

ITEM NO. 5

**FILE NO: 16/402825
RM8 REF NO: PSC2016 - 00770**

PLANNING PROPOSAL - FLOOD PRONE LAND MAPS

REPORT OF: DAVID ROWLAND - STRATEGY AND ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Adopt the planning proposal at **(ATTACHMENT 1)** and forward it to the Minister of the Department of Planning & Environment under section 59 of the *Environmental Planning and Assessment Act, 1979* with a request that it be made.

**ORDINARY COUNCIL MEETING - 28 FEBRUARY 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Mayor Bruce MacKenzie Councillor Ken Jordan That the recommendation be adopted.
--	---

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Geoff Dingle, Chris Doohan, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Nil.

Councillor John Morello returned to the meeting at 07:00pm, after voting in Committee of the Whole.

ORDINARY COUNCIL MEETING - 28 FEBRUARY 2017
MOTION

045	Councillor Chris Doohan Councillor Steve Tucker It was resolved that Council adopt the planning proposal at (ATTACHMENT 1) and forward it to the Minister of the Department of Planning & Environment under section 59 of the <i>Environmental Planning and Assessment Act, 1979</i> with a request that it be made.
------------	---

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Geoff Dingle, Chris Doohan, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to consider submissions received during the exhibition period and recommend Council endorse the Planning Proposal – Flood Planning **(ATTACHMENT 1)** to forward it to the Department of Planning & Environment for it to be made.

The Planning Proposal is intended to remove confusion and achieve consistency between Council's endorsed Floodplain Risk Management Policy, Flood Hazard Maps and the *Port Stephens Local Environmental Plan 2013 (PSLEP 2013)*. The planning proposal seeks to amend the *PSLEP 2013* by:

- Removing reference to the "Flood Planning Map" in Clause 7.3 Flood planning;
- Deleting the Flood Planning Map from the suite of LEP maps; and
- Deleting the Definition of Flood Planning Map from the LEP Dictionary.

Council resolved to prepare the planning proposal at its meeting on 24 May 2016. A Gateway determination was received from the Department of Planning and Environment on 21 June 2016. In accordance with the Gateway determination, the planning proposal was exhibited for a period of 28 days, from 7 July 2016 to 5 August 2015. One submission was received during this time and is detailed in this report.

The Flood Hazard Maps are available for viewing by the community on Council's website, ensuring that the most accurate and up to date mapping is readily accessible and used in the assessment of development applications.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Sustainable Development.	Provide Strategic Land Use Planning Services. Provide Development Assessment and Building Certification Services.

FINANCIAL/RESOURCE IMPLICATIONS

The planning proposal has been progressed within Strategic Planning budget allocation.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		The planning proposal will be progressed under existing resources in accordance with Council's resolution.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONSEnvironmental Planning and Assessment Act 1979 (EP&A Act)

Council is the relevant planning authority for preparing the Planning Proposal under the *Environmental Planning and Assessment Act 1979* (NSW). If Council resolves to adopt the Planning Proposal it will be forwarded to the NSW Department of Planning and Environment requesting that it be made.

Port Stephens Local Environmental Plan 2013

The planning proposal seeks to achieve the following amendments to the *Port Stephens Local Environmental Plan 2013*:

- Remove reference to the "Flood Planning Map";
- Delete the Flood Planning Map from the suite of LEP maps;
- Delete the Definition of Flood Planning Map.

Development on land at or below the flood planning level is required to satisfy the provisions of Clause 7.3 Flood planning of the *PSLEP 2013*. This clause will continue to be satisfied for development on land at or below the flood planning level.

Under Clause 7.3 of the *PSLEP 2013* Council must not approve development at or below the flood planning level unless consistent with the standards set within sections (a) to (e) of that Clause which state:

- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
 - (a) is compatible with the flood hazard of the land, and
 - (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
 - (c) incorporates appropriate measures to manage risk to life from flood, and
 - (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
 - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

Floodplain Risk Management Policy and Flood Hazard Maps

On 8 March 2016, Council adopted the Floodplain Risk Management Policy and Flood Hazard Maps. The Policy and maps are prepared in accordance with the State Government's Floodplain Development Manual 2005 and were developed using data from a number of flood studies undertaken throughout the LGA. The Flood Hazard Map more accurately reflects the flood planning level than the current 'Flood Planning Map' contained in the *PSLEP 2013*. Removing the flood maps from the LEP will ensure reliance on most up to date flood mapping, without the need for a lengthy LEP amendment process for any updates.

Section 117 Direction No. 4.3 – Flood Prone Land

Section 117 Direction No. 4.3 aims to:

- (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005; and
- (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

Development on land at or below the flood planning level must satisfy the provisions of Clause 7.3 Flood planning of the *PSLEP 2013*.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the <i>PSLEP 2013</i> is not consistent with the Floodplain Risk Management Policy and Flood Hazard Maps.	Low	Adopt recommendations to finalise the planning proposal to amend the <i>PSLEP 2013</i> .	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The planning proposal will ensure that the *PSLEP 2013* is consistent with the Floodplain Risk Management Policy and Flood Hazard Maps, which will have positive social, economic and environmental implications.

CONSULTATION

Consultation with key stakeholders has been undertaken in accordance with the Gateway determination. Details are provided below:

Internal

The planning proposal has been prepared by Council's Strategic Planning Team, in collaboration with Council's Flooding Engineers.

External

Government Agency

The Gateway determination required Council to undertake consultation with the Office of Environment & Heritage and the State Emergency Service. Details provided below:

Office of Environment & Heritage (OEH)

OEH concur that inclusion of flood mapping in the LEP delays dissemination of the most up to date flooding information obtained from flood studies and floodplain risk management studies. Providing flood mapping remains publically available via Councils web site in a readily accessible form, OEH do not object to the removal of the Flood Prone Land maps from the LEP and the facilitating changes to the wording as suggested in the planning proposal. OEH recommend Council's website is updated so that the Flood Hazard Maps can be more easily found by the public.

State Emergency Service

The SES did not provide a response.

Community

In accordance with the Gateway determination, the planning proposal was exhibited for a period of 28 days, from 7 July 2016 to 5 August 2015. One submission was received during the exhibition period.

Submission One:

The submission acknowledges the importance of the planning proposal as it will remove the confusion between the existing Flood Planning Map in the LEP and the adopted Flood Hazard Maps. Despite this, the submission raises concern regarding the accuracy of the Flood Hazard Maps, particularly on lands surrounding the airport. The main issue is with the flood categorisation of a property located in Lavis Lane, Williamstown, which is located within the High Hazard Floodway area. The submission requests that due to the existing development approvals on and adjoining the land, and the raised nature of the site, the property should be within the Low Hazard Flood Storage area.

The submission suggests that the Floodplain Risk Management Policy and Flood Hazard Maps be altered so that development within the high risk zones can be facilitated where flood mitigation measures that minimise risk to life and property are incorporated into the development.

Comment:

The submission raises a number of concerns regarding the Floodplain Risk Management Policy and the Flood Hazard maps. The issues raised are not directly relevant to the planning proposal as the LEP does not currently identify flood hazard categories nor is it proposed by this planning proposal. The concerns relate more to the mapping rather than the planning proposal, removing the ability for the submitter's concerns to be addressed. The issues raised are therefore outside the scope of the planning proposal and can be more effectively dealt with under the proposed approach, where the maps will be outside the LEP.

In relation to the flood mapping, Council relies on technical hydraulic studies to define the flood planning level and hazard, in accordance with the State Government's Flood Prone Land Policy and Floodplain Development Manual 2005.

Should a land holder disagree with the adopted Flood Hazard maps, they are at liberty to carry out their own study, in accordance with the State Government's Flood Prone Land Policy and Floodplain Development Manual 2005, and submit this to Council for consideration. It is noted however that the flood hazard is only one of the matters for consideration in development assessment.

No changes to the planning proposal are proposed as a result of the submission.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) Planning proposal - Flood prone land map.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.



Proposed amendment to Port Stephens Local
Environmental Plan 2013



ITEM 5 - ATTACHMENT 1 PLANNING PROPOSAL - FLOOD PRONE LAND MAP.**FILE NUMBERS**

Council: PSC2016-00770

Department: PP_2016_PORTS_001_00

SUMMARY

Proposed changes:

- Amend Clause 7.3(2)(a) of *Port Stephens Local Environmental Plan 2013*
- Remove Flood Prone Land Map
- Amend Clause 7.3
- Delete definition of 'Flood Planning Map'

BACKGROUND

The planning proposal seeks to amend the *Port Stephens Local Environmental Plan 2013 (PSLEP 2013)* by removing reference to "Flood Planning Map" in Clause 7.3 Flood Planning, removing the Flood Planning Map from the suite of LEP maps and deleting the definition of 'Flood Planning Map' in the Dictionary.

On 8 March 2016, Council adopted a Floodplain Risk Management Policy and Flood Hazard Maps. The Policy and maps have been prepared in accordance with the State Government's Floodplain Development Manual 2005 and were developed using data from a number of flood studies undertaken throughout the LGA. The maps are under constant review and amendments will be made when new information is available. The Flood Hazard Map more accurately reflects the flood planning level than the current 'Flood Planning Map' contained in the *PSLEP 2013*.

This planning proposal seeks to remove the Flood Planning Map from the LEP to avoid any confusion between the LEP and the adopted Flood Hazard Map. Removing the flood maps from the LEP will ensure reliance on most up to date flood mapping, without the need for a lengthy LEP amendment process every time the Flood Hazard Maps are updated. Council will instead rely on Clause 7.3 (as amended), the Floodplain Risk Management Policy and Flood Hazard Maps. The Flood Hazard Maps are available for viewing by the community on Council's website, ensuring that the most accurate and up to date mapping is readily accessible and used in the assessment of development applications.

Development on land at or below the flood planning level will still need to satisfy the provisions of Clause 7.3 Flood planning of the *PSLEP 2013*.

The Floodplain Risk Management Policy and Flood Hazard Map (LGA wide) are contained in Attachment 1 and Attachment 2 respectively.

ITEM 5 - ATTACHMENT 1 PLANNING PROPOSAL - FLOOD PRONE LAND MAP.

PART 1 – Objective of the proposed Local Environmental Plan

The planning proposal seeks to achieve the following amendments to the *Port Stephens Local Environmental Plan 2013*:

- Remove reference to the "Flood Planning Map";
- Delete the Flood Planning Map from the suite of LEP maps; and
- Delete the Definition of Flood Planning Map

PART 2 – Explanation of the provisions to be included in proposed LEP

The objectives of this planning proposal will be achieved by the following amendments to the *Port Stephens Local Environmental Plan 2013*:

a) Amending Clause 7.3(2) from:

- (2) *This clause applies to:*
- (a) *land identified as "Flood Planning Area" on the Flood Planning Map, and*
 - (b) *other land at or below the flood planning level.*

To:

- (2) *This clause applies to land at or below the flood planning level.*

b) Deleting Map Identification Numbers:

- FLD_001 6400_COM_FLD_001_080_20131210
- FLD_002 6400_COM_FLD_002_080_20131210
- FLD_003 6400_COM_FLD_003_080_20131128
- FLD_004 6400_COM_FLD_004_080_20131128
- FLD_005 6400_COM_FLD_005_080_20131128

c) Deleting the definition of **Flood Planning Map** contained in the Dictionary.

PART 3 – Justification for the Planning Proposal

SECTION A – Need for the Planning Proposal

Is the planning proposal a result of any strategic study or report?

The planning proposal has been prepared in response to Council's adoption of the Floodplain Risk Management Policy and Flood Hazard Maps. The policy and maps were prepared from the following studies:

- Medowie Drainage and Flood Study (2012)
- Paterson River Flood Study (1997)
- Paterson River Floodplain Risk Management Study and Plan (2001)

ITEM 5 - ATTACHMENT 1 PLANNING PROPOSAL - FLOOD PRONE LAND MAP.

- Port Stephens Design Flood Levels – Climate Change Review (2010)
- Williams River Flood Study (2009)
- Williamtown Salt ash Flood Study (2005)
- Williamtown Salt Ash Flood Study Climate Change Review (2012)
- Port Stephens Foreshore (Floodplain) Management Plan (2002)

The Flood Hazard Maps will soon be updated to incorporate the:

- Meadowie Floodplain Risk Management Study and Plan (2016); and
- Williamtown Salt Ash Floodplain Risk Management Study and Plan (2016)

The planning proposal to remove the Flood Planning Map from the PSLEP 2013 ensures that a lengthy LEP amendment process will not be required each time new flooding information is obtained and the Flood Hazard Maps are amended. The Flood Hazard Map will be updated:

- a) following adoption of a flood study/ floodplain risk management plan by council (these are studies commissioned by council and OEH); or
- b) annually to include submissions that have been made by owners/developers to amend the flood hazard due to filling of the land etc.

Section 117 Direction No. 4.3 – Flood Prone Land remains satisfied as adequate provisions remain in the LEP under clause 7.3 for consideration of development at or below the flood planning level.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

An amendment to the *Port Stephens Local Environmental Plan 2013*, via a planning proposal, is the only means of achieving the objectives and intended outcomes.

Is there a community benefit?

The Floodplain Risk Management Policy aims to systematically reduce the impact of flooding and flood liability on individual owners and reduce the private and public losses resulting from floods. It also recognises that flood prone land is a valuable resource to the community, land holders and the economy and these lands should not be sterilised by unnecessarily restricting appropriate development.

The Floodplain Risk Management Policy takes an integrated risk management approach using the best available information that classifies land in terms of flood risk so that decisions take into account flood risk while recognising the social, economic and environmental values of flood prone land.

ITEM 5 - ATTACHMENT 1 PLANNING PROPOSAL - FLOOD PRONE LAND MAP.

Ensuring that the *PSLEP 2013* is consistent with the Floodplain Risk Management Policy and the Flood Hazard Maps is beneficial to the community as it takes a risk management approach, consistent with the State Government's Floodplain Risk Management Manual 2005.

SECTION B – Relationship to Strategic Planning Framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Draft Hunter Regional Plan

The draft Hunter Regional Plan monitors and investigates risks from natural hazards to inform future planning and management.

The planning proposal is consistent with this direction as it will ensure the most up-to-date flooding information is accessible to the community and used in planning decisions.

Lower Hunter Regional Strategy

The Lower Hunter Regional Strategy requires Councils to ensure the principles and recommendations in the Management of flood liable land in accordance with section 733 of the *Local Government Act 1993* and floodplain risk management plans prepared in accordance with the NSW Government's Flood Plain Development Manual (2005)

The removal of the flood mapping from the *PSLEP 2013* aims to ensure that the community has access to the most accurate and relevant data regarding flood prone land. Given Council's Flood Hazard Maps are constantly being improved, it is preferred that Council provide flood mapping in a format that can be easily updated, without the need for a lengthy LEP amendment process. This will ensure that people are aware of flooding risks to public and private assets. This approach is consistent with the LHRS.

Adequate provision remains in the LEP to consider development on flood prone land under Clause 7.3 Flood planning.

5. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

Port Stephens Planning Strategy (PSPS)

The PSPS recognises the large area of land within the LGA that is subject to flooding. The planning proposal ensures community and planners are not relying on outdated maps contained in the LEP.

ITEM 5 - ATTACHMENT 1 PLANNING PROPOSAL - FLOOD PRONE LAND MAP.

6. Is the planning proposal consistent with applicable state environmental planning policies?

There are no existing or draft State Environmental Planning Policies that prohibit or restrict amendments outlined in this planning proposal.

7. Is the planning proposal consistent with applicable Ministerial Directions?

An assessment of relevant s.117 Directions against the planning proposal is provided below.

Section 117 Direction No. 4.3 aims to:

- (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and*
- (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land*

The Floodplain Risk Management Policy and Flood Hazard Maps, adopted by Council on 8 March 2016, were prepared in accordance with the Floodplain Development Manual 2005.

Adequate provision remains in the PSLEP 2013 to consider development on flood prone land under Clause 7.3 Flood planning.

SECTION C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The planning proposal is consistent with the Floodplain Risk Management Policy, which seeks to restrict development in flood affected areas. This will have positive environmental implications as the effect of development on the flooding behaviour will be considered in the assessment of development applications. Removing the existing Flood Planning Map from the LEP will ensure that the most up-to-date information is used in planning for these areas.

ITEM 5 - ATTACHMENT 1 PLANNING PROPOSAL - FLOOD PRONE LAND MAP.**10. Has the planning proposal adequately addressed any social and economic effects?**

The planning proposal will ensure that the most accurate flooding information is used in the consideration of development on flood prone land. This will ensure that the impact of flooding on new development is minimised, which has economic and social benefits to individual property owners, state emergency services and government agencies as life and property are not endangered by inappropriate development.

SECTION D – State and Commonwealth interests**11. Is there adequate public infrastructure for the planning proposal?**

Not applicable.

12. What are the views of the State and Commonwealth public authorities consulted in accordance with the gateway determination?

The Gateway determination required Council to undertake consultation with the Office of Environment & Heritage and the State Emergency Service. Details provided below:

Office of Environment & Heritage

OEH concur that inclusion of flood mapping in the LEP delays dissemination of the most up to date flooding information obtained from flood studies and floodplain risk management studies. Providing flood mapping remains publically available via Councils web site in a readily accessible form, OEH do not object to the removal of the Flood Prone Land maps from the LEP and the facilitating changes to the wording as suggested in the planning proposal. They recommend Council's website be updated so that the Flood Hazard Maps can be more easily found by members of the public.

State Emergency Service

SES did not provide a response

Part 4 - Mapping

The planning proposal seeks to delete Map Identification Numbers:

- FLD_001 6400_COM_FLD_001_080_20131210
- FLD_002 6400_COM_FLD_002_080_20131210
- FLD_003 6400_COM_FLD_003_080_20131128
- FLD_004 6400_COM_FLD_004_080_20131128
- FLD_005 6400_COM_FLD_005_080_20131128

ITEM 5 - ATTACHMENT 1 PLANNING PROPOSAL - FLOOD PRONE LAND MAP.**Part 5 - Details of Community Consultation**

In accordance with the Gateway determination, the planning proposal was exhibited for a period of 28 days, from 7 July 2016 to 5 August 2015. One submission was received during the exhibition period.

Submission One

The submission acknowledges the importance of the planning proposal as it will remove the confusion between the existing Flood Planning Map in the LEP and the adopted Flood Hazard Maps. Despite this, the submission raises concern regarding the accuracy of the Flood Hazard Maps, particularly on lands surrounding the airport. The main issue is with the flood categorisation of a property located in Lavis Lane, Williamtown, which is located within the High Hazard Floodway area. The submission requests that due to the existing development approvals on and adjoining the land, and the raised nature of the site, the property should be within the Low Hazard Flood Storage area.

The submission suggests that the Floodplain Risk Management Policy and Flood Hazard Maps be altered so that development within the high risk zones can be facilitated where flood mitigation measures that minimise risk to life and property are incorporated into the development.

Comment

The submission raises a number of concerns regarding the Floodplain Risk Management Policy and the Flood Hazard maps. The issues raised are not directly relevant to the planning proposal as the LEP does not currently identify flood hazard categories nor is it proposed by this planning proposal. The concerns relate more to the mapping rather than the planning proposal, removing the ability for the submitter's concerns to be addressed. The issues raised are therefore outside the scope of the planning proposal.

In relation to the flood mapping, Council relies on technical hydraulic studies to define the flood planning level and hazard, in accordance with the State Government's Flood Prone Land Policy and Floodplain Development Manual 2005.

