



Wyong
Shire
Council
CENTRAL COAST

Planning Proposal

Planning Proposal – Amendment to Flood Mapping - Wyong LEP 2013

January 2014

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Part 1 Objectives or Intended Outcomes

To enable the revision of the Wyong Local Environmental Plan (LEP) 2013 Flood Planning Map to reflect recent updates to Council's Flood Mapping.

Part 2 Explanation of Provisions

Amendment of Wyong LEP 2013 Flood Planning Map in accordance with the proposed mapping shown in Annexure A.

The revised mapping extends to the 1% AEP flood + 500mm freeboard, consistent with the definition of flood planning level under Wyong LEP 2013 and inclusive of mapping for areas where Council has determined its own projections for the impacts of climate change where completed. The mapping also indicates the extent of the Probable Maximum Flood (PMF) which is used in the assessment of the location of sensitive land uses such as nursing homes.

The significant changes to the existing flood planning map are:

- the inclusion of land identified as susceptible to flood in the Wyong River and Ourimbah Creek Catchments
- a reduction of land identified as susceptible to flood within the Tuggerah Lakes Foreshore Catchment

Part 3 Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any Strategic Study or report?

With regard to Lower Wyong and Ourimbah Creek Catchments, the new mapping is a result of flood studies developed in accordance with the requirements of the NSW Government Floodplain Development Manual.

With regard to the Tuggerah Lakes Foreshore Catchment the changes to flood mapping relate to the repeal in 2012 of the *NSW Government Sea Level Rise Policy Statement (2009)*. This policy required the consideration of sea level rise planning benchmarks when undertaking coastal and flood hazard assessments in accordance with the Coastal Management and Floodplain Development Manuals.

The *NSW Government Environment and Heritage Website (November 2013)* states:

As part of its stage one coastal management reforms, the NSW Government announced that councils would have the flexibility to determine their own sea level rise projections to suit their local conditions - the Government would no longer prescribe state-wide sea level rise projections for use by councils.

The 2009 NSW Sea Level Rise Policy Statement is no longer NSW Government policy.

The Office of Environment and Heritage has released guidelines on incorporating sea level rise into flood risk (Flood Risk Management Guide) and coastal hazard assessment (Coastal Risk Management Guide).

These documents will be revised as part of the reform process. In the interim, reference to the NSW sea level rise planning benchmarks in these documents should be taken as referring to council's adopted sea level rise projections.

Pursuant to this information and following the submission and review of a Council Report "Consideration of Freeboard and Sea Level Rise Planning Levels" 24 July 2013 Council Resolved:

- 987/13 *That Council reaffirm its current sea level rise policy consisting of compliance with the 1% AEP flood level and 500mm freeboard allowance.*
- 988/13 *That Council review the current draft LEP and DCP in line with this policy.*
- 989/13 *That Council note that in accordance with the advice provided by the NSW Department of Environment & Heritage on its website, reference to the NSW sea level rise planning benchmarks in guidelines and documents should be taken as referring to Council's adopted sea level rise policy.*

Wyong LEP 2013 was publically exhibited 9 January to 20 February 2013. The mapping exhibited with Wyong LEP 2013 was consistent with the *NSW Government Sea Level Rise Policy Statement (2009)*. New mapping for the Tuggerah Lakes Foreshore Catchment has now been prepared pursuant to the Council Resolution mentioned above.

Flood Studies and Flood Risk Management Plans (FRMPs) produced by Council will now progressively be revised to be consistent with the current NSW State Government policy with local conditions to be considered in the consideration of sea level rise and other climate change impacts as required. An example is the adopted Porter's Creek FRMP where the potential impact of an increase in peak rainfall intensity in this specific area has been considered in the development of the plan.

In the interim, for areas where Council is yet to develop appropriate plans that consider sea level rise and other climate change impacts, development proposals will be assessed considering the best current information available along with the provisions of Council's Floodplain Management Development Control Plan as required under Section 79 C of the Environmental Planning and Assessment Act (1979).

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The proposal involves the replacement of the current flood maps held within Wyong LEP 2013 which can only be revised via an amending LEP.

Council is proposing to undertake a consolidated review of Wyong LEP 2013 which will bundle issues deferred or identified since the exhibition of Wyong LEP 2013. It is considered appropriate that the flood mapping issue be dealt with in isolation to avoid any delay in implementation.

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?*

Central Coast Regional Strategy

With regard to LEP preparation the CCRS states the following:

Councils must incorporate processes and planning provisions in LEPs consistent with the Floodplain Development Manual, including preparation of floodplain management plans. These policies and resulting development controls for flood prone land must also be considered as part of the development assessment process.

