

***Attachment 1: Planning Proposal*****Planning Proposal, *Palerang Local Environmental Plan 2014*, insertion of Captains Flat flood planning area map, amendment of the heritage schedule and heritage map no.4 and amendment of the numbering of clauses**

The planning proposal concerns the following matters:

***Captains Flat Flood Planning Map***

The *Palerang Local Environmental Plan 2014* contains clause 6.2 *Flood planning* and associated maps for Bungendore and Braidwood. At the time of making the majority of the local environmental plan maps, data was only available for Braidwood and Bungendore. As a result of modelling carried out as part of the Captains Flat Flood Study, Council now has the flood planning level (1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard) data for Captains Flat.

The incorporation of the Flood Planning Map into the PLEP 2014 does not alter the flood planning provisions that apply in the flood affected parts of Captains Flat. Clause 6.2 *Flood planning* of the PLEP 2014 applies equally to land shown on a flood planning map and 'other land at or below the flood planning level'. Thus as soon as data becomes available to determine where the flood planning level is located, the flood planning clause applies to land at or below that level. On the other hand the ability to carry out exempt or complying development on land within the flood planning area is affected, because clause 3.3 *Environmentally sensitive areas excluded* (subclause (2)(jb)) refers only to land identified on the Flood Planning Map, not other land at or below the flood planning level.

The inclusion of the Captains Flat Flood Planning Map in the *Palerang Local Environmental Plan 2014* will mean that land that has been identified as being within in the flood planning level will be identified on a publicly available map. This will mean that flood information will be easily available to the community, developers and government agencies which will assist in managing the flood hazard in Captains Flat. The map to be included in the *Palerang Local Environmental Plan 2014* is attached.

***The inclusion of Lot 11 DP 237079, Item no 175 in Schedule 5 Environmental Heritage in the Palerang Local Environmental Plan 2014 Heritage map***

Item 175 of Schedule 5 Environmental Heritage in the *Palerang Local Environmental Plan 2014*, Currandooley, including stables and garden is located on Lot 11 DP 237079, however, the heritage item is not shown on the *Palerang Local Environmental Plan 2014* Heritage Map 4. It is a requirement that items in Schedule 5 are mapped. The planning proposal seeks to amend Heritage map no.4 of the *Palerang Local Environmental Plan 2014* to include item no. 175. The map to be included in the *Palerang Local Environmental Plan 2014* is attached.

***Insertion of the property description for Item 233 in Schedule 5 Environmental Heritage of the Palerang Local Environmental Plan 2014***

The property description for item 233 (Werriwa, including gardens and outbuildings) has not been included in Schedule 5 Environmental Heritage of the *Palerang Local Environmental Plan 2014*. The planning proposal seeks to include Lot 1 DP 1173605 in Item 233 of Schedule 5 Environmental Heritage of the *Palerang Local Environmental Plan 2014*.

***The numbering of clauses 6.7 Highly erodible soils and Slopes over 18 degrees***



The *Palerang Local Environmental Plan 2014* contains two clauses concerning highly erodible soils and slopes over 18 degrees. Both clauses have been numbered 6.7. The planning proposal seeks to amend the numbering of the *Palerang Local Environmental Plan 2014*.

To amend the local environmental plan it is necessary to prepare and publicly exhibit a planning proposal, consider any submissions received, and following this, for the Minister for Planning to agree to the amendment. The following section outlines the planning proposal process.

### **Part 1 Intended outcome**

The intended outcome of the planning proposal is the inclusion of the Captains Flat Flood Planning Map and the correction of a number of minor errors in the *Palerang Local Environmental Plan 2014*, specifically:

- the identification of Lot 11 DP 237079, Item no 175 in Schedule 5 Environmental Heritage on *Palerang Local Environmental Plan 2014* Heritage map 4;
- the inclusion of 'Lot 1 DP 1173605' as the property description for Item 233, in Schedule 5 Environmental Heritage of the *Palerang Local Environmental Plan 2014*; and
- the renumbering of Clause 6.7 Slopes over 18 degrees as clause '6.7A'.

