



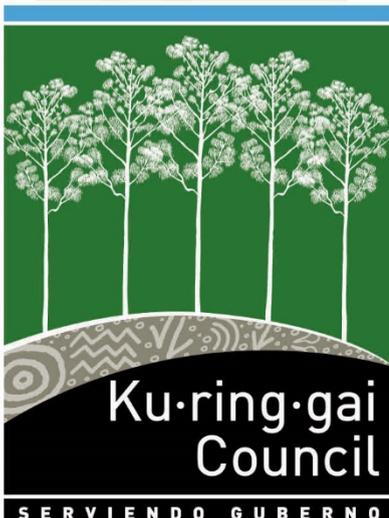
Ku-ring-gai Council

# Flood Prone Land Policy

Version Number 1

Adopted: 16 March 2021

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# Flood Prone Land Policy

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## Controlled Document Information

### Authorisation Details

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### Related Document Information, Standards & References

<b>Related Legislation:</b>	NSW: <i>Environmental Planning and Assessment Act 1979</i> <i>Environmental Planning and Assessment Regulation 2000</i> <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> <i>State Environmental Planning Policy (Infrastructure) 2007</i> <i>Local Government Act 1993</i> <i>Flood Prone Land Policy (2005)</i>
<b>Related Policies (Council &amp; Internal)</b>	<i>Ku-ring-gai Council Local Environment Plans</i> <i>Ku-ring-gai Council Development Control Plans</i> <i>Ku-ring-gai Planning Scheme Ordinance</i> <i>Water Sensitive City Policy 2016</i>
<b>Related Documents - Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements, etc</b>	<i>NSW Floodplain Development Manual (2005)</i> Ku-ring-gai Council Flood Studies and Flood Risk Management Studies and Plans

### Version History

Version Number	Version Start Date	Version End Date	Author	Details and Comments
1	16 March 2021	TBA	Sophia Findlay	First version

## Policy

### Purpose

This policy provides the framework for the identification of properties subject to flooding on Planning Certificates under the provisions of Section 10.7 of the *Environmental Planning and Assessment Act 1979*, to enable appropriate consideration to be made during development activities.

### Objectives

The objectives of this Policy are to:

- Minimise the flood risk to life and property associated with the use of land;
- Allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change and;
- Avoid significant adverse impacts on flood behaviour and the environment.

### Scope

This Policy applies to all land in the Ku-ring-gai Local Government Area (LGA) and should be implemented in conjunction with the Ku-ring-gai Water Sensitive City Policy 2016.

### Responsibilities

Several sections of Council are responsible for the implementation of this Policy, including:

- **Development & Assessment Services:** responsible for the application of this Policy in development applications.
- **Regulation & Compliance:** responsible for ensuring conditions of development approvals are met.
- **Land Information:** responsible for updating Council's property information system with new flood information.
- **Urban & Heritage Planning:** responsible for the application of this Policy in planning proposals and any changes to the Local Environment Plan (LEP) and Development Control Plan (DCP).
- **Environment & Sustainability:** responsible for co-ordinating the flood risk management process and ensuring information is passed onto the Land Information team and for undertaking policy reviews as required.
- **Technical Services:** responsible for assisting Environment & Sustainability to undertake the flood risk management process and implement identified management actions.