The CCRS provides the following advice with regard to the preparation of FRMPs:

The Central Coast Regional Strategy recognises that some areas may be subject to the effects of natural hazards such as flooding, coastal inundation and recession which are closely linked to the coastline, estuaries and foreshore areas of coastal lakes. These areas are also subject to some of the Region's greatest development pressures. Existing and future development within the Region faces varying degrees of risk from natural hazards.

Preparation and future reviews of floodplain and coastline management plans must consider the potential for these risks to increase as a result of climate change, including sea level rise.

The CCRS states the following actions that must occur:

7.1 - Councils are to prepare (or update) floodplain, estuary and coastal zone management plans in order to reduce risks from natural hazards. These plans must be completed and considered in planning decisions made within the areas that they apply to.

7.3 - In order to manage the risks associated with climate change, councils will undertake investigations of lands with the potential to be affected by sea level rise and inundation to ensure that risks to public and private assets are minimised.

Council Action

Since the release of the CCRS, the repeal of the NSW Sea Level Rise Policy Statement moved the responsibility of sea level rise projections from the NSW State Government to Councils. As stated above Council will continue to develop FRMPs considering local conditions and amending mapping and development controls as required.

4. *Is the planning proposal consistent with a Council's local strategy, or other local strategic plan?*

Wyong Shire Council Strategic/ Annual Plan

Wyong Shire Council Strategic Plan 2013-17 was adopted 10 April 2013. The Annual Plan and 4 Year Delivery Plan are Council's short to medium term plans that sit within the Strategic Plan and outline the strategic role that Council will play in delivering the community's strategic vision. Council has 12 Principal Activities, each activity provides a set of services to the community and the Delivery Plan and Annual Plan show the net cost of each service.

The following lists the 12 Principal Activities, identifies any relevant service, and relationship to the proposal.

Principal Activity	Relationship to Proposal
Principal Activity 1 - <i>Community and Education: information, places and spaces for people to participate, learn and contribute to their local neighbourhood to improve their quality of life.</i>	More accurate flooding information ensures that facilities are appropriately located.
Principal Activity 2 - <i>Community Recreation: planning, promotion and operation of sport and recreation facilities, including maintenance of natural areas and open spaces such as beaches, lake foreshores and parks.</i>	More accurate flooding information ensures that facilities are appropriately located.
Principal Activity 3 - <i>Economic and Property Development: strengthening the economic base of the Shire by promoting economic development as well as the creation of employment opportunities, identifying and developing sustainable income strategies for Council, and providing property related services to the organisation.</i>	More accurate flooding information ensures that facilities are appropriately located and provides greater certainty for proponents.
Principal Activity 4 - <i>Council Enterprises: operation of care and education facilities, that provide long day care and education for 0-6 year olds, and holiday parks which significantly contribute to the local tourism industry and provide a funding stream for works on surrounding Crown Reserves.</i>	More accurate flooding information ensures that facilities are appropriately located and provides greater certainty for proponents.
Principal Activity 5 - <i>Regulatory: ensuring compliance with statutory requirements across a wide range of regulatory responsibilities, including the management of Council's animal care facility.</i>	Nil

Principal Activity	Relationship to Proposal
Principal Activity 6 - Environment and Land use: enhancing the natural and built environment on both private and public land through waterway improvements, strategic planning and policies, as well as controls over land use.	More accurate flooding information for planning and assessment purposes.
Principal Activity 7 - Waste Management: providing safe, reliable and environmentally responsible waste collection, recycling and disposal services to help reduce the Shire's environmental footprint and provide waste management and soil processing facilities.	Accurate information ensuring suitable location for reliable service.
Principal Activity 8 - Roads: providing and maintaining roads (excluding Roads and Maritime Services roads), bridges, footpaths, shared pathways, bus shelters and traffic management to help ensure ease of travel and environmental responsibility.	Accurate information ensuring suitable location for reliable service.
Principal Activity 9 - Stormwater: providing safe and reliable collection, transmission, treatment and discharge facilities for stormwater.	Accurate information ensuring suitable location for reliable service.
Principal Activity 10 - Sewerage Services: providing safe and reliable collection, storage, treatment and disposal facilities for sewage.	Accurate information ensuring suitable location for reliable service.
Principal Activity 11 - Water Supply: providing safe and reliable water services including the collection, storage, transportation, treatment and distribution of water.	Accurate information ensuring suitable location for reliable service.
Principal Activity 12 - Administration (Shared Services): corporate-wide internal services including the governance and statutory compliance of finance, human resources and corporate information.	Nil

Draft Settlement Strategy

Council's Settlement Strategy (2013) identifies the following "Key Planning Considerations for flooding":

