



Planning Proposal

Amendments to ELEP 2012 to insert flood mapping derived from adopted Floodplain Risk Management Plans and Flood Studies and recently updated flood risk modelling, rezone certain lands, amend clause 6.5 and amend the Minimum Lot Size, Height of Buildings and Wetlands Maps.

Amendment No. 14

INTRODUCTION

Background

Eurobodalla Local Environmental Plan 2012 (ELEP) was notified on 20 July 2012. Since then there have been ten (10) amendments for various reasons. Three other amendments are currently in progress.

This planning proposal relates to the inclusion of flood mapping in the ELEP 2012. Amendments to ELEP 2012 are as follows:

- amend local provision 6.5 Flood Planning to generally reflect the current model clause issued by the Department of Planning and Environment
- include mapping to identify the Flood Planning Area for Moruya, Narooma, Dalmeny, Tomakin, Broulee, Mogo and Mossy Point
- rezone certain E2 zoned land to an appropriate zone within the mapped flood planning area.
- amend the minimum lot size map in relation to certain land in Moruya and Moruya Heads
- amend the maximum height of buildings map in relation to certain land at Moruya
- amend the Wetlands, Riparian Lands and Watercourses Map in relation to certain land at Moruya Head.

Delegation of Plan Making Function to Council

Council intends to request an authorization to exercise delegation to all matters addressed in this Planning Proposal. Responses to the relevant matters in the 'Evaluation Criteria for the issuing of Authorisation' are provided in Attachment A of this report.

PART 1: OBJECTIVES or INTENDED OUTCOMES

The intended outcome of this planning proposal is to include mapping from recently adopted and updated flood studies that reflect the existing flood risk and the potential future impacts from climate change.

PART 2: EXPLANATION of PROVISIONS

The planning proposal contains the following provisions:

1. Amend Clause 6.5 to generally reflect the current model clause (see Appendix 1)
2. Amend Land Zoning Map to remove E2 Zone where it was applied to represent a flood risk and where appropriate environmental merit has not otherwise been met. Lands affected are proposed to be rezoned to an appropriate alternative zone.
3. Include mapping to identify the flood planning area in accordance with recently prepared Flood Studies. See Appendices 2 to 4 for proposed flood maps.
4. Amend the minimum lot size map in relation to certain land in Moruya and Moruya Heads.
5. Amend the maximum height of buildings map in relation to certain land at Moruya.

6. Amend the Wetlands, Riparian Lands and Watercourses Map to remove the wetland designation from private land and public road at Moruya Heads.

PART 3: JUSTIFICATION

Section A – NEED for the PLANNING PROPOSAL

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

The following flood studies prepared in accordance with the NSW Floodplain Development Manual 2005 have informed this proposal:

- Moruya River Floodplain Management Plan 2004
- Moruya Flooding – Climate Change Assessment 2011
- Flood Prone Access to Moruya Hospital: Flood Assessment and Murray Street Crossing Upgrade Concept Design 2014
- Wagonga Inlet, Kianga and Dalmeny Flood Study 2016
- Broulee, Tomakin, Mossy Point and Mogo Flood Study 2017.

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

The planning proposal will align the ELEP 2012 with other local councils that provide flood planning area maps as an overlay in the LEP. There is no alternative means of achieving the intended outcome.

Section B – RELATIONSHIP to STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The South Coast Regional Strategy states that local environmental plans will include provisions that recognise natural hazards, including sea level rise and are consistent with the Floodplain Development Manual to minimise the risk from flooding. The planning proposal ensures that the flood planning area is identified and the appropriate provisions are applied through Clause 6.5 of ELEP 2012. The planning proposal is therefore considered to be consistent with the South Coast Regional Strategy.

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

The planning proposal meets the objectives, actions and directions of the following local strategies and plans:

- Eurobodalla Settlement Strategy 2006 2031, Environmental Protection (pp47 – 55)
- Moruya Structure Plan, Natural Hazards Directions (p102)
- Community Strategic Plan, Respond to our changing environment and build resilience to natural hazards (3.1, p20).

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

Table 1: Consistency with State Environmental Planning Policies

State Environmental Planning Policies and Aims/Objectives	Relevance to Planning Proposal	Consistency of Planning Proposal
<p>SEPP14 Coastal Wetlands To ensure that coastal wetlands are preserved and protected.</p>	Relevant – The planning proposal relates to land that contains SEPP 14 wetlands.	Consistent With the exception of the correction of a mapping anomaly on certain land at Moruya Heads, the planning proposal does not propose to rezone any lands identified by the existing SEPP14 Wetland mapping or areas mapped as proposed Coastal Management Area 1 – coastal wetlands as exhibited with the draft Coastal Management SEPP 2016.
<p>SEPP71 Coastal Protection To further implement the NSW Government’s coastal policy.</p>	Relevant - The planning proposal applies to land in the coastal zone.	Consistent The planning proposal does not facilitate development that would have detrimental impacts on the coastal zone. While some land is proposed to be rezoned from E2 to R2 or R5, the same land will be subject to the new Flood Map and the amended clause 6.5.
<p>SEPP Rural Lands 2008 To facilitate the orderly and economic use and development of rural lands for rural and related purposes through the application of rural planning principles and rural subdivision principles.</p>	Relevant – The planning proposal applies to some rural land and other land used for agricultural purposes.	Consistent The planning proposal is consistent with the rural planning principles contained in the SEPP.

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

Table 2: Consistency with Ministerial Directions

Ministerial Direction	Relevance to Planning Proposal	Consistency of Planning Proposal
<p>1.2 Rural Zones To protect the agricultural production value of rural land</p>	Relevant	Consistent The planning proposal does not facilitate an increase in permissible density of land in existing or proposed rural zones. The planning proposal is therefore considered to be consistent with this Direction.
<p>2.1 Environmental Protection Zones</p>	Relevant	Consistent.

To protect and conserve environmentally sensitive areas.		The planning proposal does not propose to rezone environmentally sensitive areas. Land currently zoned E2 that is proposed to be rezoned to another zone is flood prone land that does not have any other environmentally sensitive attributes. The planning proposal is therefore considered to be consistent with this Direction.
3.1 Residential Zones To encourage a variety and choice of housing types, to make efficient use of existing infrastructure and services and to minimise the impact of residential development on the environment and resource lands.	Relevant	Consistent. The planning proposal potentially provides for some additional dwellings in residential areas where the flood hazard is low. Any proposed development will be subject a merit assessment having regard to the new Flood Map and the amended clause 6.5.
3.4 Integrating Land Use and Transport To ensure that urban development improves access to housing, jobs and services, increases transport choice, reduces travel demand, supports viable public transport and provides for the efficient movement of freight.	Relevant	Consistent. The planning proposal potentially provides for some additional dwellings in urban areas. Any proposed development will be subject to a merit assessment having regard to the new Flood Map and the amended clause 6.5.
4.3 Flood Prone Land To ensure development of flood prone land is consistent with NSW Government Guidelines and that LEP provisions are commensurate with flood hazard.	Relevant	Part Consistent /Part inconsistent. (See below)

4.3 Flood Prone Land

Ministerial Direction 4.3 applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land. This proposal outlines how the relevant provisions of the Direction has been met and where there are inconsistencies, how they are justified.

