

Amendment to Flood Mapping - Wyong LEP 2013

Proposal Title : **Amendment to Flood Mapping - Wyong LEP 2013**

Proposal Summary : **The planning proposal will revise the current flood mapping contained within Wyong LEP 2013.**

PP Number : **PP_2014_WYONG_001_00**

Dop File No : **14/01427**

Proposal Details

Date Planning
Proposal Received : **04-Feb-2014**

LGA covered : **Wyong**

Region : **Hunter**

RPA : **Wyong Shire Council**

State Electorate : **LAKE MACQUARIE
SWANSEA
TERRIGAL
THE ENTRANCE
WYONG**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Policy**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **Flood prone land**

DoP Planning Officer Contact Details

Contact Name : **Ben Jones**

Contact Number : **0243485003**

Contact Email : **ben.jones@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Rod Mergan**

Contact Number : **0243505560**

Contact Email : **wsc@wyong.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Central Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
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 notes

Internal Supporting Notes :

External Supporting Notes : **The planning proposal (PP) will replace the flood maps in Wyong LEP 2013 to reflect updated flood studies and Council's current flood policy.**

Council has also requested amendment of clause 7.2 Flood planning in Wyong LEP 2013 so the clause will apply to areas mapped on Council's flood maps and to other areas at or below the flood planning level. This will correct an error introduced during drafting.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives should be updated to identify the requested amendment to clause 7.2 Flood planning in Wyong LEP 2013.**

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

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions should be updated to identify the requested amendment to clause 7.2 Flood planning in Wyong LEP 2013.**

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

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

1.2 Rural Zones

* May need the Director General's agreement

1.5 Rural Lands

2.1 Environment 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

6.3 Site Specific Provisions

Is the Director General's agreement required? **Unknown**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 60—Exempt and Complying Development

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

Council should consult with the Office of Environment and Heritage and then update consideration of 117 directions 2.2 Coastal Protection and 4.3 Flood Prone Land and seek the DG's agreement to any inconsistencies if required.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Hardcopy maps included in the PP are not in sufficient detail to identify which lots are affected by the proposed changes. Greater detail maps should be provided for public exhibition. Council needs to refer to the Standard Technical Requirements for LEP maps to ensure the conventions for map amendments are followed. Exhibition of the current flood mapping is advised to aid comparison and identification of the proposed changes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

A period of 28 days community consultation has been proposed and is supported.

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 :

Comments in
relation to Principal
LEP :

Assessment Criteria

Need for planning
proposal :

The need for the proposal is to reflect recently completed flood studies in the Wyong River and Ourimbah Creek catchments and to update maps to reflect Council's sea level rise policy which was revised as the 2009 Sea Level Rise Policy Statement is no longer Government policy. The extent of the changes are Shire wide affecting the extent of mapped flood prone areas.

The PP will also update clause 7.2 of WLEP 2013 to correct a drafting error.

Consistency with
strategic planning
framework :

Central Coast Regional Strategy (CCRS)

The PP is generally consistent with the Central Coast Regional Strategy which requires councils to prepare floodplain management plans and consider them in planning decisions. Outcome 7.3 of the strategy directs council to "...undertake investigations of lands with the potential to be affected by sea level rise...".

As the NSW Government Sea Level Rise Policy Statement (2009) is no longer NSW Government policy, Council's are now encouraged to adopt sea level rise projections relevant to their local area. Following adoption of new Council policy in relation to sea level rise, Council has submitted this PP to refine the areas that have the potential to be affected by rises in sea level to include lands within the 1% AEP + 500mm freeboard. The inclusion of the probable maximum flood levels with a supporting LEP clause further reduces the risk to private and public assets by ensuring that the effects of flooding on high risk or sensitive land uses are considered.

Local Strategies

Council has identified that this PP is consistent with its Strategic/ Annual Plan as well as its Settlement Strategy.

State Environmental Planning Policies (SEPP)

SEPP (Exempt and Complying Development Codes) 2008

The PP does not include any specific provisions relating to exempt and complying development and does not propose any changes to the provisions relating to flood prone land in the Shire. The number and location of "flood control lots" (as referred to under the SEPP) will vary, and the Codes SEPP will therefore apply differently than at present, however the PP is consistent with the SEPP.

