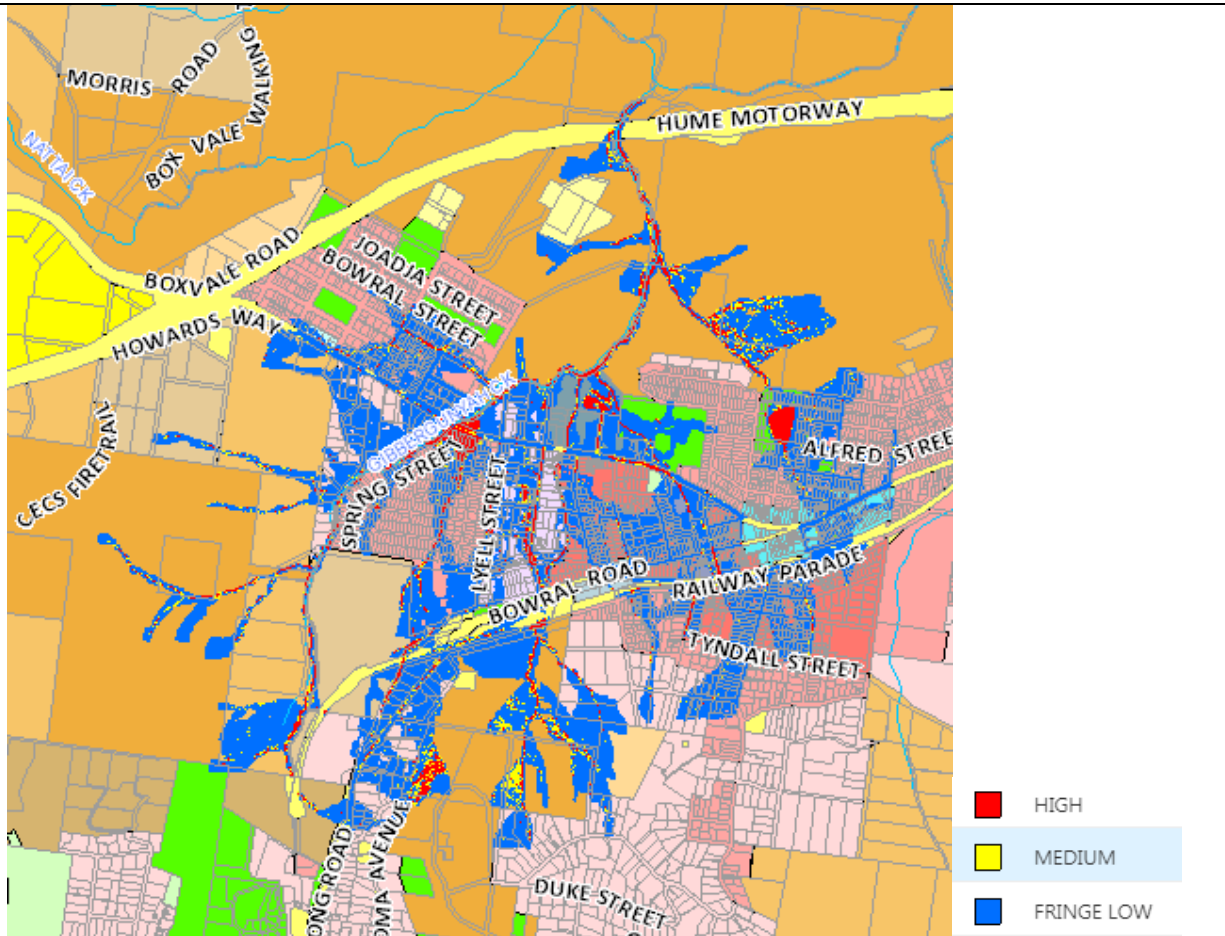


Nattai Ponds Flood Study Stage 1, adopted by Council 12 October 2016



Nattai River Floodplain Risk Management Study & Plan Stage 2, adopted by Council 26 April 2017





