



# Development Control Plan No. 10

## Flood Prone Land In Molong

I G.L.P Fleming, General Manager of Cabonne Council, certify that this is and was made under Section 72 the Environmental Planning and Assessment Act 1979 and approved by Council at the meeting of .....2003

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G.L.P Fleming  
**GENERAL MANAGER**

### CITATION

This Plan is called the Cabonne Development Control Plan No.10 Molong Flood Prone Land. It is a Development Control Plan pursuant to section 72 of the Environmental Planning and Assessment Act, 1979, and has been prepared in accordance with the provisions of the Environmental Planning and Assessment Regulations, 1994. This Plan shall come into force on 14 July 2005 in accordance with Clause 19 of the Environmental Planning and Assessment Regulation, 2000.

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## **1.0 INTRODUCTION**

This Development Control Plan (DCP) was prepared to provide specific development controls to guide development of land within the village of Molong.

The DCP incorporates the findings of the Molong Floodplain Management Study and the procedures set out in the NSW Floodplain Management Manual.

### **1.1 What does the plan do?**

The plan provides information and guidelines to assist people who want to develop or use land affected by potential flooding within the town of Molong. Development may include, among other things:

- dwelling construction;
- filling land;
- starting a business (of any kind); and/or
- subdividing land.

### **1.2 Objectives**

The objectives of this DCP are:

This Policy aims to:

- (a) To provide more detailed controls for the assessment of applications on land affected by potential floods in accordance with the provisions of Cabonne LEP 1991 (as amended).
- (b) To alert the community to the hazard and extent of land affected by potential floods.
- (c) To inform the community of Council's policy in relation to the use and development of land affected by the potential floods in Molong.
- (d) To reduce the risk to human life and damage to property caused by flooding through controlling development on land affected by potential floods.

### **1.3 Will the plan affect my property?**

The DCP applies to all development permissible with the consent of Council on land in Molong zoned 2(v) Village or Urban under Cabonne LEP 1991 that also forms part of the Possible Inundation Awareness zone or Flood Fringe as shown in *Annexure 1.0*.

## 2.0 HOW TO USE THIS PLAN

The DCP provides a general criteria for determining development applications. The criteria recognises that different controls apply to different land uses and levels of potential flood inundation or hazard.

## 3.0 WHAT ARE THE CRITERIA FOR DETERMINING APPLICATIONS?

### 3.1 General

The criteria for determining applications for proposals potentially affected by flooding are structured in recognition that different controls are applicable to different land uses and levels of potential flood inundation and hazard.



### 3.2 Land use categories

Seven major land use categories have been adopted. The specific land uses, as defined by Cabonne LEP 1991, which may be included in each category, are listed in *Annexure 4.0*

### 3.3 What controls apply to proposed developments?

The development controls apply to all flood prone land (that is to the PMF flood). The type of controls have been graded relative to the severity and frequency of potential floods, having regard to the three following applicable categories:

- ◆ *Flood Inundation Awareness Zone*: Greater than the 100-year ARI flood (plus 0.5m freeboard) and up to the PMF.
- ◆ *Flood Fringe*: Up to and including the 100-year ARI flood (plus 0.5m freeboard) and outside the floodway.
- ◆ *Floodway*: Up to and including the 100-year ARI flood (plus 0.5m freeboard) and within the floodway. The applicant should be aware that the 7(f) zone provides significant restrictions on development within the floodway under Cabonne LEP 1991.

*Annexure 5.0* outlines the controls relevant to the area to which this Policy applies for each of the above categories.

### **3.4 Fencing**

Any proposed fencing is to be shown on the plans accompanying a development application and the likely effect of such fencing on flood behaviour is to be assessed by a suitably qualified engineer.

All fencing panels (including Colorbond, galvanised, timber, wire and brush) to be either:

- a) removable so that panels can be laid flat; or
- b) horizontally hinged where a portion of at least 1 .2m high is capable of swinging open to allow floodwater to pass.

Fencing may be required to comply with a type and siting criteria as prescribed by Council.

### **3.5 Other Uses and works**

All other development, building or other works within any of the categories that require Council's consent will be considered on their merits. In consideration of such applications Council must determine that the proposed development is in compliance with the objectives of this policy.