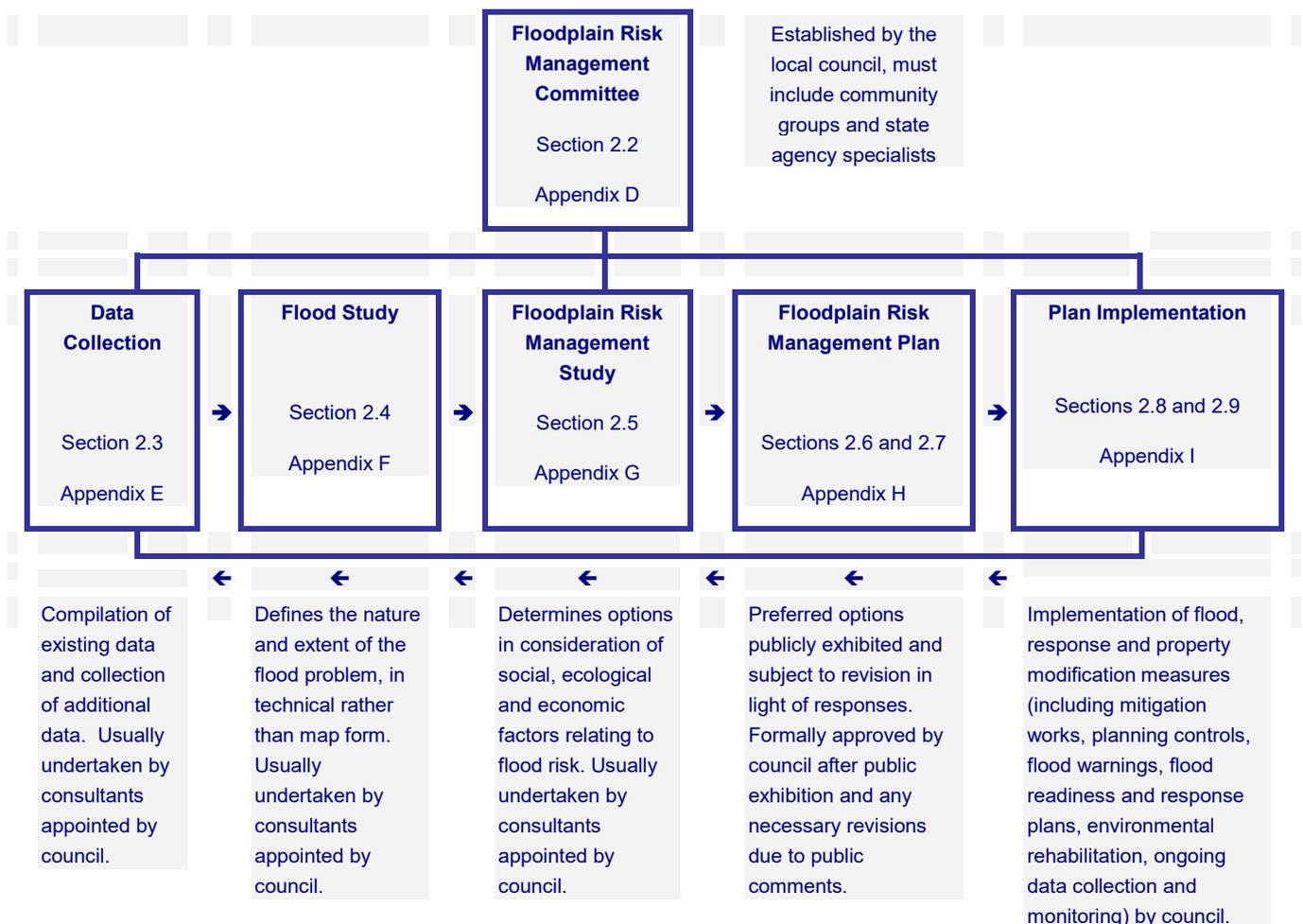
## Policy Statement

### Background

Flood prone land is a valuable resource that should not be sterilised by unnecessarily precluding its development.

The *NSW Environmental Planning and Assessment Act 1979* requires councils to identify properties subject to flooding. Ku-ring-gai does not currently have a Flood Clause in its Local Environment Plan (LEP) and thus needs this Policy to enable appropriate notification of properties that are subject to flood related development controls on Planning Certificates.

In order to identify properties subject to flooding, and to determine the extent and the associated risk, Council applies the floodplain risk management process (outlined in Figure 1) in accordance with the *NSW Flood Prone Land Policy and Floodplain Development Manual (2005)*. This includes the creation of flood studies and floodplain risk management studies and plans. These flood studies provide the basis for determining properties within the flood extent and properties within the Flood Planning Area, which are subject to flood related development controls. Correctly identifying these properties is essential to ensuring that all development is undertaken in a safe and sustainable manner; particularly as it is a key consideration for the *NSW Environmental Planning and Assessment Act 1979* and *NSW State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.



**Figure 1:** The Floodplain Risk Management Process (Source: Figure 2.1, *NSW Floodplain Development Manual 2005*)

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The floodplain risk management process ensures that Council is able to access the provisions outlined in the *NSW Flood Prone Land Policy (2005)*, namely:

- Financial assistance by the NSW Government for works to reduce potential flood damage and personal danger in existing developed areas;
- Technical support from the NSW Government to local councils ensuring that the management of flood prone land is consistent with flood risk and that such development does not cause undue future distress to individuals nor unduly increase potential flood liability to them or the community;
- Emergency management programs and their linkage with the floodplain risk management process; and
- The protection of councils, government agencies, and their staff against claims for damages resulting from their issuing advice or granting approvals on floodplains, providing such action was taken in accordance with the principles and guidelines in the *NSW Floodplain Development Manual (2005)*.