Gibbergunyah Creek Floodplain Risk Management Study & Plan, adopted by Council 26 July 2017

PART 3 : JUSTIFICATION OF OBJECTIVES, OUTCOMES & PROCESS

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

Yes, the Planning Proposal is the result of the following flood studies:

- Nattai Ponds Flood Study Stage 1, adopted by Council 12 October 2016
- Nattai River Floodplain Risk Management Study & Plan Stage 2, adopted by Council 26 April 2017
- Robertson Village Overland Flow Study Report, adopted by Council 14 June 2017

- d) Gibbergunyah Creek Floodplain Risk Management Study & Plan, adopted by Council 26 July 2017

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the only means of incorporating the flood study data into WLEP 2010.

Section B – Relationship to strategic planning framework

3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?

The Planning Proposal is consistent with Direction 16 of the SE & Tablelands Regional Plan – Protect the coast and increase resilience to natural hazards – which notes that *“Councils are primarily responsible for flood risk management through the development and implementation of floodplain risk management plans. These plans are prepared in consultation with the local community and relevant agencies. They incorporate up-to-date information on regional climate projections and related impacts, and prioritise resilience to climate change in the siting and development of infrastructure and land uses.”*

In response to this Direction, Action 16.1 requires local government 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 inclusion of the flood mapping in WLEP 2010 facilitates this action. There are other similar references to planning for flood prone land under this Direction and the proposal is considered to be consistent with the objectives and actions of the Regional Plan.

4. Is the Planning Proposal consistent with a council’s local strategy or other local strategic plan?

There are no specific references to flood prone land in the Wingecarribee Local Planning Strategy 2015-2031, however all submissions seeking to permit residential development were assessed as to whether there were any site constraints in the form of flood prone land. The proposed WLEP 2010 amendments ensure that this data is accurate and easily available to all stakeholders.

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

The Proposal has been assessed against relevant SEPPs as indicated below.

SEPP	Relevance to Planning Proposal
No.1 Development Standards	<u>NOT RELEVANT</u> – replaced by Clause 4.6 of WLEP2010 as the mechanism for any variation to development standards.
No.14 Coastal Wetlands	<u>NOT RELEVANT</u> – There are no Coastal Wetlands within the Shire.
No.19 Bushland in Urban Areas	<u>NOT RELEVANT</u> – does not apply to Wingecarribee Shire.
No.21 Caravan Parks	RELEVANT – applies to land within Wingecarribee Shire. <u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.
No.26 Littoral Rainforests	<u>NOT RELEVANT</u> – does not apply to Wingecarribee Shire.
No.30 Intensive Agriculture	RELEVANT – applies to land within Wingecarribee Shire. <u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.
No.33 Hazardous and Offensive Development	RELEVANT – applies to land within Wingecarribee Shire. <u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.
No.36 Manufactured Home Estates	RELEVANT – applies to land within Wingecarribee Shire. <u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.
No.44 Koala Habitat Protection	RELEVANT – applies to land within Wingecarribee Shire. <u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.
No. 47 Moore Park Showground	<u>NOT RELEVANT</u> – does not apply to Wingecarribee Shire.
No.50 Canal Estate Development	RELEVANT – applies to land within Wingecarribee Shire. <u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.
No.52 Farm Dams and Other Works in Land and Water Management Plan Areas	<u>NOT RELEVANT</u> – does not apply to Wingecarribee Shire.
No.55 Remediation of Land	RELEVANT – applies to land within Wingecarribee Shire. <u>CONSISTENT</u> – The Planning Proposal will result in the need to remediate land.