- _ All planning and development to comply with the appropriate Floodplain Risk Management Plan for that area. Rezoning of areas should not occur until detailed flood hazard mapping and development of Floodplain Risk Management Plans has occurred. This will include the impacts of climate change.*
- _ If a Floodplain Risk Management Plan has not been adopted for an area, investigations must be made to determine the flood hazard and appropriate flood planning areas including climate change.*
- _ Master planning for flood prone areas to demonstrate compliance with ESD principles and consideration of climate change impacts including future flooding constraints.*
- _ All critical emergency response and recovery facilities and infrastructure, as well as developments vulnerable to emergency response, to consider the Probable Maximum Flood (PMF) level for planning and development purposes.*

Council has a Floodplain Management Program, which aims to help manage flood prone land in a sustainable manner consistent with the flood hazard. As part of this program, Council is progressively undertaking Floodplain Risk Management studies and plans for each catchment to help protect residents and existing developments from flood damage, and minimise flood risks to future developments. These plans detail a wide range of structural and non-structural measures that can be used to help protect against flooding.

These studies are to be carried out in accordance with the NSW Floodplain Development Manual, and involve input from the local community, relevant industry and Government bodies, and Council. The plans are implemented once adopted by Council and the Wyong LEP 2013 Flood Maps will be updated as required.

5. Is the planning proposal consistent with applicable state environmental planning policies?

SEPP	Consistency
SEPP (Exempt and Complying Development Codes) 2008	The Planning Proposal does not include any specific provisions relating to Exempt and Complying Development, nor does it contradict or repeat any provisions in the SEPP (Exempt and Complying Development Codes) 2008.

6. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

The proposal has been considered against the relevant Ministerial Section 117 Directions and is considered to be consistent with the relevant Directions as summarised below.

Number	Direction	Applicable	Consistent
Employment & Resources			
1.1	Business & Industrial Zones	Yes	Yes
1.2	Rural Zones	Yes	Yes
1.3	Mining, Petroleum Production and Extractive Industries	No	NA
1.4	Oyster Aquaculture	No	NA
1.5	Rural Lands	Yes	Yes
Environment & Heritage			
2.1	Environmental Protection Zones	Yes	Yes
2.2	Coastal Protection	Yes	Yes
2.3	Heritage Conservation	No	NA
2.4	Recreation Vehicle Areas	No	NA
Housing, Infrastructure & Urban Development			
3.1	Residential Zones	Yes	Yes
3.2	Caravan Parks and Manufactured Home Estates	Yes	Yes
3.3	Home Occupations	No	NA
3.4	Integrating Land Use & Transport	No	NA
3.5	Development Near Licensed Aerodromes	No	NA
3.6	Shooting Ranges	No	NA
Hazard & Risk			
4.1	Acid Sulfate Soils	No	NA
4.2	Mine Subsidence and Unstable Land	Yes	Yes
4.3	Flood Prone Land	Yes	Yes
4.4	Planning for Bushfire Protection	No	NA
Regional Planning			
5.1	Implementation of Regional Strategies	Yes	Yes
5.2	Sydney Drinking Water Catchments	No	NA
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	NA
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No	NA
5.5 to 5.7	Revoked	No	NA
5.8	Second Sydney Airport: Badgerys Creek	No	NA
Local Plan Making			
6.1	Approval and Referral Requirements	Yes	Yes

6.2	Reserving Land for Public Purposes	No	NA
6.3	Site Specific Provisions	Yes	Yes
Metropolitan Planning			
7.1	Implementation of the Metropolitan Strategy	No	NA

Ministerial Directions under s.117 of the Act relevant to the planning proposal are addressed below,

Ministerial Direction	Consistency
1.1 Business & Industrial Zones Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic corridors. Applies when a planning proposal affects land within an existing or proposed business or industrial zone. The new mapping will update Council's Flood mapping and subsequently alter land to which flood related development controls apply.	The new mapping will update Council's Flood mapping and subsequently alter land to which flood related development controls apply. The proposal involves the introduction of the latest information that Council has available on the impacts of flooding. The implementation of this information ensures that development is - not located where inappropriate due to flooding constraints, - not constrained by inaccurate mapping where appropriate on the floodplain -subject to appropriate controls only The Direction requires that a Planning Proposal does not reduce the total potential floor space area for employment uses and related public services in business zones or industrial zones. The new mapping will generally increase potential floor space in business and industrial zones.
1.2 Rural Zones Aims to protect the agricultural production value of rural land. <i>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).</i> (4) A planning proposal must: (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town).	The Planning Proposal affects rural zones but does not rezone land or alter permissible residential densities.