Clause 4 of the Direction states that *“a planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas)”*.

Consistent: The planning proposal seeks to update Clause 6.5 of the ELEP2012 to be generally consistent with the current model clause that gives effect to and is consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas). A revised clause 6.5, which refers to the Flood Planning Maps, updates definitions and incorporates relevant provisions from the existing clause 6.5 in ELEP 2012, is provided in Appendix 1.

Clause 5 of the Direction states that *“a planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone”*.

Inconsistent: The planning proposal seeks to rezone certain land zoned E2 Environmental Protection to the most appropriate adjoining land use zone. This will only occur where the E2 zone was applied to specifically identify land that is flood prone (such as overland flow paths). The E2 zone will continue to apply in instances where the relevant sensitive environmental area criteria are met (SEPP 14 wetlands, endangered ecological communities, protected vegetation listed under Fisheries Management Act) and/or for areas of Eurobodalla where flood studies have not yet been completed.

Land zoned E2 solely for the purpose of flooding or overland flow was so zoned when ELEP 2012 was first made as Council did not at that time have sufficient studies completed to determine the flood planning area. As Council did not have flood mapping to include as an overlay in ELEP 2012, the Department of Planning directed that Council use the E2 zone.

The proposed inclusion of flood maps will replace the need to apply the E2 Zone for the purpose of identifying overland flow paths in the following areas:

- Mogo
- Tomakin
- Broulee
- Mossy Point
- Moruya and Moruya Head
- Dalmeny
- Kianga and
- Narooma.

Where a property has a split zone (eg. part E2 / part R2 Low Density Residential) and is in a low flood hazard area, the E2 part is proposed to be changed to the other zone applying to the land. Where the whole of a lot is currently zoned E2, the adjoining zone is proposed to be applied, or a suitable alternative zone, such as RE1 Public Recreation for some public lands and RU1 Primary Production for lots that are highly flood constrained and currently used for some form of agricultural purpose. Tables 3 and 4 and the maps in Part 4 of this Planning Proposal identify individual properties (privately and publicly owned) proposed to be rezoned and the zone proposed to be applied. Table 5 identifies properties where the minimum lot size is proposed to be changed and table 6 identifies properties where the maximum building height is proposed to be changed.

Clause 6 of the Direction states that *“a planning proposal must **not** contain provisions that apply to the flood planning areas which:*

- (a) *permit development in floodway areas,*
- (b) *permit development that will result in significant flood impacts to other properties,*
- (c) *permit a significant increase in the development of that land,*
- (d) *are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or*
- (e) *permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development”*.

Inconsistent: Rezoning the land from E2 to an adjoining zone (eg R2) technically facilitates a wider range of land uses permissible on flood prone land. However, the land will be identified on the new Flood Map and any proposed development will be managed in accordance with the flood risk by the relevant clause of ELEP 2012 (6.5) and associated development codes.

The planning proposal does not seek to modify the relevant sections of Clause 6.5 of the ELEP2012 that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the

Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas). In addition, Council's relevant flood codes (eg. Moruya River Flood Code) have adequate provisions for development to meet the criteria of 6 (a) to (e) above.

Clause 7 of the Direction states that *"a planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General)"*.

Consistent: The planning proposal does not seek to implement flood related development controls for development above the residential flood planning level.

Clause 8 of the Direction states that *"for the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General)"*.

Consistent: The planning proposal seeks to update the determination of the Flood Planning Area to be inclusive of climate change projections over the relevant planning life of the development to be consistent with the current model clause. Amendments to Clause 6.5 of the ELEP 2012 are consistent with the most recent Drafting Direction – Flood Prone Land prepared by the Department of Planning and Environment.

Clause 9 of the Direction states that *"a planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that:*

- (a) the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or*
- (b) The provisions of the planning proposal that are inconsistent are of minor significance".*

As noted above, the planning proposal is inconsistent with Clauses (5) and (6) of the Section 117 Direction 4.3. Notwithstanding, the planning proposal is consistent with the proposed amended Clause 6.5 of ELEP2012 (in accordance with the Department's drafting direction) that gives effect to and is consistent with the NSW Flood Prone Land Policy and the principles and guidelines of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas). On this basis, it is considered that the inconsistency with the Direction is justified.

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? No.

The planning proposal does not result in any additional potential impacts on environmentally sensitive areas, as land zoned E2 that meets the specific environmental criteria of that zone (such as SEPP14 wetlands), will not be rezoned as a consequence of this proposal regardless of there being a flood hazard.

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

The planning proposal does not result in any additional potential impacts on environmentally sensitive areas. Existing E2 Zones that meet the specific environmental criteria of that zone will not be rezoned as a consequence of this proposal regardless of there being a flood hazard.

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

The planning proposal does not have any social or economic effects, as land that will be identified on the Flood Map has previously been known to be flood affected. This has been confirmed by recent studies and the inclusion of Flood Maps in ELEP 2012 identifies the extent of the flood impact on the land.

Section D – STATE and COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal

Not relevant.

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

State and Commonwealth public authorities will be consulted following Gateway determination.

PART 4: MAPPING

Table 3: Privately owned land proposed to be rezoned

Lot(s)	DP	Current Zone	Proposed Zone	Comment	Flood Hazard	Map No.
6	1111121	R5/E2	R5	Remove split zone	Low to Medium	1
4, Sec 38	758710	R2/E2	R2	Remove split zone	Low/Medium High within drainage line	1
4-5	1086274	E2	R2	Consistent with adjoining zone and flood free access is available.	Low	1
1-2 Section 36	758710	E2	R2	Consistent with adjoining zone and flood free access could be provided.	Low to High	1
8	778743	E2	RU1	The land is highly flood constrained and is within an area where rural activities (eg. horse agistment) are undertaken.	High	1
12-13, 15-16, Sec 25	758710	E2	RU1	The land is highly flood constrained and is within an area where rural activities (eg. horse agistment) are undertaken.	High	1
17, Sec 25	758710	R2/E2	R2/RU1	Alter split zone. The existing E2 part is highly flood constrained and is within an area where rural activities (eg. horse agistment) are undertaken.	Very High	1
455	47651	E2	RE2	Consistent with adjoining zone	Very High	2
9	1190258	E4/E2	E4/RU1	Alter split zone. The existing E2 part is highly flood constrained.	High	2
10	1190258	R2/E2	R2	Remove split zone	Medium	2
12	804804	E2/RU1	RU1	Map correction	Very High	2
1	1394	E2	RU1	Cleared land used for agricultural purposes	Very High	2
1	125321	R2/E2	R2/E2/RU1	Reduce area of E2 zone to only cover area of EEC. Remaining E2 area is highly flood constrained.	Very High/High	3
9-11	1174944	R2/E2	R2/RU1	Alter split zone. The existing E2 part is highly flood constrained.	Very High/High/Medium	3
88	736964	R2/E2	R2/RU1	Alter split zone. The existing E2 part is highly flood constrained.	High to very High	4
1	995245	R2/E2	R2/RU1	Alter split zone. The existing E2 part is highly flood constrained.	Medium/High/Very High	4
1-11	194484	E2	RU1	The land is highly flood constrained and is within an area where rural activities (eg. horse agistment) are undertaken.	Medium/High/Very High	4

