

**10.4 AMENDMENTS TO MAITLAND LOCAL ENVIRONMENTAL PLAN 2011
FLOOD PLANNING MAPS & AMENDMENTS TO MAITLAND CITYWIDE
DEVELOPMENT CONTROL PLAN 2011 CHAPTER - HUNTER RIVER
FLOODPLAIN MANAGEMENT**

File No: RZ13007 & 103/64

Attachments: 1. Planning Proposal
2. DCP Amendment Plans (under separate cover)

Responsible Officer: Bernie Mortomore - Executive Manager Planning, Environment and Lifestyle
David Simm - Manager Development & Environment
Ian Shillington - Manager Urban Growth

Author: Josh Ford - Strategic Town Planner
Stephen Punch - Principal Planner

Maitland +10 Outcome 9. Our local rivers and floodplains

Council Objective: 9.2.1 To increase activity and utilisation of the floodplain, consistent with the flood risk

EXECUTIVE SUMMARY

A planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979, for proposed amendments to all Flood Planning Maps (FPMs) contained in the Maitland Local Environmental Plan 2011 (MLEP 2011). The need for the planning proposal is the result of inconsistencies between the Flood Planning Levels (FPLs) contained within the MLEP 2011 and the Hunter River: Branxton to Green Rocks Flood Study 2010 (herein referred to as the Flood Study 2010).

A Floodplain Risk Management Study has been prepared by WMA Water and presented to Council's Floodplain Management Committee for comment. Some of the key recommendations of that Study involved changes to the MLEP 2011 FPMs and Maitland Citywide Development Control Plan 2011 (MDCP 2011) chapter Hunter River Floodplain Management. Given that Council has been requested to exhibit the draft Floodplain Risk Management Plan under this same agenda, it is timely to seek Council's endorsement to exhibit the proposed amendments to both the MLEP 2011 and MDCP 2011.

The planning proposal applies to all land within the Maitland LGA that is within the 1:100 Average Recurrence Interval (ARI) flood extent defined in the 2010 Flood Study (plus 0.5m freeboard). The MLEP 2011 FPMs will be updated to reflect this flood extent, so as to be consistent with the definition of FPL included under Clause 7.3 (5) of the MLEP 2011, being a 1:100 ARI plus 0.5m freeboard. It should be noted that Clause 7.3(5) of the MLEP 2011 is a "Model Local Provision" administered in accordance with the provisions of the Standard Instrument LEP implemented statewide by the NSW Department of Planning and Environment.

OFFICER'S RECOMMENDATION**THAT**

1. Pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, the planning proposal be submitted to the Department of Planning & Environment for a Gateway Determination.
2. Following receipt of the Gateway Determination, the planning proposal be exhibited concurrently with (i) the proposed amendments to MDCP 2011 chapter Hunter River Floodplain Management; and (ii) the draft Floodplain Risk Management Plan for a minimum period of fifty-six (56) days.
3. A further report be presented to Council following the public exhibition period, to demonstrate compliance with the Gateway Determination and to provide details of any submissions received throughout that process relating to the planning proposal and proposed DCP amendments.
4. A separate report be presented to Council following the public exhibition period, to respond solely to any submissions raised in relation to the draft Floodplain Risk Management Plan, as noted in the earlier agenda item.

COUNCIL RESOLUTION**THAT**

1. Pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, the planning proposal be submitted to the Department of Planning & Environment for a Gateway Determination.
2. Following receipt of the Gateway Determination, the planning proposal be exhibited concurrently with (i) the proposed amendments to MDCP 2011 chapter Hunter River Floodplain Management; and (ii) the draft Floodplain Risk Management Plan for a minimum period of fifty-six (56) days.
3. A further report be presented to Council following the public exhibition period, to demonstrate compliance with the Gateway Determination and to provide details of any submissions received throughout that process relating to the planning proposal and proposed DCP amendments.
4. A separate report be presented to Council following the public exhibition period, to respond solely to any submissions raised in relation to the draft Floodplain Risk Management Plan, as noted in the earlier agenda item.

Moved Cllr A Humphery, Seconded Cllr B Geoghegan

CARRIED

The Mayor in accordance with Section 375A of the Local Government Act 1993 called for a division.

The division resulted in 13 for and 0 against, as follows:

For:	Clr R Aitchison	Against:
	Clr L Baker	
	Clr P Blackmore	
	Clr B Burke	
	Clr P Garnham	
	Clr B Geoghegan	
	Clr A Humphery	
	Clr H Meskauskas	
	Clr N Penfold	
	Clr P Penfold	
	Clr S Procter	
	Clr K Wethered	
	Clr B Whiting	

10.5 DRAFT HUNTER RIVER FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN - PUBLIC EXHIBITION

File No:	103/64
Attachments:	1. Draft Hunter River Floodplain Risk Management Study & Plan (under separate cover)
Responsible Officer:	Bernie Mortomore - Executive Manager Planning, Environment and Lifestyle
Author:	Ian Shillington - Manager Urban Growth
Maitland +10	Outcome 9. Our local rivers and floodplains
Council Objective:	9.1.1 To continue to strengthen partnerships with NSW Office of Environment and Heritage, Catchment Management Authority (CMA) and property owners relating to our river systems

EXECUTIVE SUMMARY

The draft Floodplain Risk Management Study and Plan has recently been completed. The Hunter River Floodplain Risk Management Study and Plan constitutes the second and third stages of the management process for the Maitland Local Government Area (LGA), from the upstream extent of the LGA boundary to Green Rocks. The study is focused on Hunter River floods rather than local catchment flooding and overland flows and provides the strategic framework for the management of the floodplain in the City. This includes flood mitigation works to protect existing development, use of Local Environmental Plans and planning policies to ensure new development is compatible with the flood hazard, in addition to consideration of potential improved flood evacuation options for Central Maitland and Lorn. The draft Study and Plan complies with the NSW Floodplain Development Manual. Information on the proposed public exhibition process is also included in the report. The Flood Management Committee has considered the draft Study and Plan at its meeting on 2 May 2014 and has recommended that Council exhibit the Study and Plan for public comment.

OFFICER'S RECOMMENDATION**THAT**

- 1. That the Council endorse the revised draft Floodplain Risk Management Study and Plan (March 2014 version) for public exhibition for 56 days.**
- 2. That the Council endorse the proposed consultation approach for the public exhibition period, as outlined in this report.**
- 3. A further report be presented to Council following the public exhibition period, to provide details of any submissions received throughout that process.**
- 4. A separate report be presented to Council following the public exhibition period, to respond solely to any submissions received throughout that process relating to the planning proposal and DCP amendments, as outlined in the following agenda item.**

COUNCIL RESOLUTION**THAT**

1. That the Council endorse the revised draft Floodplain Risk Management Study and Plan (March 2014 version) for public exhibition for 56 days.
2. That the Council endorse the proposed consultation approach for the public exhibition period, as outlined in this report.
3. A further report be presented to Council following the public exhibition period, to provide details of any submissions received throughout that process.
4. A separate report be presented to Council following the public exhibition period, to respond solely to any submissions received throughout that process relating to the planning proposal and DCP amendments, as outlined in the following agenda item.

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