2.1 Environmental Protection Zones The objective of this direction is to protect and conserve environmentally sensitive areas.	The new mapping will update Council's Flood mapping and subsequently alter land to which flood related development controls apply across all zones within the Shire and will not alter the provisions that protect environmentally sensitive areas.
2.2 Coastal Protection Aims to implement the principles in the NSW Coastal Policy. Applies when a planning proposal applies to land in the coastal zone as defined in the Coastal Protection Act 1979.	The new mapping will update Council's Flood mapping and subsequently alter land to which flood related development controls apply across all zones within the Shire and will not alter other provisions.
3.1 Residential Zones Aims to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environmental and resource lands. Applies when a planning proposal affects land within an existing or proposed residential zone, and any other zone in which significant residential development is permitted or proposed to be permitted.	The new mapping will update Council's Flood mapping and subsequently alter land to which flood related development controls apply. The implementation of this information ensures that development is: - not located where inappropriate due to flooding constraints, - not constrained by inaccurate mapping where considered appropriate on the floodplain -subject to appropriate controls only
3.2 Caravan Parks and Manufactured Home Estates Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates. Applies when the relevant planning authority prepares a planning proposal.	The new mapping will update Council's Flood mapping and subsequently alter land to which flood related development controls apply across all zones within the Shire
4.2 Mine Subsidence and Unstable Land Aims to prevent damage to life, property and the environmental on land identified as unstable or potentially subject to mine subsidence. Applies when a planning proposal permits development on land which is within a mine	Parts of Wyong Shire that are Mines Subsidence Districts are also areas where flood related development controls apply. Allowance for the consideration of subsidence impacts are made in DCP 2013 Ch 3.3 Floodplain Management.

subsidence district, or identified as unstable in a study or assessment undertaken by or on behalf of the relevant planning authority or other public authority and provided to the relevant planning authority.	
4.3 Flood Prone Land Aims to ensure: development on flood prone land is consistent with NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005; and provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land. Applies when a planning proposal creates, removes or alters a zone or provision that affects flood prone land.	As stated above the mapping has been produced to be consistent with the requirements of the Floodplain Development Manual as amended. The mapping is consistent with the Guideline on Development Controls on Low Flood Risk Areas.
5.1 Implementation of Regional Strategies The objective of this direction is to ensure draft LEPs are consistent with regional strategies such as the Central Coast Regional Strategy.	The planning proposal is considered to be consistent with the Central Coast Regional Strategy (see above).
6.1 Approval and Referral Requirements Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The planning proposal will not seek to include additional provisions which require concurrence from other agencies.
6.3 Site Specific Provisions Aims to discourage unnecessarily restrictive site specific planning controls. Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.	The proposal is inherently about site specific provisions. The restrictions are considered necessary to permit appropriate development on the floodplain.

Section C – Environmental, Social and Economic Impact

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 proposal?*

The new mapping will update Council's Flood Mapping and subsequently amend where flood related development controls apply across the Shire.

The proposal does not impact on critical habitat or threatened species, populations or ecological communities or their habitats.

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

The proposal involves the introduction of new mapping to ensure the environmental impacts of flooding are managed based on the latest information available.

9. *How has the planning proposal adequately addressed any social and economic effects?*

The proposal involves the introduction of the latest information that Council has available on the impacts of flooding. The implementation of this information ensures that development is:

- not located where inappropriate due to flooding constraints,
- not constrained by inaccurate mapping
- located where appropriate on the floodplain
- subject to appropriate controls only

Section D – State and Commonwealth Interests

10. *Is there adequate public infrastructure for the planning proposal?*

N/A

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?*

To be completed prior to exhibition

Part 4 Mapping

Proposed LEP Flood Maps are attached as Annexure 1.

Part 5 Community Consultation

It is recommended that the proposal be publicly exhibited for a period of 28 days.

Notification of the public exhibition is recommended to be placed in the Central Coast Express Advocate and written notification sent to owners adjacent to the site. Notices will be placed on Council's website and a link attached to Council's new ePanel initiative.

The Planning Proposal, Gateway Determination, and supporting studies will be made available on Council's website, at Council's Administration Building in Hely Street Wyong.

A public hearing is considered unlikely to be necessary.

Part 6 Project Timeline

Council Endorsement	Nov13
Gateway Referral	Jan 13
Gateway Determination	Feb 14
Forwarding of PP to Govt. Depts. (prior to ex.)	Feb 14
Responses from Govt. Agencies reviewed – PP	Mar 14
Completion of Exhibition Material	Apr 14
Exhibition	Apr 14
Consideration of Submissions	Apr 14
Report to Council	May 14
PC Consultation	May 14
Notification and Effect	Jun 14

Attachments and Supporting Documentation

Document	Attached
1. Proposed Amendment to Wyong LEP 2013 Flood Maps	Yes
2. Council Report and Resolution	Yes