Completion of flood studies and flood plain risk management studies and plans consider mainstream and overland flow conditions specific to the Ku-ring-gai LGA. These studies are completed on a catchment or sub-catchment basis and identify flood-affected properties using hydraulic and hydrologic flood modelling, geographical information systems and local knowledge (including community feedback).

## Implementation

The identification of properties subject to the full extent of flooding (up to the Probable Maximum Flood – PMF) are completed as part of each flood study by qualified consultants and Council staff. Properties subject to flood related development controls are identified through a Flood Planning Area Map that clearly shows areas of overland and mainstream flow.

The Flood Planning Area mapping process is clearly articulated to the community through the development of the Flood Study and/or Flood Risk Management Study and Plan. This includes community consultation undertaken to provide residents with an opportunity to comment and provide feedback prior to formal adoption by Council.

Following adoption and endorsement of a Flood Study, Flood Risk Management Study and Plan or updated Flood Planning Area mapping by Council, appropriate advice will be included on Planning Certificates issued under Section 10.7 of the *NSW Environmental Planning and Assessment Act 1979* concerning flood related development controls.

Appropriate advice will also be included on Planning Certificates issued under Section 10.7 of the *NSW Environmental Planning and Assessment Act 1979* concerning flood related development controls where, through a legal process, a restriction has been placed on a property due to flood.

The Ku-ring-gai Local Centres Development Control Plan (2016) and Ku-ring-gai Development Control Plan (2016) both require Council's flood studies and Flood Planning Area maps to be considered in part 24D.2(3). Appropriate flood mapping and recommended flood management actions will also be incorporated into all relevant environmental planning instruments (including LEPs and DCPs) as they are updated.

Council will also incorporate any recommended flood management actions into existing works and management programs, in line with the Water Sensitive City Policy 2016.

## Definitions

Term / Abbreviation	Definition
<b>AEP</b>	Annual Exceedance Probability: the chance of a flood of a given or larger size occurring in any one year, usually expressed as a percentage.
<b>DCP</b>	Development Control Plan.
<b>Development</b>	Includes the erection of any building, the subdivision of land and the carrying out of any work, and the use of the land or building or work thereon for a purpose which is different from the purpose for which the land or building or work was last being used.
<b>Flood</b>	Relatively high stream flow which overtops the natural or artificial banks in any part of a stream, river, estuary, lake or dam, and/or local overland flooding associated with major drainage before entering a watercourse, and/or coastal inundation resulting from superelevated sea levels and/or waves overtopping coastline defences excluding tsunami.*
<b>Flood Planning Area</b>	The area of land subject to flood related development controls
<b>Flood Planning Levels</b>	The combination of flood levels (1% AEP) and freeboards selected for floodplain risk management purposes.
<b>Floodplain Risk Management Committee</b>	An advisory Committee chaired by Council, with community and other stakeholder members, whose principal objective is to assist Council in the development and implementation of floodplain risk management plans.
<b>Freeboard</b>	Provides reasonable certainty that the risk exposure selected in deciding on a particular flood chosen as the basis for the flood planning level is actually provided. It is a factor of safety typically used in relation to setting floor levels, levee crest levels, etc. Freeboard is included in the flood planning level.*
<b>LEP</b>	Local Environment Plan.
<b>Mainstream Flow</b>	Inundation of normally dry land occurring when water overflows natural or artificial banks of a stream, river, lake or dam.
<b>Overland Flow</b>	The movement of water over the land surface toward a water body or main flow channel.
<b>Planning Certificate</b>	Required under Section 10.7 of the <i>NSW Environmental Planning and Assessment Act 1979</i> , a person may, on payment of the prescribed fee, apply to a council for a certificate (a planning certificate) with respect to any land within the area of the council.
<b>PMF</b>	Probable Maximum Flood: The largest flood that could conceivably occur at a particular location.

\* Definition from the *NSW Floodplain Development Manual 2005*.