

Great Lakes Flood Planning Maps - Amendment to Great Lakes LEP 2014

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

Proposal Summary : **The Planning Proposal seeks to amend the Flood Planning Area Maps of the Great Lakes Local Environmental Plan (LEP) 2014. It is proposed to amend the maps to refine the existing flood planning areas and identify additional areas using information from:**

- 1. The First Pass Rural Flood Study**
- 2. The Lower Myall River and Myall Lakes Flood Study**
- 3. The waterRIDE GIS planning tool**

PP Number : **PP_2014_GLAKE_002_00** Dop File No : **14/13306**

Proposal Details

Date Proposal Lodged with DOP : **22-Aug-2014** Date Proposal Uploaded to Public Website : **02-Sep-2014**

Proposal Assessment

Is Public Hearing Required by PAC? **No**

Agencies Requested to Consult : **None**

Gateway Determination

Decision Date : **28-Aug-2014** Gateway Determination : **Passed with Conditions**

Due Date of LEP : **04-Sep-2015**

Implementation

Implementation Start Date : **04-Sep-2014** Exhibition Duration : **40**

Agency consultation consistent with recommendation :

If No, comment : **AGENCY CONSULTATION**

The Gateway required Council to consult with the OEH prior to exhibition in relation to consistency of the proposal and supporting studies with the Floodplain Development Manual 2005. The OEH recommended Clause 7.3 Flood Planning Level definition has been incorporated into the draft LEP and the associated Council DCP, internal mapping and s149 procedures have been amended or updated, consistent with OEH recommendations.

The NSW State Emergency Service did not raise any concerns with the Planning Proposal but did raise concerns with Council associated draft DCP refuge-in_place provisions. Council advises that the refuge-in_place provisions have been removed from the DCP.

No other agency submissions were received by Council.

Agency Objections : **No**

If Yes, comment :

Documentation consistent
with Gateway :

Yes

If No, comment :

PROPOSAL

The Planning Proposal proposes to amend the Flood Planning Area Maps and Clause 7.3 Flood Planning Level definition of the Great Lakes Local Environmental Plan (LEP) 2014. The maps are being amended to refine the existing flood planning areas and identify additional areas using information from The First Pass Rural Flood Study, the Lower Myall River and Myall Lakes Flood Study, and the WaterRIDE GIS planning tool.

GATEWAY DETERMINATION

The Planning Proposal is consistent with the Gateway Determination 25 September 2014.

TIMEFRAME

The timeframe for completing the LEP is 12 months. The Department received Council's request that the planning proposal be finalised on 7 July 2015 and a request for legal drafting was made on 15 July 2015.

The first draft written instrument was sent to Council on 23 September 2015 and Council agreed to drafting on 23 September 2015.

PUBLIC PARTICIPATION

The Planning Proposal was exhibited for a total of 40 days from 22 December 2014 to 30 January 2015.

One submissions was received objecting to the Proposal noting that council was identifying additional flood prone areas to sterilise land and the exhibition was undertaken by stealth, given individual letters were not provided to affected landowners and the exhibition was held over the Christmas New Year period.

Council advises that the identification of land within the Flood Planning Area (FPA) does not prohibit development or sterilise land. Rather it ensures appropriate consideration is given to flooding when development is proposed in these areas. The draft amended DCP provisions placed on exhibition with the Proposal also provide clarity and additional guidance on Council's requirements for subdivision and development in these areas, in a manner considered safe for life and community.

Council extended the 14 day public exhibition required by the Gateway Determination to 40 days to take account of the holiday period. Council also notified the Proposal in all local newspapers in December and January, held public information sessions in Stroud, Nabitac, Tea Gardens, Pacific Palms and Forster, issued media releases and included a notification in the January 2015 Council Communicator sent to 18,376 rate payers.

The concerns raised in this submission are considered to have been adequately addressed by Council in the Planning Proposal.

The Department also received a separate submission concerning a current development application for a proposed motel development on land at Pindimar and requesting that the Department include a savings provision as part of the draft LEP.

Great Lakes Council has advised that neither the flooding nor the flood planning levels applicable to this land have changed as a result of the draft LEP amendment. Council has also confirmed that the subject development application is being assessed against the current and draft planning controls as per the requirements of the Great Lakes LEP 2014 and the Environmental Planning and Assessment Act 1979.

Given these circumstances it is unnecessary and would be superfluous to include a savings provision as part of the subject draft LEP Amendment.

AGENCY SUBMISSIONS

There is no agency objection to the proposal and the final draft LEP accords with the outcome of consultation with agencies.

CHANGES MADE TO THE PLANNING PROPOSAL AFTER EXHIBITION

Other than Parliamentary Counsel drafting amendments, no changes have been made to the aims and intent of the proposal or the area subject to change.

CONSISTENCY WITH STATE POLICIES AND S.117 DIRECTIONS

The Proposal is consistent with applicable State Environmental Planning Policies (SEPPs) and s117 Directions, notably S117 Direction 4.3 Flood Prone Land and SEPP 71 Coastal Protection. It seeks to ensure that the flood planning provisions of the LEP are commensurate with the flood hazard.

CONCLUSION

It is recommended that the Planning Proposal proceed.

LEP Assessment

Date Received from RPA : 14-Jul-2015

LEP Determination

DatePublishNotification

Date sent to Parliamentary Council to Draft LEP :

Determination Date :

Determination Decision :

Notification Date :