### **3.6 Other documents which may need to be read in conjunction with this plan:**

- o Cabonne Local Environmental Plan 1991;
- o Relevant Council policies, development control plans and specifications;
- o Molong Floodplain Management Study;
- o NSW Government Floodplain Management Manual;
- o Environmental Protection Authority Guidelines on Sediment and Erosion Control;
- o Environmental Protection Authority Guidelines on on-site effluent disposal.

### **3.7 What Information Do You Have To Submit to Council?**

In order to obtain the approval of Council you must lodge a Development Application in accordance with the Environmental Planning and Assessment Act 1979.

Development Applications may be obtained at any Cabonne Council office or by ringing 63 923 200. The flowchart attached in *Annexure 2.0* describes the Development Application process.

## **4.0 DESCRIPTION OF TERMS**

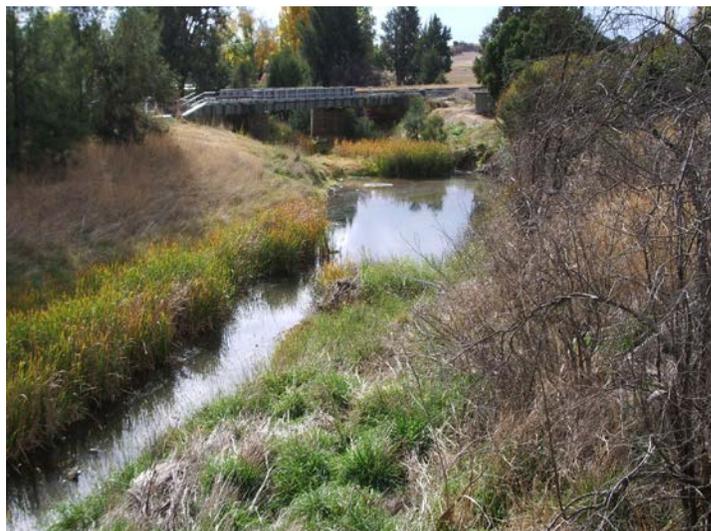
Definitions of terms used in the DCP are provided as follows:

*Australia Height Datum (AHD)* is a common National plain of level corresponding approximately to mean sea level.

*Design floor level* means the floor level specified in this policy which applies to the relevant land use type and the location and existing ground level of the site.

*Designated flood* is the flood adopted for planning purposes relative to the sensitivity of different land uses and the flood risk, as specified by *Annexure 4.0*.

*Designated flood level* represents the maximum level of water reached measured as a height above Australian Height datum during a designated flood.



*Flood awareness* is an appreciation of the likely effects of flooding and knowledge of the relevant flood warning and evacuation procedures.

*Flood compatible building components* means a combination of measures incorporated in the design and/or construction and alteration of individual buildings or structures subject to flooding, and the use of flood compatible materials for the reduction or elimination of flood damage as

indicated in the Floodplain Development Manual.

*Flood compatible materials* include those materials used in building which are resistant to damage when inundated. A list of flood compatible materials is attached in *Annexure 3.0*.

*Flood evacuation strategy* means the proposed strategy for the evacuation of areas during periods of flood as specified within any policy of Council, the Floodplain Management Plan, by advises from the State Emergency Services (SES) or as determined in the assessment of individual proposals.

*Flood planning level* - means a level as defined in a flood management study for the purposes of setting flood related control applicable to a particular use of the land.

*Floodplain* - means an area of land that is subject to inundation by the probable maximum flood or an extreme flood event.

*Floodway*- means an area of land as defined in a floodplain management study which constitutes the main floor path of floodwaters and in which flood hazard conditions occur, as distinctly identified and shown diagonally cross hatched with black lines on the map.

*Flood hazard* - means the potential risk to life and potential damage caused by flooding.

*Flood prone land* - means land susceptible to inundation by the maximum flood PMF or an appropriate extreme flood event.

*Freeboard* is a factor of safety usually expressed as a height above the designated flood. Freeboard tends to compensate for factors such as wave action, localised hydraulic effects and the like.

*Habitable floor area* refers to a room (other than a bathroom, laundry, W.C. or the like) that is constructed or adapted for domestic living such as a lounge room, dining room, rumpus room, kitchen, bedroom.

*Reliable access* during a flood means the ability for people to safely evacuate an area subject to imminent flooding within effective warning time and without a need to travel through areas where water depths increase.

*The Probable Maximum flood (PMF)* means the flood calculated to be the maximum likely to occur.

*Possible Inundation Awareness Zone (PIAZ)* means the area covered by the PMF.