Should a land holder disagree with the adopted Flood Hazard maps, they are at liberty to carry out their own study, in accordance with the State Government's Flood Prone Land Policy and Floodplain Development Manual 2005, and submit this to Council for consideration. It is noted however that the flood hazard is only one of the matters for consideration in development assessment.

No changes to the planning proposal are proposed as a result of the submission.

ITEM 5 - ATTACHMENT 1 PLANNING PROPOSAL - FLOOD PRONE LAND MAP.**Part 6 – Project timeline**

The planning proposal is expected to be submitted to the Department of Planning & Environment after it is reported to Council for adoption.

The following timetable is proposed:

	October	November	December
Council report			
Parliamentary Counsel			
Plan finalised			

**ITEM 5 - ATTACHMENT 1 PLANNING PROPOSAL - FLOOD PRONE LAND
MAP.**

ATTACHMENT 1 – Flood Risk Management Policy

ITEM 5 - ATTACHMENT 1 PLANNING PROPOSAL - FLOOD PRONE LAND MAP.**Policy**

FILE NO: PSC2015-01399
TITLE: FLOODPLAIN RISK MANAGEMENT
POLICY OWNER: ASSET SECTION MANAGER

PURPOSE:

Port Stephens Council is committed to managing flooding across the Local Government Area using an integrated risk management approach, in order to:

- 1) Systematically reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, hence reduce the losses resulting from floods;
- 2) Recognise that appropriately developed flood prone land is a valuable resource to the community, land holders and the economy and these lands should not be sterilised by unnecessarily restricting its development;
- 3) Consider floodplain risk as early as possible in the planning and development process using the best available flood information;
- 4) Classify land in terms of floodplain risk so that decisions take into account the risk while recognising the social, economic and environmental values of flood prone land;
- 5) Provide the framework to manage floodplain risk through cost-effective measures that address existing, future and continuing risks in a hierarchy of avoidance, minimisation and mitigation as identified in local floodplain risk management studies and plans;
- 6) Remain consistent with the floodplain risk management principles outlined in the State Government's Flood Prone Land Policy and Floodplain Development Manual 2005.
- 7) Facilitate the systematic collection of flood information and floodplain risk data, and the provision of such information in a timely way so that residents can understand the severity of floodplain risk and plan their affairs accordingly; and,
- 8) Promote the integration between Council's floodplain risk management activities and flood-related emergency management undertaken by the State Emergency Service and the Port Stephens Local Emergency Management Committee.

The measurement of success for this policy is the implementation of the integrated risk management approach.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: xx/xx/xxxx

Printed: 30/09/2015

Review Date: xx/xx/xxxx

Page: 1 of 6

ITEM 5 - ATTACHMENT 1 PLANNING PROPOSAL - FLOOD PRONE LAND MAP.**Policy****CONTEXT/BACKGROUND:**

Port Stephens covers a diverse number of catchments, generally flowing to the Hunter Estuary or the Port Stephens Estuary. The area has a number of creeks, rivers, estuaries, foreshore areas, stormwater channels and drains which are impacted by flooding or coastal inundation, sometimes with little or no warning.

Flooding is a significant issue affecting existing and future development throughout Port Stephens and may involve significant risk, including risks to life and property. While it is not usually cost-effective to entirely eliminate all floodplain risks, the risks can be managed.

Council has been undertaking the necessary flood studies in accordance with the State Government's Floodplain Development Manual 2005. Where the catchments cross local government boundaries, Council has been working in collaboration with neighbouring councils.

The Local Government Act (section 733) provides Council with a general exemption from liability with respect to flood liable land if the necessary studies and works are carried out in accordance with the principles contained in the NSW Floodplain Development Manual 2005.

SCOPE:

While local government in NSW has the primary responsibility for controlling the development within flood-prone land, both the State Government (for example, Crown developments and state significant developments) and the Federal Government (for example, development on Commonwealth land) consider development on the floodplain.

Both local government and the State Government (principally through the State Emergency Service) are responsible for managing floodplain risk.

DEFINITIONS:

Flood prone land (flood liable land)	Land that is likely to be inundated by the probable maximum flood (PMF is the largest flood that could conceivably occur in a particular catchment) and defines the "floodplain" for that catchment.
Flood Planning Level	The level of the 1% AEP (annual exceedance probability) flood event in the year 2100 plus 0.5 metre freeboard

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: xx/xx/xxxx

Printed: 30/09/2015

Review Date: xx/xx/xxxx

Page: 2 of 6

ITEM 5 - ATTACHMENT 1 PLANNING PROPOSAL - FLOOD PRONE LAND MAP.

Policy



Floodway area	Land that is a pathway taken by major discharges of floodwaters, the partial obstruction of which would cause a significant redistribution of floodwaters, or a significant increase in flood levels. Floodways are often aligned with natural channels, are usually characterised by deep and relatively fast flowing water, and have major damage potential.
Flood Storage area	Those parts of the floodplain that are important for the temporary storage of flood waters. The loss of storage areas may increase the severity of flood impacts by reducing natural flood attenuation.
Flood Fringe area	The remaining area of flood prone land after the Floodway area and Flood Storage area have been defined.
High Hazard flood area	The area of flood which poses a possible danger to personal safety, where the evacuation of trucks would be difficult, where able-bodied adults would have difficulty wading to safety or where there is a potential for significant damage to buildings.
Low Hazard flood area	The area of flood where, should it be necessary, a truck could evacuate people and their possessions or an able-bodied adult would have little difficulty in wading to safety.

POLICY STATEMENT:

Council will manage the risk of flooding on lands in accordance with State Government's Flood Prone Land Policy and Floodplain Development Manual 2005. This can be summarised as:

- 1) Following the State Government directed process for each catchment, including:
 - a) Formation of a Floodplain Risk Management Committee, including members from council, community and state government agencies;
 - b) Collection of social, economic, flooding, ecological, land use, cultural and emergency management data;
 - c) Undertaking a flood study, in accordance with "Australian Rainfall & Runoff" published by Engineers, Australia, to define floodplain risk throughout the catchment, including hydrologic and hydraulic aspects of floods of varying severity;
 - d) Identifying, assessing and comparing various risk management options through a Floodplain Risk Management Study; and,
 - e) Developing a Floodplain Risk Management Plan outlining the implementation of acceptable flood response and property modification measures, and is formally approved by Council after public exhibition.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: xx/xx/xxxx

Printed: 30/09/2015

Review Date: xx/xx/xxxx

Page: 3 of 6

ITEM 5 - ATTACHMENT 1 PLANNING PROPOSAL - FLOOD PRONE LAND MAP.**Policy**

- 2) Categorising floodplain risk in terms of the hazard (low hazard and high hazard), the location (floodway area, flood storage area and flood fringe area) and the chance of the flood occurring in any one year (the annual exceedance probability (AEP)), namely:
 - a) Minimal risk flood prone land (above the Flood Planning Level and below the Flood prone land extent)
 - b) Low hazard – flood fringe area
 - c) Low hazard – flood storage area
 - d) Low hazard – floodway area
 - e) High hazard – flood fringe area
 - f) High hazard – flood storage area
 - g) High hazard – floodway area
- 3) Keeping the Flood Hazard Maps up-to-date by incorporating relevant information from Council adopted Flood Studies, Floodplain Risk Management Plans, flood modification measures and approved filling within the floodplain which may change the categorisation of floodplain risk.
- 4) Undertaking a comprehensive benefit-cost analysis of proposed flood modification measures (for example, levees, retarding basins, flood gates) in each catchment using a standard approach and include those measures with a benefit: cost ratio greater than 1 into Council's Strategic Asset Management Plan (where possible Council will seek State and Federal government funding for such measures).
- 5) Considering property modification measures including voluntary purchase or house-raising and Development Control Plan changes based on the floodplain risk categories.
- 6) Utilising a site-specific risk management approach for the finished floor level for non-residential developments, focussed on reducing risk-to-life and risk-to-property, based on the floodplain risk categories and specified in Council's DCP.
- 7) Ensuring that the State Emergency Service and the Port Stephens Local Emergency Management Committee are provided with the most up-to-date flood information so they can include it in their emergency response and recovery planning.
- 8) Ensuring that decisions relating to flood prone land do not have adverse consequences for emergency management or cause adverse impacts on flooding in other locations.
- 9) Ensuring that new Council assets have an appropriate floodplain risk category, so that future generations of residents and ratepayers are not inordinately burdened.
- 10) Developing a system for the timely provision of up-to-date flood information, to facilitate the assessment of development applications, to achieve a merit-based outcome for each floodplain risk category for an individual site.

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au



Issue Date: xx/xx/xxxx

Printed: 30/09/2015

Review Date: xx/xx/xxxx

Page: 4 of 6

ITEM 5 - ATTACHMENT 1**PLANNING PROPOSAL - FLOOD PRONE LAND MAP.****Policy****POLICY RESPONSIBILITIES:**

Assets Section Manager has overall responsibility for this Policy.

Senior Flooding & Drainage Engineer is responsible for the implementation of the engineering aspects of this Policy, including management of the Floodplain Risk Management process.

Strategy and Environment Section Manager is responsible for the implementation of the strategic planning aspects of this Policy, including consideration of floodplain risk as early as possible in the planning process and the provision of the most up-to-date flood information through the issuing of Section 149 certificates.

Development Assessment and Compliance Section Manager is responsible for the implementation of the development assessment aspects of this Policy, including a merit-based consideration of the floodplain risk categories for an individual site, focussed on reducing risk-to-life and risk-to-property.

Communications Section Manager is responsible for the implementation of the communications aspects of this Policy, including assisting in the coordination of community engagement through the Floodplain Risk Management process.

Facilities and Services Group Manager is responsible for the integration between Council's floodplain risk management activities and flood-related emergency management undertaken by the State Emergency Service and the Port Stephens Local Emergency Management Committee.

RELATED DOCUMENTS:

- 1) Local Government Act 1993
- 2) Environmental Planning and Assessment Act 1979
- 3) Water Management Act 2000
- 4) Hunter Water Act 1991
- 5) State Emergency and Rescue Management Act 1989
- 6) The State Government's Flood Prone Land Policy 2005
- 7) The State Government's Floodplain Development Manual 2005
- 8) Port Stephens Local Environment Plan 2013
- 9) Port Stephens Development Control Plan 2014
- 10) Port Stephens Community Strategic Plan 2015-2025

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version.
Before using this document, check it is the latest version, refer to Council's website www.portstephens.nsw.gov.au



Issue Date: xx/xx/xxxx

Printed: 30/09/2015

Review Date: xx/xx/xxxx

Page: 5 of 6

ITEM 5 - ATTACHMENT 1
MAP.

PLANNING PROPOSAL - FLOOD PRONE LAND

Policy



CONTROLLED DOCUMENT INFORMATION:

This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au			
TRIM container No	PSC2015-01399	TRIM record No	
Audience	Councillors, staff and community		
Process owner	Manager, Assets Section		
Author	John Maretich		
Review timeframe	4 years	Next review date	27 October 2019
Adoption date	8/3/16		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	16 Dec 2008	Trevor Allen	Areas affected by flooding and/or inundation.	384
2.1	27 Oct 2015	John Maretich	Draft Floodplain Risk Management Policy for Public Exhibition	323
2.2	8 March 2016	John Maretich	Floodplain Risk Management Policy	054

Policy

WARNING: This is a controlled document. Hardcopies of this document may not be the latest version. Before using this document, check it is the latest version; refer to Council's website www.portstephens.nsw.gov.au



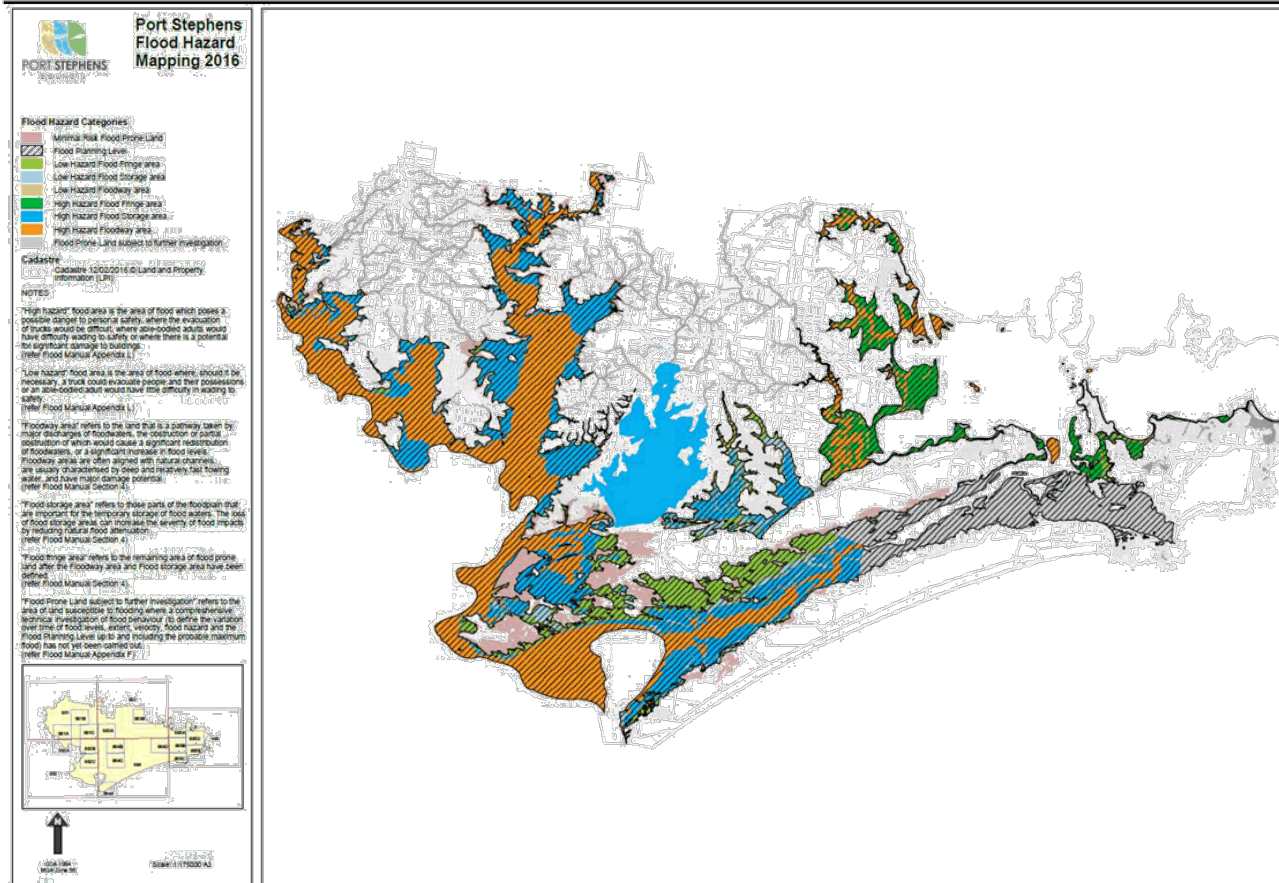
Issue Date: xx/xx/xxxx

Printed: 30/09/2015

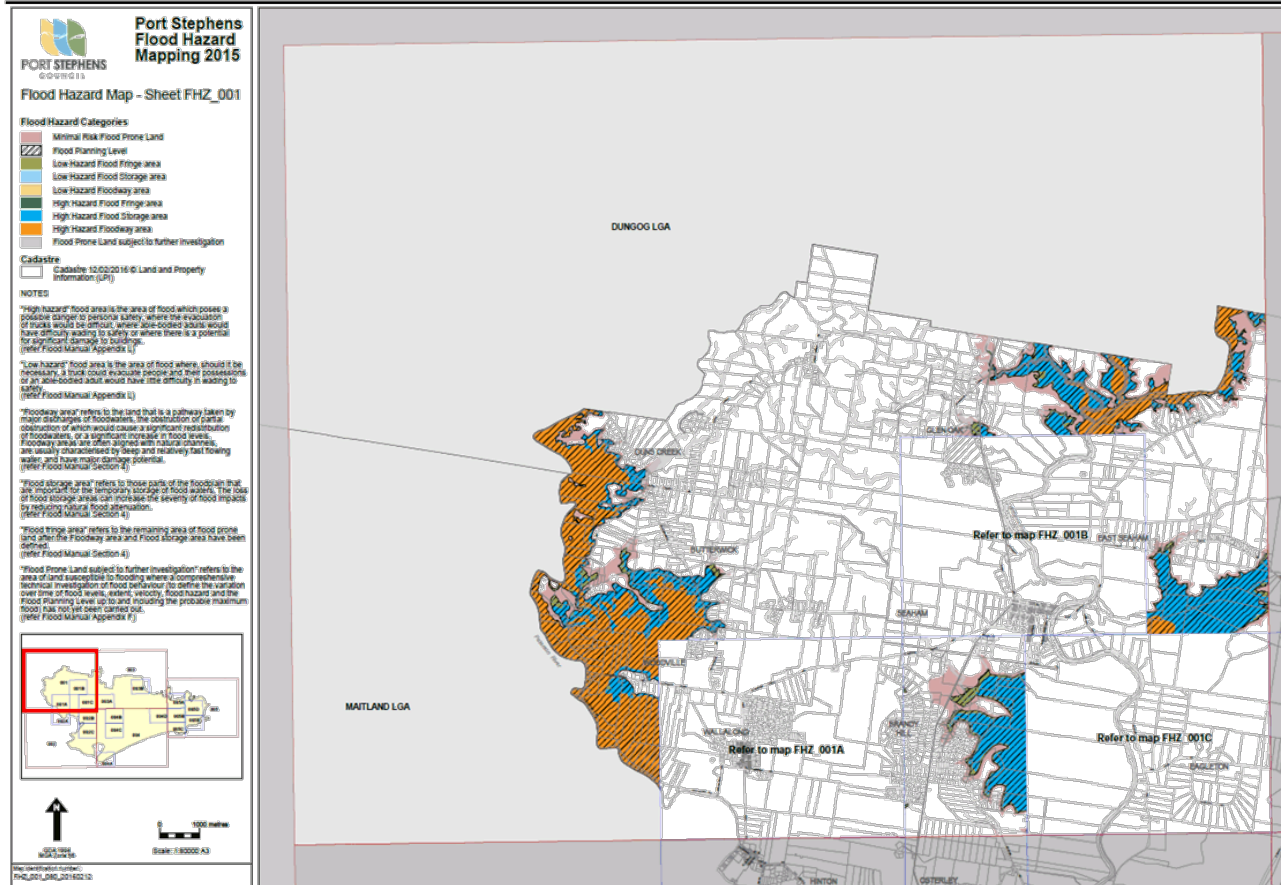
Review Date: xx/xx/xxxx

Page: 6 of 6

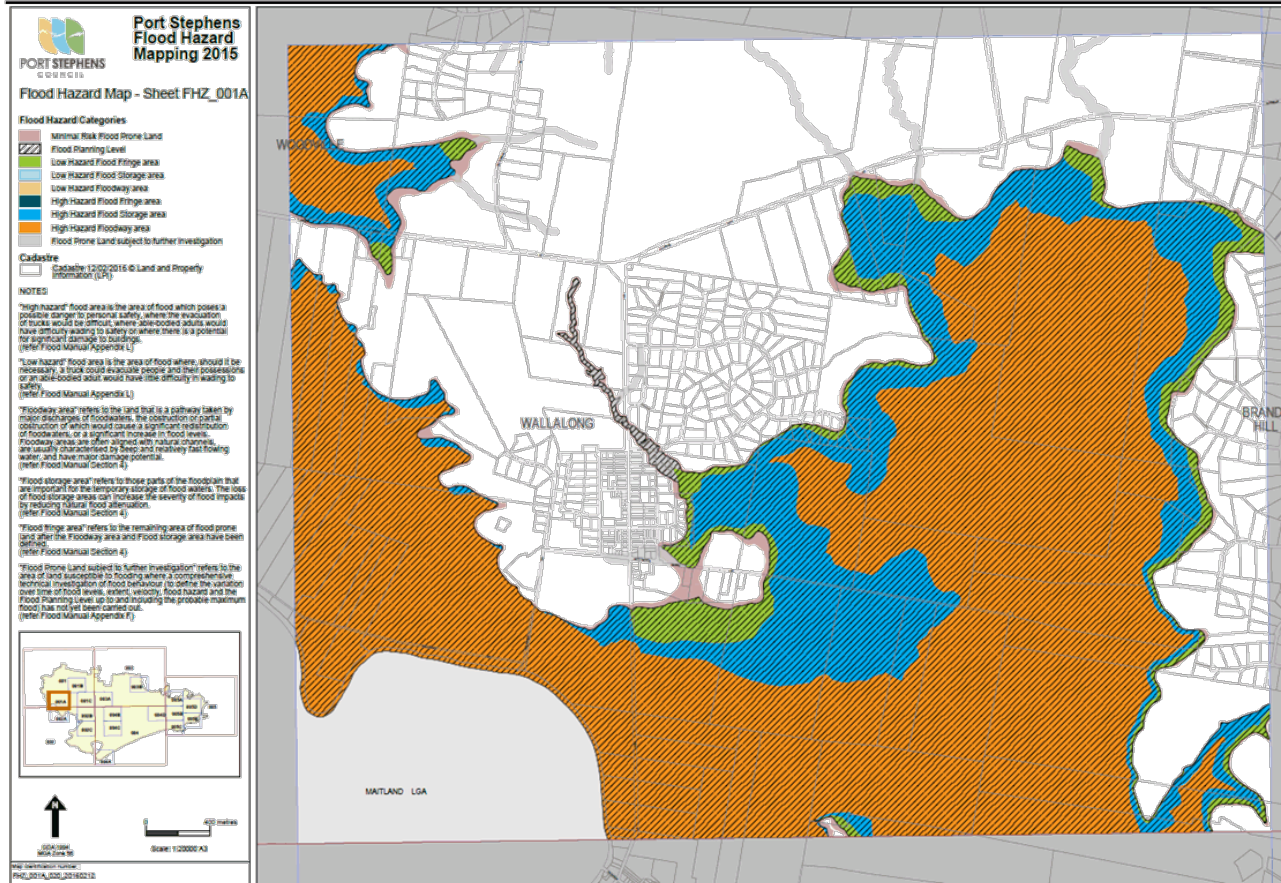
ATTACHMENT 2 – Port Stephens Flood Hazard Mapping 2015 – LGA Wide