### **Part 2 Explanation of provisions**

The amendments are minor and will fit within the existing *Palerang Local Environmental Plan 2014* provisions. The amendments do not represent any policy changes directly relating to flood planning, but will affect the ability to carry out exempt or complying development on land identified as within the flood planning area, because of the operation of clause 3.3 of the *Palerang Local Environmental Plan 2014*.

### **Part 3 Justification**

#### **Section A Need for the planning proposal**

##### **Question 1 Is the planning proposal a result of any strategic study or report**

The planning proposal is not part of a strategic study or a report.

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

The planning proposal is the only means of achieving the intended outcome.

#### **Section B Relationship to strategic planning framework**

##### **Question 3 Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy**

The planning proposal is site specific and not of a regional or sub-regional nature.

##### **Question 4(a) Is the planning proposal consistent with a council's local strategy or other local strategic plan**



Palerang Council does not have a local strategic plan.

**Question 4(b) Is the planning proposal consistent with the local council's community plan, or other local strategic direction**

The planning proposal is consistent with the *Palerang Community Strategic Plan 2013-32*.

**Question 4(c) If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished should be provided**

There are no interests to be extinguished.

**Question 4(d) the concurrence of the landowner, where the land is not owned by the relevant planning authority**

Not applicable.

**Question 5 Is the planning proposal consistent with the applicable State Environmental Planning Policies**

There are no applicable State Environmental Planning Policies

**Question 6 Is the planning proposal consistent with applicable Ministerial Directions**

|     | <i>Name of direction</i>       | <i>Consistent with the direction</i>                                                                                                                                                                                                                                                                                                      |
|-----|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.2 | Rural Zones                    | Consistent - The planning proposal does not rezone rural land or contain provisions that will increase the permissible density of rural land (other than land within an existing town or village)                                                                                                                                         |
| 1.5 | Rural Lands                    | Consistent – the planning proposal is consistent with the Rural Planning Principles of the <i>State Environmental Planning Policy (Rural Lands) 2008</i>                                                                                                                                                                                  |
| 2.1 | Environmental Protection Zones | Inconsistent – The planning proposal does not include provisions that facilitate the protection and conservation of environmentally sensitive areas. However, the existing environmental protection standards of the <i>Palerang Local Environmental Plan 2014</i> will continue to apply and the inconsistency is of minor significance. |
| 2.3 | Heritage Conservation          | Consistent – The planning proposal contains provisions that facilitate the conservation of environmental heritage items by correcting minor errors in the <i>Palerang Local Environmental Plan 2014</i> heritage schedule and map.                                                                                                        |
| 2.4 | Recreation vehicle areas       | Consistent – The planning proposal will not enable the land to be developed for the purpose of a recreation                                                                                                                                                                                                                               |



|     |                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     |                                             | vehicle area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 3.1 | Residential Zones                           | <p>Inconsistent – The planning proposal does not encourage housing that will:</p> <ul style="list-style-type: none"> <li>• broaden the choice of building types and locations available in the housing market</li> <li>• make more efficient use of existing infrastructure and services</li> <li>• reduce the consumption of land for housing and associated urban development on the urban fringe</li> <li>• be of good design</li> </ul> <p>The inconsistency is considered minor as the Captains Flat Flood Planning Area map will improve the wellbeing of residents of the Captains Flat residential area.</p> |
| 3.2 | Caravan Parks and Manufactured Home Estates | Consistent – The planning proposal does not alter provisions in relation to Caravan Parks and Manufactured Home Estates.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 3.3 | Home Occupations                            | Consistent – The planning proposal does not require development consent for home occupations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 4.3 | Flood Prone Land                            | Consistent – The planning proposal in relation to the Captains Flat Flood Planning Area map is consistent with the NSW Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> .                                                                                                                                                                                                                                                                                                                                                                                                 |
| 4.4 | Planning for Bushfire Protection            | Consistent - The land is shown on Council's bushfire map as bushfire prone land. The planning proposal will be referred to the NSW Rural Fire Service.                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 5.1 | Implementation of Regional Strategies       | Consistent – The Sydney-Canberra Corridor Regional Strategy deals with issues at a regional scale that is not relevant to this site specific planning proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 6.1 | Approval and Referral Requirements          | Consistent – The planning proposal does not contain concurrence, consultant or referral provisions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 6.2 | Reserving Land for Public Purposes          | Consistent – The planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

## Section C Environmental, social and economic impact

**Question 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



There is no critical habitat in the Palerang local government area. The amendments will not impact threatened species populations or endangered ecological communities.