501-504	1113193	E2	RU1	The land is highly flood constrained and is within an area where rural activities (eg. horse agistment) are undertaken.	High/Very High	4
5	1086119	E2	RU1	The land is highly flood constrained and is within an area where rural activities (eg. horse agistment) are undertaken.	High	4
1	744472	E2	RU1	The land is highly flood constrained and is within an area where rural activities (eg. horse agistment) are undertaken.	High	4
7-10, 29-30	788788	E2	RU1	The land is highly flood constrained and is within an area where rural activities (eg. horse agistment) are undertaken.	High/Very High	4
2, Sec 4	983687	E2	RU1	The land is highly flood constrained and is within an area where rural activities (eg. horse agistment) are undertaken.	High	4
2	782026	E2	RU1	The land is highly flood constrained and is within an area where rural activities (eg. horse agistment) are undertaken.	Medium/High	4
104-105	632687	E2	RU1	The land is highly flood constrained and is within an area where rural activities (eg. horse agistment) are undertaken.	High	4
1-2	194485	E2	RU1	The land is highly flood constrained and is within an area where rural activities (eg. horse agistment) are undertaken.	Very High	4
1	794646	E2	RU1	The land is highly flood constrained and is within an area where rural activities (eg. horse agistment) are undertaken.	Very High	4
11-12	788788	R2/E2	R2/RU1	The land is highly flood constrained and is within an area where rural activities (eg. horse agistment) are undertaken.	High	4
4-5	26279	E2	R2	Mapping error - wetland extent does not reach property. No flooding on property.	N/A	5 and 14
1	551598	R2/E2	R2	Mapping error - wetland extent does not reach property	Low/Medium	5 and 14

Table 4: Publicly owned land proposed to be rezoned

Lot(s)	DP	Current Zone	Proposed Zone	Comment	Flood Hazard	Map No.
19	259737	E2	RE1	Cleared land	Very High	6
6	703585	E2	RE1	Cleared land	Low	6
22-23	983687	E2	RE1	Cleared land	High	7
120, 121	818937	E2	RE1	Cleared land	Low/Medium	7
119	818937	E2/SP2	RE1/SP2	Part pumping station, part cleared	Low	7
3	1088852	E2	RU1	The land is highly flood constrained and is within an area where rural activities (eg. horse agistment) are undertaken.	High	4
1	738261	E2	RU1	The land is highly flood constrained and is within an area where rural activities (eg. horse agistment) are undertaken.	High	4
1	720026	E2	RU1	The land is highly flood constrained and is within an area where rural activities (eg. horse agistment) are undertaken.	High	4
13	250233	E2	RE1	Consistent with adjoining zone	Very High	8
1, Sec 26	758710	E2	RE1	Consistent with adjoining zone	Very High	8
7007	1020754	E2	RE1	Cleared Parkland: consistent with use	Very High	9
1	1061092	E2	RE1	Consistent with use: Boat ramp, toilets and car park	Extreme	10
NULL	755963	E2	RU1	Consistent with adjoining zone	Extreme	11
3	1138945	E2	RU1	Cleared land. Road verge. Consistent with adjoining zone	Extreme	11
7019	1024286	E2	RE1	Consistent with use: Toilet block and shelters; park	High	12
66	203032	E2	RE1	Cleared land	High	13

Table 5: Privately owned land proposed to change minimum lot sizes

Lot(s)	DP	Current Minimum Lot Size	Proposed Minimum Lot Size	Comment	Map No.
6	1111121	1000ha / 5000m ²	5000m ²	Remove split lot size. As lot size is less than 5000m ² , no further subdivision is possible.	1
4, Sect 38	758710	1000ha / 550m ²	5000m ²	Remove split lot size. Any subdivision will be assessed on merit of flood hazard.	1
4-5	1086274	1000ha	5000m ²	Lots are 4376m ² in size. Given flood hazard, no further subdivision should be permitted.	1
1-2 Sec 36	758710	1000ha	5000m ²	Lots are 4003m ² in size. Given flood hazard, no further subdivision should be permitted.	1

8	778743	1000ha	2ha	Lot is 2174m ² in size. Given flood hazard, no further subdivision should be permitted.	1
12-13, 15-16, Sec 25	758710	1000ha	2ha	Lots are 2023m ² in size. Given flood hazard, no further subdivision should be permitted.	1
17, Sec 25	758710	1000ha / No MLS	2ha / 550m ²	Apply a 550m ² lot size to the R2 part (which is approximately 937m ² in area) and a 2ha lot size to the RU1 part.	1
455	47651	1000ha	No MLS	Remove minimum lot size to be consistent with adjoining land zoned RE2.	2
9	1190258	1000ha / 2ha	100ha / 2ha	Alter split lot size. 100ha consistent with proposed zoning (under Rural Lands Planning Proposal) for adjacent land zoned RU1.	2
10	1190258	1000ha	550m ²	Remove split lot size. Any subdivision will be assessed on merit of flood hazard.	2
12	804804	1000ha	100ha	100ha consistent with proposed zoning (under Rural Lands Planning Proposal) for subject land.	2
1	1394	1000ha	100ha	100ha consistent with proposed zoning (under Rural Lands Planning Proposal) for adjacent land zoned RU1.	2
1	125321	1000ha / 550m ² / 600m ²	40ha / 550m ² / No MLS	40ha consistent with proposed zoning (under Rural Lands Planning Proposal) for adjacent land zoned RU1. Note that under Rural Lands Planning Proposal, the 600m ² MLS is proposed to be changed to 550m ² and E2 areas are proposed to have no MLS.	3
9-11	1174944	1000ha / 550m ² / 600m ²	40ha / 550m ²	40ha consistent with proposed zoning (under Rural Lands Planning Proposal) for adjacent land zoned RU1. Note that under Rural Lands Planning Proposal, the 600m ² MLS is proposed to be changed to 550m ² .	3
88	736964	1000ha / 550m ²	2ha / 550m ²	Alter split lot size. Given the high flood hazard, the RU1 part is proposed to have a 2ha minimum lot size to ensure no further subdivision.	4
1	995245	1000ha / 550m ²	2ha / 550m ²	Alter split lot size. Given the high flood hazard, the RU1 part is proposed to have a 2ha minimum lot size to ensure no further subdivision.	4
1-11	194484	1000ha	2ha	Lots range from 1014m ² to 2027m ² in size. Given flood hazard, no further subdivision should be permitted.	4
501-504	1113193	1000ha	2ha	Lots are 1012m ² in size. Given flood hazard, no further subdivision should be permitted.	4
5	1086119	1000ha	2ha	Lot is 1012m ² in size. Given flood hazard, no further subdivision should be permitted.	4
1	744472	1000ha	2ha	Lot is 1012m ² in size. Given flood hazard, no further subdivision should be permitted.	4