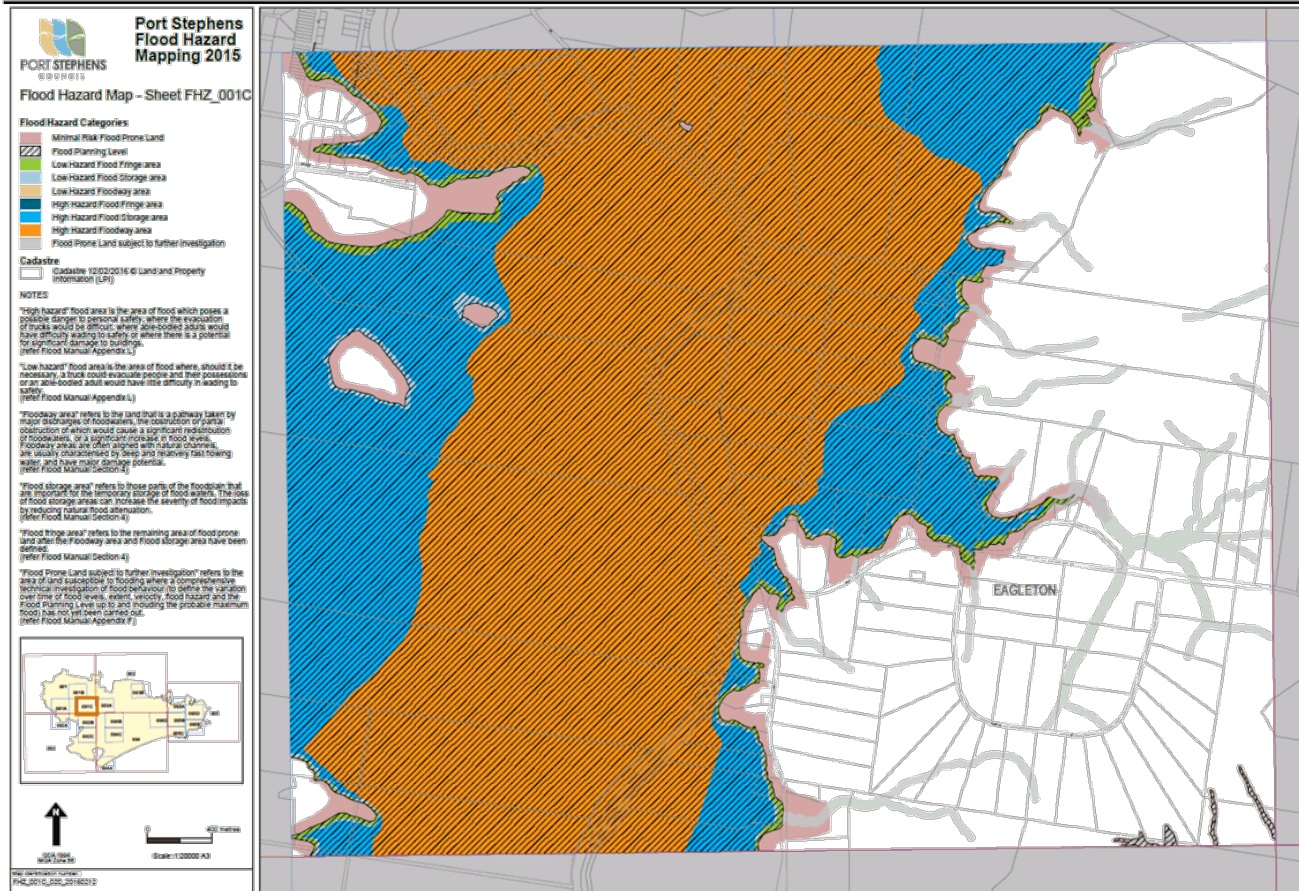
ATTACHMENT 3 – Flood Hazard Map – Sheet FHZ_001



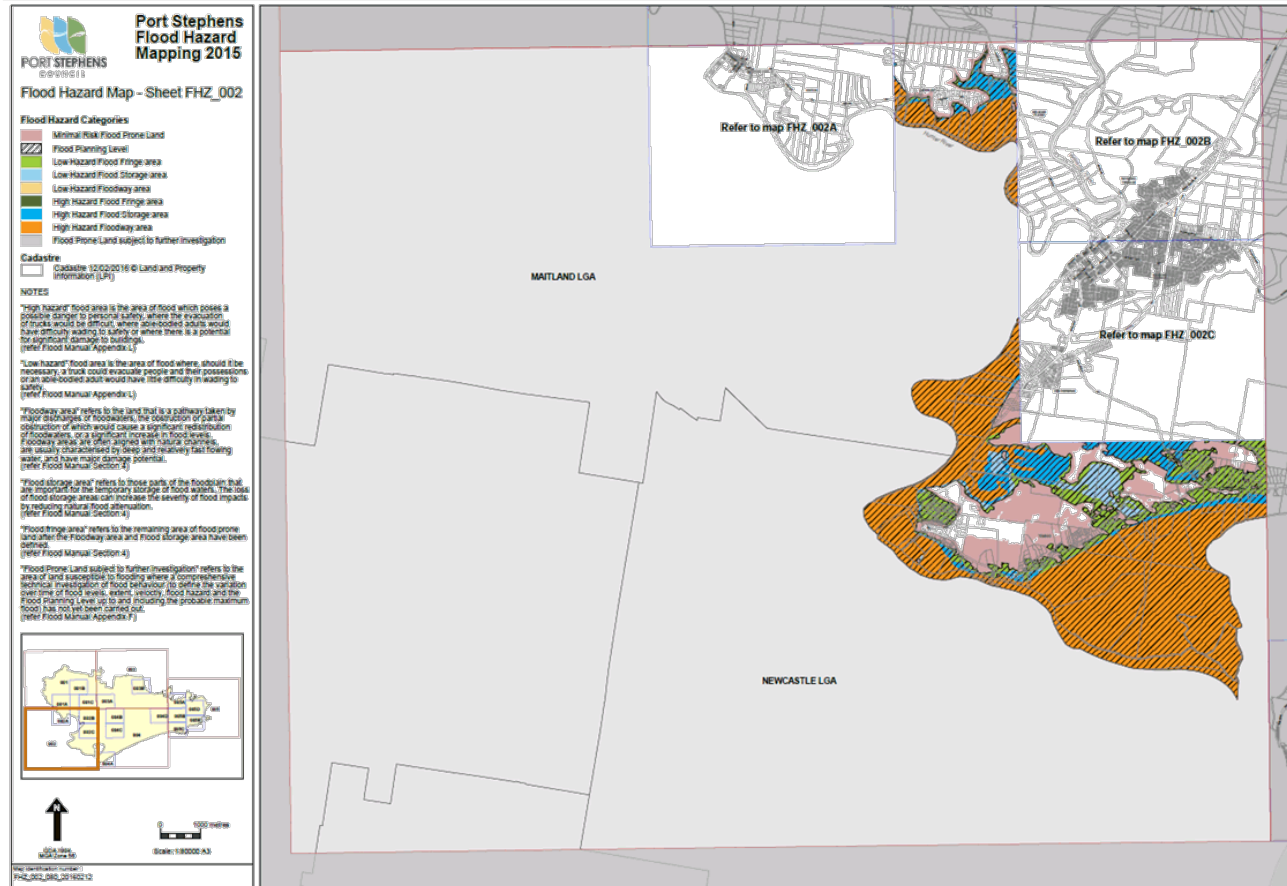
ATTACHMENT 4 – Flood Hazard Map – Sheet FHZ_001A



ATTACHMENT 6 – Flood Hazard Map – Sheet FHZ_001C



ATTACHMENT 7 – Flood Hazard Map – Sheet FHZ_002



PORT STEPHENS Flood Hazard Mapping 2015
Flood Hazard Map - Sheet FHZ_002A

Flood Hazard Categories

- Minimal Risk Flood Prone Land
- Flood Planning Level
- Low Hazard Flood Fringe area
- Low Hazard Flood Storage area
- Low Hazard Floodway area
- High Hazard Flood Fringe area
- High Hazard Flood Storage area
- High Hazard Floodway area
- Flood Prone Land subject to further investigation

Cadastral

- Cadastral 12/02/2016 6 Land and Property Information (LPI)

NOTES

"High hazard" flood area is the area of flood which poses a possible danger to personal safety, where the evacuation of trucks would be difficult, where able-bodied adults would have difficulty wading to safety or where there is a potential for significant damage to buildings.
 (refer Flood Manual Appendix 4)

"Low hazard" flood area is the area of flood where, should it be necessary, a truck could evacuate people and their possessions or an able-bodied adult would have little difficulty in wading to safety.
 (refer Flood Manual Appendix 4)

"Floodway area" refers to the land that is a pathway taken by major discharges of floodwaters, the obstruction or partial obstruction of which would cause a significant redistribution of floodwaters, or a significant increase in flood extent.
 Floodway areas, or a significant increase in flood extent, are usually characterised by steep and relatively fast-flowing water and have major damage potential.
 (refer Flood Manual Section 4)

"Flood storage area" refers to those parts of the floodplain that are important for the temporary storage of flood waters. The loss of flood storage areas can increase the severity of flood impacts by reducing natural flood attenuation.
 (refer Flood Manual Section 4)

"Flood fringe area" refers to the remaining area of flood prone land after the Floodway area and Flood storage area have been defined.
 (refer Flood Manual Section 4)

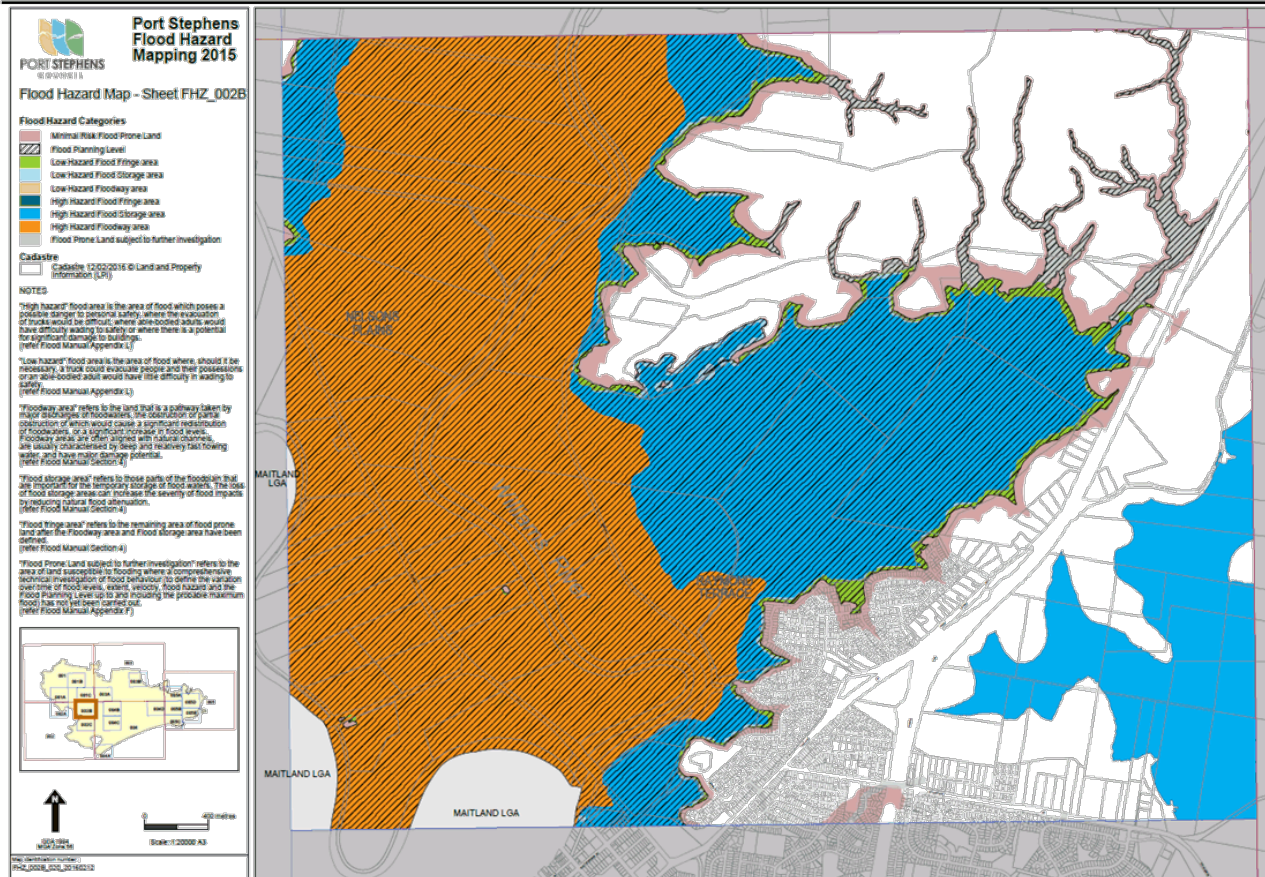
"Flood Prone Land subject to further investigation" refers to the area of land susceptible to flooding where a comprehensive technical investigation of flood behaviour to define the duration over time of flood levels, extent, velocity, flood hazard and the Flood Planning Level up to and including the probable maximum flood has not yet been carried out.
 (refer Flood Manual Appendix F)

MAITLAND LGA

Scale
 0 100 metres
 Scale 1:20000 A3

Legend
 Flood Hazard Categories
 Flood Planning Level
 Flood Fringe area
 Flood Storage area
 Floodway area
 Flood Fringe area
 Flood Storage area
 Floodway area
 Flood Prone Land subject to further investigation

ATTACHMENT 9 – Flood Hazard Map – Sheet FHZ_002B



PORST STEPHENS

FLOOD HAZARD MAPPING 2015

Flood Hazard Map - Sheet FHZ_002C

Flood Hazard Categories

- Miminal Risk Flood Prone Land
- Flood Planning Level
- Low Hazard Flood Fringe Area
- Low Hazard Flood Storage Area
- Low Hazard Floodway Area
- High Hazard Flood Fringe Area
- High Hazard Flood Storage Area
- High Hazard Floodway Area
- Flood Prone Land subject to further investigation

Cadastre

- Bathymetry 12-02-2016 © Land and Property Information (LPI)

NOTES

- "High hazard" flood area is the area of flood which poses a potential danger to personal safety, where the evacuation of trucks would be difficult, where above-boarded adults would have difficulty wading to safety or where there is a potential for significant damage to buildings.
(refer Flood Manual Appendix F)
- "Low hazard" flood area is the area of flood where should it be necessary, a truck could evacuate people and their possessions or an abseiled adult would have little difficulty in wading to safety.
(refer Flood Manual Appendix G)
- "Floodway area" refers to the land that is a pathway taken by major discharges of floodwaters, the obstruction or partial destruction of which would cause a significant reduction of floodwaters, or a significant increase in flood levels. Floodways are often aligned along cultural channels, are usually characterized by deep and relatively fast flowing water and have lower damage potential.
(refer Flood Manual Section 4)
- "Flood storage area" refers to those parts of the floodplain that are important for the temporary storage of flood waters. The loss of flood storage areas can increase the severity of flood impacts by reducing nature's flood attenuation.
(refer Flood Manual Section 4)
- "Flood fringe area" refers to the remaining area of flood prone land after the Floodway area and Flood Storage area have been defined.
(refer Flood Manual Section 4)
- "Flood prone land subject to further investigation" refers to the area of land susceptible to flooding where a comprehensive technical investigation of flood behavior to define the variation over time of flood levels, extent, velocity, flood hazard and the Flood Planning Level up to and including the probable maximum flood has not yet been carried out.
(refer Flood Manual Appendix J)