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

No.

**Question 9      Has the planning proposal adequately addressed any social and economic effects**

Yes, the insertion of the Captains Flat Flood Planning Area map will assist in improving the wellbeing of the Captains Flat community.

**Section D      State and Commonwealth interests**

**Question 10      Is there adequate public infrastructure for the planning proposal**

Not applicable.

**Question 11      What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination**

The NSW or Commonwealth public authorities have not been consulted. The planning proposal will be referred to the NSW Rural Fire Service, the NSW Office of Environment and Heritage and the NSW State Emergency Service.

**Part 4      Mapping**

The Captains Flat Flood Planning Map will be an additional map (attached) in the *Palerang Local Environmental Plan 2014* and there will be one amendment to the existing Heritage Map no. 4 of the *Palerang Local Environmental Plan 2014*.

**Part 5      Community consultation**

The Planning Proposal will be exhibited for 14 days due to the minor nature of the amendments. The Captains Flat community is aware of the flood hazard due to flood events and the recent completion of a flood study in the Captains Flat village. Community members sit on the Captains Flat Floodplain committee.

A public hearing is not considered necessary.



**Part 6            Project timeline**

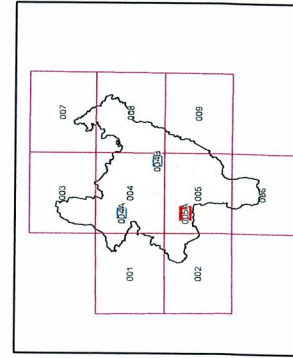
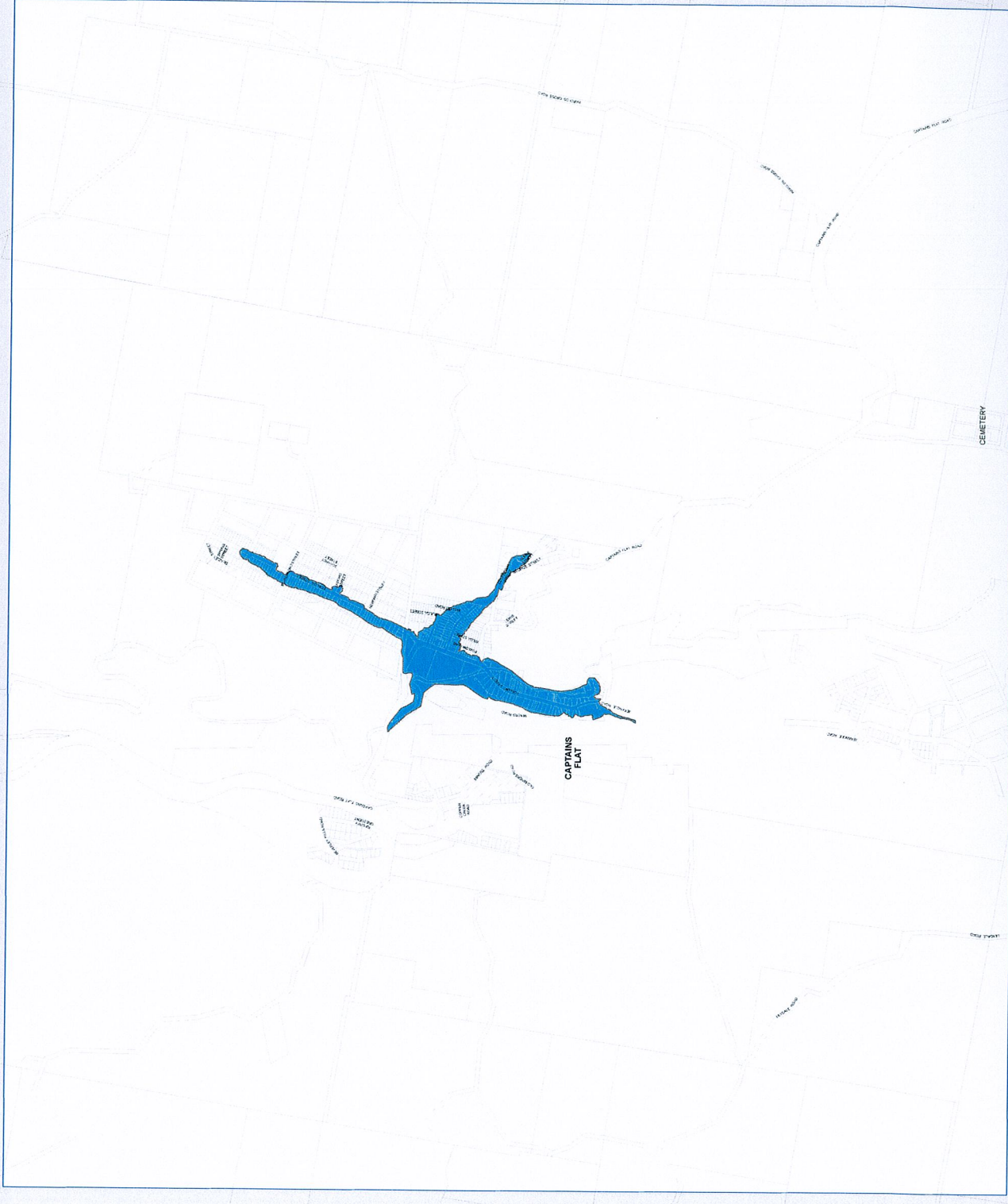
| <i>stage</i>                                                                                                                                                            | <i>anticipated completion date</i> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| Anticipated commencement date (date of gateway determination)                                                                                                           | December 2014                      |
| Anticipated timeframe for government agency consultation                                                                                                                | Mid February 2015                  |
| Anticipated commencement and completion dates for public exhibition period                                                                                              | April 2015                         |
| Anticipated timeframe for consideration of submissions                                                                                                                  | May 2015                           |
| Anticipated date of report to Council                                                                                                                                   | June 2015                          |
| Anticipated date of submissions, Council report and recommendation to the NSW Department of Planning and Environment and to finalise the draft local environmental plan | July 2015                          |
| Anticipated date local environmental plan will be amended                                                                                                               | August 2015                        |