*Interim Designated Flood Event* - Flood event based on historical information which allows the provisions of an Environmental Planning instrument to be implemented until such time as a floodplain management plan has been adopted for an area, the Interim Designated Flood Event determines the extent of flood liable land in the interim period.

*Probable maximum flood (PMF)* - means the largest flood that could conceivably occur at a particular location.

## **Annexure 2.0 Development Application Requirements**

### **Step 1**

Check with Council staff to see whether or not the proposal:

- Is permissible in the zone?
- Is “designated” or “integrated” development?
- Complies with the relevant plans and policies, including (but not limited to) Cabonne LEP 1991

### **Step 2**

Consult adjoining landowners;

Consider their opinion on the proposal.

This will assist with your proposal in the case where your application is referred to adjoining owners for comment.

### **Step 3**

Finalise your development application:

A development application - must be made on the *Development Application* form provided by Cabonne Council, fully completed with the consent of ALL the property owners.

*Note: All registered owners must sign applications, where applicable. If the property has recently (within 8 weeks) changed hands, a letter from your conveyancer confirming settlement may be required.*

The Property – must identify either a Lot/Deposited Plan (DP) number (as described on your rates notice, rateable street address and/or rates assessment number.

*Note: Applications cannot be accepted that do not uniquely identify the development site.*

The Application Fee – must be paid at the time of lodgment based on the current Council Fees & Charges schedule (contact Council’s Environmental Services Department on 63 92 3247).

Plans – A Development Application should include the following plans:

- One (1) locality plan identifying the location of the property
- Four (4) copies of the existing site layout including the site dimensions (in metric), site area, contour levels, existing trees, other natural features, existing

structures, north point, location of building on adjoining properties, (if development involves a building) floor plans located on a site plan, roof plan, elevations and sections of the proposed building, finished levels of floors, paving and landscaped areas, vehicular access and parking.

- Plans should indicate:
  - (a) The existing ground levels to Australian height datum around the perimeter of the proposed building; and
  - (b) The existing or proposed floor levels to Australian height datum.
- Minor additions to an existing dwelling must be accompanied by documentation from a registered surveyor confirming existing floor levels.
- In the case of subdivision, four (4) copies of the proposed site layout showing the number of lots to be created (numbered as proposed lot 1,2,3 etc.), the proposed areas of each lot in square metres, a north point, nearest roads and the like.

An application for Designated Development – In some circumstances, development may be "Designated Development" in accordance with Schedule 3 of the Environmental Planning and Assessment Regulation 1994. In such cases, an Environmental Impact Statement must accompany a Development application. You are advised to consult with Council to determine if your proposed development is designated.

Examples of designated development are:

- ◆ ceramic works in which more than 200 tonnes per annum of products such as bricks, tiles or pottery goods are manufactured; or
- ◆ woodmilling/joinery works where more than 4000 cubic metres per annum of timber is sawn.

An application for Integrated Development – The term 'integrated development' means that in addition to an approval from Council, an approval from another authority may be required eg. Roads and Traffic Authority or NSW Rural Fire Service.

Restrictions on the Site – (including vehicular and pedestrian). It is the applicant's responsibility to check the property's title deeds to find out whether it is benefited or burdened by any easements or rights of way or is affected in any way by watercourses or waterways.

When a property is affected by one of these restrictions, its exact location in relation to the boundaries of the land must be shown indicating its width, length and type. Details

of easements should indicate the purpose for which they have been created eg. sewer, services etc. If the property is not subject to any site restrictions, a note should be made in a statement or on the plans.

**Council would prefer plans presented on A3 paper**

**A scale of 1:200 is recommended for site plans**

Extent of Cut and Fill – All areas subject to cut and fill require the depths of both to be shown as well as the measures proposed to retain both. Applications for earthworks, filling of land and subdivision within the *flood fringe* shall be accompanied by a survey plan (with a contour interval of 0.25m) showing relative levels to Australian height datum.

Erosion/Sediment Control Plan – In the interests of managing storm water and erosion, the applicants should outline the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities.

Vegetation Clearing – Landscaping details including a description of trees to be removed existing and proposed planting, retaining walls, detention basins, fences and paving.

Storm water Drainage – Any existing and all proposed storm water drainage to be indicated on the site plan.

Road widths/Laneways/Existing Kerb and Gutter – Widths of all roads and laneways adjacent to the development site and any existing kerb and gutter to be indicated on the plan.