Scale: 1:20,000 A3

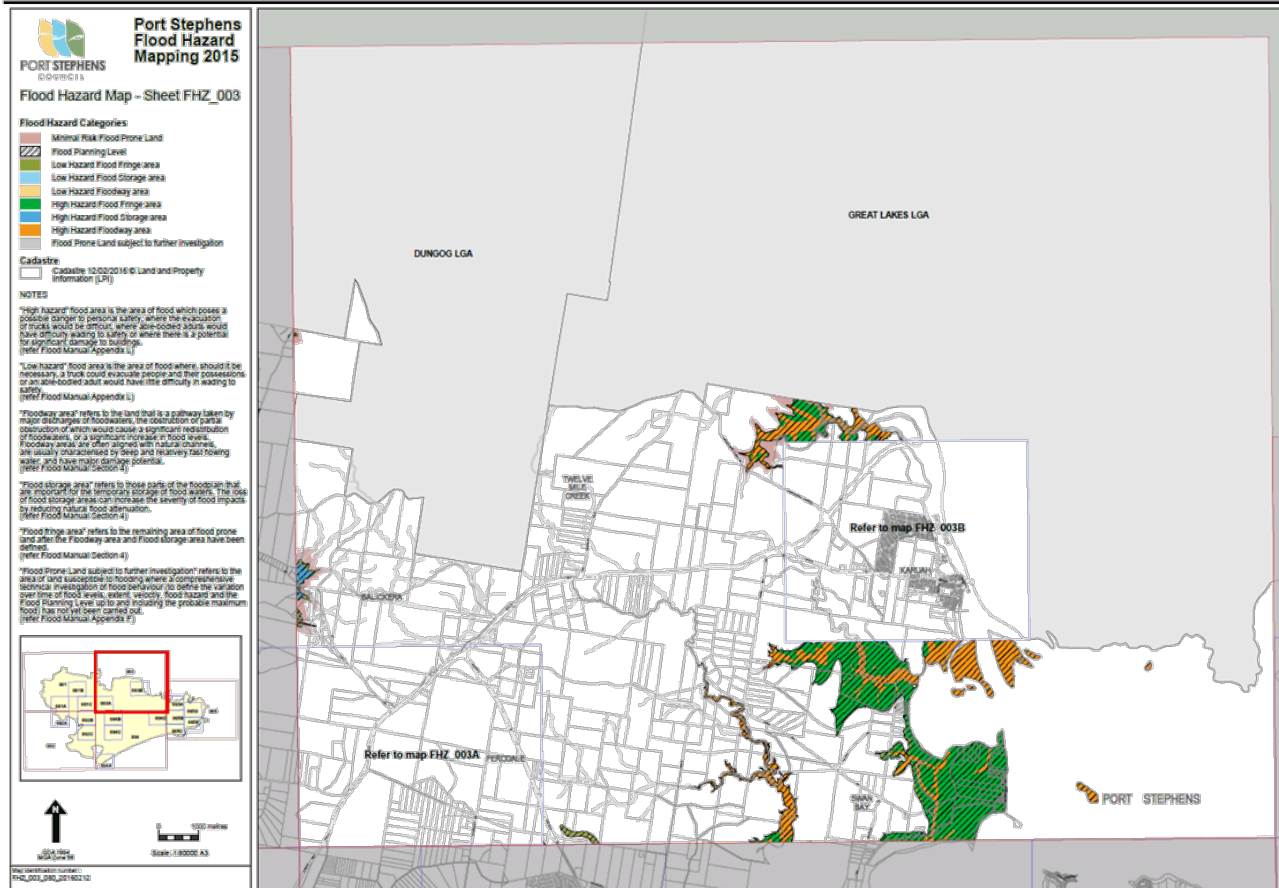
Date: 12-02-2016

File Path: \\server\projects\FH_Zones_FHZ_002C\FH_Zones_FHZ_002C.dwg

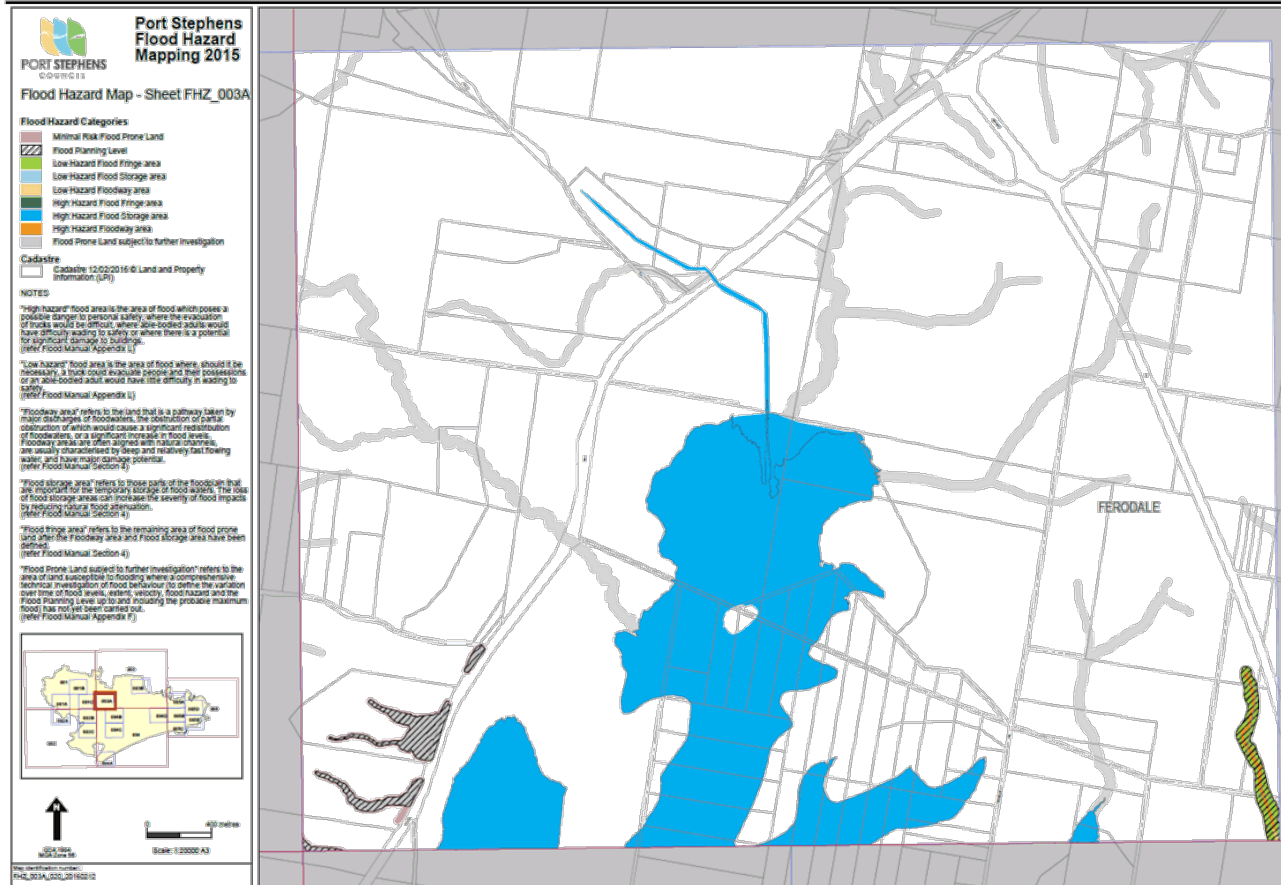
Project Name: Port Stephens Flood Hazard Mapping 2015

Sheet Number: FHZ_002C

ATTACHMENT 11 – Flood Hazard Map – Sheet FHZ_003



ATTACHMENT 12 – Flood Hazard Map – Sheet FHZ_003A



Port Stephens
Flood Hazard
Mapping 2015

PORT STEPHENS
COUNCIL

Flood Hazard Map - Sheet FHZ_003B

Flood Hazard Categories

- Minimal Risk Flood Prone Land
- Flood Planning Level
- Low Hazard Flood Fringe area
- Low Hazard Flood Storage area
- Low Hazard Floodway area
- High Hazard Flood Fringe area
- High Hazard Flood Storage area
- High Hazard Floodway area
- Flood Prone Land subject to further investigation

Cadastral
 Cadastre 10/02/2016 © Land and Property Information (LPI)

NOTES

"High hazard" flood area is the area of flood which poses a possible danger to personal safety, where the evacuation of trucks would be difficult, where above-ground drains would have difficulty leading to safety or where there is a potential for significant damage to buildings.
 (refer Flood Manual Appendix G)

"Low hazard" flood area is the area of flood where should it be necessary, a truck could evacuate people and their possessions or its contents about would have little difficulty in leading to safety.
 (refer Flood Manual Appendix G)

"Floodway area" refers to the land that is a pathway taken by major discharges of floodwaters, the obstruction of partial operation of which would cause a significant redistribution of floodwaters, or a significant increase in flood levels.
 Floodway areas are also characterised by high flood flows, are usually characterised by deep and relatively fast flowing water, and have a high damage potential.
 (refer Flood Manual Section 4)

"Flood storage area" refers to those parts of the floodplain that are important for the temporary storage of flood waters. The use of flood storage areas can increase the severity of flood impacts by reducing natural flood attenuation.
 (refer Flood Manual Section 4)

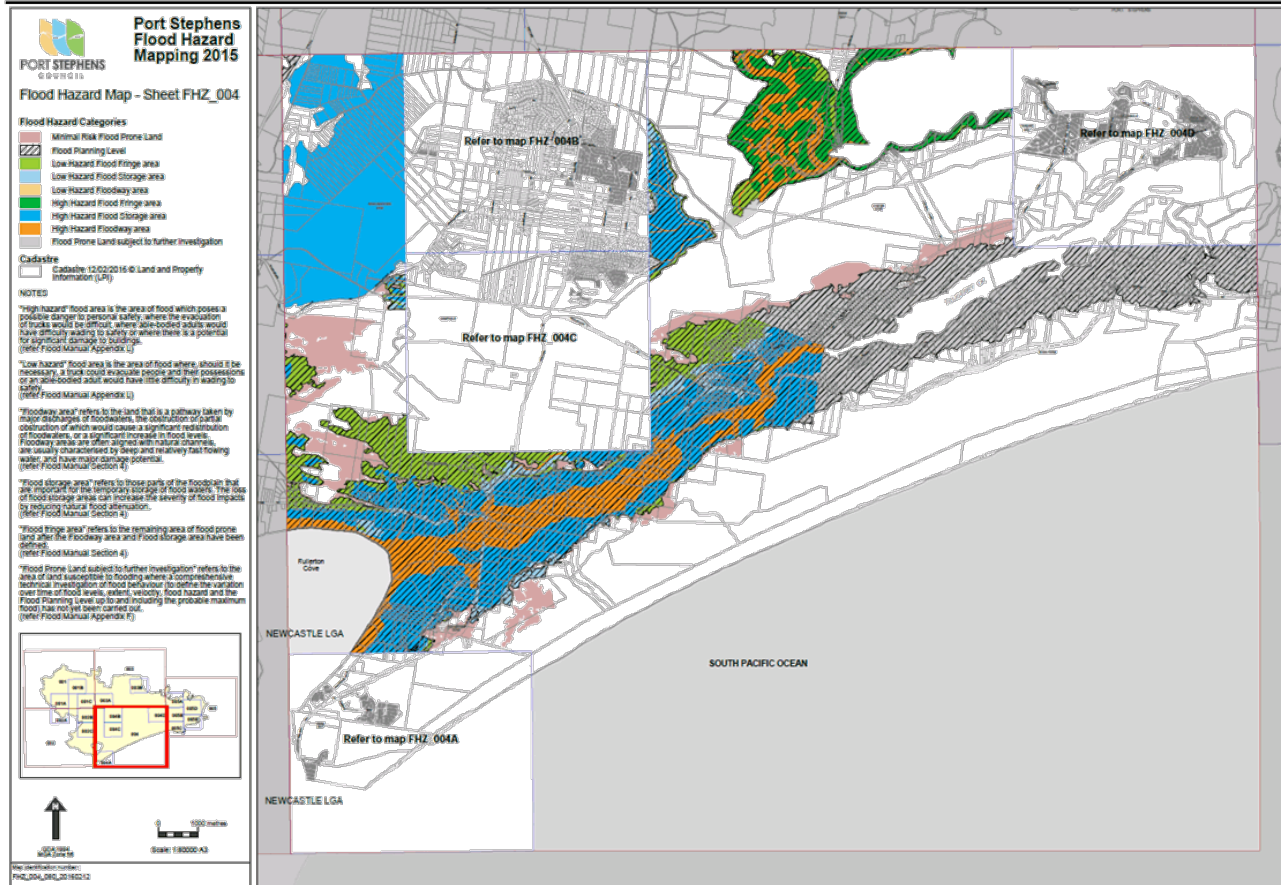
"Flood fringe area" refers to the remaining area of flood prone area after the Floodway area and Flood storage area have been defined.
 (refer Flood Manual Section 4)

"Flood Prone Land subject to further investigation" refers to the area of land susceptible to flooding where a comprehensive characterisation of flood risk has not yet been determined over time of flood levels, extent, velocity, flood hazards and the flood planning level is to be determined for the probable maximum flood has not yet been completed.
 (refer Flood Manual Appendix F)

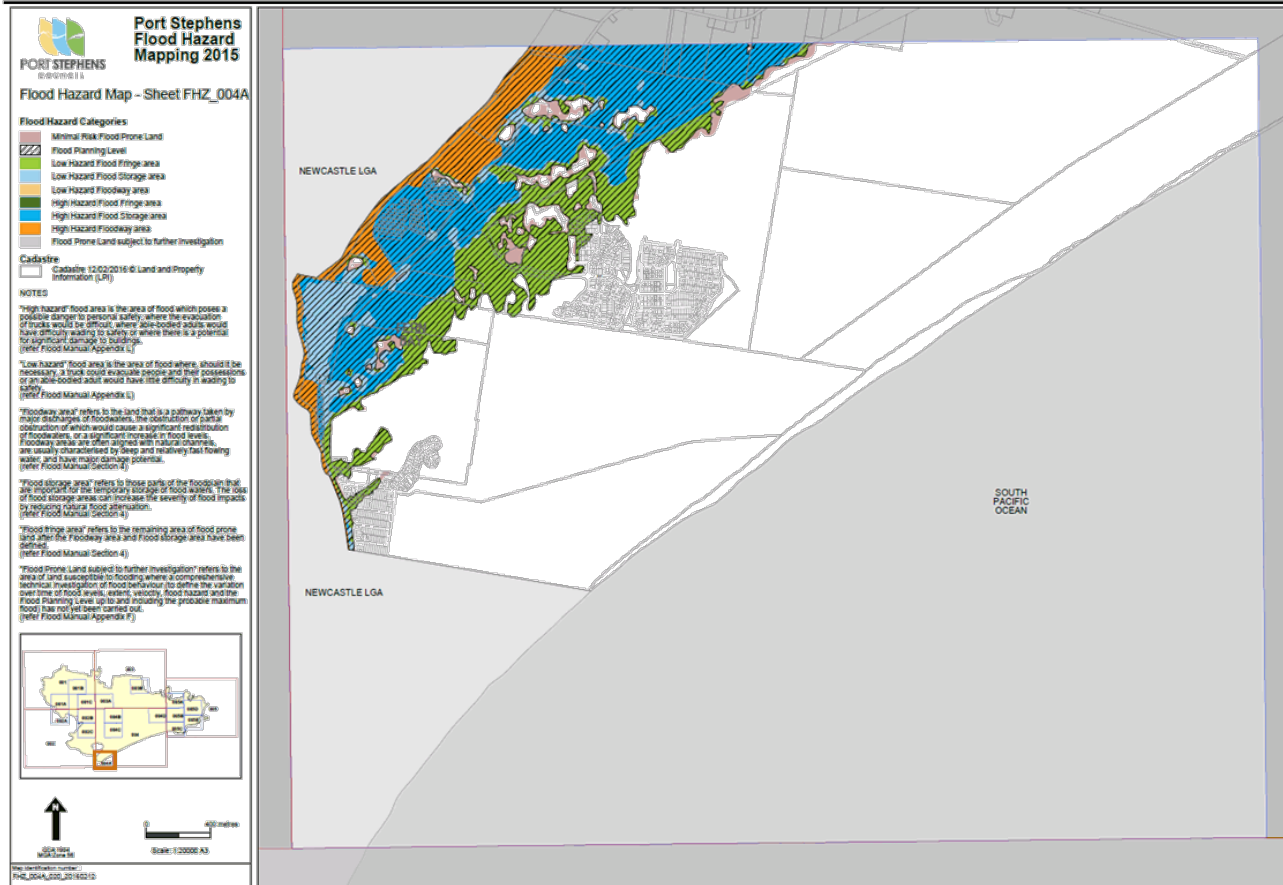
FHZ_003B
 10/02/2016

GREAT LAKES LGA

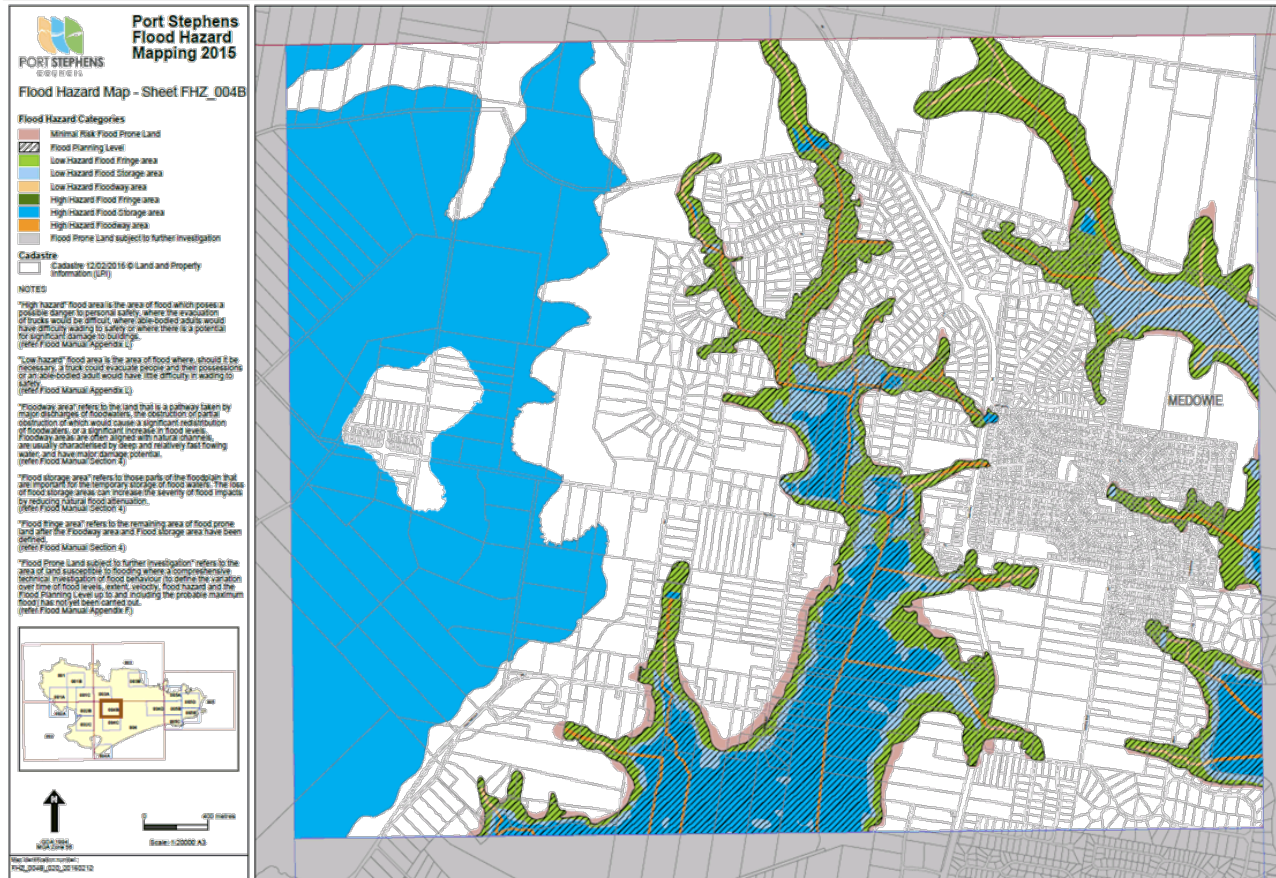
ATTACHMENT 14 – Flood Hazard Map – Sheet FHZ_004