S117 Directions

Council should review consistency with directions 2.2 and 4.3 following consultation with OEH and seek the Director-General's agreement to any inconsistencies, if required.

The PP is otherwise consistent with all relevant S 117 Directions.

Environmental social
economic impacts :

The PP has minimal environmental impacts and does not propose any new conditions on development of flood prone areas. The proposal will affect the location and extent of land within flood prone areas, and as such Council should consider appropriate means of communicating these changes to the community, so that the impacts of the proposal are

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fully understood. The provision of quality exhibition material including before and after flooding maps and explanations of the rationale of the changes are recommended.

Assessment Process

Proposal type : Community Consultation 28 Days
Period :

Timeframe to make 6 months
LEP : Delegation : RPA

Public Authority Office of Environment and Heritage
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
Council Report - Revision of Wyong LEP 2013 - Revision of Flood Planning Mapping.pdf	Proposal	Yes
Council Resolution- Flood Mapping - RZ-4-2013.pdf	Proposal	Yes
Planning Proposal- Flood Mapping - Wyong LEP 2013.pdf	Proposal	Yes
LEP 2013 Revised Flood Map_002.pdf	Map	No
LEP 2013 Revised Flood Map_003.pdf	Map	No
LEP 2013 Revised Flood Map_004.pdf	Map	No
LEP 2013 Revised Flood Map_005.pdf	Map	No
LEP 2013 Revised Flood Map_006.pdf	Map	No
LEP 2013 Revised Flood Map_007.pdf	Map	No
LEP 2013 Revised Flood Map_007A.pdf	Map	No
LEP 2013 Revised Flood Map_007B.pdf	Map	No
LEP 2013 Revised Flood Map_008.pdf	Map	No
LEP 2013 Revised Flood Map_009.pdf	Map	No
LEP 2013 Revised Flood Map_010.pdf	Map	No
LEP 2013 Revised Flood Map_011.pdf	Map	No
LEP 2013 Revised Flood Map_012.pdf	Map	No
LEP 2013 Revised Flood Map_013.pdf	Map	No

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LEP 2013 Revised Flood Map_014.pdf	Map	No
LEP 2013 Revised Flood Map_015.pdf	Map	No
LEP 2013 Revised Flood Map_016.pdf	Map	No
LEP 2013 Revised Flood Map_017.pdf	Map	No
LEP 2013 Revised Flood Map_018.pdf	Map	No
LEP 2013 Revised Flood Map_019.pdf	Map	No
LEP 2013 Revised Flood Map_020.pdf	Map	No
LEP 2013 Revised Flood Map_021.pdf	Map	No
LEP 2013 Revised Flood Map_022.pdf	Map	No
2014 02 04 WSC to DP&I requesting amendment to cl.7.2 re unmapped flood planning area.pdf	Proposal	Yes

Planning Team Recommendation

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

- S.117 directions:
- 1.1 Business and Industrial Zones
 - 1.2 Rural Zones
 - 1.5 Rural Lands
 - 2.1 Environment 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
 - 6.3 Site Specific Provisions

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

1. Prior to commencing public exhibition, Council is to:
 - update the Statement of Objectives and Explanation of Provisions to reflect Council's request to update clause 7.2 Flood Planning;
 - update draft maps to be consistent with the Standard Technical Requirements for LEP maps with particular reference to the naming conventions;
 - ensure hardcopy maps are in sufficient detail to clearly identify the land affected by the planning proposal;
 - exhibit both current and proposed new maps to aid comparison and identification of the proposed changes.
2. Prior to undertaking public exhibition, Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with s117 Directions:
 - 2.2 Coastal Protection and
 - 4.3 Flood Prone Land.
3. 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 (2.2 Coastal Protection and 4.3 Flood Prone Land)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal. Once the consultation is undertaken with the public authorities, and information is provided, Council is to update its consideration of S117 Directions.
4. 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

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(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).

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 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).

6. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Supporting Reasons : *

Signature:



Printed Name:

BNOPKINS

Date:

24.2.2014