Statement of Environmental Effects - Every application must be accompanied by a statement demonstrating that the environmental impact of the development has been considered and any effects addressed so as to minimise any potential harm to the environment.

Water and Sewer Mains – Indicate the location of Council's water and sewer mains on the site plan (available from Councils Engineering and Technical Services Department 63 907 123). If the mains do not burden the property, please indicate their location eg. in street or laneway or adjacent property.

Any other detail – that may be required for assessment as indicated by Council officers at a pre-lodgment meeting.

Notification – Council may notify adjoining landowners for development applications depending on the proposal.

#### **Step 4**

##### ***Certificates***

Where Development Approval is granted, you may need to apply for a **Construction Certificate** after development consent is issued and before site works can be carried out (in accordance with plans/specifications).

A **Compliance Certificate** will provide legal certification that site works have been properly executed/conditions of approval have been met following an **Inspection** by Council staff.

In the case of subdivision, a **Subdivision Certificate** will be required before the plan of subdivision can be registered with the Land Titles Office.

*Note: A reduced fee will apply where application is made at the same time for the Development Application and Construction Certificate*

**Annexure 3.0**

**FLOOD COMPATIBLE MATERIALS**

<b>BUILDING COMPONENT</b>	<b>FLOOD COMPATIBLE MATERIAL</b>	<b>BUILDING COMPONENT</b>	<b>FLOOD COMPATIBLE MATERIAL</b>
<b>Flooring and Sub-floor structure</b>	<ul style="list-style-type: none"> <li>• concrete slab-on-ground monolith construction note: clay filling is not permitted beneath slab-on-ground construction, which could be inundated</li> <li>• suspension reinforced concrete slab</li> </ul>	<b>Doors</b>	<ul style="list-style-type: none"> <li>• solid panel with water proof adhesives</li> <li>• flush door with marine ply filled with closed cell foam</li> <li>• painted metal construction</li> <li>• aluminium or galvanised steel frame</li> </ul>
<b>Floor Covering</b>	<ul style="list-style-type: none"> <li>• clay tiles</li> <li>• concrete, precast or in situ</li> <li>• concrete tiles</li> <li>• epoxy, formed-in-place</li> <li>• mastic flooring, formed-in-place</li> <li>• rubber sheets or tiles with chemical-set adhesives</li> <li>• silicone floors formed-in-place</li> <li>• vinyl sheets or tiles with chemical set adhesive</li> <li>• ceramic tiles, fixed with mortar or chemical-set adhesive</li> <li>• asphalt tiles, fixed with water resistant adhesive</li> </ul>	<b>Wall and Ceiling Linings</b>	<ul style="list-style-type: none"> <li>• asbestos-cement board</li> <li>• brick, face or glazed</li> <li>• flush door with marine ply filled with closed cell foam</li> <li>• clay tile glazed in waterproof mortar</li> <li>• concrete</li> <li>• concrete block</li> <li>• steel with waterproof applications</li> <li>• stone, natural solid or veneer, waterproof grout</li> <li>• glass blocks</li> <li>• glass</li> <li>• plastic sheeting or wall with waterproof adhesive</li> </ul>

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**FLOOD COMPATIBLE MATERIALS**

<b>BUILDING COMPONENT</b>	<b>FLOOD COMPATIBLE MATERIAL</b>	<b>BUILDING COMPONENT</b>	<b>FLOOD COMPATIBLE MATERIAL</b>
<b>Wall Structure</b>	<ul style="list-style-type: none"><li>• solid brickwork, blockwork, reinforced, concrete or mass concrete</li></ul>	<b>Insulation</b> <b>Windows</b>	<ul style="list-style-type: none"><li>• foam or closed cell types</li><li>• aluminium frame with stainless steel or brass rollers</li></ul>
<b>Roofing structure (for situations where the relevant flood level is above the ceiling )</b>	<ul style="list-style-type: none"><li>• reinforced concrete construction</li><li>• galvanised metal construction</li></ul>	<b>Nails, bolts, hinges and fittings</b>	<ul style="list-style-type: none"><li>• brass, nylon or stainless steel</li><li>• removable pin hinges</li></ul>

