

Floodplain Development and Management Policy

1 Purpose

The purpose of this Policy is to manage flood risk by the establishment of Floodplain Risk Management Plans and Flood Prone Land development procedures within the Coffs Harbour Local Government Area (LGA).

1.1 Aims

The policy aims are to:

- a) Manage Flood Risk in accordance with the 'NSW Floodplain Development Manual 2005 (incorporating the NSW Flood Prone Land Policy)', in consultation with the NSW Office of Environment & Heritage and NSW State Emergency Services.
- b) Meet the primary objective of the NSW Government's Flood Prone Land Policy to reduce the impact of flooding and flood liability on individual owners and occupiers and to reduce private and public losses resulting from floods. A merit approach is to be followed when dealing with planning, development and building in a flood planning area.
- c) Comply with the NSW Government's 'Section 117 Ministerial Direction No. 15 Flood Prone Land'.

1.2 Outcomes

The policy outcomes will be to:

- a) Minimise risk (social, economic and environmental) due to flooding.
- b) Minimise the effects of development on flooding.
- c) Provide developers with clear guidelines for development of Flood Prone Land.

2 Policy

2.1 Application

This policy applies to all land proposed to be developed as part of requests for an instrument change (such as rezoning or a change in development controls) pursuant to Part 3 of the Environmental Planning and Assessment Act 1979 ('the Act') or as part of a development application made pursuant to Part 4 of the 'the Act'. The policy also applies to development not requiring consent under Part 4 of 'the Act' and not exempt development, which will be subject to the environmental assessment and approval requirements of Part 5 of 'the Act'.

2.2 General Requirements

The following directions apply to all Flood Prone Land to be developed:

- a) All development is subject to the flood related development controls of the Coffs Harbour Local Environmental Plan 2013 - Clause 7.3 (LEP) and the Coffs Harbour Development Control Plan 2015 - Section E4 Flooding (DCP).
- b) All development within the Flood Planning Area will require consideration of flood studies and/or Floodplain Risk Management Plans (FRMP's). All Council adopted flood studies and FRMP's are available from Council's web-site as downloadable 'pdf' files.

- c) Flood studies and/or FRMP's are to be prepared in accordance with the 'NSW Floodplain Development Manual 2005'.
- d) Climate change and sea level rise are to be considered in accordance with the Coffs Harbour City Council 'Climate Change Policy (POL-040)' which adopts the upper bound sea level rise figure of 0.91m by 2100.
- e) Flood level information to Australian Height Datum (AHD), based on current flood studies, FRMP's and historical records will be provided by Council for individual properties where available. In accordance with Council's current 'Fees & Charges', a fee for 'Flood Level Information' will apply.
- f) No development shall be permitted in Floodway Areas, with the exception of infrastructure or approved works on land zoned RE1 Public Recreation under *Coffs Harbour LEP 2013* and approved non-urban development.
- g) All works required by a flood study must be completed as part of the development before obtaining a final approval (Occupation or Subdivision Certificate). This includes consideration of the works required for staged developments.

3 Definitions

The following definitions are referenced from the 'NSW Floodplain Development Manual 2005'.

Australian Height Datum (AHD): A common national survey height datum, approximately corresponding to mean sea level.

Flood: Relatively high streamflow 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 (refer 'NSW Floodplain Development Manual 2005 - Section C6') before entering a watercourse and/or coastal inundation resulting from super-elevated sea levels and/or waves overtopping coastline defences excluding tsunami.

Floodway Area: Those areas of the floodplain where significant discharge of water occurs during floods. They are often aligned with naturally defined channels. They are areas that, even if partially blocked, would cause significant redistribution of flood flow or a significant increase in flood levels.

Flood Planning Area: The area of land below the Flood Planning Level (FPL) set by the LEP and subject to the flood related development controls of the LEP and DCP.

Flood Prone Land: Land susceptible to flooding by the Probable Maximum Flood (PMF) event. Flood Prone Land is synonymous with flood liable land which includes the whole of the floodplain not just that area below the Flood Planning Level (FPL).

Flood Risk: Potential danger to personal safety and potential damage to property from flooding. The degree of risk varies with circumstances across the full range of floods. Flood risk is divided into three types (existing, future and continuing risk) as described below:

- **Existing** - The risk a community is exposed to as a result of its location on the floodplain.
- **Future** - The risk a community is exposed to as a result of new development on the floodplain
- **Continuing** - The risk a community is exposed to after floodplain risk management measures have been implemented. For a town protected by levees, the continuing flood risk is the consequences of levees being overtopped. For an area without any floodplain risk management measures, the continuing flood risk is simply the existence of its flood exposure.

Floodplain Risk Management Plan: A management plan developed in accordance with the 'Floodplain Development Manual'. Usually includes both written and diagrammatic information describing how a particular area of land is to be used and managed to achieve defined objectives.

Non-urban Development for the purposes of this Policy means development for the purposes of: agriculture; animal boarding or training establishment; aquaculture; environmental facility; extractive industry; forestry; helipad, marina; mine; recreation area, plant nurseries; stock and sale yard; transport depot; turf farming; and wharf or boating facility.

4 Key Responsibilities

Position	Directorate	Responsibility
Mayor	Council	To lead Councillors in their understanding of, and compliance with this policy.
General Manger	Executive	To lead staff (either directly or through delegated authority) in their understanding of, and compliance with this policy.
Directors	All Directorates	To communicate, implement and comply with this policy.
All Council Officials	Council	To abide by and comply with this policy when considering development of flood prone land.

5 References

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Local Government Act 1993 - Section 733
- Coastal Protection Act 1979 & regulations
- Protection of the Environment Operations Act 1997 and regulations
- Relevant State Environmental Planning Policies
- Section 117 Ministerial Direction No. 15 – Flood Prone Land, NSW Department of Planning and Environment
- National Construction Code, Volumes 1 & 2 – Building Code of Australia
- Coffs Harbour Local Environmental Plan 2013 - Clause 7.3
- Coffs Harbour Development Control Plan 2015 - Section E4 Flooding
- NSW Floodplain Development Manual 2005 (incorporating the NSW Flood Prone Land Policy)
- Coffs Harbour Climate Change Policy (POL-040)
- Climate Change Impacts For Coffs Harbour including Adopted Sea Level Rise Figure (Council Agenda Item S56 on 4th December 2008)
- Coffs Harbour Community Strategic 2030 Plan
- Coffs Harbour Coastal Zone Management Plan (2013)
- Coffs Harbour Environmental Awareness Strategy (2002)
- Coffs Harbour Greenhouse Action Strategy (2002)
- AS/NZ3500 – Sanitary Plumbing & Drainage

6 Details of Approval and revision

- **Approval date: 13/07/2017**
- **Responsible Section: Local Planning**
- **Superseded policies/procedures: N/A**
- **Next review date: 13/07/2021**

Table of amendments

Amendment	Authoriser	Approval ref	Date