

PLANNING PROPOSAL AMENDMENTS TO FLOOD PRONE LAND PROVISIONS



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EXECUTIVE SUMMARY

Local Government Area:	Singleton Council (SC)		
Name of the Draft Local Environmental Plan:	Amendments to Flood Prone Land Provisions		
Subject land:	All flood prone land subject to the Singleton Local Environmental Plan 2013 Flood Planning mapping		
Land owner(s):	Various		
Applicant:	Singleton Council		
Council file reference:	PGR 3/2017		
CM9 document reference:	18/6477		
NSW Department of Planning & Environment (DP&E) reference:	N/A		
Version:	2		
Date:	8/05/2018		
Officer:	Rean Lourens		
Coordinator:	Sarah Hyatt		
Manager:	Mary-Anne Crawford		

BACKGROUND

This planning proposal has been prepared by Singleton Council in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EPA Act) and the relevant Department of Planning and Environment (DP&E) Guidelines, including A Guide to Preparing Local Environmental Plans and A Guide to Preparing Planning Proposals.

The planning proposal outlines the effect of, and justification for proposed changes to the *Singleton Local Environmental Plan* (SLEP 2013). The aim of the planning proposal is to delete reference to the Flood Planning Map provision from clause 7.2 Flood planning of the SLEP 2013, which would remove cadastral inaccuracies and ensure flood information can be regularly updated without the need for future Planning Proposals.

During the making of the SLEP 2013 and technical map suite, data was forwarded to the Department of Planning (the Department) for the creation of the maps. The coordinate systems used by Council and the Department differed, which resulted in a shift of the cadastre base and cadastral inaccuracies for flood prone land in Singleton.

The planning proposal seeks to implement a Notice of Motion (dated 18 March 2018) by amending the SLEP 2013 as described above.

PART 1 – OBJECTIVES OF THE PLANNING PROPOSAL

Deletion of the reference to the Flood Planning Map would remove cadastral inaccuracies from the SLEP 2013 provisions and ensure flood information can be regularly updated without the need for future Planning Proposals.

The planning proposal aims to amend SLEP 2013 to:

- Remove reference to the "Flood Planning Map";
- Delete the Flood Planning Map from the suite of SLEP 2013 maps; and
- Delete the Definition of Flood Planning Map.

In future, Council would rely on its existing flood mapping, which identifies the 1955 Flood Level, Flood Risk Management Plan and NSW Floodplain Development Manual for flood planning. Council also recently received grant funding from the Office of Environment and Heritage (OEH) to complete a review and update its flood information.

PART 2 – EXPLANATION OF THE PROVISIONS

The proposed objectives of the planning proposal will be achieved by amending the SLEP 2013 as outlined below:

ltem no.	Explanation of provisions
1	Amend Part 7, Clause 7.2 as follows: Omit – Subclause 7.2(2).
	Insert – Subclause 7.2(2) This clause applies to land at and below the flood planning level.
2	Delete the definition of "Flood Planning Map" contained in the Dictionary.
3	Delete Map Identification Numbers:
	 FLD_008B_7000_COM_FLD_008B_010_20130430; FLD_010A_7000_COM_FLD_010A_010_20130710; FLD_014A_7000_COM_FLD_014A_020_20130430; FLD_015_7000_COM_FLD_015_080_20130430; FLD_015A_7000_COM_FLD_015A_020_20130430.

PART 3 – JUSTIFICATION OF THE PROVISIONS

SECTION A: NEED FOR THE PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal has not been prepared as a result of any strategic strategy or report.

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

Option 1: Do nothing.

This option will result in Council continuing to provide inaccurate information to the local and broader community through reliance on the SLEP 2013 technical map suite. This leave Council open to liability and will also render potential flood free land underutilised.

Option 2: Amend the SLEP 2013 mapping by amending the coordinates on the existing Flood Planning Map suite.

Although this option will rectify the current issued with the LEP mapping, Council will still need to amend the LEP into the future to reflect new flood data. As noted above, Council is in the process of undertaking a comprehensive review of the current flood modelling and, if Option 2 was pursued, another planning proposal to amend the LEP will be required at the end of this process.

Option 3: Make the amendment as proposed. This would ensure that flood hazard mapping provides the most accurate information to the Singleton and broader community for development of flood prone land. It also removes the need for ongoing amendments to the flood mapping as new flood studies are completed.

Amendment to the SLEP 2013 as described in Option 3 is considered to be the best means of achieving the objectives and intended outcomes as described in Part 1 of this proposal.

SECTION B: RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional, subregional or district strategy (including exhibited draft strategies)?

Hunter Regional Plan (HRP) 2036

The proposed amendment does not conflict with the objectives of the HRP. *Goal 2: A biodiversity rich natural environment - Direction 16 Increase resilience to hazards and climate change* seeks to ensure that floodplain risk is monitored and constantly updated. By ensuring the most accurate and current flood planning information is available to the community, the amendment is considered to be consistent with the HRP.

Upper Hunter Strategic Regional Land Use Plan (UHSRLUP) 2012

The proposed amendment does not conflict with the objectives of the UHSRLUP. Chapter 9 Natural Hazards and Climate Change aims to ensure that LEP's subject to natural hazards (flooding) adequately reflect the risks i.e. social, economic and environmental, associated with natural hazards and the limitations of development on flood prone land. Making the amendment as proposed would ensure the best and most accurate flood planning information is available to reduce/ mitigate impacts for development on flood prone land and risk to the community.

2. Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?

Singleton Community Strategic Plan (SCSP) 2017-2027

The proposed amendment is consistent with *Pillar Our Places* and *Pillar Our Leadership* of the SCSP. *Pillar Our Places* aims to increase the planning and preparedness for natural disasters. *Pillar Our Leadership* takes a risk management approach towards achieving zero harm to people, property and the environment. As proposed, the amendment would ensure the community and Council are not reliant on inaccurate maps contained within the SLEP 2013 (technical map suite).

Singleton Land Use Strategy (SLUS) 2008

The proposed amendment is consistent with the SLUS. Section 6.9 of the SLUS recognises that extensive areas of the LGA and Singleton Township form part of the Hunter River floodplain. It recognises that the town of Singleton is economically vulnerable to flood impacts and that development on flood prone land should aim to reduce risk to individuals, property and the environment. The amendment would remove the technical Flood Planning Maps from the SLEP 2013 to avoid confusion between the SLEP 2013 and the adopted Flood Hazard Map. This would ensure reliance on up to date flood mapping. It would also reduce lengthy timeframes associated with the LEP amendment process when Flood Hazard Maps are updated and used in the assessment of development on flood prone land.

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

Appendix A contains an assessment of consistency with applicable State Environmental Planning Policies (SEPP). No existing or draft SEPP's apply to the amendment that prohibit or restrict the proposal.

4. Is the planning proposal consistent with applicable s9.2 Ministerial Directions?

Appendix B contains an assessment of consistency with applicable s9.2 Ministerial Directions. Directions relevant to this proposal are discussed in more detail below:

s9.2 MINISTERIAL DIRECTION 4.3 – FLOOD PRONE LAND

The objectives of this direction are:

- (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
- (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential impacts on and off the subject land.

The proposal is consistent with Direction 4.3. Clause 7.2 (d) of SLEP 2013, "ensures that a word and expression used in this clause and Clause 7.3 has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined" in Clause 7.2.

Clause 7.2 (3) of the SLEP 2013 provided that "development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and
- (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the flood affectation of other development or properties, and
- (c) incorporates appropriate measures to manage risk to life from flood, and
- (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding."

SECTION C: ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

1. 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?

Proposed changes to Clause 7.2 would not affect critical habitat or threatened species, populations or ecological communities, or their habitat.

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

The proposed amendment is consistent with the NSW Government Floodplain Risk Management Policy (Floodplain Development Manual). It would prohibit inappropriate development in areas subject to flood affectation. Assessment of development applications would be clearer as flood behaviour would be considered, which would have positive environmental implications for the Singleton environment and local community.

Environmental Effect	Consideration		
Land Use Conflict	Proposed changes to Clause 7.2 would not create land use conflict as it would provide clarity to the community and Council for assessment of development applications on land subject to flood affectation.		
Surface Water	Amendment to Clause 7.2 would not affect surface water. It would ensure that land subject to flood water inundation is properly considered at development application and assessment stage.		
Groundwater	Amendment of Clause 7.2 would not affect groundwater. The amendment is administrative and relates to Clause and mapping changes.		
Heritage (Aboriginal and European)	Amendment of Clause 7.2 would have no material effect on Heritage (Aboriginal and European).		
Bushfire	Amendment of Clause 7.2 has no material effect on Bushfire prone land.		
Soils, land and agricultural capacity	Amendment of Clause 7.2 has no material effect on the ground on soil, land or agricultural capacity, given its administrative nature.		
Traffic and transport, including public transport	Amendment of Clause 7.2 has no effect on traffic and transport including public transport.		
Visual amenity	Amendment of Clause 7.2 has no effect on visual amenity.		

Flooding	Amendment of Clause 7.2 would ensure that Council and the community has current flood mapping information to reduce any potential risk to life and property.
Air quality	Amendment of Clause 7.2 has no effect on air quality.
Noise	Amendment of Clause 7.2 has no effect on noise.

3. Has the planning proposal adequately addressed any social and economic effects?

As proposed the LEP amendment would benefit the community as it would ensure that the most current and accurate information is used during assessment of development applications on flood prone land. It would also reduce any potential impact of flooding on new development. Positive social and economic benefits to landowners, Council, State Emergency Services and government agencies would be achieved because life and property would not be endangered from inappropriate development.

SECTION D: STATE AND COMMONWEALTH INTERESTS

1. Is there adequate public infrastructure for the planning proposal?

Not applicable.

2. What are the views of the State and Commonwealth public authorities proposed to be consulted following the gateway determination?

The planning proposal is subject to Gateway Determination from the NSW Department of Planning and Environment. State and Commonwealth public authorities are unknown.

Council recommends consultation with the following agencies:

- Office of Environment and Heritage;
- NSW State Emergency Services.

PART 4 – MAPPING

The planning proposal would delete Map Identification Numbers:

- FLD_008B_7000_COM_FLD_008B_010_20130430;
- FLD_010A_7000_COM_FLD_010A_010_20130710;
- FLD_014A_7000_COM_FLD_014A_020_20130430;
- FLD_015_7000_COM_FLD_015_080_20130430;
- FLD_015A_7000_COM_FLD_015A_020_20130430.

PART 5 – COMMUNITY CONSULTATION

Given the planning proposal would amend Clause 7.2 of the SLEP 2013, the proposal should be exhibited for 14 days.