7-10, 29-30	788788	1000ha	2ha	Lots range from 835.1m ² to 1007m ² in size. Given flood hazard, no further subdivision should be permitted.	4
2, Sec 4	983687	1000ha	2ha	Lot is 1011.6m ² in size. Given flood hazard, no further subdivision should be permitted.	4
2	782026	1000ha	2ha	Lot is 1019m ² in size. Given flood hazard, no further subdivision should be permitted.	4
104-105	632687	1000ha	2ha	Lots range from 1002m ² to 1003m ² in size. Given flood hazard, no further subdivision should be permitted.	4
1-2	194485	1000ha	2ha	Lots are 2027m ² in size. Given flood hazard, no further subdivision should be permitted.	4
1	794646	1000ha	2ha	Lot is 2023m ² in size. Given flood hazard, no further subdivision should be permitted.	4
11-13	788788	1000ha / 550m ²	2ha / 550m ²	Alter split lot size. Given the high flood hazard, the RU1 part is proposed to have a 2ha minimum lot size to ensure no further subdivision.	4
4-5	26279	1000ha / 550m ²	550m ²	Mapping error - wetland extent does not reach property. No flooding on property.	5 and 14
1	551598	1000ha / 550m ²	550m ²	Lot is 560m ² with existing dwelling. Flood risk is low/medium. Removing split lot size cannot result in additional development in flood zone.	5 and 14

Table 6: Privately owned land proposed to change maximum building height

Lot(s)	DP	Current Maximum Building Height	Proposed Maximum Building Height	Comment	Map No.
6	1111121	12m / No MBH	12m	Remove split MBH	1
4,Sect 38	758710	12m / No MBH	12m	Remove split MBH	1
4-5	1086274	No MBH	8.5m	Consistent with adjoining land	1
1-2 Sec 36	758710	No MBH	8.5m	Consistent with adjoining land	1
17, Sec 25	758710	No MBH	8.5m / No MBH	Apply 8.5m to R2 part, consistent with adjoining land.	1
10	1190258	8.5m / No MBH	8.5m	Remove split MBH	2