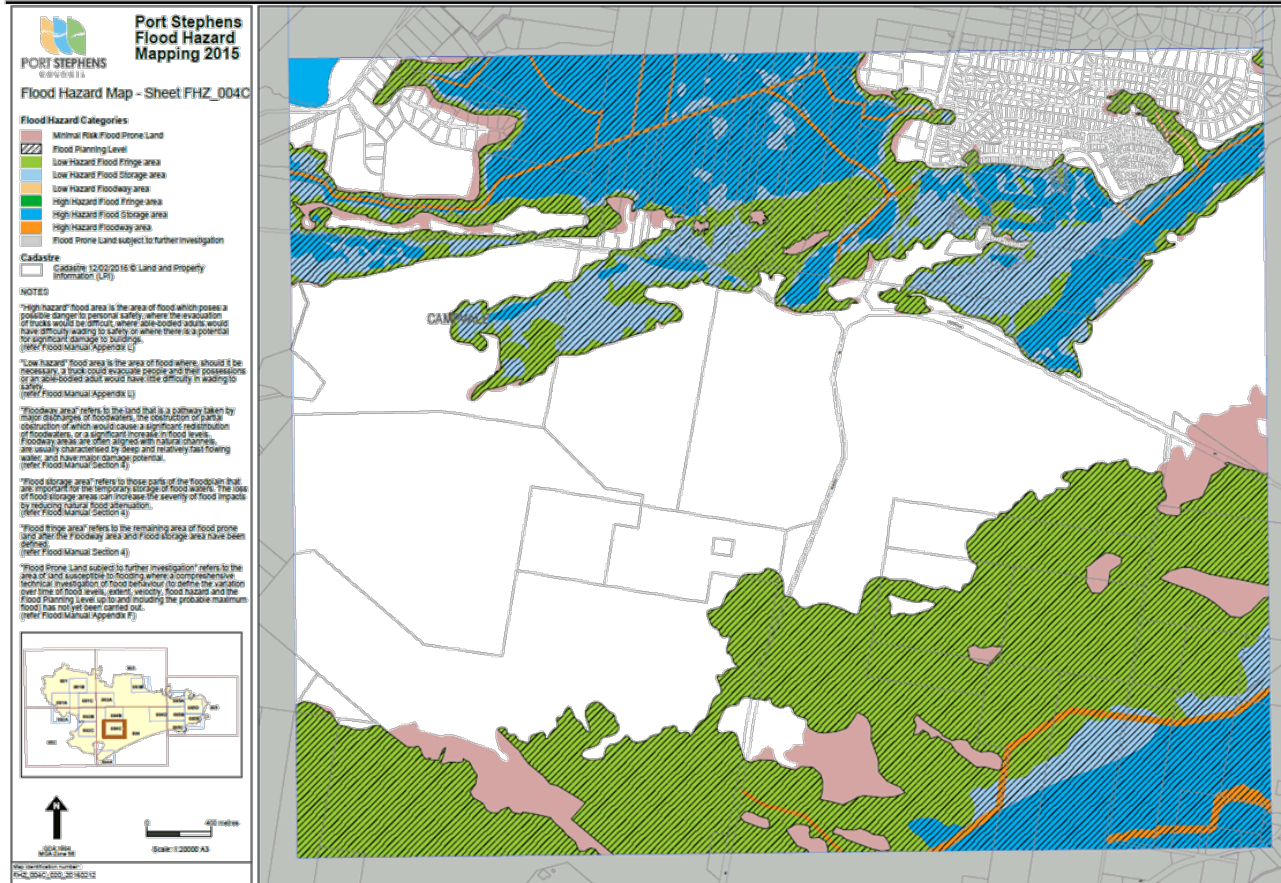
ATTACHMENT 15 – Flood Hazard Map – Sheet FHZ_004A



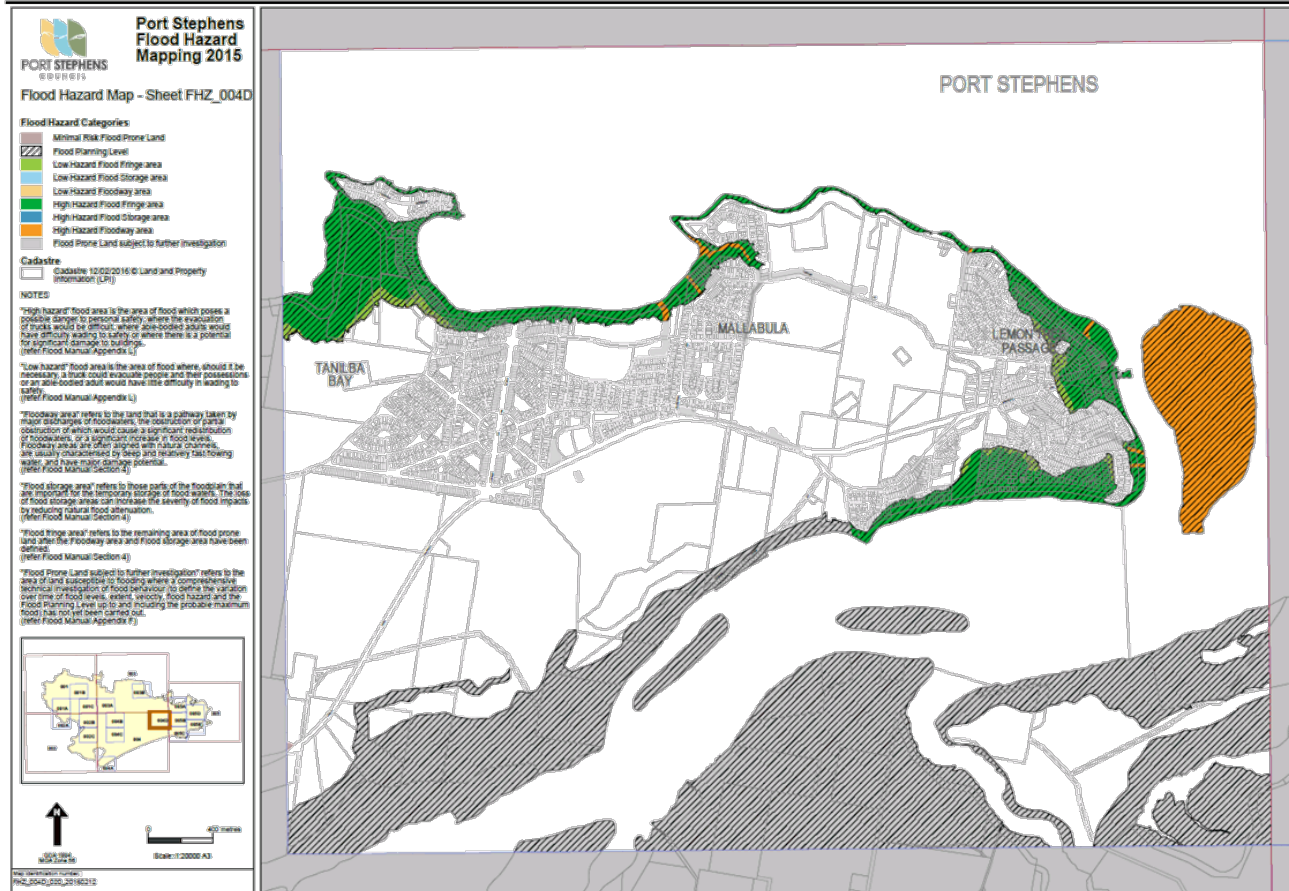
ATTACHMENT 16 – Flood Hazard Map – Sheet FHZ_004B



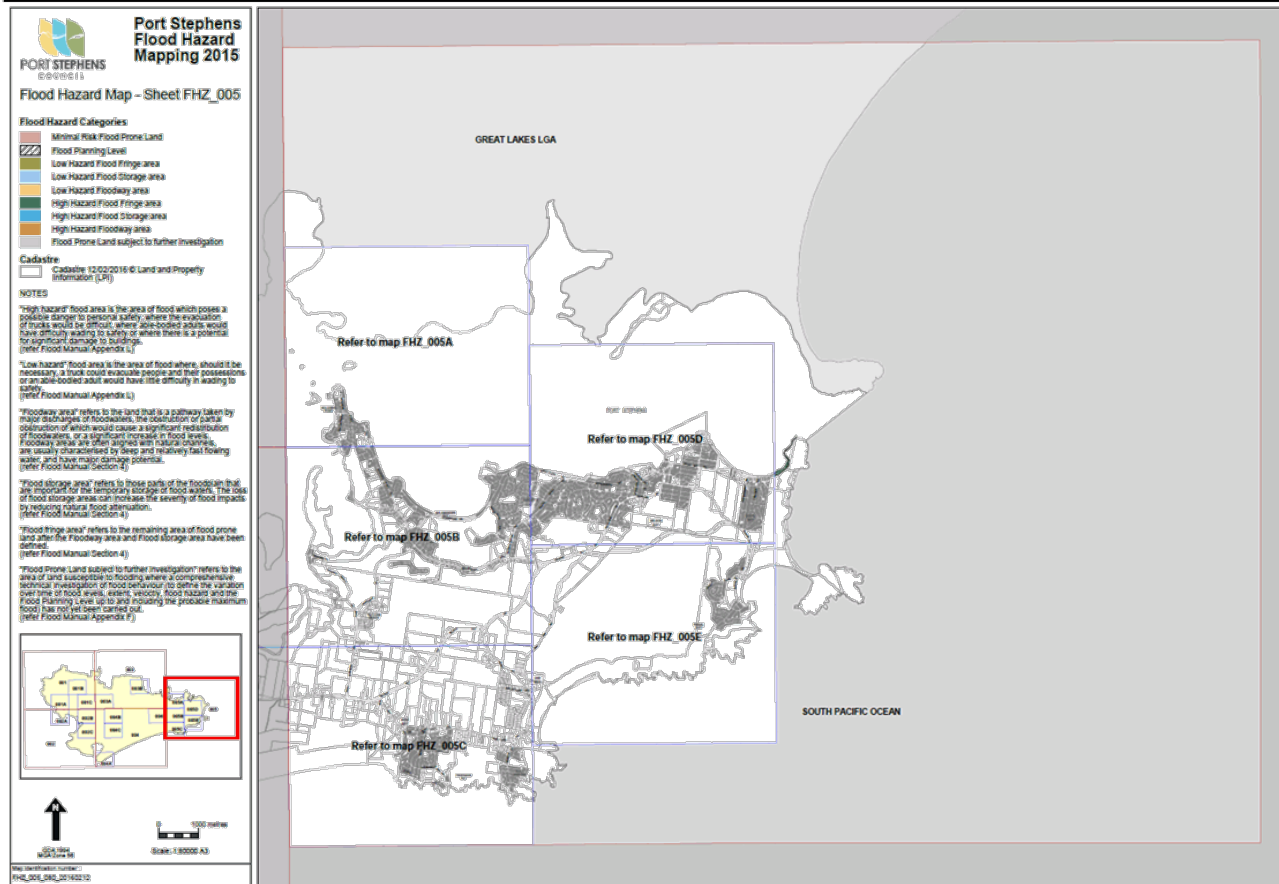
ATTACHMENT 17 – Flood Hazard Map – Sheet FHZ_004C



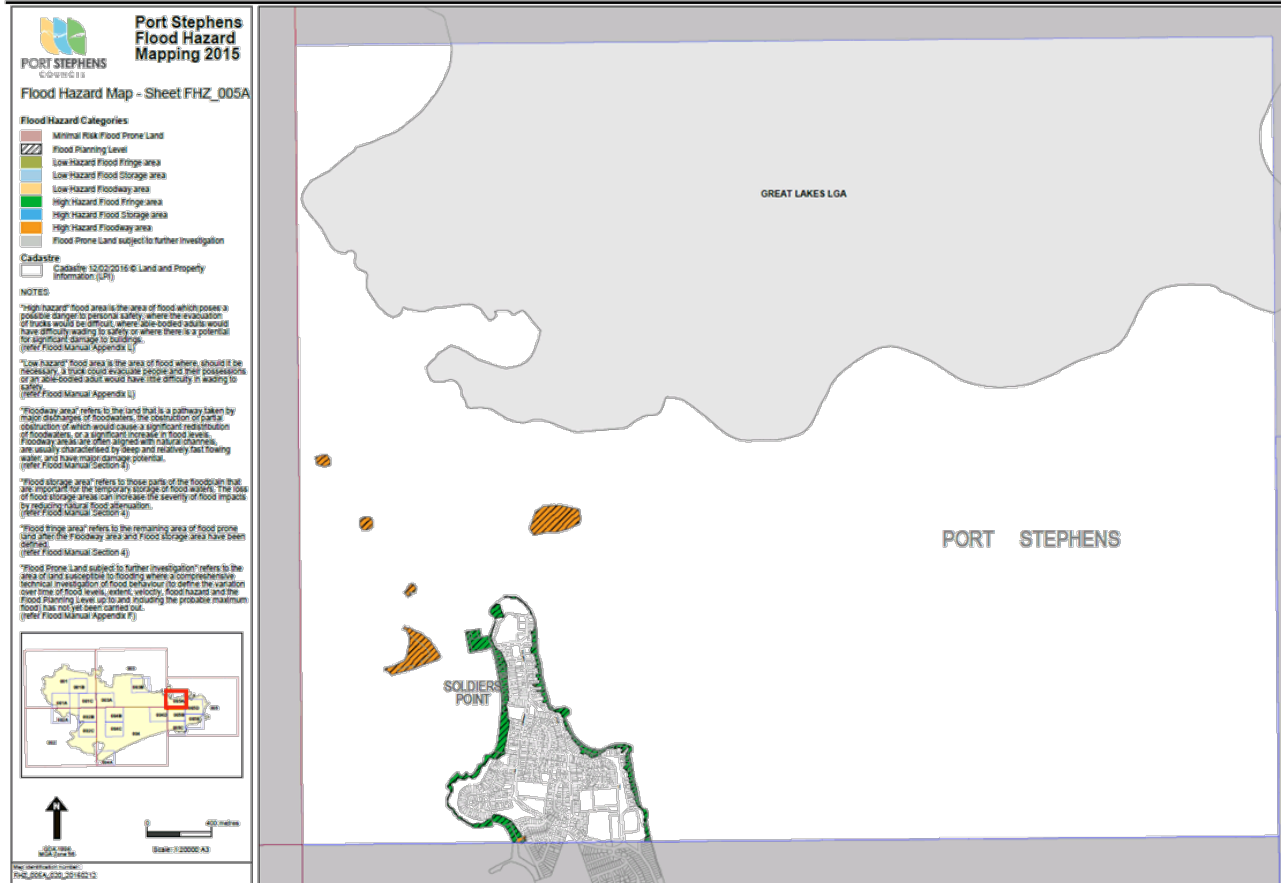
ATTACHMENT 18 – Flood Hazard Map – Sheet FHZ_004D



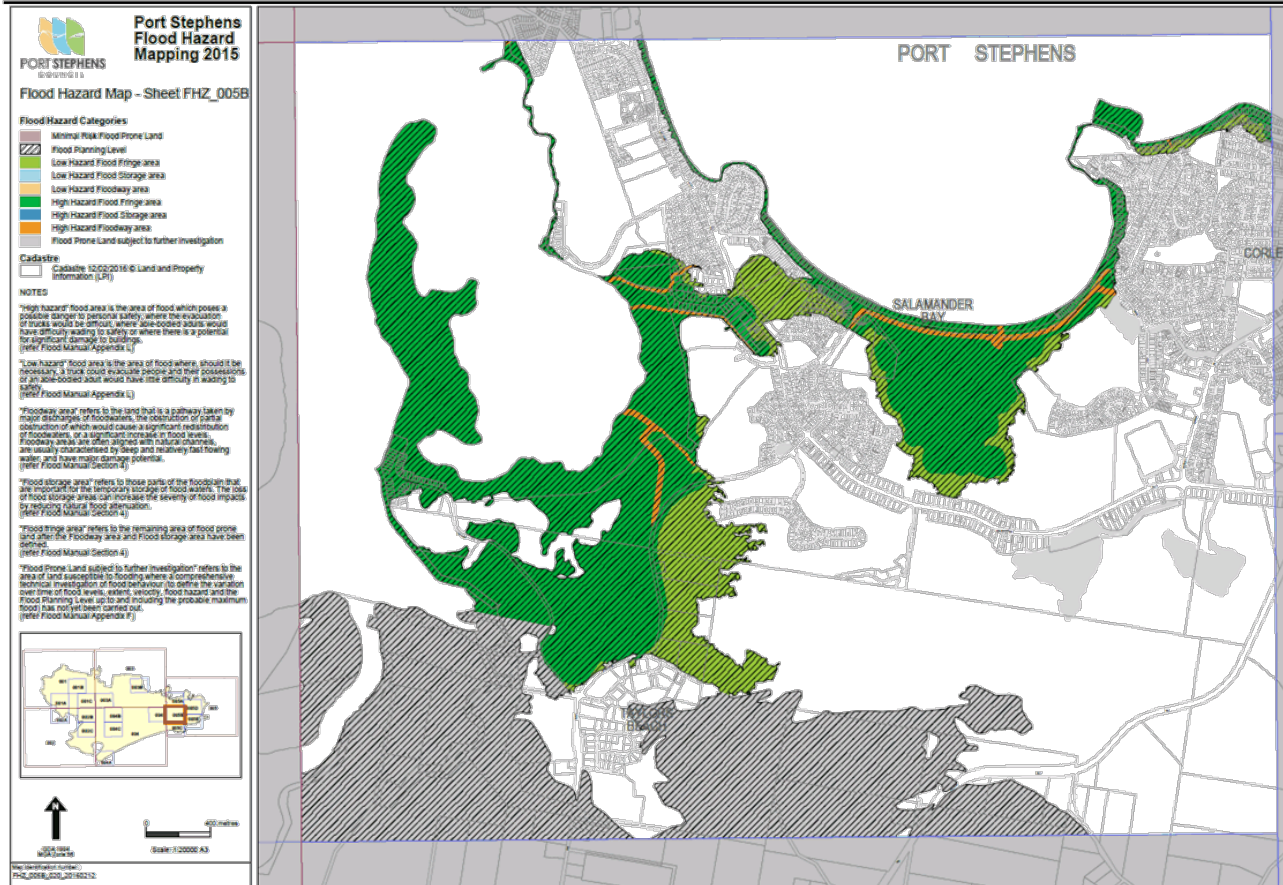
ATTACHMENT 19 – Flood Hazard Map – Sheet FHZ_005