Community Consultation				
Task	Explanation			
Notice of exhibition on Council's corporate website	U 1			
Newspaper notice	A notice of exhibition would be placed within the Singleton Argus and Hunter Valley News.			
Notification letter	Notification letter will be sent to landowners whose properties are located flood prone land.			

PART 6 – PROJECT TIMELINE

Anticipated timeframes for Gateway Determination and making of the amendment to SLEP 2013 are outlined below:

Task	Timeline		
Gateway determination issued	14/06/2018		
Completion of required technical	Not required as the proposal would amend		
information	Clause 7.2 of SLEP 2013.		
Government agency consultation	Public authority referral response time is a		
	minimum of 21 to 28 days.		
Public exhibition period	Proposed exhibition period is 14 days.		
Dates for public hearing (if required)	Notice of a public hearing must be		
	sent/published at least 21 days before the		
	start of the public hearing.		
Consideration of submissions	Timeframe for consideration of submissions		
	is typically 2 weeks to 4 weeks, based on		
	number of submissions received.		
Consideration of a proposal post exhibition	Timeframe for consideration of proposal		
	post exhibition - 6 weeks (consideration,		
	report to Council for Council meeting).		
Date of submission to the Department to	11/10/2018		
finalise the LEP			
Anticipated date RPA will forward to the	1/12/2018		
Department for notification.			

CONCLUSION AND RECOMMENDATION

The planning proposal would amend Clause 7.2 of SLEP 2013 to:

- Remove reference to the "Flood Planning Map";
- Delete the Flood Planning Map from the suite of SLEP maps; and
- Delete the Definition of Flood Planning Map.

Amendment of the Flood Planning Map would correct cadastre inaccuracies.

The proposal should proceed to reduce errors in the SLEP 2013 flood mapping. This will also ensure that the most current flood mapping information is available and lessen the need for a lengthy LEP amendment process each time the flood maps are updated. Any development at or below the flood level will still need to satisfy the provisions of Clause 7.2 Flood Planning of SLEP 2013.

This planning proposal has been prepared to explain the intended effect of the proposed amendment to the SLEP 2013 and sets out the justification for making that amendment.

Pursuant to Section 3.35 of the EPA Act, Council may, at any time, vary the proposal as a consequence of its consideration of any submission or report during community consultation or for any other reason. It may also, at any time, request the Minister to determine that the matter not proceed.

This planning proposal (version: 2) has been reviewed by the Coordinator Development Assessment and Manager Development and Environmental Services and deemed suitable for the purposes of lodgement for Gateway determination.

DI	S	
Rean Lourens	Sarah Hyatt	Mary-Anne Crawford
Strategic Land Use	Coordinator Development	Manager Development and
Planner	Assessment	Environmental Services

SINGLETON COUNCIL

Council Meeting - 19 March 2018

10	Benjamin Circuit – Bus route	N/A	\$0
11	Campbell Street – NO STOPPING restrictions	Traffic Facilities Budget	\$500
12	King Street – Children's Crossing	Traffic Facilities Budget	\$10,000
13	EVENT – Hunter Classic Cycling Event	N/A	N/A
14	Enterprise Crescent – NO STOPPING restrictions	Traffic Facilities Budget	\$1,000
15	John Street (Riverside Park) – LOADING & NO STOPPING restrictions	Traffic Facilities Budget	\$1,500

(McNamara/George

Planning and Infrastructure Services Report (DP&SE11/18)

DP&SE11/18 Planning Proposal - Flood Prone Land Mapping FILE:PGR3/2017

The purpose of this report is to seek Councils endorsement of the Planning Proposal Flood Prone Land Maps (Proposal) to support its submission to the Department (Planning and Environment (Department) for Gateway Determination.

34/18 RESOLVED that Council endorse the Planning Proposal – Flood Prone Land Maps.

(Lukeman/Jarret

Upon being put to the meeting, the motion was declared carried. For the Motion were Crs S Moore, G Adamthwaite, T McNamara, V Scott, D Thompson, H Jenkins, J Martin, S George, T Jarrett and S Lukeman Total (10). Against the Motion was Nil Total (0).

APPENDIX B	State Environmental Planning Policy Assessment
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SEPP	Overview	Applicable	Consistency
SEPP No. 1 - Development Standards	Makes development standards more flexible. It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary.	N/A	The LEP amendment proposal does not relate to implementation of SEPP 1. Consistency with the SEPP is not relevant to the proposal.
SEPP No. 14 - Coastal Wetlands	Provides for the preservation and protection of coastal wetlands.	N/A	The LEP amendment proposal does not relate to coastal wetlands. Consistency with the
			SEPP is not relevant to the proposal.
SEPP 19 - Bushland in Urban Areas	Provides for the protection and preservation of bushland in urban areas within	N/A	The SEPP does not apply to the Singleton LGA.
	certain local government areas.		Consistency with the SEPP is not relevant to the proposal.
SEPP No. 21 - Caravan Parks	Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years	N/A	The LEP amendment proposal does not relate to a movable dwelling proposal, caravan park or camping ground. Consistency with the SEPP is not relevant to the proposal.
SEPP No. 26 - Littoral Rainforests	Provides for the preservation of specific littoral rainforest areas identified on the	N/A	The LEP amendment proposal does not relate to littoral rainforest areas identified on the

