

# Policy For Identifying Properties Subject to Flood Related Development Controls

Division:	Infrastructure Services	Date Adopted:	-
Section:	Infrastructure Planning and property	Date Last Changed:	November 2015
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## BACKGROUND

This policy identifies criteria and processes concerning flood affected land within the Marrickville Local Government Area.

The NSW Government *Floodplain Development Manual* 2005 provides a detailed framework for implementing the policy to achieve its primary objective and recognises the potential implications of climate change on flooding behaviour.

The primary method of flood risk management is through the application of development controls on flood affected land as identified in Council's land use planning instruments.

The *Environmental Planning and Assessment Act* 1979 requires Council to identify properties subject to flooding. Council has undertaken flood studies and floodplain risk management plans to determine the probable extent of and likely risk from flooding as required by the *Floodplain Development Manual*. These studies provide the basis for identifying properties subject to flooding.

The NSW Government *NSW Sea Level Rise Policy Statement* 2009 and the *Coastal Planning Guidelines* 2010 specify use of sea level rise planning benchmarks. These benchmarks prescribe an increase above 1990 mean sea levels of 40 cm by 2050 and 90 cm by 2100, with the two benchmarks allowing for consideration of sea level rise over different timeframes. The benchmarks were established by considering the most credible national and international projections of sea level rise and take into consideration the uncertainty associated with sea level rise projections. The benchmarks are incorporated into Council's methodology for identifying properties subject to flooding.

Climate change impacts on flood producing rainfall events show a trend for larger scale storms and increased rainfall intensities. Modelling of these predictions is being undertaken by Sydney Metropolitan Catchment Management Authority, CSIRO, Bureau of Meteorology, Department of Planning and NSW Department of Environment and Climate Change. This research is expected to lead to further robust recommendations on increased rainfall predictions. Currently Council does not identify flood affected land due to increased rainfall intensity. Council will review recommendations on increased rainfall intensity criteria as they become available and revise this Policy as required.

Compliance with the NSW Government's flood planning methodologies will assist Council in managing floodplain development risk.

## **POLICY STATEMENT**

The identification of properties subject to flooding is undertaken to enable the application of development controls in order to:

1. Minimise future flood damages to private and public property.
2. Minimise risk to life.
3. Ensure any existing flood affected area is not adversely affected by future development.

## **RELATED LEGISLATION, POLICIES AND PROCEDURES**

1. Environmental Planning and Assessment Act 1979.
2. Local Government Act 1993.
3. Marrickville Local Environmental Plan 2011.
4. Marrickville Development Control Plan 2011.
5. NSW Coastal Planning Guideline: Adapting to Sea Level Rise August 2010.
6. NSW Floodplain Development Manual 2005.
7. NSW Sea Level Rise Policy Statement 2009
8. NSW Guideline on Development Controls on Low Flood Risk Areas – Floodplain Development Manual 2007.

## **POLICY**

1. Council will carry out all flood studies and flood plain risk management plans in accordance with the *NSW Floodplain Development Manual* or as amended.
2. Council will adopt a climate change induced sea level rise of 0.4 m rise by the year 2050.
3. Council will identify flood affected properties using hydraulic and hydrologic flood modelling, GIS (geographic information system), and local knowledge.
4. Council will identify Cooks River flood affected properties if they are inundated by the 100 year ARI (Average Recurrence Interval) in year 2050 + 0.5 m freeboard flood level.
5. Council will identify overland flood affected properties where they are impacted by Major Drainage and if in the 100 year ARI event they are inundated by flood waters to a depth greater than 0.15 m and more than 10% of the property area, or would be but for the existing building footprint(s).
6. The above criteria apply regardless of a property's floor level. This is to ensure future development of the property is appropriate for the flood planning area.
7. With respect to overland flooding, Major Drainage has the same meaning as in the Floodplain Development Manual. Major Drainage is defined as:
  - The floodplains of original watercourses (which may now be piped, channelized or diverted), or areas where overland flows develop along alternative paths once system capacity is exceeded; and/or
  - Water depths generally in excess of 0.3 m. These conditions may result in danger to personal safety and property damage to both premises and vehicles; and/or
  - Major overland flow paths through developed areas outside of defined drainage reserves; and/or
  - The potential to affect a number of buildings along the major flow path.
8. Council will incorporate the findings of flood studies and plans into its environmental planning instruments.
9. Council will include appropriate advice on planning certificates issued under the EP&A Act 1979 concerning flood related development controls.

## METHOD

The identification of properties subject to flooding shall be completed as part of each flood study by Councils Flood Consultant and Council staff.

The method for identification of properties shall be as follows:

- For main stream river flooding the Consultant will identify Cooks River flood affected properties if they are inundated by the 100 year ARI in year 2050 + 0.5 m freeboard flood level.
- For overland flooding the Consultant shall undertake preliminary identification of properties that are inundated by flood waters to a depth greater than 0.15 m and more than 10% of the property area, in the 100 year ARI event, or would be but for the existing building footprint(s).
- For overland flooding the Consultant shall then exclude properties that are not impacted by Major Drainage in the 100 year ARI event.
- The Consultant shall ground truth identified properties, including inspections as required, to confirm the results of the modelling.
- The Consultant will prepare draft Flood Planning Area map and a Flood Liable Land map. Both plans shall show properties affected by main stream river flooding as a line and properties affected by overland flooding as lots.
- Council staff from Infrastructure Services and Planning Services will vet the results to ensure no erroneous results. Any proposed changes will be discussed with the Consultant and the draft Flood Planning Area map be updated by the Consultant as required.
- The agreed draft Flood Planning Area map will be included as part of the draft Flood Study which will be put on exhibition as per the normal process required.
- Concurrent to exhibition Council staff from Infrastructure Services will send letters to effected land owners nominating the specific reason their property has been identified and nominating staff from Infrastructure Services for enquires.
- Effected land owners can appeal their decision in writing to Council staff from Infrastructure Services. Any comments received from effected land owners will be examined by the Consultant and/or Council staff and the draft Flood Planning Area map will be updated by the Consultant as required.
- A letter will be sent to effected land owners who commented on the draft Flood Planning Area map advising of the final outcome of the assessment and when the Draft Flood Study is being presented to Council for adoption. Letters must be sent 2 weeks prior to the Council meeting where the Draft Flood Study will be presented for adoption. These letters should state that presenting to Council is the final course of appeal.
- The Draft Flood Study will be presented to Council for adoption.
- Changes to the Flood Planning Area Map in the Development Control Plan will be undertaken by Council as a separate amendment, exclusive of other proposed amendments.
- Notice of the amendment to the Development Control Plan will be placed in a newspaper advertisement as per the normal process required. No additional individual notification of affected land owners will be undertaken.
- The amendment to the Development Control Plan shall be presented to Council for adoption at the same Council meeting as the Draft Flood Study or within 3 months of adoption of the Flood Study.