No. 62 Sustainable Aquaculture	<p>RELEVANT – applies to land within Wingecarribee Shire.</p> <p><u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.</p>
No.64 Advertising and Signage	<p>RELEVANT – applies to land within Wingecarribee Shire.</p> <p><u>CONSISTENT</u> – The Planning Proposal will not result in advertising or signage on land to which this SEPP applies.</p>
No.65 Design Quality of Residential Apartment Development	<p>RELEVANT – applies to land within Wingecarribee Shire.</p> <p><u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.</p>
No.70 Affordable Housing (Revised Schemes)	<p>NOT RELEVANT – does not apply to Wingecarribee Shire.</p>
No.71 Coastal Protection	<p>NOT RELEVANT – does not apply to Wingecarribee Shire.</p>
Affordable Rental Housing 2009	<p>RELEVANT – applies to land within Wingecarribee Shire.</p> <p><u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.</p>
Building Sustainability Index: Basix 2004	<p>RELEVANT – applies to land within Wingecarribee Shire.</p> <p><u>CONSISTENT</u> – The Planning Proposal will not result in development to which BASIX would apply.</p>
Educational Establishments and Child Care Facilities 2017	<p>RELEVANT – applies to land within Wingecarribee Shire.</p> <p><u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.</p>
Exempt and Complying Development Codes 2008	<p>RELEVANT – applies to land within Wingecarribee Shire.</p> <p><u>CONSISTENT</u> - The SEPP does not apply to this Planning Proposal.</p>
Housing for Seniors or People with a Disability 2004	<p>RELEVANT – applies to land within Wingecarribee Shire.</p> <p><u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.</p>
Infrastructure 2007	<p>RELEVANT – applies to land within Wingecarribee Shire.</p> <p><u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.</p>
Integration and Repeals 2016	<p>NOT RELEVANT – does not apply to Wingecarribee Shire.</p>

Kosciuszko National Park - Alpine Resorts 2007	NOT RELEVANT – does not apply to Wingecarribee Shire.
Kurnell Peninsula 1989	NOT RELEVANT – does not apply to Wingecarribee Shire.
Mining, Petroleum Production and Extractive Industries 2007	RELEVANT – applies to land within Wingecarribee Shire. <u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.
Miscellaneous Consent Provisions 2007	RELEVANT – applies to land within Wingecarribee Shire. <u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.
Penrith Lakes Scheme 1989	NOT RELEVANT – does not apply to Wingecarribee Shire.
Rural Lands 2008	RELEVANT – applies to land within Wingecarribee Shire. <u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.
State and Regional Development 2011	RELEVANT – applies to land within Wingecarribee Shire. <u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.
State Significant Precincts 2005	RELEVANT – applies to land within Wingecarribee Shire. <u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.
Sydney Drinking Water Catchment 2011	RELEVANT – applies to land within Wingecarribee Shire. <u>CONSISTENT</u> - The Planning Proposal will be referred to Water NSW as a requirement of the Gateway Determination. It is anticipated that Water NSW will support the mapping of flood prone land to ensure that no inappropriate development, with potential environmental impacts, occurs.
Sydney Region Growth Centres 2006	NOT RELEVANT – does not apply to Wingecarribee Shire.
Three Ports 2013	NOT RELEVANT – does not apply to Wingecarribee Shire.
Urban Renewal 2010	RELEVANT – applies to land within Wingecarribee Shire. <u>CONSISTENT</u> - The Planning Proposal will not result in any development applicable under this SEPP.
Vegetation in Non-Rural Areas 2017	NOT RELEVANT – does not apply to Wingecarribee Shire.

Western Sydney Employment Area 2009	NOT RELEVANT – does not apply to Wingecarribee Shire.
Western Sydney Parklands	NOT RELEVANT – does not apply to Wingecarribee Shire.

6. Is the Planning Proposal consistent with applicable Section 9.1 Directions?

The Planning Proposal has been assessed against applicable Directions issued by the Minister for Planning under section 9.1 of the *Environmental Planning & Assessment Act 1979*. These assessments are reproduced below. Directions not applicable to Wingecarribee Shire have been excluded.