SEPP	Overview	Applicable	Consistency
	technical map series for the SEPP.		technical map series for the SEPP.
			Consistency with the SEPP is not relevant to the proposal.
SEPP No. 30 - Intensive Agriculture	Requires development consent for cattle feedlots having a capacity of 50 or more cattle or piggeries having a capacity of 200 or more pigs. The policy sets out information and public notification requirements to ensure there are effective planning control over this export-driven rural industry. The policy does not alter if, and where, such development is permitted, or the functions of the consent authority.	N/A	The LEP amendment proposal does not relate to a cattle feedlot, piggery or composting facility. Consistency with the SEPP is not relevant to the proposal.
SEPP No. 33 - Hazardous and Offensive Development	Requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy.	N/A	The LEP amendment proposal does not relate to 'potentially hazardous' or 'potentially offensive' development. Consistency with the SEPP is not relevant to the proposal.
SEPP No. 36 - Manufactured Home Estates	Helps establish well- designed and properly serviced manufactured home estates in suitable locations.	N/A	The LEP amendment proposal does not relate to a manufactured home estate. Consistency with the SEPP is not relevant to the proposal.
SEPP No. 44 - Koala Habitat Protection	Encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.	N/A	The site does not contain established trees to constitute potential koala habitat. Consistency with the SEPP is not relevant to the proposal.

SEPP	Overview	Applicable	Consistency
SEPP No. 47 – Moore Park Showground	Provides for the redevelopment of Moore Park Showground (Sydney) in a manner that is consistent with its status as an area of importance for State and regional planning in New South Wales	N/A	The LEP amendment proposal does not relate to Moore Park Showground as identified on the technical map series for the SEPP. Consistency with the SEPP is not relevant to
			the proposal.
SEPP No. 50 - Canal Estates	Bans new canal estates from the date of gazettal, to ensure coastal and aquatic	N/A	The LEP amendment proposal does not relate to a canal estate.
	environments are not affected by these developments		Consistency with the SEPP is not relevant to the proposal.
SEPP No. 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	Requires development consent for certain artificial waterbodies (carried out under farm plans to implement land and water management	N/A	The LEP amendment proposal does not relate to land identified on the technical map series for the SEPP.
	plans) for land identified on the technical map series for the SEPP,		Consistency with the SEPP is not relevant to the proposal.
SEPP No. 55 - Remediation of Land	Contains state-wide planning controls for the remediation of contaminated land. The policy requires councils to be notified of all remediation proposals and requires lodgement of information for rezoning proposals where the history of use of land is unknown or knowledge incomplete.	N/A	Consistency with the SEPP is not relevant to the proposal.
SEPP No. 62 - Sustainable Aquaculture	Encourages the sustainable expansion of aquaculture in NSW.	N/A	The LEP amendment proposal does not relate to aquaculture.
			Consistency with the SEPP is not relevant to the proposal.
SEPP No. 64 - Advertising and Signage	Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an	N/A	The LEP amendment proposal does not relate to advertising or signage.

SEPP	Overview	Applicable	Consistency
	area, provides effective communication in suitable locations and is of high quality design and finish.		Consistency with the SEPP is not relevant to the proposal.
SEPP No. 65 - Design Quality of Residential Flat Development	Raises the design quality of residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.	N/A	The LEP amendment proposal does not relate to residential flat development. Consistency with the SEPP is not relevant to the proposal.
SEPP No. 70 - Affordable Housing (Revised Schemes)	Provides for revised affordable housing provisions to be inserted into environmental planning instruments for certain land within the Greater Metropolitan Region.	N/A	The LEP amendment proposal does not relate to land identified on the technical map series for the SEPP. Consistency with the SEPP is not relevant to
SEPP No. 71 - Coastal Protection	Provides for the preservation and protection of land within the coastal zone.	N/A	the proposal. The LEP amendment proposal does not relate to land within the coastal zone. Consistency with the
SEPP (Affordable Rental Housing) 2009	Provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not- for-profit providers	N/A	SEPP is not relevant to the proposal. The LEP amendment proposal does not relate to affordable rental housing. Consistency with the SEPP is not relevant to the proposal.
SEPP (Building Sustainability BASIX) 2004	Ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans, and specifying	N/A	The LEP amendment proposal does not relate to implementation of the BASIX scheme. Consistency with the SEPP is not relevant to the proposal.

SEPP	Overview	Applicable	Consistency
	that SEPP 1 does not apply in relation to any development standard arising under BASIX.		
SEPP (Exempt and Complying Development Codes) 2008	Provides exempt and complying development codes that have State- wide application.	N/A	The LEP amendment proposal does not relate to implementation of the exempt and complying development codes.
			Consistency with the SEPP is not relevant to the proposal.
SEPP (Housing for Seniors or People with a Disability) 2004	Encourage the development of high quality accommodation for our ageing population and for people who have	N/A	The LEP amendment proposal does not relate to housing for seniors or people with a disability. Consistency with the
	disabilities - housing that is in keeping with the local neighbourhood.		SEPP is not relevant to the proposal.
SEPP (Infrastructure) 2007	Provides greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.	N/A	The LEP amendment proposal does not affect implementation of the Infrastructure SEPP.
			Consistency with the SEPP is not relevant to the proposal.
SEPP (Integration and Repeals) 2016	Repeals certain Regional Environmental Plans and State Environmental Planning Policies.	N/A	The LEP amendment proposal does not relate to the repeal of any Regional Environmental Plans or State Environmental Planning Policies.
			Consistency with the SEPP is not relevant to the proposal.
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	Provides for the protection and enhancement of alpine resorts in that part of the Kosciuszko National Park identified on the	N/A	The LEP amendment proposal does not relate to land identified on the technical map series for the SEPP.
	technical map series for the SEPP.		Consistency with the SEPP is not relevant to the proposal.
SEPP (Kurnell Peninsula) 1989	Through application of appropriate	N/A	The LEP amendment proposal does not relate