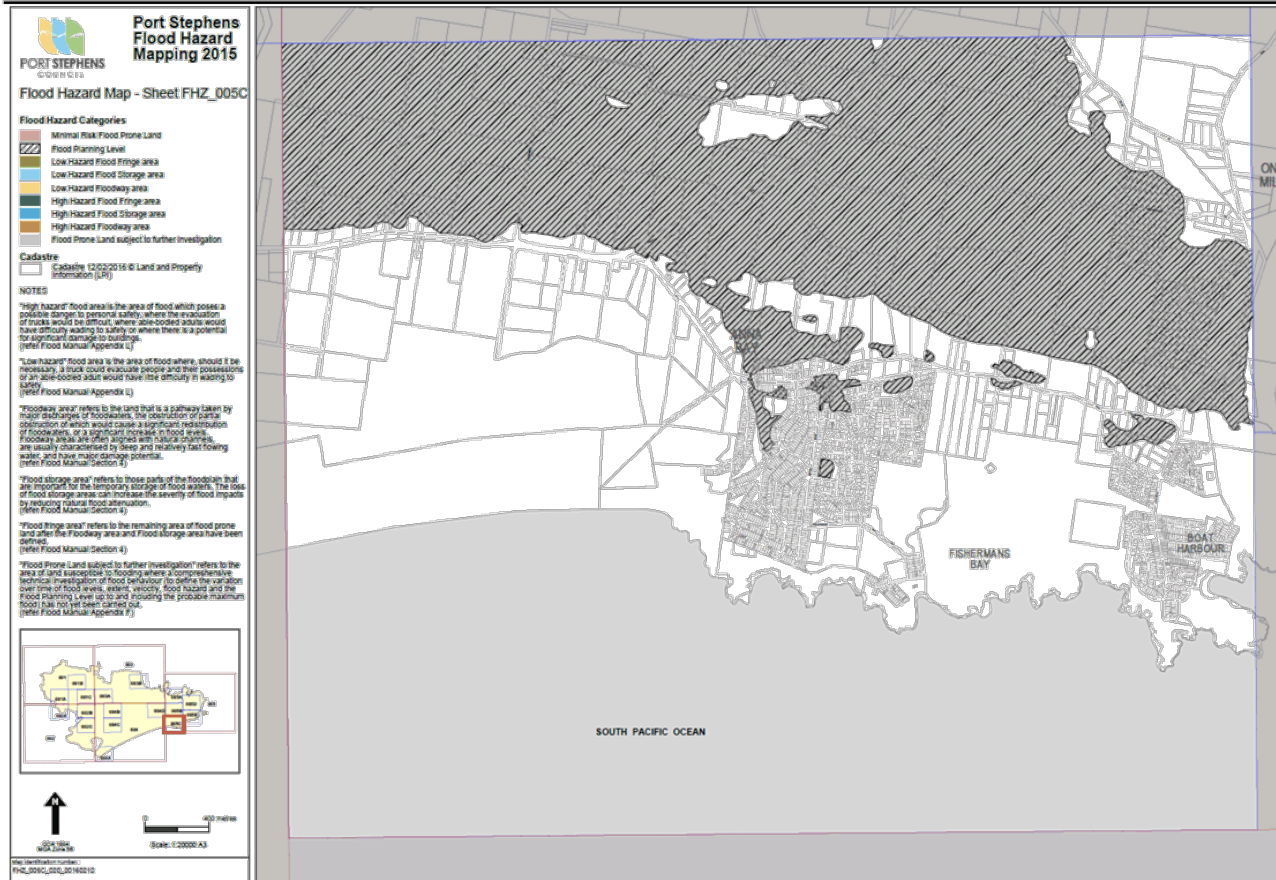
ATTACHMENT 20 – Flood Hazard Map – Sheet FHZ_005A



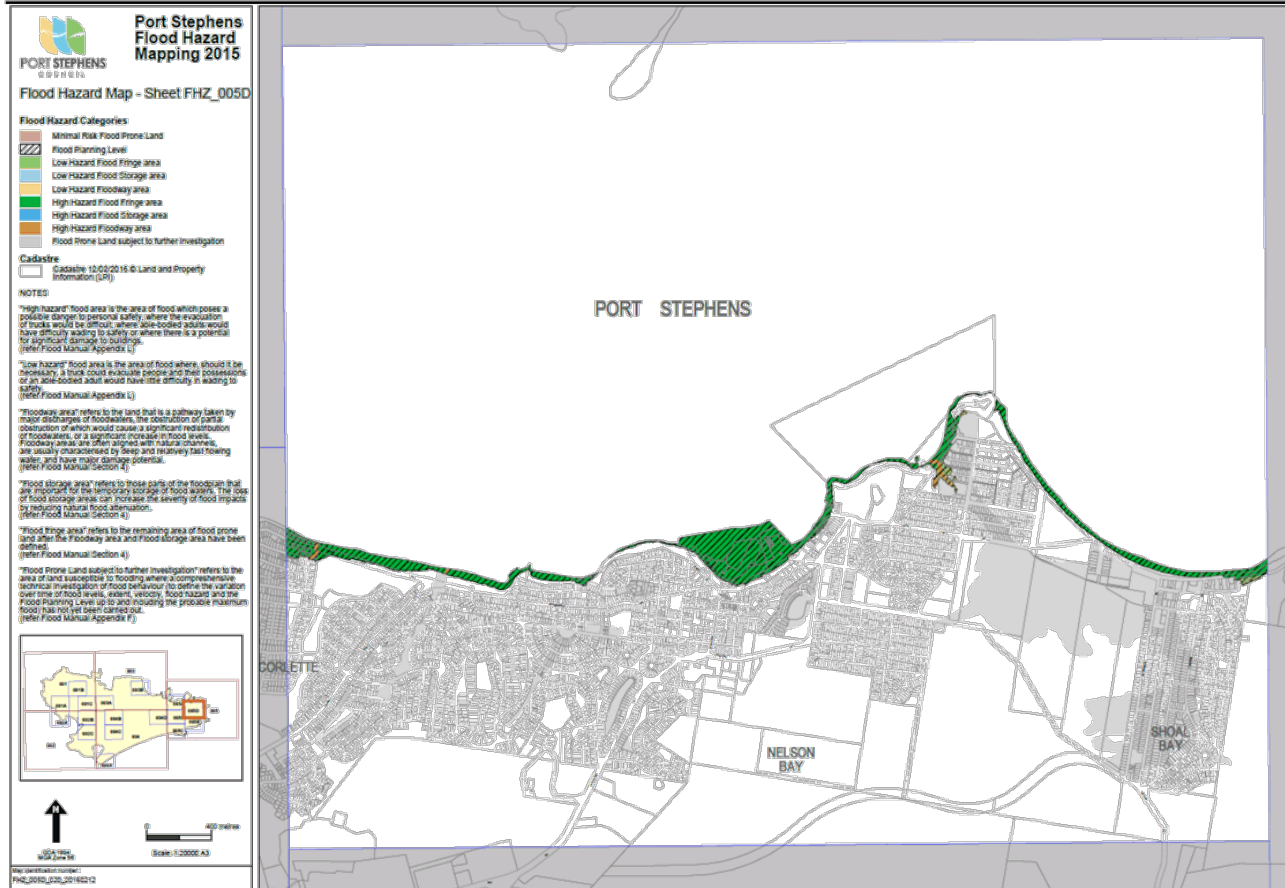
ATTACHMENT 21 – Flood Hazard Map – Sheet FHZ_005B



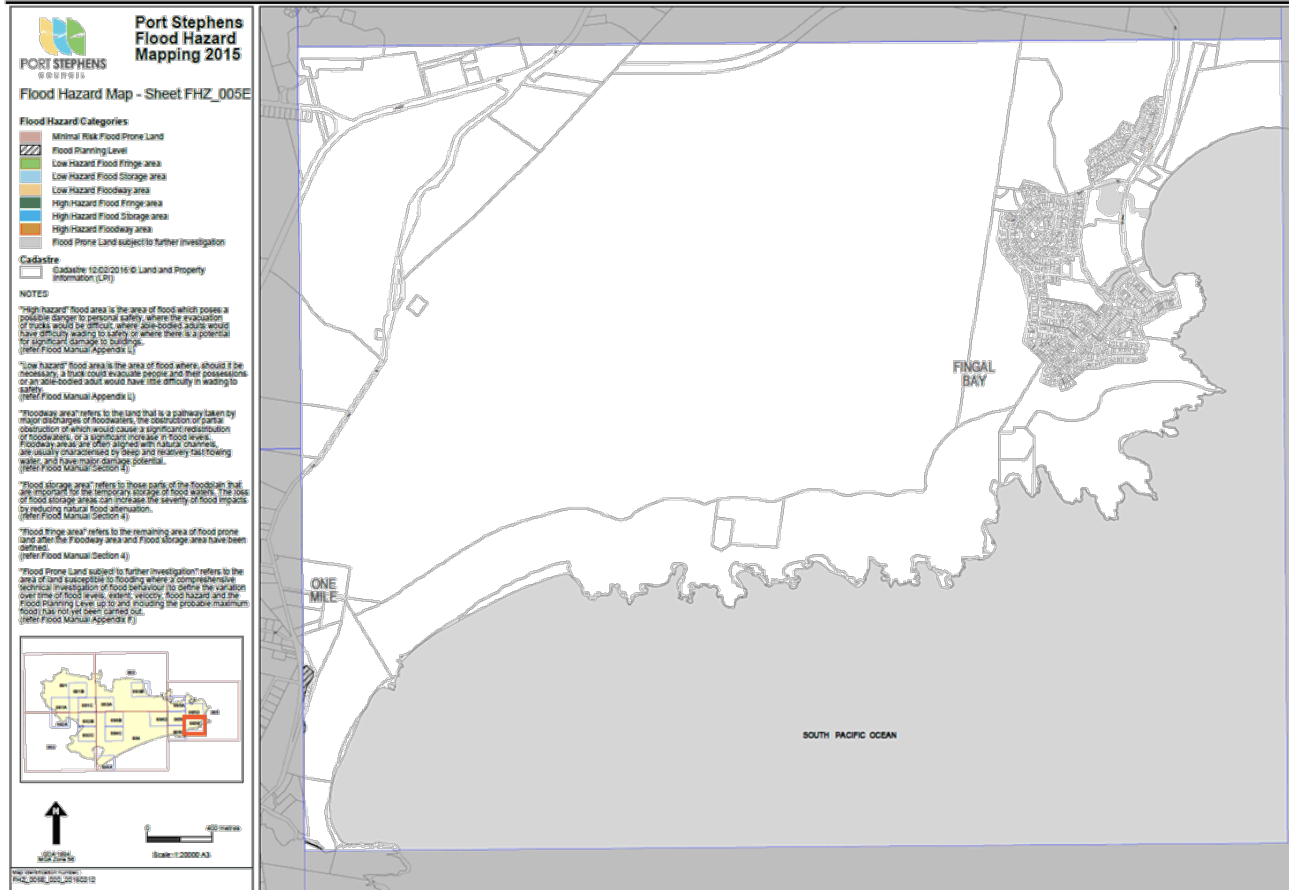
ATTACHMENT 22 – Flood Hazard Map – Sheet FHZ_005C



ATTACHMENT 23 – Flood Hazard Map – Sheet FHZ_005D



ATTACHMENT 24 – Flood Hazard Map – Sheet FHZ_005E



ITEM 5 - ATTACHMENT 1 PLANNING PROPOSAL - FLOOD PRONE LAND MAP.**ATTACHMENT 25 – Council report and minutes dated 24 May 2016****MINUTES ORDINARY COUNCIL - 24 MAY 2016**

ITEM NO. 4

FILE NO: 16/292264
RM8 REF NO: PSC2016-00770**PLANNING PROPOSAL - FLOOD PLANNING**REPORT OF: DAVID ROWLAND - STRATEGY AND ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES**RECOMMENDATION IS THAT COUNCIL:**

- 1) Adopt the Planning Proposal – Flood Planning (**ATTACHMENT 1**) to amend the *Port Stephens Local Environmental Plan 2013* by removing the "Flood Planning Map", together with consequential amendments.
- 2) Forward the planning proposal to the NSW Department of Planning and Environment under section 56 of the *Environmental Planning and Assessment Act 1979* with a request for a Gateway Determination.

Councillor Paul Le Mottee returned to the meeting at 06:44pm, prior to Item 4, in Committee of the Whole.

**ORDINARY COUNCIL MEETING - 24 MAY 2016
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Councillor Ken Jordan Councillor Steve Tucker That the recommendation be adopted.
--	---

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Geoff Dingle, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Nil.

**ORDINARY COUNCIL MEETING - 24 MAY 2016
MOTION**

135	Councillor Ken Jordan Councillor Steve Tucker It was resolved that Council: 1) Adopt the Planning Proposal – Flood Planning (ATTACHMENT 1) to amend the <i>Port Stephens Local Environmental Plan 2013</i> by
------------	---

ITEM 5 - ATTACHMENT 1 PLANNING PROPOSAL - FLOOD PRONE LAND MAP.

MINUTES ORDINARY COUNCIL - 24 MAY 2016

	removing the "Flood Planning Map", together with consequential amendments.
2)	Forward the planning proposal to the NSW Department of Planning and Environment under section 56 of the <i>Environmental Planning and Assessment Act 1979</i> with a request for a Gateway Determination.

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Mayor Bruce MacKenzie, Crs Geoff Dingle, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, John Nell and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to obtain Council's endorsement of the Planning Proposal – Flood Planning (**ATTACHMENT 1**) to forward it to the Department of Planning & Environment requesting a gateway determination. The planning proposal seeks to amend the *Port Stephens Local Environmental Plan 2013 (PSLEP 2013)* by:

- Removing reference to the "Flood Planning Map" in Clause 7.3 Flood planning;
- Deleting the Flood Planning Map from the suite of LEP maps; and
- Deleting the Definition of Flood Planning Map from the LEP Dictionary.

On 8 March 2016, Council adopted the Floodplain Risk Management Policy and associated Flood Hazard Maps. The Policy and maps have been prepared in accordance with the State Government's Floodplain Development Manual 2005 and were developed using data from a number of flood studies undertaken throughout the LGA. The maps are under constant review and amendments will be made when any new information is available. The new Flood Hazard Map more accurately reflects the flood planning level than the current 'Flood Planning Map' contained in the *PSLEP 2013*.

Clause 7.3 Flood planning in *PSLEP 2013* currently applies to:

- land identified as "Flood Planning Area" on the Flood Planning Map; and
- other land at or below the flood planning level.

The planning proposal seeks to remove the Flood Planning Map from the LEP, amend Clause 7.3(2) to remove reference to the 'Flood Planning Map'. In practice the amendment will mean Clause 7.3 will continue to apply to land at or below the flood planning level, which is identified on the Council endorsed Flood Hazard Map. This will avoid any potential inconsistency about the flood planning level between the LEP and Flood Hazard Map that may arise from updated flood mapping by providing a single reference point to identify flood prone land.

ITEM 5 - ATTACHMENT 1 PLANNING PROPOSAL - FLOOD PRONE LAND MAP.**MINUTES ORDINARY COUNCIL - 24 MAY 2016**

Development on land at or below the flood planning level will still need to satisfy the provisions of Clause 7.3 Flood planning of the *PSLEP 2013*.

Removing the flooding map from the LEP will assist in the consistent use of the most up to date flood mapping, without the need for a lengthy LEP amendment process every time the Flood Hazard Maps are updated. Council will instead rely on the flood planning level identified by the Flood Hazard Maps to satisfy Clause 7.3, the Floodplain Risk Management Policy and Flood Hazard Maps.

The Flood Hazard Maps will be available for viewing by the community on Council's website, ensuring that the most accurate and up to date mapping is readily accessible and used in the assessment of development applications.

Future updates to the Flood Hazard Maps will be made through the adoption of a flood study/ floodplain risk management plan by Council (these are studies commissioned by Council and OEH) or annually to take into account submissions that have been made by owners/developers to amend the flood hazard data.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Balance the environmental, social and economic needs of Port Stephens for the benefit of present and future generations.	Provide Strategic Land Use Planning Services. Provide Development Assessment and Building Certification Services.

FINANCIAL/RESOURCE IMPLICATIONS

The planning proposal has been progressed within Strategic Planning budget allocation.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		The planning proposal will be progressed under existing resources in accordance with Council's resolution.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

ITEM 5 - ATTACHMENT 1 PLANNING PROPOSAL - FLOOD PRONE LAND MAP.**MINUTES ORDINARY COUNCIL - 24 MAY 2016****LEGAL, POLICY AND RISK IMPLICATIONS**Environmental Planning and Assessment Act 1979 (EP&A Act)

Council is the relevant planning authority for preparing the Planning Proposal under the *Environmental Planning and Assessment Act 1979* (NSW). If Council resolves to adopt the Planning Proposal it will be forwarded to the NSW Department of Planning and Environment for a Gateway Determination.

Port Stephens Local Environmental Plan 2013

The planning proposal seeks to achieve the following amendments to the *Port Stephens Local Environmental Plan 2013*:

- Remove reference to the "Flood Planning Map";
- Delete the Flood Planning Map from the suite of LEP maps; and
- Delete the Definition of Flood Planning Map.

Development on land at or below the flood planning level must satisfy the provisions of Clause 7.3 Flood planning of the *PSLEP 2013*. This clause will continue to be satisfied for development on land at or below the flood planning level.

Under Clause 7.3 of the *PSLEP 2013* Council must not approve development at or below the flood planning level unless consistent with the standards set within sections (a) to (e) of that Clause which state:

- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
- (a) *is compatible with the flood hazard of the land, and*
 - (b) *will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
 - (c) *incorporates appropriate measures to manage risk to life from flood, and*
 - (d) *will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
 - (e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

Port Stephens Development Control Plan 2014

It is proposed to amend Chapter B5 Flooding of Development Control Plan 2014 to align with the new Floodplain Risk Management Policy and Flood and Flood Hazard Maps. This amendment is currently being prepared and will be reported to Council as a separate matter.

ITEM 5 - ATTACHMENT 1 PLANNING PROPOSAL - FLOOD PRONE LAND MAP.

MINUTES ORDINARY COUNCIL - 24 MAY 2016

Floodplain Risk Management Policy and Flood Hazard Maps

On 8 March 2016, Council adopted the Floodplain Risk Management Policy and Flood Hazard Maps. The Policy and maps have been prepared in accordance with the State Government's Floodplain Development Manual 2005 and were developed using data from a number of flood studies undertaken throughout the LGA. The maps are under constant review and amendments will be made when new information is available. The Flood Hazard Map more accurately reflects the flood planning level than the current 'Flood Panning Map' contained in the *PSLEP 2013*. Removing the flood maps from the LEP will ensure reliance on most up to date flood mapping, without the need for a lengthy LEP amendment process every time the Flood Hazard Maps are updated.

Section 117 Direction No. 4.3 – Flood Prone Land

Section 117 Direction No. 4.3 aims to:

- (a) *to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005; and*
- (b) *to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

The Floodplain Risk Management Policy and Flood Hazard Maps, adopted by Council on 8 March 2016, were prepared in accordance with the Floodplain Development Manual 2005.

Development on land at or below the flood planning level must satisfy the provisions of Clause 7.3 Flood planning of the *PSLEP 2013*.

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the <i>PSLEP 2013</i> is not consistent with the Floodplain Risk Management Policy and Flood Hazard Maps.	Low	Adopt recommendations to prepare the planning proposal to amend the <i>PSLEP 2013</i> .	Yes

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The Floodplain Risk Management Policy aims to systematically reduce the impact of flooding and flood liability on individual owners and reduce the private and public

ITEM 5 - ATTACHMENT 1 PLANNING PROPOSAL - FLOOD PRONE LAND MAP.**MINUTES ORDINARY COUNCIL - 24 MAY 2016**

losses resulting from floods. It also recognises that flood prone land is a valuable resource to the community, land holders and the economy and these lands should not be sterilised by unnecessarily restricting its development.

The planning proposal will ensure that the *PSLEP 2013* is consistent with the Floodplain Risk Management Policy and Flood Hazard Maps, which will have positive social, economic and environmental implications.

MERGER PROPOSAL IMPLICATIONS

The Port Stephens Floodplain Risk Management Policy is consistent with the approach taken by Newcastle City Council and the State Government's Flood Prone Land Policy and Floodplain Development Manual 2005.

The *Newcastle Local Environmental Plan 2012* does not include a flood-related clause.

