

Revised Gateway Planning Team Report – Removal of Flood Mapping – Wyong LEP 2013

Proposal Details

Date original planning proposal received: 4 February 2014

Date original gateway issued: 24 February 2014

Date revised gateway request received: 21 May 2014

Summary:

Council initially submitted a planning proposal (PP) to the Department which proposed to update the flood planning maps in Wyong LEP 2014 to reflect updated flood studies and Council's current flood policy. After a Gateway determination was issued, Council further considered the need for flood planning maps in its LEP.

This revised PP proposes to remove the flood planning maps from Wyong LEP 2013 and amend the relevant flood planning clauses to reflect this change.

Inclusion of flood planning maps in standard instrument LEPs is not mandatory. In the Hunter and Central Coast region Cessnock, Gosford, Greater Taree and the Upper Hunter LEPs have flood clauses but no flood planning maps.

LGA: Wyong

RPA: Wyong Shire Council

State Electorates: Lake Macquarie, Swansea, The Entrance, Wyong.

LEP Type: Policy

Location details: The PP applies to the whole of the Wyong Local Government Area.

RPA contact details:

Rod Mergan
0243485003
wsc@wyong.nsw.gov.au

Adequacy Assessment

Statement of objectives – s55(2)(a)

The statement of objectives provided is generally consistent with the Department's "A guide to preparing planning proposals".

Explanation of provisions – s55(2)(b)

The explanation of provisions provided is consistent with the Department's "A guide to preparing planning proposals".

Justification – s55(2)(c)

Council's Settlement Strategy was conditionally endorsed by the Director General on 17 September 2013.

The PP is consistent with the Standard Instrument (LEPs) Order 2006.

s117 directions identified by RPA:

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 2.1 Environmental Protection Zones
- 2.2 Coastal Protection
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 4.2 Mine Subsidence and Unstable Land
- 4.3 Flood Prone Land
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements

The PP is consistent with all relevant s117 directions.

The PP is consistent with State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes) 2008. No other SEPPs apply to the PP.

Mapping Provided – s55(2)(e)

The PP proposes the removal of flood planning maps.

Community Consultation – s55(2)(e)

The Department supports the period of 28 days community consultation proposed.

Overall adequacy of the Planning Proposal

The PP meets all relevant adequacy criteria.

Proposal Assessment**Need for the Planning Proposal**

Council is continually undertaking flood planning studies which alter flood planning levels based on the best currently available information. Changing the flood planning maps in the LEP to reflect this updated information currently requires a PP. Rather than submitting PPs each time updated flooding information becomes available, Council proposes to remove the maps. A PP is the only way to facilitate this request.

Consistency with Strategic Planning Framework**Central Coast Regional Strategy (CCRS)**

The PP is generally consistent with the CCRS which requires councils to prepare floodplain management plans and consider them in planning decisions. By removing the maps Council can ensure it is always considering the most up to date flood planning data without the need to review its LEP.

Local Strategies

Council has identified that the PP is consistent with relevant local strategies.

Environmental and Social Impacts

The PP has minimal environmental impacts. The aim is to allow for the most up to date flood planning information to be considered at the development application stage as new flooding studies are conducted. As the current method of updating the flood mapping as part of a PP is time consuming, with the potential for development applications being assessed against known out of date data, there is a benefit in allowing for up-to-date information to be used.

Assessment Process

Timeframe to make LEP: 6 months

Community Consultation Period: 28 days

Delegation: RPA

Consultation Should be undertaken with OEH.

No Public Hearing is required.

The matter should proceed to gateway.

Planning Team Recommendation

Preparation of the Planning Proposal is supported subject to the following conditions.

1. 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 **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 and Infrastructure 2013)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant s117 Directions:
 - Office of Environment and Heritage
3. 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).
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Signature:



Printed Name:

GARRY HOPKINS

Date:

20 June 2017