SEPP	Overview	Applicable	Consistency
	development controls, provides for the protection of the natural environment of the Kurnell Peninsula (within the Shire of Sutherland) as identified on the technical map series for the SEPP.		to land identified on the technical map series for the SEPP. Consistency with the SEPP is not relevant to the proposal.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Provides for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State.	N/A	The LEP amendment proposal does not relate to an extractive industry proposal. Consistency with the SEPP is not relevant to the proposal.
SEPP (Miscellaneous Consent Provisions) 2007	Contains miscellaneous provisions relating to matters such as the subdivision of land, the erection of a building, the demolition of a building and the erection of temporary structures.	N/A	The LEP amendment proposal does not affect implementation of the Miscellaneous Consent Provisions SEPP. Consistency with the SEPP is not relevant to the proposal.
SEPP (Penrith Lakes Scheme) 1989	Through application of appropriate development controls, provides for the protection of the natural environment and environmental heritage on land identified on the technical map series for the SEPP (Penrith Lakes).	N/A	The LEP amendment proposal does not relate to land identified on the technical map series for the SEPP. Consistency with the SEPP is not relevant to the proposal.
SEPP (Rural Lands) 2008	Contains rural planning principles and rural subdivision principles, which must be taken into consideration before developing rural land. Provides for rural land to be subdivided below the minimum lot size for subdivision for the purpose of primary production.	N/A	The LEP amendment proposal does not relate to land within an existing or proposed rural or environment protection zone. Consistency with the SEPP is not relevant to the proposal.
SEPP (State and Regional Development) 2011	Confers functions on joint regional planning panels to determine development applications for relevant	N/A	The LEP amendment proposal does not relate to functions conferred on joint regional

SEPP	Overview	Applicable	Consistency
	StateSignificantDevelopment,StateSignificantInfrastructureandCriticalStateSignificantInfrastructure.		planning panels. Consistency with the SEPP is not relevant to the proposal.
SEPP (State Significant Precincts) 2005	Facilitates the development, redevelopment and protection of important urban, coastal and regional sites of economic, environmental or social significance to the State, so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State.	N/A	The LEP amendment proposal does not relate to land within an existing or proposed State significant precinct. Consistency with the SEPP is not relevant to the proposal.
SEPP (Sydney Drinking Water Catchment) 2011	Through application of appropriate assessment and approval provision, provides for the protection of the Sydney drinking water catchment as identified on the technical map series for the SEPP.	N/A	The LEP amendment proposal does not relate to land identified on the technical map series for the SEPP. Consistency with the SEPP is not relevant to the proposal.
SEPP (Sydney Region Growth Centres) 2006	Provides for the coordinated release of land for residential, employment and other urban development in the North West and South West growth centres of the Sydney Region as identified on the technical map series for the SEPP.	N/A	The LEP amendment proposal does not relate to land identified on the technical map series for the SEPP. Consistency with the SEPP is not relevant to the proposal.
SEPP (Three Ports) 2013	Provides a coordinated and consistent approach to the development and re-development of certain land at Port Botany, Port Kembla and the Port of Newcastle (as identified on the technical map series for the SEPP) for port purposes.	N/A	The LEP amendment proposal does not relate to land identified on the technical map series for the SEPP. Consistency with the SEPP is not relevant to the proposal.
SEPP (Urban Renewal)	Establishes a process	N/A	The LEP amendment

SEPP	Overview	Applicable	Consistency
2010	for assessing and identifying sites as urban renewal precincts, to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts, and to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.		proposal does not relate to land within an existing or proposed urban renewal precinct. Consistency with the SEPP is not relevant to the proposal.
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Aims to protect the biodiversity values of trees and other vegetation in non-rural areas of NSW and preserve the amenity of such areas through the preservation of trees and other vegetation.	N/A	The LEP amendment proposal does not relate to land within an LGA or zone to which the SEPP applies. Consistency with the SEPP is not relevant to the proposal.
SEPP (Western Sydney Employment Area) 2009	Provides for the co- ordinated planning and development of land in the Western Sydney Employment Area as identified on the technical map series for the SEPP.	N/A	The LEP amendment proposal does not relate to land identified on the technical map series for the SEPP. Consistency with the SEPP is not relevant to the proposal.
SEPP (Western Sydney Parklands) 2009	Provides for development of the land identified on the technical map series for the SEPP into multi-use urban parkland for the region of western Sydney.	N/A	The LEP amendment proposal does not relate to land identified on the technical map series for the SEPP. Consistency with the SEPP is not relevant to the proposal.

Minis	sterial Direction	Overview	Applicable	Consistency
1.	Employment and	Resources		
1.1	Business and Industrial Zones	Applies to planning proposals affecting existing or proposed business or industrial zone land. By requiring consistency with the objectives of the direction, retention of areas of business and industrial zoned land, protection of floor space potential, and/or justification under a relevant strategy/study; the direction seeks to protect employment land in business and industrial zones, encourage employment growth in suitable locations and support the viability of identified centres.	N/A	The LEP amendment proposal does not relate to land within an existing or proposed business or industrial zone. Consistency with the direction is not relevant to the proposal.
1.2	Rural Zones	Provides for protection of the agricultural production value of rural land by requiring planning proposals to be justified by a relevant strategy or study if they seek to rezone rural zoned land to a residential, business, industrial, village or tourist zone or increase the permissible density of rural (except RU5) zoned land.	N/A	The LEP amendment proposal does not relate to rural zoned land. Consistency with the direction is not relevant to the proposal.
1.3	Mining, Petroleum Production and Extractive Industries	Seeks to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials is not compromised by inappropriate development.	N/A	The LEP amendment proposal does not seek to implement provisions that would prohibit or restrict the potential development/mining of coal, mineral or petroleum resources or other extractive materials of State/regional significance. Consistency with the direction is not relevant to the proposal.