Map 1



Lots 12-13 and 15-17, Section 25, DP 758710

Lot 8, DP 778743

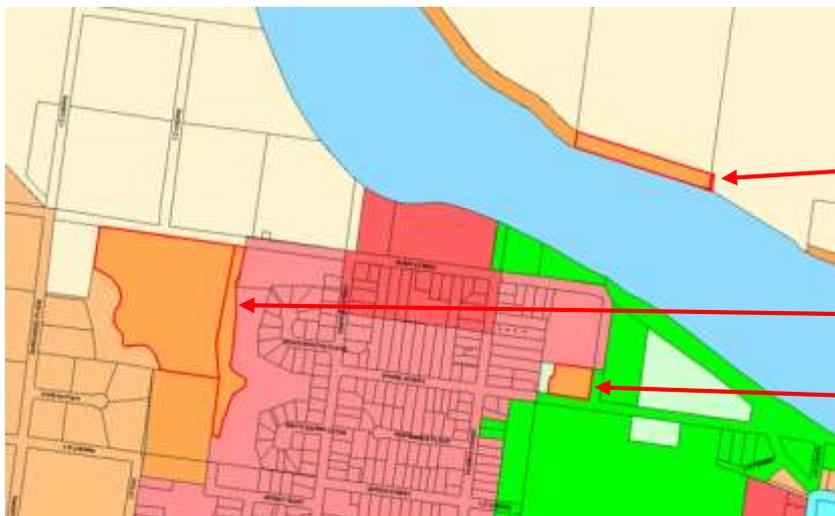
Lots 1 and 2, Section 36, DP 758710

Lots 4 and 5, DP 1086274

Lot 4, Section 38, DP 758710

Lot 6, DP 1111121

Map 2



Lot 1, DP 1394 and Lot 12, DP 804804

Lots 9 and 10, DP 1190258

Lot 455, DP 47651

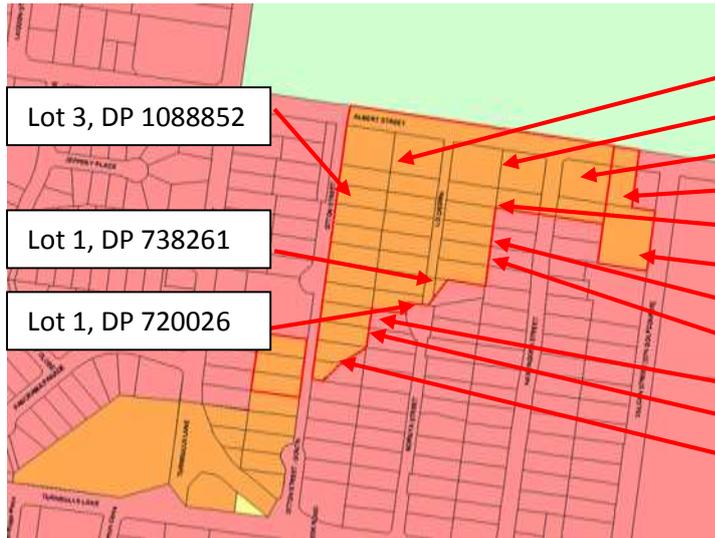
Map 3



Lot 1, DP 125321

Lots 9-11, DP 1174944

Map 4



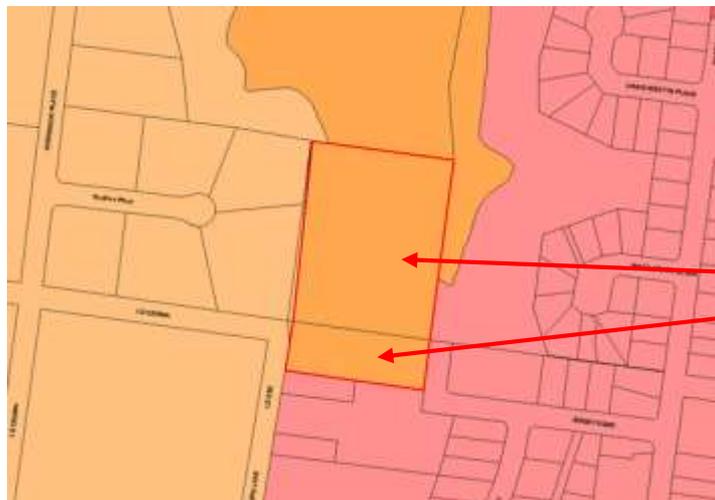
- Lots 1-11, DP 194484
- Lots 1-2, DP 194485
- Lot 1 DP 794646
- Lot 1, DP 995245
- Lots 501-504, DP 1113193
- Lot 88, DP 736964
- Lot 5, DP 1086119
- Lot 1, DP 744472
- Lots 7-12 & 29-30, DP 788788
- Lot 2, DP 782026
- Lots 104-105, DP 632687

Map 5



- Lots 4-5, DP 26279
- Lot 1, DP 551598

Map 6



- Lot 19, DP 259737
- Lot 6, DP 703585

Map 7



- Lots 22-23, DP 983687
- Lots 115-118, 120 & 121, DP 818937
- Lot 19, DP 818937

Map 8



- Lot 1, Section 26, DP 758710
- Lot 13, DP 250233

Map 9



- Lot 7007, DP 1020754

Map 10



Lot 1, DP 1061092

Map 11



Lot 3, DP 1138945
DP 755963

Map 12



Lot 7019, DP 1024286

Map 13



Lot 66, DP 203032

Map 14



Amend Wetland Map to remove this area

PART 5: COMMUNITY CONSULTATION

The proposed amendments warrant community consultation in accordance with Council's community engagement framework and as required by legislation. It is considered that an exhibition period of 42 days for the planning proposal is warranted.

Part 6: PROJECT TIMELINE

Anticipated commencement date (date of Gateway determination)	September 2017
Anticipated timeframe for the completion of required technical information	N/A
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	September to October 2017
Commencement and completion dates for public exhibition period	October to November 2017
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	December 2017
Timeframe for the consideration of a proposal post exhibition	December 2017
Date of submission to the department to finalise the LEP	February 2018
Anticipated date RPA will make the plan (if delegated)	March 2018
Anticipated date RPA will forward to the department for notification	March 2018

APPENDIX 1 – REVISED CLAUSE 6.5 - FLOOD PLANNING

6.5 Flood planning

- (1) The objectives of this clause are as follows:
 - (a) to minimise the flood risk to life and property associated with the use of land,
 - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
 - (c) to avoid significant adverse impacts on flood behaviour and the environment.
- (2) This clause applies to:
 - (a) land that is shown as "Flood planning area" on the Flood Planning Map, and
 - (b) other land at or below the flood planning level.
- (3) 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 potential 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.
- (4) Before determining a development application for development on land to which this clause applies. The consent authority must consider the potential to relocate, modify or remove the development if the land is affected by coastal processes, coastal hazards and projected sea level rise.
- (5) Before determining a development application for development for the purposes of residential accommodation or tourist and visitor accommodation on land within Zone B2 Local Centre and identified as "Moruya Town Centre" on the Land Zoning Map, the consent authority must consider whether or not the development:
 - (a) will increase the demand for the provision of emergency equipment, personnel, welfare facilities or other resources that may be required for an evacuation due to flooding, or
 - (b) will increase the risk to life and personal safety of any emergency service and rescue personnel who may be involved in any such evacuation, or
 - (c) will adversely affect the cumulative impact of further development on potential flooding, or
 - (d) will increase the potential for pollution during flooding, or
 - (e) will increase public and private losses resulting from flooding.
- (6) A word or expression used in this clause has the same meaning as it has in the NSW Government's *Floodplain Development Manual* published in 2005, unless it is otherwise defined in this clause.

7. In this clause:

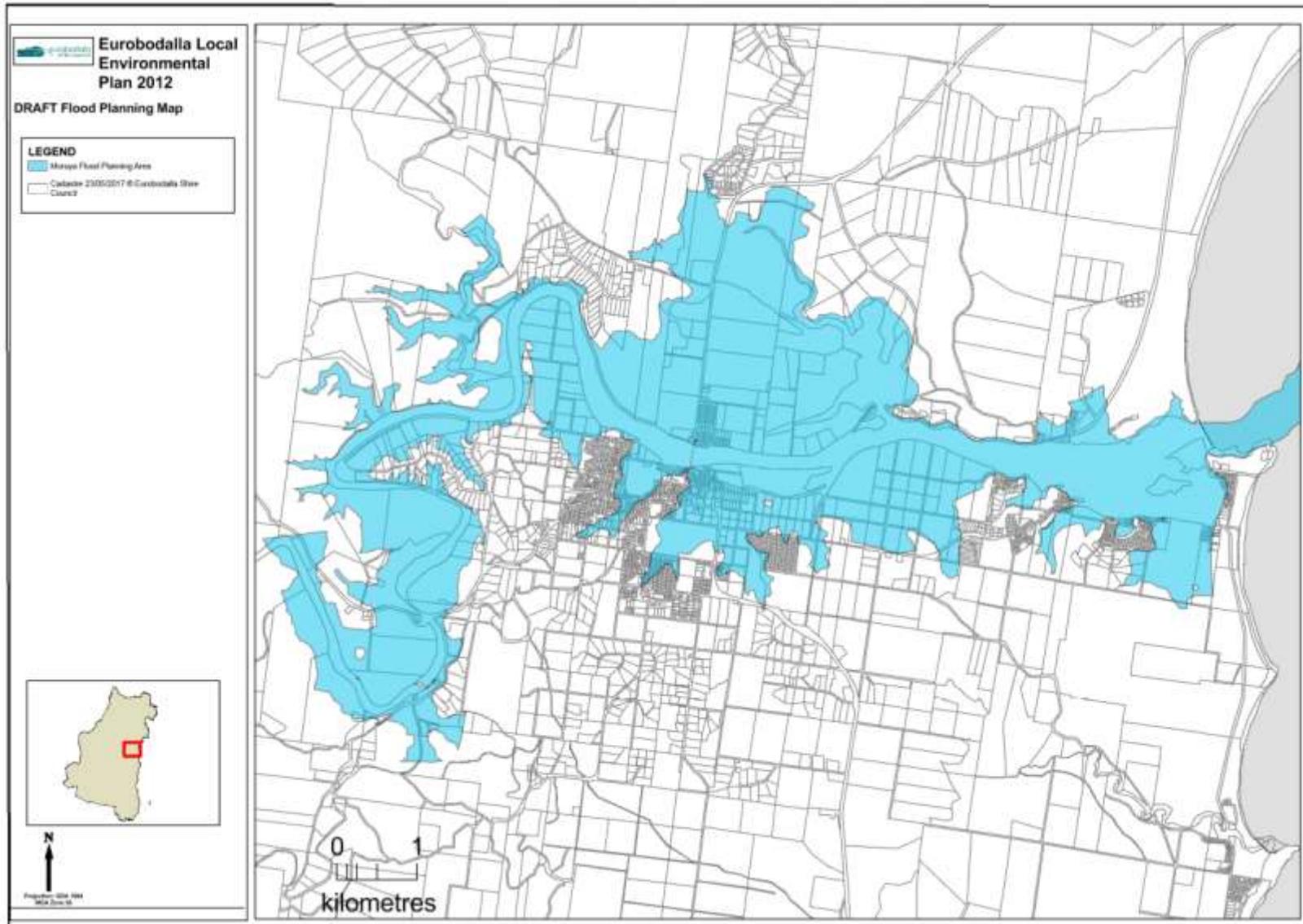
flood planning area means the land shown as “Flood planning area” on the Flood Planning Map

flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard.

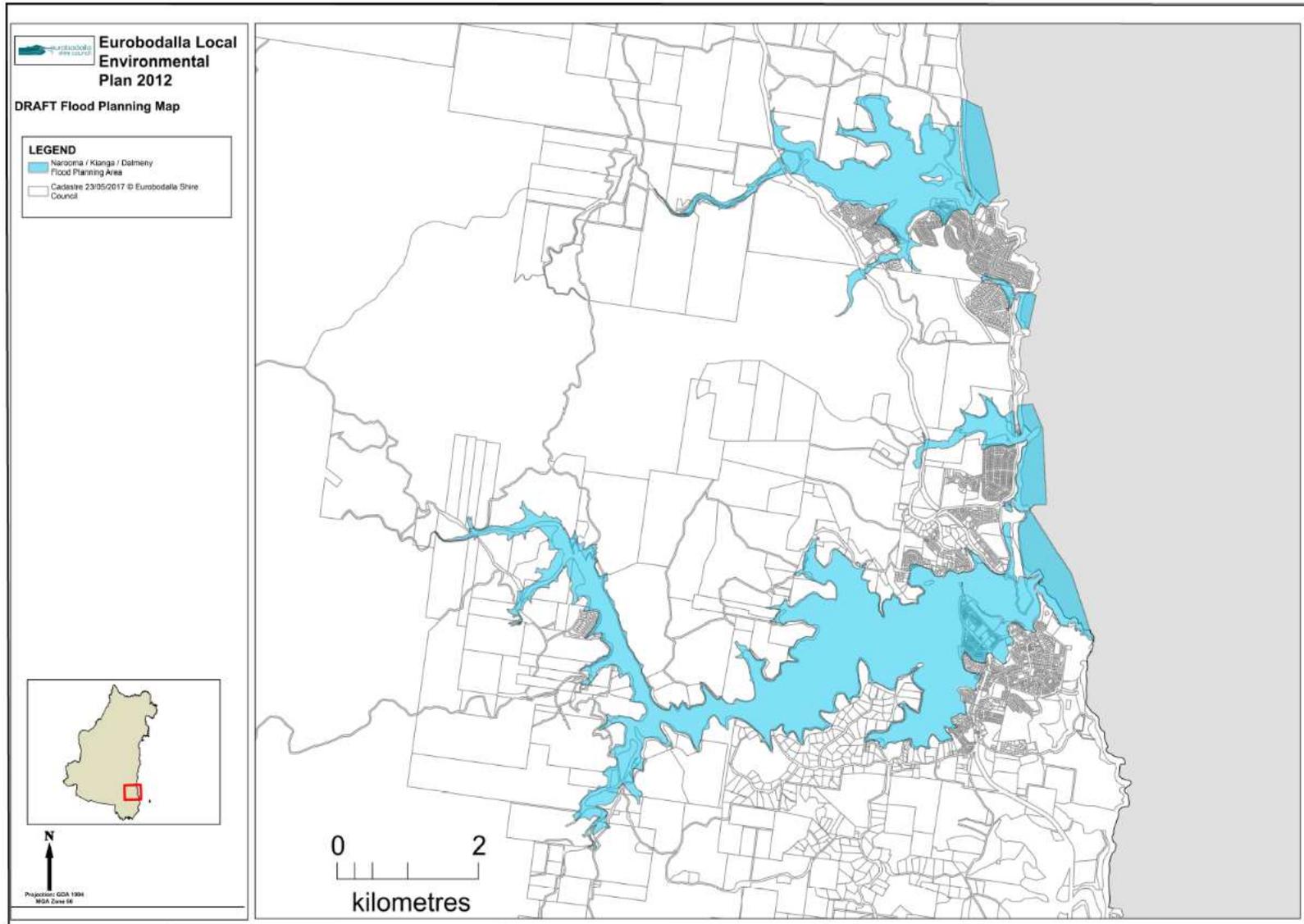
Flood Planning Map means the Eurobodalla Local Environment Plan 2012 Flood Planning Map.

projected sea level rise means the 2050, 2070 and 2100 sea level rise projections associated with the RCP 6.0 emissions scenario identified in *South Coast Regional Sea Level Rise Policy and Planning Framework 2014*.

