

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 Planning Proposal Received :	22-Aug-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 :
Suburb : City : Postcode :
Land Parcel : **LGA wide**

DoP Planning Officer Contact Details

Contact Name : **Dylan Meade**
Contact Number : **0249042718**
Contact Email : **dylan.meade@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Alexander 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 :

Release Area Name :

Regional / Sub
Regional Strategy :

Consistent with Strategy :

MDP Number :

Date of Release :

Area of Release
(Ha) :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 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 notesInternal Supporting
Notes :**The planning proposal was originally received on 7 August 2014. Additional information was requested on 11 August 2014. A revised planning proposal was submitted on 22 August 2014.**External Supporting
Notes :**Adequacy Assessment****Statement of the objectives - s55(2)(a)**Is a statement of the objectives provided? **Yes**

Comment :

The statement of the objectives explains that the planning proposal intends to amend the Flood Planning Maps in accordance with updated flood planning information.**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 explains that the planning proposal will amend the Flood Planning Maps of the Great Lakes LEP 2014.**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 : **4.3 Flood Prone Land**

* 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? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes to undertake community consultation of the planning proposal and the flood studies at the same time. This approach is supported.**

Council has not nominated the proposed length of community consultation. It is recommended that a minimum 14 day community consultation period be required.

Council has not nominated State agencies for consultation. To ensure consistency of the proposed flood planning maps with the NSW Floodplain Development Manual, it is recommended that Council consult the Office of Environment and Heritage.

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 2014 was gazetted in April 2014.

Consistency with strategic planning framework :

MID NORTH COAST REGIONAL STRATEGY (MNCRS)

The planning proposal is considered consistent with the MNCRS. A relevant outcome of the MNCRS is "appropriate planning provisions will be incorporated in local environmental plans consistent with the Floodplain Development Manual and council's risk management plan to minimise the risk from flooding and coastal erosion". The proposal's intent to update the Flood Planning Maps is considered consistent with this outcome. Consistency with the Floodplain Development Manual is discussed below under Section 117 Directions.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

***SEPP 71 - Coastal Protection**

This SEPP is applicable as the land is within the coastal zone. The planning proposal is considered consistent with this SEPP and matters specified under clause 8 of the SEPP, particularly the consideration of likely impact of coastal processes.

The planning proposal is considered consistent with all other relevant SEPPs.

LOCAL PLANNING (SECTION 117) DIRECTIONS

4.3 Flood Prone Land

Clause 8 of the Direction requires that a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005.

The proposal seeks to use a flood planning area based on a 1% AEP event, with a 0.9m Sea Level Rise Event. The use of the 1% AEP event with a 0.9m Sea Level Rise Event is a decision by Council consistent with the NSW State Government policy that sea level rise benchmarks are a matter for local councils to determine. This flood planning level is used as the basis for the flood planning maps in the Great Lakes LEP 2014, and the planning proposal seeks to amend the LEP consistent with existing flood planning provisions.

It is recommended that Council consult the Office of Environment and Heritage (OEH) to ensure the flood studies are consistent with the Floodplain Development Manual 2005, as well as with any subsequent guidance issued.

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 planning proposal was assessed for consistency with the Draft Planning Circular 'Coastal hazard notifications on Section 149 planning certificates' exhibited from 30 January 2014. The existing Maps and Clause 7.3 Flood Planning in Great Lakes LEP 2014 do not distinguish between current and future risk with the flood planning area referring to '1% AEP event with a 0.9m Sea Level Rise Event'. However, the draft Planning Circular only requires notations on Section 149 Planning Certificates to be consistent with this policy, and does not apply to planning proposals.

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 available.

Environmental social economic impacts :

ENVIRONMENTAL

The proposal is considered to have no environmental impacts.

SOCIAL AND ECONOMIC

It is considered that updating flood planning areas will result in long term financial

benefits by identifying areas and development at risk.

Assessment Process

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

Timeframe to make LEP : **9 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
2014-08-26 Updated Copy of Planning proposal Amendment to Flood Planning Maps of Great Lakes Local Environmental Plan 2014 August 2014.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **4.3 Flood Prone Land**

Additional Information : **The planning proposal should proceed subject to the following conditions:**

- 1. Council is to place the draft Flood Planning Maps and supporting studies on public exhibition with the planning proposal.**
- 2. Prior to undertaking public exhibition, Council is to update the planning proposal to include a project timeline, consistent with Section 2.6 Part 6 of A Guide to Preparing Planning Proposals. The project timeline is to provide a mechanism to monitor the progress of the planning proposal.**

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

3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

(a) the planning proposal must be made publicly available for a minimum of 14 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 and Environment 2013).

4. Consultation is required with Office of Environment and Heritage under section 56(2)(d) of the Act. The public authority is to be provided with a copy of the planning proposal and any relevant supporting material, including supporting flood studies, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the 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).

6. The timeframe for completing the Local Environmental Plan is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal is supported as the amended flood planning maps will provide more refined flood planning information for the Great Lakes LGA.

Signature:



Printed Name:

KOFLAHERTY

Date:

28-8-2014