

Draft

Policy For Identifying Properties Subject to Flood Related Development Controls

Division:	Infrastructure Services	Date Adopted:	-
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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.