CONSULTATIONInternal

The planning proposal has been prepared by the Strategic Planning Team in collaboration with Council's Flooding Engineers.

External

External consultation on the planning proposal will be undertaken following the gateway determination. The gateway will specify the terms of the consultation.

Government Agency consultation

It is envisaged that the following Government agencies will be consulted with:

- Office of Environment and Heritage.
- NSW State Emergency Services.

Community consultation

Community consultation will be undertaken in accordance with the gateway determination. It is anticipated that the planning proposal will be exhibited for a period of 14 days as it is likely to be categorised as a 'low impact proposal'.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

**ITEM 5 - ATTACHMENT 1 PLANNING PROPOSAL - FLOOD PRONE LAND
MAP.**

MINUTES ORDINARY COUNCIL - 24 MAY 2016

ATTACHMENTS

- 1) Planning Proposal - Flood Prone Land Map. (Provided under separate cover)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

ITEM 5 - ATTACHMENT 1
MAP.

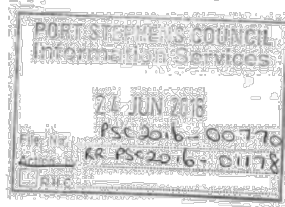
PLANNING PROPOSAL - FLOOD PRONE LAND
MAP.

**ATTACHMENT 26 – Department of Planning and Environment Gateway
Determination – 21 June 2016**



**Planning &
Environment**

Mr Wayne Wallis
General Manager
Port Stephens Council
PO Box 42
Raymond Terrace NSW 2324



Attention: Ms Sarah Connell

Dear Mr Wallis

**Planning Proposal to amend Port Stephens Local Environmental Plan 2013 – Flood
Mapping**

I am writing in response to your Council's letter requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to remove "Flood Planning Mapping" and make subsequent amendments.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination. Council may need to obtain the department's approval to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

The Minister delegated plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.


The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2) (d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr Ben Holmes of the Department's regional office to assist you. Mr Holmes can be contacted on (02) 4904 2700.

Yours sincerely

21/6/2016
Monica Gibson
Director Regions, Hunter and Central Coast
Planning Services
Encl: Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Hunter and Central Coast Region - Hunter Office - Level 2 26 Honeysuckle Drive (PO Box 1226) Newcastle NSW 2300
Phone 02 4904 2700 : Fax 02 4904 2701 : Website planning.nsw.gov.au



Planning & Environment


Gateway Determination

Planning proposal (Department Ref: PP_2016_PORTS_001_00) to remove "Flood Planning Mapping" and make subsequent amendments.

I, the Director Regions, Hunter and Central Coast at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Port Stephens Local Environmental Plan (LEP) 2013 to remove the "Flood Planning Mapping" and subsequent amendments should proceed subject to the following conditions:

1. Council is to amend the Planning Proposal to include the complete set of Hazard Maps available online, in the Planning Proposal before it is placed on exhibition.
2. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") as follows:
 - a) the planning proposal must be made publicly available for a minimum of 14 days, and
 - b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs* (Planning & Infrastructure 2013).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - State Emergency Services
4. A public hearing is not required to be held into the matter by any person or body under section 56(2) (e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.


Dated 21st day of June 2016



Monica Gibson
 Director Regions, Hunter and Central Coast
 Planning Services
 Department of Planning and Environment
 Delegate of the Minister for Planning

ITEM 5 - ATTACHMENT 1
MAP.

PLANNING PROPOSAL - FLOOD PRONE LAND

 **Planning & Environment**


WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Port Stephens Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP 2016 PORTS 001 00	Planning proposal to remove the 'Flood Planning Mapping' and subsequent amendments.

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's *'A guide to preparing local environmental plans'* and *'A guide to preparing planning proposals'*.

Dated 21st June 2016:



Monica Gibson
Director Regions, Hunter and Central Coast
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning

ITEM 5 - ATTACHMENT 1

PLANNING PROPOSAL - FLOOD PRONE LAND MAP.

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3.
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to Table 2 to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified.

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2016_PORTS_001_00
Date Sent to DoP&E under s56	26 May 2016
Date considered adequate	3 June 2016
Date considered at LEP Review Panel	N/A
Gateway determination date	21 June 2016

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DoP&E requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information:

**ITEM 5 - ATTACHMENT 1 PLANNING PROPOSAL - FLOOD PRONE LAND
MAP.**

ITEM NO. 6

FILE NO: 17/36502
RM8 REF NO: PSC2013-05184

**AMENDMENT TO DEVELOPMENT CONTROL PLAN 2014 - CHAPTER B5
FLOODING**

REPORT OF: DAVID ROWLAND - STRATEGY AND ENVIRONMENT SECTION
MANAGER
GROUP: DEVELOPMENT SERVICES

RECOMMENDATION IS THAT COUNCIL:

- 1) Endorse the draft Development Control Plan 2014 Chapter B5 – Flooding at **(ATTACHMENT 1)** and place on public exhibition for a minimum period of 28 days.
-

**ORDINARY COUNCIL MEETING - 28 FEBRUARY 2017
COMMITTEE OF THE WHOLE RECOMMENDATION**

	Mayor Bruce MacKenzie Councillor Paul Le Mottee That the recommendation be adopted.
--	---

Mayor Bruce MacKenzie left the meeting at 07:01pm during Item 6, prior to voting. The Deputy Mayor, Cr Chris Doohan chaired the meeting in the absence of the Mayor.

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Geoff Dingle, Chris Doohan, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, John Morello, John Nell and Steve Tucker.

Those against the Motion: Nil.

Mayor Bruce MacKenzie returned to the meeting at 07:03pm and resumed the Chair in Committee of the Whole.

ORDINARY COUNCIL MEETING - 28 FEBRUARY 2017

MOTION

046	<p>Councillor Chris Doohan Councillor Steve Tucker</p> <p>It was resolved that Council endorse the draft Development Control Plan 2014 Chapter B5 – Flooding at (ATTACHMENT 1) and place on public exhibition for a minimum period of 28 days.</p>
-----	---

In accordance with Section 375 (A) of the Local Government Act 1993, a division is required for this item.

Those for the Motion: Crs Geoff Dingle, Chris Doohan, Sally Dover, Ken Jordan, Peter Kafer, Paul Le Mottee, John Morello, John Nell and Steve Tucker.

Those against the Motion: Nil.

BACKGROUND

The purpose of this report is to seek Council's endorsement to place *Draft Chapter B5 Flooding of Development Control Plan 2014* (the Draft DCP) **(ATTACHMENT 1)** on public exhibition for a minimum period of 28 days. The Draft DCP aims to provide greater clarity and consistency in the determination of development applications on flood prone land and achieve alignment with Council's other flood management tools.

The draft DCP will work in conjunction with Council's Floodplain Risk Management Policy. It aims to ensure that the impact of flooding on life and property is adequately considered in the planning and assessment of development on Flood Prone Land, while providing consistency in the decision making process. This includes consistency with the *PSLEP 2013* and Flood Hazard Maps.

The draft DCP provides performance and prescriptive criteria for development on flood prone land. Key features of the draft DCP are:

- The introduction of Table 2: Building Site Acceptability Based on Flood Hazard, which clearly identifies what development types are appropriate in each flood hazard category and summarises the relevant provisions and information required to be submitted with a development application;
- The removal of the confusing Flood Hazard Categories Cross Section diagram, which was difficult to interpret;
- The introduction of requirements for livestock flood refuge mounds;
- Engineering requirements for sheds and garages proposed in Floodways;
- Clearly stated requirements for development applications submitted on flood prone land; and

MINUTES ORDINARY COUNCIL - 28 FEBRUARY 2017

- Clearer and concise provisions that are less open to interpretation, to provide applicants with greater certainty.

On 8 March 2016, Council adopted the Floodplain Risk Management Policy and Flood Hazard Maps. The Policy and maps have been prepared in accordance with the State Government's Floodplain Development Manual 2005 and were developed using data from a number of flood studies undertaken throughout the LGA. The draft DCP does not seek to alter Flood Hazard Maps.

The proposed DCP amendment is one of a suite of tools being delivered to bring Council's flood management controls in line with the Floodplain Development Manual 2005 and provide greater certainty based on the flood hazard risks.

Other initiatives include removing the Flood Planning Map from the *PSLEP 2013* in order to rely on the adopted Flood Hazard Maps, and introducing Flood Certificates that deliver a more customer focused service by providing site specific flood information on which development decisions can be based.

COMMUNITY STRATEGIC PLAN

Strategic Direction	Delivery Program 2013-2017
Sustainable Development.	Provide Strategic Land Use Planning Services. Provide Development Assessment and Building Certification Services.

FINANCIAL/RESOURCE IMPLICATIONS

There are no foreseen financial or resource implications for Council as a consequence of the proposed recommendation. The development of the proposed plan has been managed within the existing budget.

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	Yes		The planning proposal will be progressed under existing resources in accordance with Council's resolution.
Reserve Funds	No		
Section 94	No		
External Grants	No		
Other	No		

LEGAL, POLICY AND RISK IMPLICATIONS

Risk	<u>Risk Ranking</u>	Proposed Treatments	Within Existing Resources?
There is a risk that the draft DCP is not adopted and development on flood prone land continues in an ad-hoc manner.	Medium	Endorse the revised draft DCP.	Yes
There is a risk that council approves inappropriate development on flood prone land.	Medium	Endorse the revised draft DCP to provide a consistent decision making framework.	Yes

Environmental Planning & Assessment Act 1979 (EP&A Act)

The draft DCP has been prepared in accordance with Section 74C of the *EP&A Act 1979*.

Environmental Planning & Assessment Regulation 2000 (EP&A Reg)

This regulatory framework provides further guidance to the form, structure and subject matter to a DCP. Council will need to achieve the following milestones during the drafting, exhibition and adoption of the draft plan.

EP&A Regulation 2000	Date	Comment
S16 Preparation.	April – July 2016	The draft DCP has been prepared internally.
S18 DCP Public Exhibition/ S19 Copies available / S20 Submissions.	August 2016	28 days public exhibition period required with copies made available to interested parties. Submissions on the draft DCP will be accepted during the exhibition period.
S21 Approval.	October 2016	The draft DCP will be reported to Council for adoption following the public exhibition period.
S22 DCP Repeal of Existing.	October 2016	The existing Chapter B.5 Flooding will be repealed upon adoption of the draft DCP. A public notice will be placed in the <i>Port Stephens Examiner</i> advising of Council's decision.

NSW Floodplain Development Manual 2005

The Floodplain Risk Management Policy and Flood Hazard Maps were prepared in accordance with the requirements of the NSW Floodplain Development Manual 2005. In accordance with Section 733 of the *NSW Local Government Act 1993*, Council's policies must be consistent with the Manual in order for Council to obtain immunity from legal risk.

Council's Flood Hazard Maps were prepared having regard to several Flood Studies undertaken throughout the LGA over a number of years. These flood studies have generally been prepared in accordance with the NSW Floodplain Development Manual 2005.

The Draft DCP, together with other initiatives, will align Council's flood management tools with the NSW Floodplain Development Manual 2005.

Port Stephens Local Environmental Plan 2013 (PSLEP 2013)

The Draft DCP will give effect to Clause 7.3 Flood Planning of *PSLEP 2013*. Development on flood prone land must satisfy the provisions of Clause 7.3 Flood planning of the *PSLEP 2013*, which seeks:

- (a) to minimise the flood risk to life and property associated with the use of land,
- (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
- (c) to avoid significant adverse impacts on flood behaviour and the environment.

A planning proposal was endorsed by Council on 24 May 2016 which aims to amend Clause 7.3 by removing reference to 'Flood Planning Map' and deleting the 'Flood Planning Map' from the suite of LEP maps. Council will instead rely on the adopted Flood Hazard Maps and proposed DCP amendment to identify flood prone land.

Floodplain Risk Management Policy and Flood Hazard Maps

On 8 March 2016, Council adopted the Floodplain Risk Management Policy and Flood Hazard Maps. The Policy and maps have been prepared in accordance with the State Government's Floodplain Development Manual 2005 and were developed using data from a number of flood studies undertaken throughout the LGA.

The draft DCP aligns with the new Policy and aims to ensure that the impact of flooding on life and property is adequately considered in the planning and assessment of development on Flood Prone Land, while providing consistency in the decision making process.

SUSTAINABILITY IMPLICATIONS

Includes Social, Economic and Environmental Implications

The draft DCP aims to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property.

The draft DCP recognises that flood prone land is a valuable resource that should not be sterilised by unnecessarily precluding appropriate development. The draft DCP also seeks to ensure that economic costs which may arise from damage to property from flooding is not greater than that which can reasonably be managed by the property owner and general community.

Development on flood prone land can have detrimental environmental implications. The DCP aims to ensure that development on flood prone land does not have an unreasonable environmental impact by significantly altering the flooding behaviour.

CONSULTATION

Internal

The draft DCP has been prepared in collaboration with Council's Flooding & Drainage Engineers, Development Assessment Officers and Strategic Planners.

External

Public exhibition - In accordance with the *EP&A Regulation 2000*, the Draft DCP will be placed on exhibition for a period of 28 days following endorsement by Council.

OPTIONS

- 1) Accept the recommendations.
- 2) Amend the recommendations.
- 3) Reject the recommendations.

ATTACHMENTS

- 1) B5 Flooding DCP.

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

B5

FLOODING

B5 Flooding

Application

This Part applies to development on **Flood Prone Land**.

Note:

Development applications to which this part applies must satisfy the performance and prescriptive criteria contained in this Part. Table 2 Development Suitability Table summarises where certain development is appropriate and specific requirements for development to satisfy the DCP provisions, having regard for the **Flood Hazard Maps** (available on Council's website).

Objectives – performance criteria

B5.A	Flood Planning	<ul style="list-style-type: none"> ▪ To reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property. ▪ To recognise flood prone land as a valuable resource that should not be sterilised by unnecessarily precluding appropriate development. ▪ To ensure that the use and development of flood prone land has risk consequences that are acceptable to the community, takes into account the full spectrum of flood risks that can be managed and recognises the social, economic and environmental values of flood prone land. ▪ To implement the principles of the NSW Government 'Floodplain Development Manual' 2005 and Council's Floodplain Risk Management Policy and Flood Hazard Maps into new development ▪ To ensure development satisfies the provisions of PSLEP2013 Clause 7.3. ▪ To enable flood risk to be considered as early as possible in the planning and development process, based on the best available flood information.
------	-----------------------	---

Requirements – performance criteria

B5.1	Risk to life	<p>The proposed development incorporates measures to manage risk to human life from flooding. This includes:</p> <ul style="list-style-type: none"> i) Access for evacuation from an area affected by floods to an area free of risk from flooding, and includes access restrictions during times of flooding; ii) Warning times and procedures to make people aware of the need to evacuate; iii) Consideration of the current and potential future
------	---------------------	--

B5

FLOODING

		<p>occupants;</p> <p>iv) Consistency with the most recent, Council-adopted Flood Study or Floodplain Risk Management Study that has been undertaken for the site; and</p> <p>v) Consistency with Table 2: Development Suitability Table</p>
B5.2	Risk to property	<p>The additional economic and social costs which may arise from damage to property from flooding should not be greater than that which can reasonably be managed by the property owner and general community.</p> <p>The proposed development will not increase the potential flood effects on other development or properties, either individually or through the cumulative impact of development that is likely to occur in the same floodplain. In determining any potential increase, Council will consider:</p> <ul style="list-style-type: none"> i) Flood levels during the 1% AEP flood and for more frequent and less frequent events; ii) Flow velocity during the 1% AEP flood and for more frequent and less frequent events; iii) Loss of flood storage in the immediate floodplain; and iv) Consistency with the most recent, Council-adopted Flood Study or Floodplain Risk Management Study that has been undertaken for the site
B5.3	Flood Hazard Capability	<p>The proposed development must be compatible with the flood hazard of the land or include mitigation measures or offsets to improve the flood hazard. In determining any potential increase, Council will consider:</p> <ul style="list-style-type: none"> i) Depth of flood inundation on the site and the adjacent land; ii) Flow velocity on the site as well as upstream and downstream from the site; iii) Suitability of design so that the development does not become isolated by high hazard floodwaters during a flood event; and iv) Consistency with the most recent, Council-adopted Flood Study or Floodplain Risk Management Study that has been undertaken for the site
Objectives		
B5.B		<ul style="list-style-type: none"> • To provide detailed controls for the assessment of development applications lodged in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and

B5

FLOODING

		<p>land affected by flooding.</p> <ul style="list-style-type: none"> To manage the risk to human life and risk to property caused by flooding by ensuring that development is appropriately sited and designed to withstand the flood environment on land affected by potential floods. To promote flood compatible building design; To ensure that development does not adversely impact on adjoining properties.
Requirements – Prescriptive provisions		
B5.4	Development other than that detailed in Table 2: Development Suitability Table	<p>Development other than that listed in Table 2: Development Suitability Table is subject to a merits based assessment against the objectives of the DCP and Clause 7.3 of the LEP.</p> <p>A Flood DCP compliance report will be required.</p> <p>Note: State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 allows certain development to be undertaken without consent.</p>
B5.5	Land subject to further investigation	<p>Land designated as 'Flood Prone Land subject to further investigation' on the Flood Hazard Map will be considered as 'High Hazard Flood Storage'.</p>
B5.6	Flood compatible design	<p>All proposed development on flood prone land must be of a flood-resistant design and construction. The design must take into account the hydrostatic actions, hydrodynamic actions, debris actions, wave actions, erosion and scour.</p> <p>Materials used for structural purposes and located below the flood planning level must:</p> <ul style="list-style-type: none"> Be capable of resisting damage, deterioration, corrosion or decay; Consider the amount of time that the material is likely to be in contact with flood water; and Consider the amount of time it will take for the material to dry out. <p>Note: Materials should be consistent with the:</p> <ul style="list-style-type: none"> <i>Construction of Buildings in Flood Hazard Areas – Standard</i>, Australian Building Codes Board; and <i>Reducing Vulnerability of Buildings to Flood Damage: Guidance on Building in Flood Prone Areas</i>, Hawkesbury-Nepean Floodplain Management Steering Committee, 2006
B5.7	Subdivision	<p>Subdivision that creates the ability to erect a dwelling under</p>

B5

FLOODING

		clause 4.2B of the LEP is to indicate building envelopes above the flood planning level and access above the 1% AEP flood level .
B5.8		All lots capable of erecting a dwelling under Clause 4.2B of the LEP should have Low Hazard access (or maximum depth of flooding of 0.3m or less in the 1% AEP flood) externally to the site.
B5.9	Minimum finished floor levels	The minimum finished floor level of residential development, commercial and industrial development, garages and sheds must meet the finished floor levels specified in Table 2: Development Suitability Table and be at least 300mm above natural ground level.
B5.10	Electrical features	All incoming main commercial power service equipment, including all metering equipment, and all electrical fixtures, such as power points, light fittings, switches, heating, ventilation, plumbing, air conditioning equipment, heating, ventilation & air conditioning ductwork, and other service facilities are to be located above the flood planning level , or where possible above the probable maximum flood .
B5.11	Ongoing flood adaptation	Where the proposed development facilitates ongoing flood adaption (i.e. where the design enables the future raising of the building, such as pier and beam housing design) a reduced flood planning horizon of 50 years from the date of application will be accepted.
B5.12	Minor extensions to existing development	Where the proposed extension to any existing residential building is less than 40m ² of the originally approved building, a finished floor level lower than the flood planning level , but not lower than the existing floor, will be considered. Any additional flood risk must include mitigation measures to reduce the overall flood risk of the development.
B5.17	Driveways and access	Driveways are to have a minimum finished level of that specified in Table 2: Development Suitability table and the flood immunity of the connecting public road. Preferably pedestrian and vehicular access will be provided above the 1% AEP flood level . Note: All earthworks must satisfy the provisions of Clause 7.2 of the LEP and Clause B3.6 of the DCP.
B5.18	Onsite flood refuge	If evacuation egress to flood free areas cannot be achieved via a route that is flood free, Low Hazard or where the maximum depth of flooding is 0.3m or less in the 1% AEP flood event , Council will consider the proposal provided that it

