

Flooding Advice and Flood Related Development Controls Policy

Effective Date:	28 February 2012
Contact Officer:	Coordinator Engineering Services
TRIM Document Number:	D02130432

1. Introduction

Flooding in NSW is managed in accordance with the NSW Government's Flood Prone Lands Policy. The primary objective of this policy is to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible. This is achieved by undertaking studies to quantify flooding risks and potential measures in accordance with the NSW Government's Floodplain Development Manual and subsequently implementing the recommended measures.

Randwick City Council is committed to progressively studying all catchments within its local government area. The scale and complexity of the task requires catchments to be prioritised for study. These studies will significantly influence how Council resources for managing drainage and flooding are allocated. The studies will provide a clear and logical basis for Council to allocate its resources in a cost effective manner that minimises private and public losses.

It is equally important for the community to have access to reliable information about flooding. This will empower the community to take action that protects themselves and their property from flooding.

2. Objective

The overall objective of this policy is to provide guidance on flooding related matters as catchments are progressively studied. More specifically, the objectives of this policy are to:

- a) Meet Council's obligations to disclose flooding related information; and
- b) Establish interim flooding related controls in situations where a Council commissioned Flood Study exists but no Floodplain Risk Management Study and Plan has been adopted by Council.

3. Flooding related development controls

The outputs of the process outlined in the NSW Government's Floodplain Development Manual are:

- a) Flood Studies; and
- b) Floodplain Risk Management Studies;

- and
- c) Floodplain Risk Management Plans.

Where there is a Council adopted Floodplain Risk Management Study and Floodplain Risk Management Plan, the flooding related development controls and the flood planning levels recommended by these documents, shall be applied.

Where there is no adopted Floodplain Risk Management Study and Plan and the Council has commissioned a Flood Study and resolved that the study be placed on public exhibition, the flooding related development controls shall be as outlined in this Policy.

Locations where flooding related development controls are applicable

Flooding related development controls are applicable to all land that is below the 1% AEP flood plus half a metre freeboard.

Additional locations where flooding related development controls are applicable

Certain types of developments serve a post disaster function or have specific safety and evacuation needs that need to be addressed in order to ensure the safety of vulnerable people. Developments with specific post disaster functions or safety needs are:

- a) Schools
- b) Hospitals
- c) Nursing homes
- d) Retirement villages
- e) Aged care facilities
- f) SES headquarters
- g) Evacuation centres
- h) Major utility facilities
- i) Emergency response facilities

These types of facilities need to consider safety issues for all floods up to and including the Probable Maximum Flood. Flooding related controls will be applicable to these types of development if a Council commissioned flood study determines that:

- a) the land is below the 1% AEP flood plus half a metre freeboard; or
- b) the land is above the 1% AEP flood plus half a metre freeboard but below the Probable Maximum Flood.

Flooding related controls

Flooding related development controls shall be in accordance with the principles of the Floodplain Development Manual as follows:

- a) No adverse impact on flooding, including conveyance of flood waters

- and, floodplain storage volume, for floods up to and including the 1% AEP flood; and
- b) Ensure the safety of persons and emergency access during flooding for all floods up to and including the Probable Maximum Flood; and
 - c) Ensure the structural soundness and flood compatibility of building materials for all structures founded below the 1% AEP flood plus half a metre freeboard; and
 - d) Commercial floor levels and habitable residential floor levels to be no less than the 1% AEP flood plus half a metre freeboard; and
 - e) Open car parking spaces or car ports to be no lower than the 5% AEP flood; and
 - f) All other floor levels to be determined based on merit.

4. Provision of flooding information and advice

Section 149(2) certificates

Planning certificates are issued by Council under section 149 of the Environmental Planning and Assessment Act 1979. The Environmental Planning and Assessment Regulation 2000 prescribes the information that is to be provided on the S149(2) certificate. The prescribed information, regarding flooding, is as follows:

7A Flood related development controls information

- (1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flooding related development controls.
- (2) Whether or not development on that land or part of the land for other purposes is subject to flood related development control.

Where Council has adopted a Floodplain Risk Management Study and Plan, the prescribed questions will be answered based on the development controls and flood planning levels recommended by the adopted documents.

Where the Council has commissioned a flood study and Council has resolved that the study is appropriate for public exhibition, the

prescribed questions will be answered based on the development controls listed in Section 3 of this policy and as follows.

Question (1) will be answered in the affirmative where any part of a property is below the 1% AEP flood plus half a metre freeboard.

Question (2) will be answered in the affirmative where any part of a property is:

- a) below the 1% AEP flood plus half a metre freeboard; or
- b) above the 1% AEP flood plus half a metre freeboard and below the Probable Maximum Flood.

Reported historical flood events, flooding complaints and site specific flood studies are not considered to be of sufficient reliability to be reported on Section 149(2) certificates.

Section 149(5) certificates

Under Section 149(5) of the Environmental Planning and Assessment Act 1979, a Council may, in a planning certificate, include advice on such other relevant matters affecting the land of which it may be aware.

Where the Council has commissioned a flood study and Council has resolved that the study is appropriate for public exhibition, all properties within that catchment shall have a notation on the Section 149(5) certificate to the effect as follows:

"Flood Studies

Council is in possession of a flood study that covers the catchment in which this property is located. The flood study is available for inspection at the Council if required."

For all other properties a notation will be provided on the Section 149(5) certificate to the effect as follows:

"Flood Studies

The Council does not hold any recent flood study or definitive flood level data relating to the land subject of this certificate. Council is progressively studying all drainage catchments within the Randwick local government area and information relating to the flood risk of land within the Council's area will be updated as the studies are undertaken."

Reported historical flood events, flooding complaints and site specific flood studies are not considered to be of sufficient reliability to be reported on Section 149(5) certificates.

5. Relevant legislation

- Local Government Act 1993
- Environmental planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Government Information (Public Access) Act 2009

6. Review

This policy will be reviewed bi-annually.

7. Responsibility

The Director City Services is responsible for the overall management of this policy.

8. Definitions

Probable Maximum Flood (PMF)	The PMF is the largest flood that could conceivably occur at a particular location
1% Annual Exceedance Probability (AEP) flood	A flood with a 1% chance of occurring or being exceeded in any given year. Formerly referred to as 1:100, 1 in 100, 100yr flood or Q100
5% Annual Exceedance Probability (AEP) flood	A flood with a 5% chance of occurring or being exceeded in any given year. Formerly referred to as 1:20, 1 in 20, 20yr flood or Q20

Minute No: CS3/2012
Meeting Date: February 2012
Updated: July 2014