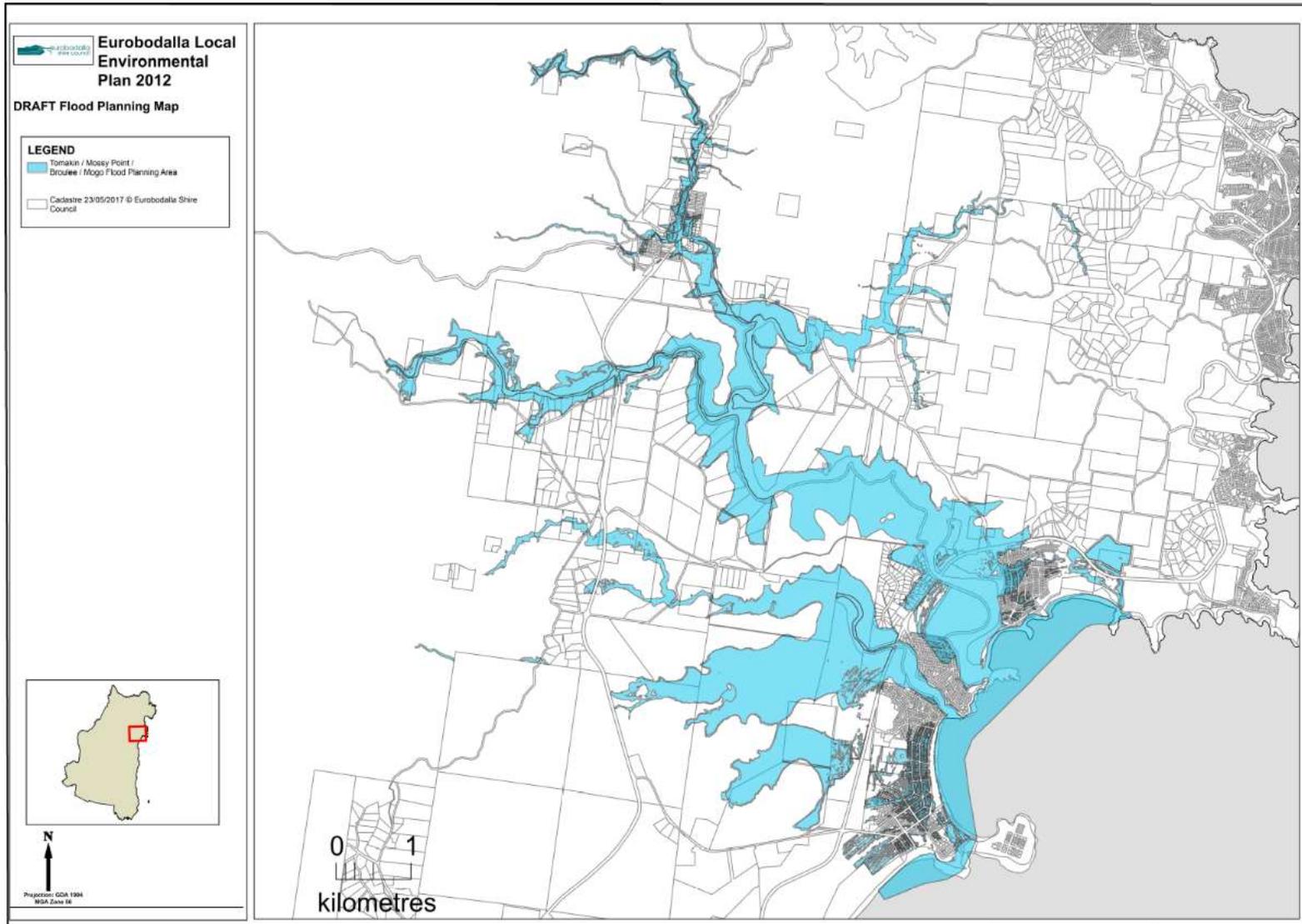
APPENDIX 2 DRAFT FLOOD MAP - MORUYA



APPENDIX 3 DRAFT FLOOD MAP – NAROOMA, KIANGA AND DALMENY



APPENDIX 4 DRAFT FLOOD MAP – TOMAKIN, MOSSY POINT, BROULEE AND MOGO



ATTACHMENT A – Evaluation Criteria for Delegation

Local Government Area: Eurobodalla Shire Council

Name of draft LEP: Eurobodalla Local Environmental Plan amendment No 13

Address of Land (if applicable): Various lots

Intent of draft LEP:

- Amend local provision 6.5 Flood Planning to generally reflect the current model clause
- Inclusion of mapping to identify the Flood Planning Area for Moruya, Narooma, Dalmeny, Tomakin, Broulee, Mogo and Mossy Point
- Rezone certain E2 zoned land to an appropriate zone within the mapped flood planning area.
- Amend the minimum lot size map in relation to certain land in Moruya and Moruya Heads.
- Amend the maximum height of buildings map in relation to certain land in Moruya.
- Amend the Wetlands, Riparian Lands and Watercourses Map in relation to land at Preddys Wharf Road, Moruya Heads.

Additional Supporting Points/Information:

The planning proposal seeks to replace E2 zoning where it was applied for flood hazard purposes with flood mapping from recently adopted and updated flood studies that reflect the existing flood risk and the potential future impacts from climate change.

(Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	N			
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	N			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?	N			
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?	N			
Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?	N			
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?	N			
Is the planning proposal proposed to rectify an anomaly in a classification?	N			
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?	N			
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?	N			

If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?	N			
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?	N			
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?	N			
Spot Rezoning	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?	N/A			
Does the planning proposal create an exception to a mapped development standard?	N			
Section 73A matters				
Does the proposed instrument <ul style="list-style-type: none"> a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A(1)) of the Act in order for a matter in this category to proceed).	N			