APPENDIX C Section 9.2(2) Assessment

Minis	sterial Direction	Overview	Applicable	Consistency
1.4	Oyster Aquaculture	Provides for the protection of priority oyster aquaculture areas and surrounds from land uses that may adversely impact upon water quality and consequently, on the health of oysters and oyster consumers.	N/A	The LEP amendment proposal does not relate to a priority aquaculture area. Consistency with the direction is not relevant to the proposal.
1.5	Rural Lands	Applies to planning proposals relating to existing or proposed rural or environmental protection zoned land and proposals that seek to change the minimum lot size for subdivision of such land. By requiring consistency with the rural planning principles and rural subdivision principles of SEPP (Rural Lands) 2008 or justification under a relevant strategy, the direction seeks to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.	N/A	The LEP amendment proposal does not relate to land within an existing or proposed rural or environmental protection zone. Consistency with the direction is not relevant to the proposal.
2.	Environment and	I Heritage		
2.1	Environment Protection Zones	Applies to planning proposals affecting land within an environment protection zone or land otherwise identified for environment protection purposes. Provides for the protection and conservation of environmentally sensitive areas, by ensuring that planning proposals do not reduce the environmental protection standards applying to such land unless it is suitably justified by a relevant strategy or study or is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate)	N/A	The LEP amendment proposal does not relate to land within an existing or proposed environmental protection zone. Consistency with the direction is not relevant to the proposal.

Minis	sterial Direction	Overview	Applicable	Consistency
2.2	Coastal Protection	Applies to land within a coastal zone, as defined in the Coastal Protection Act 1979. The direction seeks to implement the principles of the NSW Coastal Policy by requiring relevant planning proposals to be consistent with the NSW Coastal Policy, the Coastal Design Guidelines and the NSW Coastline Management Manual or that they be suitably justified under a relevant strategy or study or be of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	N/A	The LEP amendment proposal does not relate to land within a coastal zone. Consistency with the direction is not relevant to the proposal.
2.3	Heritage Conservation	Requires relevant planning proposals to contain provisions to facilitate the conservation of items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	N/A	According to the study information for the LEP amendment proposal, the site does not contain any heritage items/places. The SLEP 2013 contains provisions that facilitate the conservation of heritage. Consistency with the direction is not relevant to the proposal.
2.4	Recreation Vehicle Areas	Seeks to protect land with significant conservation values and other sensitive land from being developed for the purposes of recreation vehicle areas, unless they are suitably justified under a relevant strategy or study or considered to be of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	N/A	The LEP amendment proposal does not seek to enable land to be developed for the purposes of a recreational vehicle area. Consistency with the direction is not relevant to the proposal.
2.5	Application of E2 and E3 Zones and	Applies to the local government areas of Ballina, Byron, Kyogle,	N/A	The LEP amendment proposal does not relate to land within the local

Mini	sterial Direction	Overview	Applicable	Consistency
	Environmental Overlays in Far North Coast LEPs	Lismore and Tweed. Requires planning proposals that seek to introduce or alter an E2 or E3 zone into a relevant LEP to be consistent with the Northern Councils E Zone Review Final Recommendations, except where considered to be of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).		government areas of Ballina, Byron, Kyogle, Lismore or Tweed. Consistency with the direction is not relevant to the proposal.
3.	Housing, Infrastru	ucture and Urban Developme	nt	
3.1	Residential Zones	Applies to planning proposals affecting existing or proposed residential zoned land or other zoned land upon, which significant residential development is or will be permitted. Requires relevant planning proposals to include provisions that encourage housing development, ensures satisfactory arrangements for servicing infrastructure and will not reduce the permissible residential density of land; unless it is suitably justified under a relevant strategy or study or is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	N/A	The LEP amendment proposal does not relate to land within an existing or proposed residential zone or land upon which significant residential development is or will be permitted. Consistency with the direction is not relevant to the proposal.
3.2	Caravan Parks and Manufactured Home Estates	Applies to planning proposals that seek to identify suitable zones and/or locations and/or provisions for caravan parks or manufactured home estates (excludes certain land reserved or dedicated under the Crown Lands Act 1989 National Parks and Wildlife Act 1974). Provides for a variety of housing types and opportunities for caravan parks and manufactured	N/A	The LEP amendment proposal does not seek to identify suitable zones and/or locations and/or provisions for caravan parks or manufactured home estates. Consistency with the direction is not relevant to the proposal.