Direction	Assessment
1. Employment and Resources 1.1 Business and Industrial Zones 1.2 Rural Zones 1.3 Mining, Petroleum Production and Extractive Industries 1.4 Oyster Aquaculture 1.5 Rural Lands	CONSISTENT – The Planning Proposal will not impact any of the matters identified in this Direction.

Direction	Assessment
2. Environment and Heritage 2.1 Environment Protection Zones 2.2 Coastal Management 2.3 Heritage Conservation 2.4 Recreation Vehicle Areas	CONSISTENT – The Planning Proposal will ensure that development on flood prone land is and that suitable environmental protection controls apply where any such development is deemed appropriate.
3. Housing, Infrastructure and Urban Development 3.1 Residential Zones 3.2 Caravan Parks and Manufactured Home Estates 3.3 Home Occupations 3.4 Integrating Land Use and Transport 3.5 Development Near Licensed Aerodromes 3.6 Shooting Ranges	CONSISTENT – The Planning Proposal will ensure that such development does not occur on flood prone land or that suitable environmental protection controls apply where any such development is deemed appropriate.
4. Hazard and Risk 4.1 Acid Sulfate Soils 4.2 Mine Subsidence and Unstable Land 4.3 Flood Prone Land 4.4 Planning for Bushfire Protection	CONSISTENT – The Planning Proposal will not impact any of the matters identified in this Direction.
5. Regional Planning 5.1 Sydney Drinking Water Catchments 5.10 Implementation of Regional Plans	CONSISTENT – It is not considered that there will be any adverse impacts from the proposed development on the water catchment, but this will be confirmed through referral to Water NSW prior to public exhibition of the Planning Proposal.

Section C – Environmental, Social & Economic Impacts

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 Planning Proposal?

The proposed maps will assist in the identification and protection of any flood prone land relevant to future development, thereby avoiding inappropriate development which may impact on the environment.

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

The proposed maps will assist in the identification and protection of any flood prone land relevant to future development, thereby avoiding inappropriate development which may impact on the environment.

9. Has the Planning Proposal adequately addressed any social and economic effects?

The proposed maps will assist in the identification and protection of any flood prone land relevant to future development, thereby avoiding inappropriate development which may impact on the built environment or cause distress and financial costs to property owners affected by flooding.

Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the Planning Proposal?

The proposed maps do not in themselves require infrastructure but will also assist in the future provision of infrastructure to ensure it is appropriately located.

PART 4 – MAPPING

To achieve the intended outcomes of the Planning Proposal the relevant current Flood Planning Area maps will be revoked & new maps adopted.

PART 5 – COMMUNITY CONSULTATION

Community consultation will occur as directed in the Gateway Determination and in accordance with the Department's Guide to preparing LEPs. Council provides at least 28 days of public exhibition which includes, as relevant, notification by letter/email to adjoining property owners and weekly advertising in the Southern Highland News for the duration of the exhibition period. Copies of the Planning Proposal and relevant documentation are provided on Council's website, at the Customer Service Counter at the Civic Centre and at all relevant libraries including Council's Rural Outreach & Delivery Service (ROADS) Mobile Library.

All documentation which accompanies this Planning Proposal will be exhibited. Links to the original flood studies referred to in the reports, located on Council's website, will also be provided.

Prior to community consultation any referrals required by the Gateway Determination will be done. This will include referral to Water NSW.

PART 6 – TIMELINE

It is anticipated that the Planning Proposal will progress in accordance with the following key timeline milestones.

MILESTONE	INDICATIVE DATE
Gateway Determination	June 2018
Agency Consultation	July 2018
Public Exhibition	August 2018
Report to Council on exhibition of Planning Proposal.	September 2018
S. 3.36 Documents to DP&E & PCO.	October 2018
Approximate completion date	October 2018

DELEGATIONS

Council is applying to use its delegations to complete this Proposal. The Department's form *Evaluation Criteria for Delegation of Plan Making Functions* has been attached for consideration.

*****END*****