Map 1 Captains Flat Flood Planning Area Map, *Palerang Local Environmental Plan 2014*

Map 2 Map 4 Heritage, *Palerang Local Environmental Plan 2014*





Projection: GDA 1984  
 MGA Zone 55

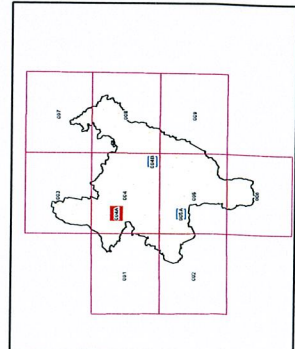
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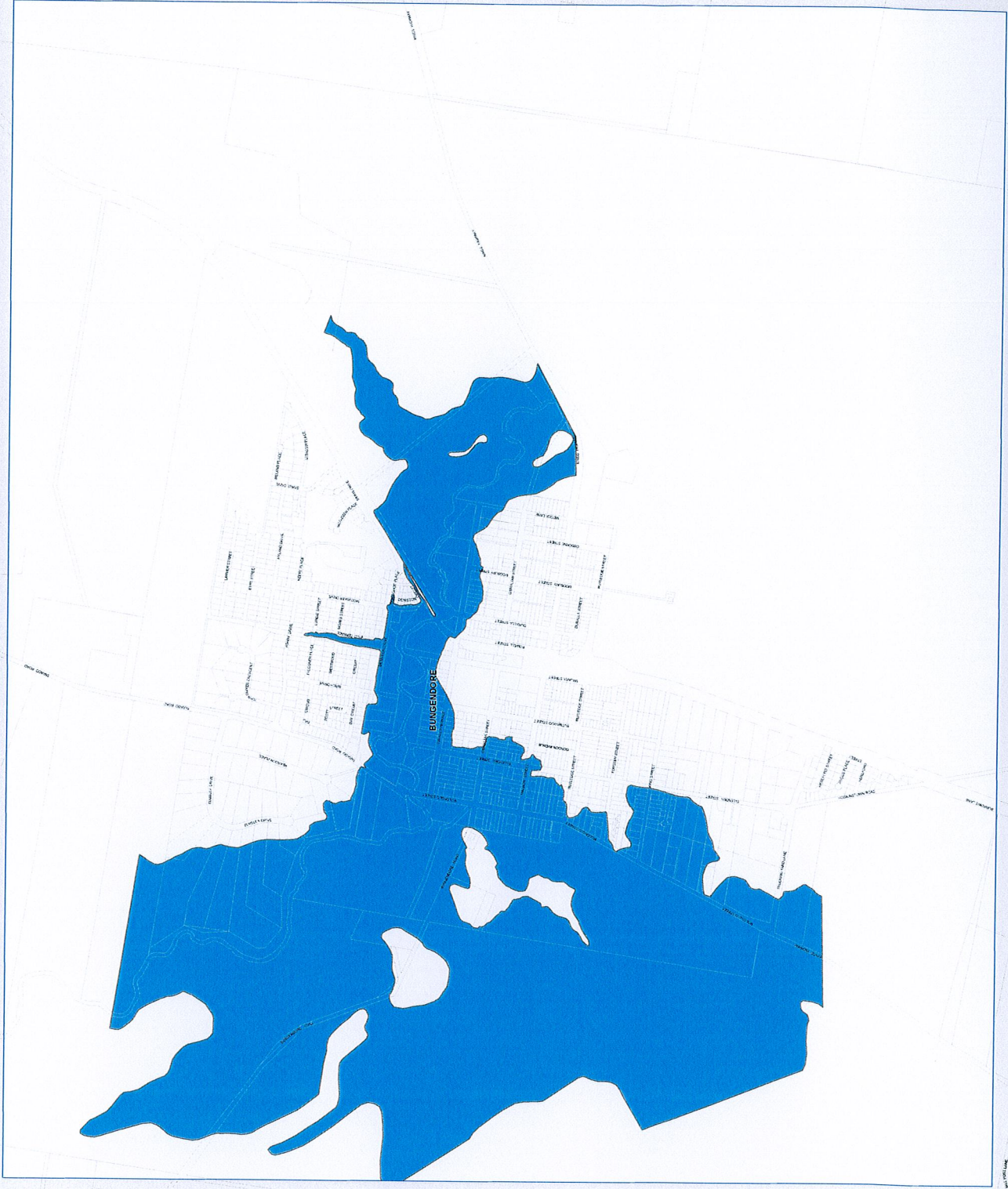
**PALERANG COUNCIL**  
**Palerang Local Environmental Plan 2014**

Flood Planning Map -  
Sheet FLD\_004A

**Flood Planning Land**  
Flood Planning Area  
Cadastral  
Cadastral 14/01/14 © Land and Property Information



0 1 km  
Scale: 1:20,000 @ A3  
Projection: GDA 1984  
MGA Zone 55  
Map identification number: FNSW\_CoM\_EI\_D\_004A\_20140114