Mini	sterial Direction	Overview	Applicable	Consistency
		home estates, through application of requirements for relevant planning proposals.		
3.3	Home Occupations	Requires home occupations to be permissible without development consent in dwelling houses under the relevant provisions of a planning proposal, except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate), it is considered to be of minor significance.	N/A	The LEP amendment proposal does not affect the permissibility of home occupations in dwelling houses. Consistency with the direction is not relevant to the proposal.
3.4	Integrating Land Use and Transport	Requires planning proposals, which seek to create, alter or remove a zone or provision relating to urban land (including land zoned for residential, business, industrial, village or tourist purposes), to be consistent with the aims, objectives and principles of 'Improving Transport Choice – Guidelines for planning and development' and 'The Right Place for Business and Services – Planning Policy' or that they be suitably justified under a relevant strategy or study or be of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate)	N/A	The LEP amendment proposal does not seek to create, alter or remove a zone or provision relating to urban land. Consistency with the direction is not relevant to the proposal.
3.5	Development Near Licensed Aerodromes	Applies development criteria and consultation requirements to planning proposals that seek to create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome. Inconsistency with the development criteria and/or consultation requirements can be considered if the inconsistency is suitably justified under a relevant strategy or study or is of minor significance in the opinion of the Secretary of	N/A	The LEP amendment proposal does not relate to land in the vicinity of a licensed aerodrome. Consistency with the direction is not relevant to the proposal.

Mini	sterial Direction	Overview	Applicable	Consistency
		the NSW Department of Planning and Environment (or nominated delegate).		
3.6	Shooting Ranges	Requires planning that proposals not rezone land adjacent to and/ or adjoining to an existing shooting range where it would permit more intensive land uses than those that are permitted under the existing zone or land uses that are incompatible with the noise emitted by the existing shooting, except where the proposal is suitably justified under a relevant strategy or study or where non- compliance is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	N/A	The LEP amendment proposal does not relate to land adjoining or adjacent to a shooting range. Consistency with the direction is not relevant to the proposal.
4.	Hazard and Risk			
4.1	Acid Sulfate Soils	Requires the provisions of planning proposals must be consistent with the Acid Sulfate Soils Planning Guidelines and other such relevant provisions provided by the Director-General of the Department of Planning, except where the proposal is suitably justified under a relevant strategy or study or where non-compliance is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	N/A	According to the study information for the LEP amendment proposal, the site does not contain acid sulfate soils/potential acid sulfate soils. Consistency with the direction is not relevant to the proposal.
4.2	Mine Subsidence and Unstable Land	Applies requirements to planning proposals that would have the effect of permitting development on land within a proclaimed Mine Subsidence District, except where the proposal is suitably justified under a relevant strategy or study or where non-compliance is of	N/A	The LEP amendment proposal does not relate to land identified as being unstable by a known study, strategy or other assessment. The site is not within a designated mine subsidence district.

Mini	sterial Direction	Overview	Applicable	Consistency
		minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).		Consistency with the direction is not relevant to the proposal.
4.3	Flood Prone Land	Applies requirements for planning proposals that seek to create, remove or alter a zone or a provision that affects flood prone land except where non- compliance is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	Yes	The LEP amendment proposal relates to flood prone land within the meaning of the NSW Government's 'Floodplain Development Manual 2005'. The information lodged for the proposal demonstrates consistency with the direction.
4.4	Planning for Bushfire Protection	Applies requirements for planning proposals affecting land mapped as being bushfire prone land (or land in proximity to such land); except where the Commissioner of the NSW Rural Fire Service has issued written advice to Council that, notwithstanding the noncompliance with the requirements; the NSW Rural Fire Service does not object to progression of the planning proposal.	N/A	The LEP amendment proposal does not relate to bushfire prone land. Consistency with the direction is not relevant to the proposal.
5.	Regional Planning	g		
5.1	Implementation of Regional Strategies	Applies to planning proposals affecting land to which the South Coast Regional Strategy (excluding land in the Shoalhaven LGA) and Sydney–Canberra Corridor Regional Strategy apply. Requires that relevant planning proposals be consistent with the relevant regional strategy, except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); the inconsistency is considered to be of minor	N/A	The LEP amendment proposal does not relate to land to which the South Coast Regional Strategy or Sydney– Canberra Corridor Regional Strategy apply. Consistency with the direction is not relevant to the proposal.

Ministerial Direction		Overview	Applicable	Consistency
		significance and the intent of the strategy is not undermined.		
5.2	Sydney Drinking Water Catchments	Applies requirements to planning proposals affecting land within the Sydney Drinking Water Catchment for the purposes of protecting water quality, except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); non-compliance with the requirements of the direction is considered to be of minor significance.	N/A	The LEP amendment proposal does not relate to land within the Sydney Drinking Water Catchment. Consistency with the direction is not relevant to the proposal.
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Requires that planning proposals not rezone certain land, within the NSW Far North Coast, identified as State Significant Farmland, Regionally Significant Farmland or significant non-contagious farmland for urban or rural- residential purposes, except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); consistency with the North Coast Regional Plan 2036 and Section 4 of the report titled Northern Rivers Farmland Protection Project - Final Recommendations, (February 2005), would be achieved.	N/A	The LEP amendment proposal does not relate to land within the NSW Far North Coast. Consistency with the direction is not relevant to the proposal.
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Applies requirements to planning proposals that affect land that is traversed by the Pacific Highway, within the Port Stephens and Tweed Shire Council LGA's, to (inter-alia) protect the function of the highway and manage commercial and retail development along the highway except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); non-compliance	N/A	The LEP amendment proposal does not relate to land traversed by the Pacific Highway. Consistency with the direction is not relevant to the proposal.