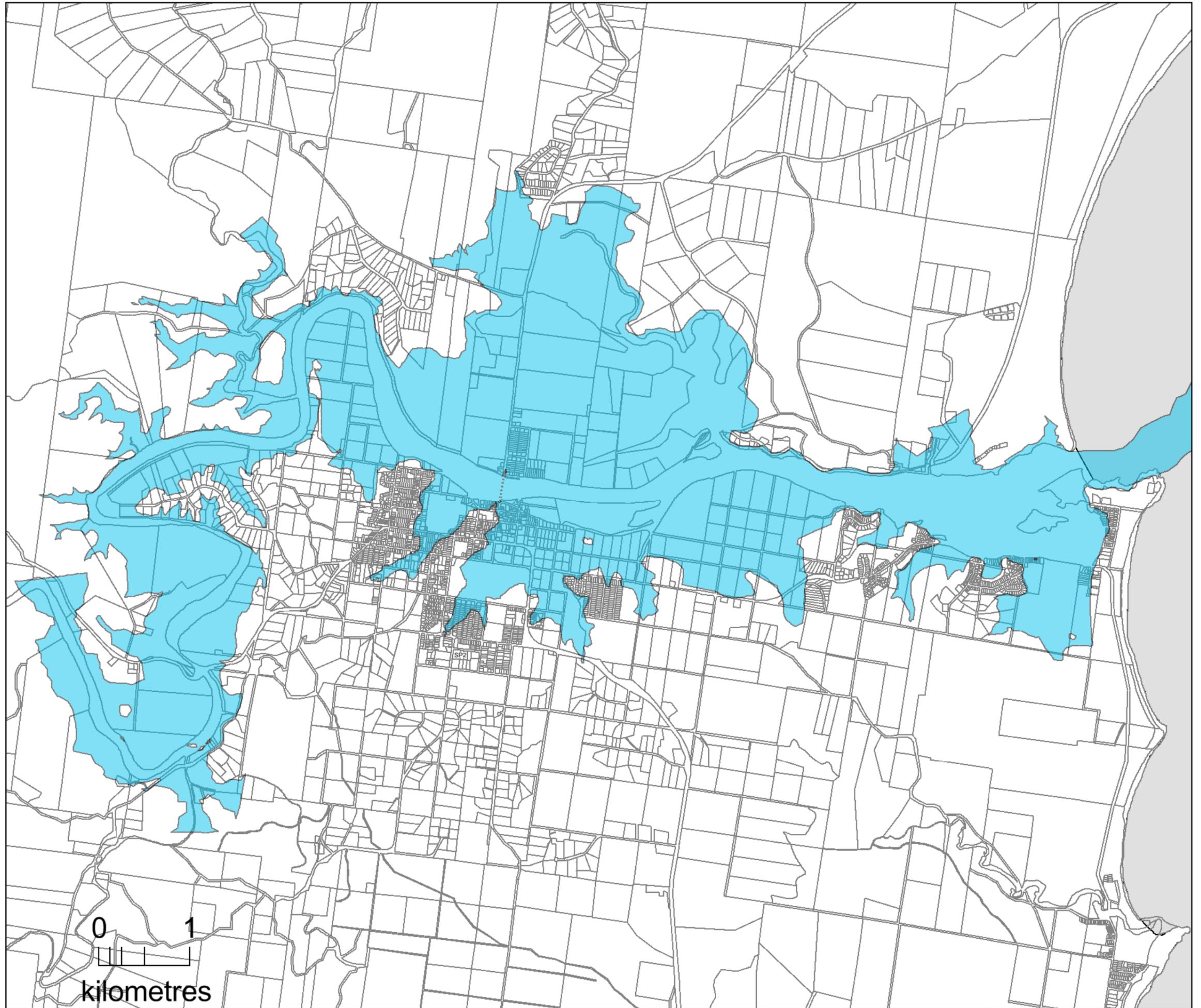


Eurobodalla Local Environmental Plan 2012

DRAFT Flood Planning Map

LEGEND

-  Moruya Flood Planning Area
-  Cadastre 23/05/2017 © Eurobodalla Shire Council



Projection: GDA 1994
MGA Zone 56



Eurobodalla Local Environmental Plan 2012

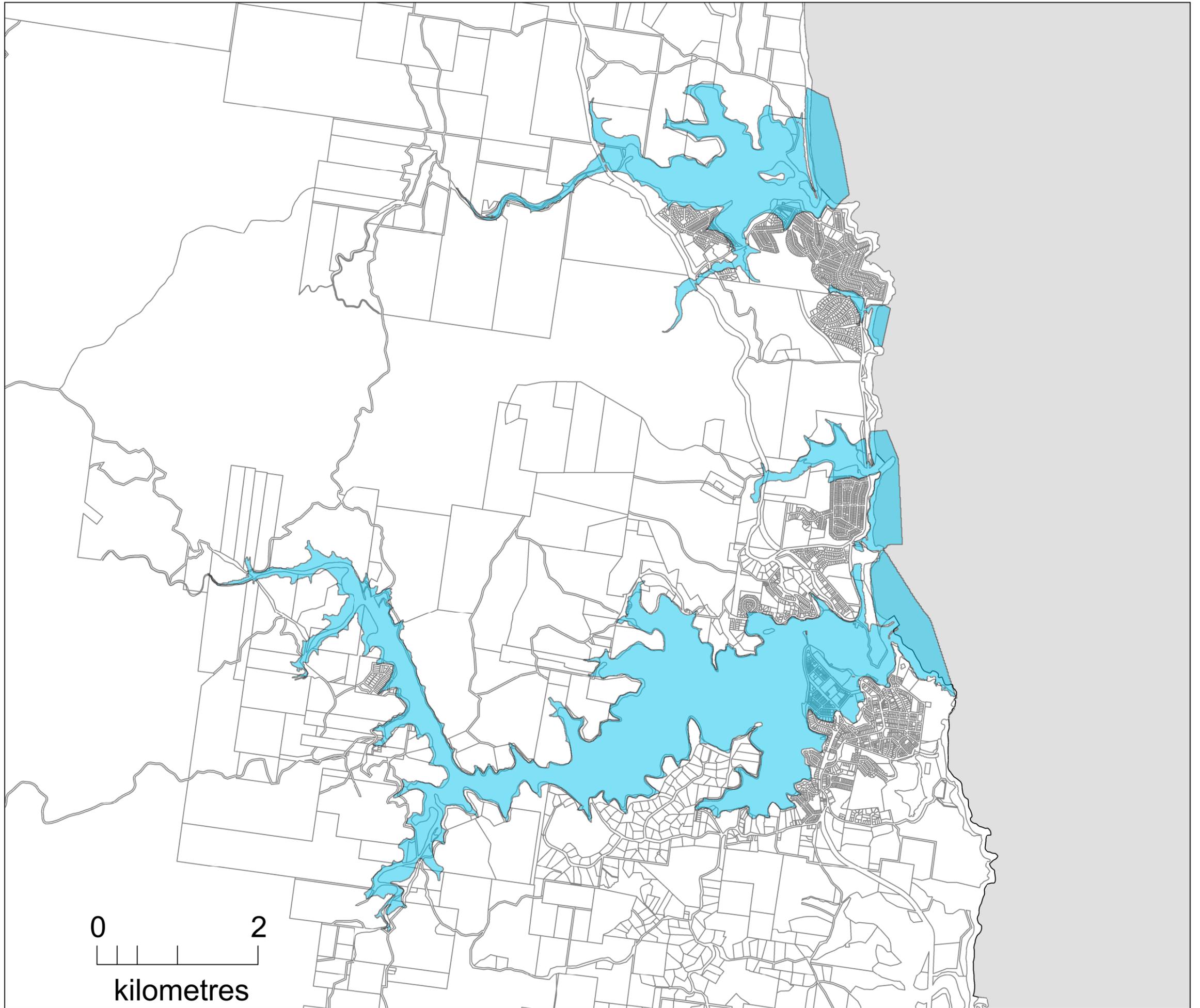
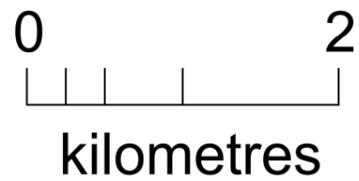
DRAFT Flood Planning Map

LEGEND

-  Narooma / Kianga / Dalmeny Flood Planning Area
-  Cadastre 23/05/2017 © Eurobodalla Shire Council



Projection: GDA 1994
MGA Zone 56





Eurobodalla Local Environmental Plan 2012

DRAFT Flood Planning Map

LEGEND

 Tomakin / Mossy Point / Broulee / Mogo Flood Planning Area

 Cadastre 23/05/2017 © Eurobodalla Shire Council



Projection: GDA 1994
MGA Zone 56

0 1
kilometres