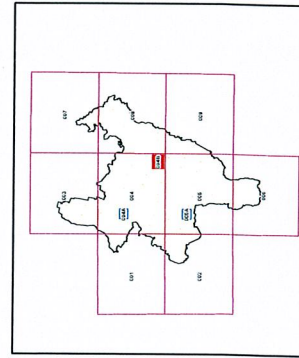




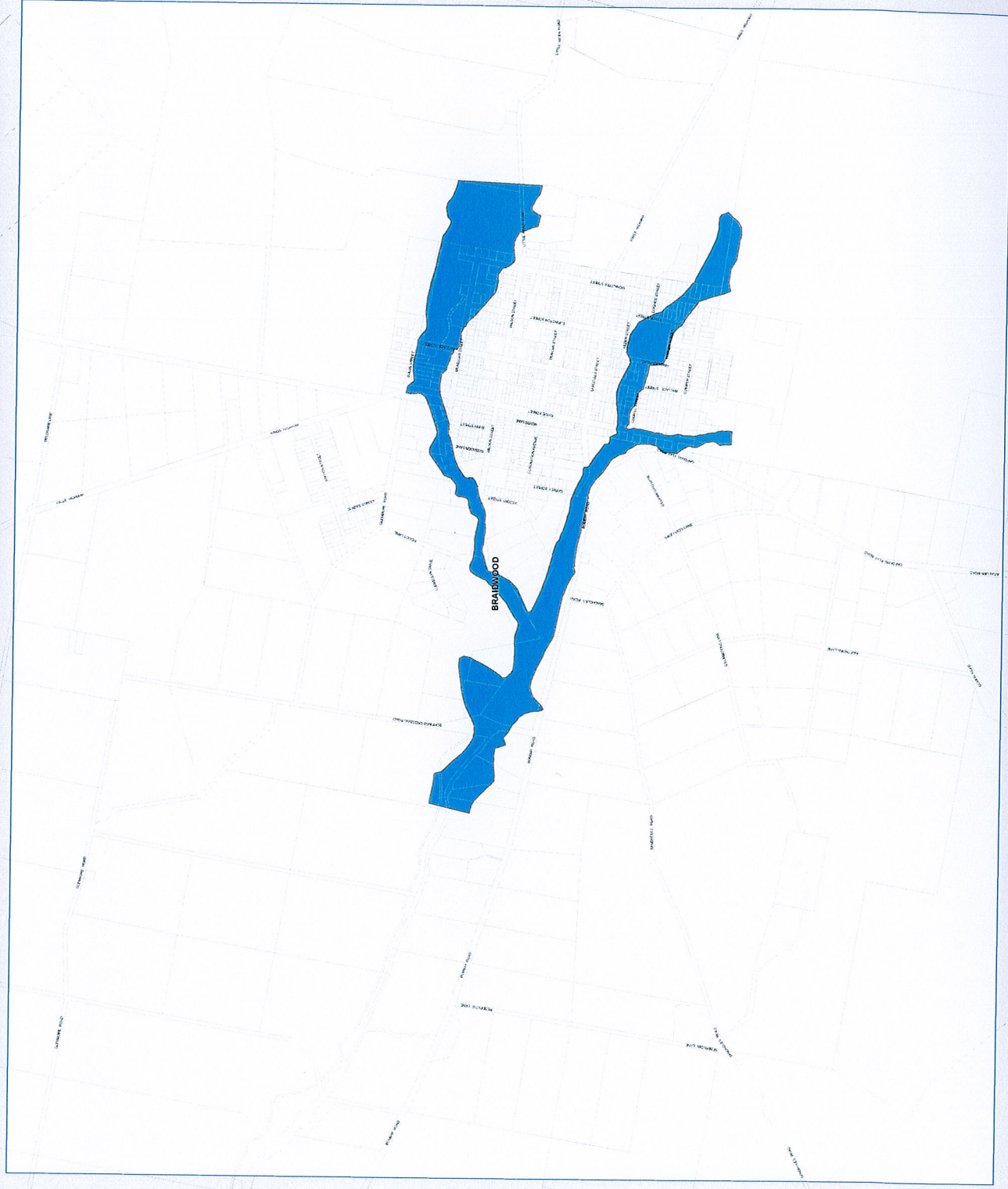
**PALERANG COUNCIL**  
**Palerang Local Environmental Plan 2014**  
**Flood Planning Map - Sheet FLD\_004B**

**Flood Planning Land**  
 Flood Planning Area  
 Cadastre

Cadastre 14/01/14 © Land and Property Information



0 1 km  
 Scale: 1:20,000 @ A3  
 Projection: GDA 1984  
 MGA Zone 55  
 Map identification number: 6196\_COUN\_01\_0\_BRAID\_001\_20140114