Minis	sterial Direction	Overview	Applicable	Consistency
		with the requirements of the direction is considered to be of minor significance.		
<u>Note</u> :	Directions 5.5 - 5.7	have been repealed.		
5.8	Second Sydney Airport: Badgerys Creek	Provides that planning proposal must not contain provisions, that would permit the carrying out of development which could hinder the potential for development of a Second Sydney Airport at Badgerys Creek, unless the provision(s) are suitably justified under a relevant strategy or study or considered to be of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	N/A	The LEP amendment proposal does not relate to land at Badgerys Creek. Consistency with the direction is not relevant to the proposal.
5.9	North West Rail Link Corridor Strategy	Provides that planning affecting land located within the North West Rail Link (NWRL) Corridor must be consistent with the NWRL Corridor Strategy and the objectives of the direction, except where the proposal is suitably justified under a relevant strategy or study or where non-compliance is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	N/A	The LEP amendment proposal does not relate to land located within the North West Rail Link Corridor. Consistency with the direction is not relevant to the proposal.
5.10	Implementation of Regional Plans	Requires that planning proposals be consistent with relevant regional strategies released by the Minister for Planning, except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); the inconsistency is considered to be of minor significance and the intent of the strategy is not undermined.	Yes	The Hunter Regional Plan 2036 (HRP) applies to the LEP amendment proposal. The information lodged for the proposal demonstrates consistency with the direction.
6.	Local Plan Making	g		
6.1	Approval and Referral	Applies requirements for planning proposals, which	N/A	The LEP amendment proposal does not seek

Minis	sterial Direction	Overview	Applicable	Consistency
	Requirements	seek to incorporate provisions into a Local Environmental Plan (LEP) that require concurrence, consultation or development application referral to a minister or public authority.		to incorporate provisions into the instrument that require concurrence, consultation or development application referral to a minister or public authority.
				direction is not relevant to the proposal.
6.2	Reserving Land for Public Purposes	Applies requirements to planning proposals which seek to create, alter or reduce existing zonings or reservations of land for public purposes.	N/A	The LEP amendment proposal does not seek to create, alter or reduce existing zonings or reservations of land for public purposes.
				Consistency with the direction is not relevant to the proposal.
6.3	Site Specific Provisions	Applies requirements for planning proposals seeking to incorporate provisions into an environmental planning instrument so as to amend another environmental planning instrument.	N/A	The LEP amendment proposal does not seek to incorporate provisions into the instrument that would amend another environmental planning instrument.
				Consistency with the direction is not relevant to the proposal.
7.	Metropolitan Plan	ining		
7.1	Implementation of the Metropolitan Plan for Sydney 2036	Requires that relevant planning proposals be consistent with the NSW Government's 'A Plan for Growing Sydney' (Dec 2014), except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); the	N/A	The LEP amendment proposal does not relate to land to which the NSW Government's 'A Plan for Growing Sydney' (Dec 2014) applies. Consistency with the direction is not relevant
		inconsistency is considered to be of minor significance and the intent of the strategy is not undermined.		to the proposal.
7.2	Implementation of Greater Macarthur Land	Provides that planning proposals affecting land located within the Greater	N/A	The LEP amendment proposal does not relate to land within the

Minis	sterial Direction	Overview	Applicable	Consistency
	Release Investigation	Macarthur Land Release Investigation Area, as identified in the Preliminary Strategy; must be consistent with the Preliminary Strategy, except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); the inconsistency is considered to be of minor significance and the intent of the strategy is not undermined.		Greater Macarthur Land Release Investigation Area. Consistency with the direction is not relevant to the proposal.
7.3	Parramatta Road Corridor Urban Transformation Strategy	Provides for the incremental transformation and development of land identified on the Parramatta Road Corridor Map (on pages 14 and 15) contained in the Parramatta Road Corridor Urban Transformation Strategy (November, 2016), where consistent with the strategy and associated corridor implementation toolkit.	N/A	The LEP amendment proposal does not relate to land identified on the Parramatta Road Corridor Map of the Parramatta Road Corridor Urban Transformation Strategy. Consistency with the direction is not relevant to the proposal.
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Requires that relevant planning proposals be consistent with the North West Land Use and Infrastructure Strategy, except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); the inconsistency is considered to be of minor significance and the intent of the strategy is not undermined.	N/A	The LEP amendment proposal does not relate to land to which the North West Land Use and Infrastructure Strategy applies. Consistency with the direction is not relevant to the proposal.
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Requires that relevant planning proposals be consistent with the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); the inconsistency is considered to be of minor	N/A	The LEP amendment proposal does not relate to land to which the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan applies. Consistency with the direction is not relevant

Ministerial Direction		Overview	Applicable	Consistency
		significance and the intent of the strategy is not undermined.		to the proposal.
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Requires that relevant planning proposals be consistent with the Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); the inconsistency is considered to be of minor significance and the intent of the strategy is not undermined.	N/A	The LEP amendment proposal does not relate to land to which the Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan applies. Consistency with the direction is not relevant to the proposal.

APPENDIX D SINGLETON LEP 2013 – FLOOD PLANNING MAPS













APPENDIX E Singleton Council Flood Hazard Maps

Figure D1: Singleton 1955 Flood Level (1 in 100 years)



Figure D2: Singleton Flood reprojected GDA94 - MGAA56



Figure D3: Singleton Flood Hazard Map - 1955 Flood Map (1 in 100 yrs) + Singleton Flood reprojected DGA94 - MGAA56 – Singleton LGA



Figure D4: Singleton Flood Hazard Map - 1955 Flood Map (1 in 100 yrs) + Singleton Flood reprojected DGA94 - MGAA56 - Singleton