## Annexure 3.0

### FLOOD COMPATIBLE MATERIALS

<b>Electrical and Mechanical Equipment</b>	<b>Heating and Air Conditioning Systems</b>
For dwellings constructed on land to which this Policy applies, the electrical and mechanical materials, equipment and installation should conform to the following requirements.	Heating and air conditioning systems should, to the maximum extent possible, be installed in areas and spaces of the house above the relevant flood level. When this is not feasible every precaution should be taken to minimise the damage caused by submersion to according to the following guidelines.
<b>Main power supply</b>	<b>Fuel</b>
Subject to the approval of the relevant authority the incoming main commercial power service equipment, including all metering equipment, shall be located above the relevant flood level. Means shall be available to easily disconnect the dwelling from the main power supply.	Heating systems using gas or oil fuel should have a manually operated valve located in the fuel supply line to enable fuel cut-off.
<b>Wiring</b>	<b>Installation</b>
All wiring, power outlets, switches and the like should, to the maximum extent possible, be located above the relevant flood level. All electrical wiring installed below the relevant flood level should be suitable for continuous submergence in water and should contain no fibrous components. Only submersible-type splices should be used below the relevant flood plain level. All conduits located below the relevant flood level should be so installed that they will be self-draining if subjected to flooding.	The heating equipment and fuel storage tanks should be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. All storage tanks should be vented to an elevation of 600 millimetres above the relevant flood level.
<b>Equipment</b>	<b>Ducting</b>
All relevant installed below or partially below the relevant flood level should be capable of disconnection by a single plug and socket assembly.	All ductwork located below the relevant flood level should be provided with openings for drainage and cleaning. Self draining may be achieved by constructing the ductwork on a suitable grade. Where ductwork should be protected by closure assembly operated from above relevant flood level.
<b>Reconnection</b>	
Should any electrical device and/or part of the wiring be flooded it should be thoroughly cleaned or replaced and checked by an approved electrical contractor before reconnection.	

## ANNEXURE 4.0

### LAND USE CATEGORIES

ESSENTIAL COMMUNITY FACILITIES	CRITICAL UTILITIES	SUBDIVISION AND FILLING	RESIDENTIAL	COMMERCIAL OR INDUSTRIAL	RECREATION OR AGRICULTURE	MINOR DEVELOPMENT
Commercial premises, Place of Assembly or Public building that may provide an important contribution to the notification and evacuation of the community during flood events and Hospital.	Generating works, Public Utility Installation Undertakings that may cause pollution of waterways during flooding are essential to evacuation during periods of flood or if affected during flood events would unreasonably affect the ability of the community to return to normal activities after the flood events.	Subdivision of land involving the creation of new allotments for any particular purpose (excludes boundary adjustments), earthworks or filling operations covering 100m <sup>2</sup> or more than 0.3m deep.	Boarding house; Caravan Park; Child care centre; Dwellings; Dwelling house; Family day care centre; Group home; Home industry; Home occupation; Housing for aged or disabled persons; Professional consulting rooms; Public utility undertakings (other than critical utilities); Recreation Establishment; Residential flat building; Rural Workers Dwelling; Units for aged persons; and Utility installation undertaking (other than critical utilities).	Airline Terminal, Bulk Store; Bus depot; Bus Station; Car repair stations; Club; Commercial Premises (other than where referred to elsewhere); Education establishment; General Store; Hazardous industry; Hazardous storage establishment; Health care professional; Helipad; Heliport; Hotel; Industry; Institution; Intensive livestock keeping; Junk yard; Liquid fuel depot; Motel; Motor showroom; Offensive industry; Offensive storage; Place of Assembly (other than essential community facilities; Place of public worship; Public building (other than essential community facilities; Recreation Facility; Refreshment Room; road transport terminal; Rural industry; Saw mill; Service station; Shop; Tourist facilities; Transport terminal; Warehouse.	Agriculture; Animal boarding establishment; Extractive industry; Forestry; Irrigated agriculture; Mine; Mineral sand mine; Plantation forest; Retail nursery; Recreation area; Roadside stall; and Stock and Sale Yard;	<p>(a) in the case of residential development:</p> <p>(i) an addition to an existing dwelling of not more than 50% or 30m<sup>2</sup> (whichever is the lesser) of the habitable floor area which existed at the date of this policy; or</p> <p>(ii) the construction of an outbuilding with a maximum floor area of 20m<sup>2</sup>.</p> <p>(b) In the case of shops &amp; offices.</p> <p>(i) New shops with a total floor area less than 50m<sup>2</sup>; or</p> <p>(ii) change of use which involves no building.</p> <p>c) In the case of other development an addition to existing premises of not more than 10% of the floor area which existed at the date of commencement of this policy.</p>