**PALERANG COUNCIL**  
**Palerang Local Environmental Plan 2014**

Heritage Map - Sheet HER\_004

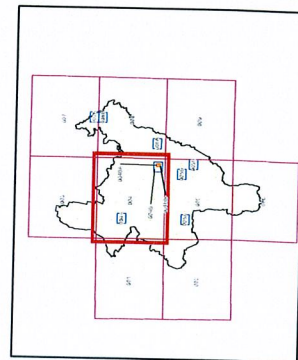
**Heritage**

Conservation Area - General

Item - General

**Cadastre**

Cadastre 14/01/14 © Land and Property Information

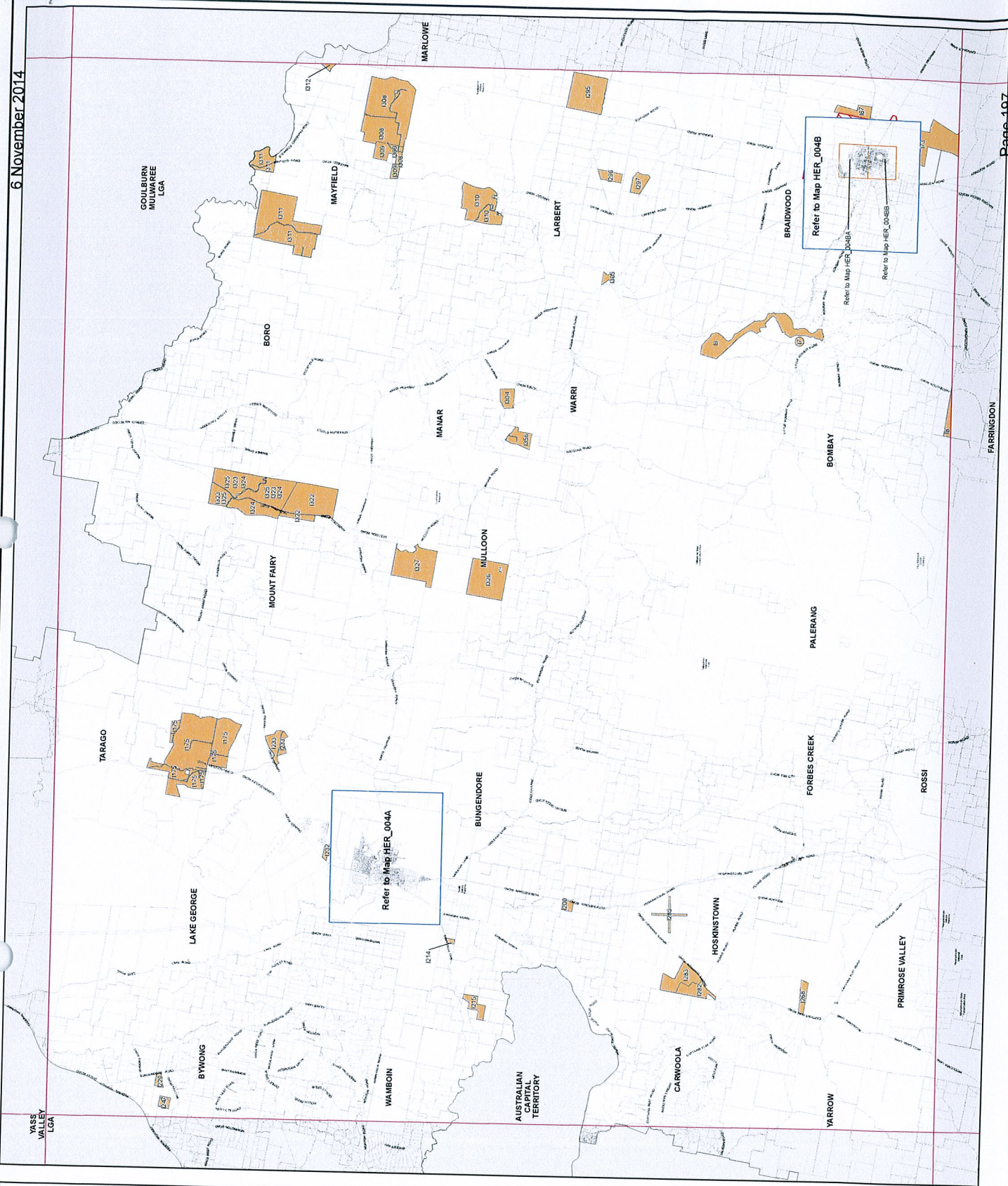


0 1 2 3 4 5 6 7 8  
km

Projection: GDA 1984  
MGA Zone 55

Scale: 1:160,000 @ A3

Map identification number: 6166\_CDL\_HER\_004\_160\_20140114



6 November 2014