B5

FLOODING

		<p>includes an onsite flood refuge that meets the following:</p> <ul style="list-style-type: none"> i) be located above the probable maximum flood level; ii) be intrinsically accessible to all people on the site, plainly evident and self-directing; iii) be accessible in sufficient time for all occupants to access the onsite refuge with fail safe access provided with no reliance on elevators; iv) have external access which must remain unobstructed for emergency boat access during flooding; v) cater for the number of persons that could reasonably be expected to be on-site (approx. 2m² per person); vi) have natural lighting and ventilation; and vii) contain sufficient clean water, a first aid kit, portable radio with spare batteries and a torch with spare batteries.
B5.19	Fencing	<p>Fencing on flood prone land should be stable in events up to the current day 1% AEP flood event and not obstruct the flow of floodwater.</p> <p>Note: Fencing in a floodway or overland flow path is generally not appropriate except for permeable / open type fences.</p>
B5.20	Potentially polluting material	The storage of hazardous or potentially hazardous materials, potentially polluting material or material that could be washed from site and cause harm downstream must be above the flood planning level with appropriate bunding.
B5.21		Items that can potentially be washed away during flood events (eg rainwater tanks, hot water tanks, gas cylinders, shipping containers) are to be elevated above 1% AEP flood level (without freeboard) or anchored to resist buoyancy and impact forces.
B5.22	Open car parking and carports	The finished surface of open space car parking should be designed with regards to vehicle stability, including consideration of depths and velocity during inundation by flood waters.
B5.23	Farm sheds	<p>The design of a farm shed in a flood hazard area must comply with design requirements set out in the Construction of Buildings in Flood Hazard Areas – Standard, Australian Building Codes Board.</p> <p>The design must include openings in any enclosure below the 1% AEP flood level to allow for automatic entry and exit of floodwater for all floods up to the 1% AEP flood level (flood</p>

B5

FLOODING

		water below the 1% AEP flood level must be allowed to enter and leave the enclosure to equalise the hydrostatic pressure on both sides of the external walls).
Objectives – Submission requirements		
B.5C	Information to be submitted with development application	<ul style="list-style-type: none"> To ensure consistency and clarity the submission of development applications on Flood Prone Land To ensure that the proposal is supported by adequate information to assess the impact of the proposal on flood behaviour, flood affectation and risk to life and property associated with the use of the land.
Requirements – Submission requirements		
B5.24	Table 2: Development Suitability Table	The information submitted with a development application is consistent with Table 2: Development Suitability Table
B5.25	Survey details	Plans must be submitted in metres Australian Height Datum (AHD). A site plan of the proposed development including natural ground levels, modified ground levels and proposed finished floor levels is required. Levels relating to an arbitrary assumed datum are not acceptable.
B5.26	Flood DCP Compliance Report	<p>All development applications on a property at or below the Flood Planning Level, as indicated by Council's Floodplain Risk Management Policy and Flood Hazard Mapping, requires a report showing compliance with the DCP, and includes both of the following:</p> <ul style="list-style-type: none"> i) Flood Certificate; and ii) Flood Risk Assessment Report
B5.27	Flood Evacuation Response Plan	<p>A Flood Evacuation Response plan must include:</p> <ul style="list-style-type: none"> i) A map of the proposed evacuation route to a suitable location above the PMF, direction and description. ii) Specific trigger heights linked to the nearest river gauges used for flood warnings and the specific evacuation route cut-off times linked to the gauge heights. iii) Description of the specific flood inundation at the site and the relevant surrounding area, including flood depths, direction of flow, velocities, hazard, and specific relevant vulnerabilities. iv) Consideration of and strategies for, the needs of the

B5

FLOODING

		<p>elderly, disabled, vulnerable who may be on site.</p> <p>v) A realistic time period for evacuation preparations linked to the trigger heights and evacuation route cut-off times, which includes:</p> <ul style="list-style-type: none"> o Locating important papers, valuables, etc. that will be evacuated o Locating and stacking possessions that are to be left behind, well above the predicted flood level. o Locating all hazardous or potentially hazardous materials and items that could be washed away, well above the predicted flood level. o Dealing with all utilities such as electricity, gas, water, fuel, toilets, showers, wastewater system (including removal of fuses) and moving pumps and machinery above the predicted flood level. o Time to gather, identify and load animals (pets, livestock and other animals), including the possible need for additional assistance in handling your animals in an emergency. <p>vi) Determining the vehicular needs of the site to appropriately respond to the flood risk (e.g. shallow floodwaters can be hazardous for small vehicles)</p> <p>vii) A strategy for a night time flood emergency.</p> <p>viii) A strategy for effective flood risk management when the electricity, internet, telecommunications, etc. are unavailable.</p> <p>ix) Identification of the source of the flood information used to prepare the Plan (e.g. Studies and Plans prepared for Council and available on the website).</p>
B5.28		<p>Development applications that include an onsite refuge or any development in a floodway (except for fill or a subdivision where no additional dwelling can be erected under clause 4.2B of the LEP) must be accompanied by a report certifying the structural stability of the structure.</p> <p>The Structural Report is to be prepared by a Chartered Professional Engineer recognised under the National Engineers Register (NER) in the area of practice of Structural Engineering. The Report must certify that the proposed structural components can withstand the forces of floodwater in the PMF, including hydrostatic pressure, the hydrodynamic pressure, the impact of debris and buoyancy forces.</p>

B5

FLOODING

B5.29	When a flood study is required	<p>A flood study must be submitted for development applications if:</p> <ul style="list-style-type: none"> it is identified by Table 2: Development Suitability Table as Unsuitable development, it is located on 'Flood Prone Land subject to further investigation' land on Council's Flood Hazard Maps; or Council deems it necessary. <p>The flood study must be certified by a Chartered Professional Engineer recognised under the National Engineers Register (NER) in this field or who has at least 15 years' experience in hydraulics or floodplain management. The full name of the person who certified the report, relevant qualifications and registration number are to be provided on the front page of the report.</p>
B5.30		<p>A Flood Study may not be required for fill located in Flood Storage Areas if the net volume of fill does not exceed 20% of the flood volume of the lot in the 1% AEP flood event (this includes consideration of previous fill volumes).</p> <p>Fill in Flood Storage Areas greater than this volume can be offset by flood storage in other lots if consolidation is proposed.</p>
B5.31	Flood study requirements	<p>The Flood Study will:</p> <ol style="list-style-type: none"> Be a comprehensive document that includes numerical flood modelling of the proposed development area; Ensure that the extent of the study adequately assesses all flooding characteristics and impacts of the development in the area; Be consistent with the most recent, Council-adopted Flood Study or Floodplain Risk Management Study that has been undertaken for the site. Where there is deviation from the Council-adopted studies, the Flood Study must detail and justify the deviations. Be consistent with the Floodplain Development Manual and the current version of Australian Rainfall and Runoff and determine the existing flooding characteristics and assess the impacts of the proposal, including assessment of design flood events including 10% AEP, 5% AEP, 1% AEP and probable maximum flood for existing conditions, 2050 and 2100; and Assess flood storage impacts, flood levels, velocity (including direction), hazard and hydraulic categories.

B5

FLOODING

B5.32	Livestock flood refuge mounds	<p>Fill in a Floodway for the purpose of a livestock flood refuge mound may be considered exempt from submitting a Flood Study where they meet following criteria:</p> <p>i) The fill volume/size relates to the appropriate zone of influence (determined by the nearest property boundary) as per the table below (or linearly interpolated between these values):</p> <table><tr><th>Size of mound</th><th>Distance from nearest property</th></tr><tr><td>20m x 20m (0.3m below current day 1% AEP flood level)</td><td>>155m</td></tr><tr><td>20m x 20m (1.5m below current day 1% AEP flood level)</td><td>> 25m</td></tr><tr><td>40m x 40m (0.3m below current day 1% AEP flood level)</td><td>>980m</td></tr><tr><td>40m x 40m (1.5m below current day 1% AEP flood level)</td><td>>205m</td></tr></table> <p>Table 1: Size and location requirements for livestock flood refuge mounds</p>	Size of mound	Distance from nearest property	20m x 20m (0.3m below current day 1% AEP flood level)	>155m	20m x 20m (1.5m below current day 1% AEP flood level)	> 25m	40m x 40m (0.3m below current day 1% AEP flood level)	>980m	40m x 40m (1.5m below current day 1% AEP flood level)	>205m
Size of mound	Distance from nearest property											
20m x 20m (0.3m below current day 1% AEP flood level)	>155m											
20m x 20m (1.5m below current day 1% AEP flood level)	> 25m											
40m x 40m (0.3m below current day 1% AEP flood level)	>980m											
40m x 40m (1.5m below current day 1% AEP flood level)	>205m											
B5.33		<p>In the event of a livestock flood refuge mound being proposed that does not comply with Table 1, a Flood Study is required.</p>										
B5.34		<p>The size of the mound is appropriate, having regard for the agricultural capacity of the land. The appropriate size of the mound shall be determined by the Department of Primary Industries (Agriculture) '<i>Primefacts: Livestock flood refuge mounds (October 2009)</i>'</p> <p>Note: The design of the livestock flood refuge mound should be consistent with the Department of Primary Industries (Agriculture) '<i>Primefacts: Livestock flood refuge mounds (October 2009)</i>'.</p>										
B5.35	Farm sheds in floodway	<p>Development applications that include farm shed in a floodway must be accompanied by a report certifying the structural stability of the structure. The Structural Report is to be prepared by a Chartered Professional Engineer recognised under the National Engineers Register (NER) in the</p>										

B5

FLOODING

		area of practice of Structural Engineering. The Report must certify that the proposed structural components (including foundations and footings) can withstand the forces of floodwater up to the PMF, including hydrostatic pressure, the hydrodynamic pressure, the impact of debris and buoyancy forces and a combination of actions.
B5.36	Development in Overland Flow Paths	<p>A Site Based Overland Flow Report must be submitted for development applications located in a designated overland flow path</p> <p>The purpose of the Site Based Overland Flow Report is to demonstrate that the development:</p> <ul style="list-style-type: none"> i) will not result in a material increase in flood level or flood hazard on upstream, downstream or surrounding properties; and ii) will provide acceptable management of flood risk with appropriate development levels to ensure the safety of people. <p>The Site Based Overland Flow Report must consider, as a minimum:</p> <ul style="list-style-type: none"> i) existing or created overland flow paths and make due provision in the design of the site stormwater system ii) preserving existing overland flow paths as far as practical iii) a range of flood events, including the 1% AEP flood event iv) designs to ensure that the maximum overland flow velocity at the 1% AEP flood event should not exceed 1.5m/s and depths not exceed 250mm v) designs to ensure that the impacts of the proposed development on localised flood hazards are mitigated and surrounding properties (upstream and downstream) are not adversely affected vi) the latest advice from <i>Australian Rainfall and Runoff: A Guide to Flood Estimation</i> <p>The Site Based Overland Flow Report must be certified by a Chartered Professional Engineer recognised under the National Engineers Register (NER) in this field or who has at least 15 years' experience in hydraulics or floodplain management. The full name of the person who certified the report, relevant qualifications and registration number are to be provided on the front page of the report.</p>

Definitions

- **1% AEP flood event** – the design flood based on statistical analysis of flood and rainfall data that has a 1% probability of being equalled or exceeded within any year.
- **AHD (Australian Height Datum)** – a common national survey level datum, approximately corresponding to mean sea level set in the mid to late 1960s.

B5

FLOODING

- **Annual Exceedance Probability (AEP)** – the chance of a flood of a given or larger size occurring in any one year (for example, the 1% AEP event has a 1% chance of occurring every year; the 5% AEP event has a 5% chance of occurring every year).
- **Area free of risk from flooding** – land above the probable maximum flood
- **Farm shed** - means a single *storey* Class 7 or 8 building located on land primarily used for farming –
 - a) that is— (i) used in connection with *farming*; or
 - (ii) used primarily to store one or more *farm vehicles*; or
 - (iii) a combination of (i) and (ii); and
 - b) occupied neither frequently nor for extended periods by people; and
 - c) in which the total number of persons accommodated at any time does not exceed 2; and
 - d) with a total *floor area* of more than 500 m² but not more than 2000 m².
- **Freeboard** – is a safety margin applied to the estimation of flood levels to compensate for uncertainties due to factors such as wave action, localised hydraulic behaviour (eg flow path blockages caused by natural and urban debris such as trees, ‘wheelie’ bins, cars, containers) and changes in rainfall patterns and ocean water levels as a result of the changing climate
- **Floodway** - are those areas where a significant volume of water flows during floods and are often aligned with obvious natural channels. They are areas that, even if only partially blocked, would cause a significant increase in flood levels and/or a significant redistribution of flood flow, which may in turn adversely affect other areas
- **Flood Certificate** – A Council prepared Flood Certificate not more than 12 months old
- **Flood Fringe Area** – "Flood Fringe" is the remaining land in the Flood Planning Area after the Floodway area and Flood Storage area have been defined
- **Flood Hazard** – a source of potential harm or a situation with a potential to cause loss
- **Flood Hazard Maps** – Visual representation of the hazard categories referenced in the Floodplain Risk Management Policy. Available on Council's website.
- **Flood Planning Area** – REMOVE existing definition
- **Flood Planning Level** – defines the area of land below the 1% AEP flood event in the year 2100 plus 0.5 metre freeboard and is the area of land subject to flood-related development controls. The Flood Planning Level defines the minimum floor level for habitable rooms.
- **Flood Prone Land** – land that is likely to be inundated by the probable maximum flood (PMF)
- **Flood Prone Land subject to further investigation** – refers to the area of land susceptible to flooding where a comprehensive technical investigation of flood behaviour (to define the variation over time of flood levels, extent, velocity, flood hazard and the Flood Planning Level up to and including the probable maximum flood) has not yet been carried out (refer Flood Manual Appendix F).
- **Flood Risk Assessment Report** – A report addressing the Performance Criteria in Clause B5 A and the applicable prescriptive provisions.
- **Flood Risk Management Report** – REMOVE existing definition
- **Flood storage** - areas are those parts of the floodplain that are important for the temporary storage of floodwaters during the passage of a flood. The loss of storage areas may increase the severity of flood impacts by reducing natural flood attenuation
- **Flood Study** - REMOVE existing definition
- **Flood Volume** –the volume of water occupying a site at the peak of a flood event. The 1% AEP flood volume is the difference between the peak flood height in the 1% AEP flood event and the natural surface level.

B5

FLOODING

- **Floodplain Risk Management Plan** – developed from the Floodplain Risk Management Study and details how flood prone land within the study areas is to be managed. The primary aim of the Plan is to reduce the flood hazard and risk to people and property in the existing community and to ensure future development is controlled in a manner consistent with flood hazard now and in the future. The Plan consists of prioritised and costed measures for implementation.
- **Floodplain Risk Management Policy** – Council's adopted policy outlining the management of risk associated with flooding on lands across the Local Government Area in accordance with State Government's Flood Prone Land Policy and Floodplain Development Manual 2005.
- **Floodplain Risk Management Study** – a study of the risks across the floodplain and evaluates management options for both existing and proposed development. A floodplain risk management study needs to be developed in accordance with the principles and guidelines contained in the State Government's Flood Prone Land Policy and Floodplain Development Manual 2005.
- **Habitable Room** – in a residential situation is a living or working area, such as a lounge room, dining room, rumpus room, kitchen, bedroom or workroom; in an industrial or commercial situation is an area used for offices or to store valuable possessions susceptible to flood damage
- **High hazard** – flood area is the area of flood which poses a possible danger to personal safety, where the evacuation of trucks would be difficult, where able-bodied adults would have difficulty wading to safety or where there is a potential for significant damage to buildings
- **Livestock Flood Refuge mound** – An artificial mound of land that provides temporary refuge for livestock during flood events.
- **Low hazard flood area** – the area of flood where, should it be necessary, a truck could evacuate people and their possessions or an able-bodied adult would have little difficulty in wading to safety
- **Flood Hazard Maps** – the visual representation of the flood hazard and hydraulic categories referenced in Council's Floodplain Risk Management Policy. They are available on Council's website.
- **Minimal Risk Flood Prone Land** – land on the floodplain that is above the Flood Planning Level. This means that there are no flood-related development controls that apply to residential development, but critical emergency response and recovery facilities, such as evacuation centres and vulnerable development types, such as aged care and child care facilities, may not be appropriate in this location.
- **NSW 'Floodplain Development Manual' 2005** – State Government manual relating to the development of flood liable land for the purposes of section 733 of the Local Government Act 1993
- **Overland flow path** is land inundated by local runoff on its way to a waterway, rather than overbank flow from a stream, river, estuary, lake or dam
- **Planning Horizon** – the length of time into the future for the risk to be managed. In floodplain risk management this includes consideration of climate change impacts and the planning horizon is typically 2100.
- **Probable Maximum flood (PMF)** – the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation, and where applicable, snow melt, coupled with the worst flood producing catchment conditions.

MINUTES ORDINARY COUNCIL - 28 FEBRUARY 2017

ITEM 6 - ATTACHMENT 1 B5 FLOODING DCP.

B5

FLOODING

	High Hazard Floodway	Low Hazard Floodway	High Hazard Overland Flow Path	Low Hazard Overland Flow Path	High Hazard Flood Storage	Low Hazard Flood Storage	High Hazard Flood Fringe	Low Hazard Flood Fringe	Minimal Risk Flood Prone	Not Flood Prone	Key	
Residential development			1+2 7	1+2 7	1+2 7+8	1+2 7	1+2 7+8	1+2 7				Unsuitable land use
Commercial premises			1+3 7	1+3 7	1+3 7+8	1+3 7	1+3 7+8	1+3 7				Flood related development controls apply
Industry			1+3 7	1+3 7	1+3 7+8	1+3 7	1+3 7+8	1+3 7				Flood related development controls do not apply
Garages			5 7	5 7	5 7	5 7	5 7	5 7				
Farm Sheds	11	11	5 7	5 7	5 7	5 7	5 7	5 7				
Open car parking spaces and carparks			4 7	4 7	4 7	4 7	4 7	4 7				
Driveways (not driveways between car parking spaces and the connecting public roadway)			4 7	4 7	4 7	4 7	4 7	4 7				
Fill (including fill associated with other development types)	10	10	- 7+12	- 7+12	- 7+9	- 7+9	- 7	- 7				
Subdivision (where additional dwelling entitlement is created)			1 7+8	1 7+8	1 7+8	1 7+8	1 7+8	1 7+8				
Development vulnerable to emergency response (e.g. aged care, group homes, residential care facilities, child care, schools, evacuation centres and routes, hospitals, major utility facilities, caravan parks, tourist and visitor accommodation or any other development deemed vulnerable)			6 7+8	6 7+8	6 7+8	6 7+8	6 7+8	6 7+8	6 7+8			

Minimum Finished Levels	¹ Minimum finished floor level for development that meets "habitable room" definition is the FPL - This is the "Flood Planning Level" shown on PSC Flood Certificates. ² Minimum finished floor level for development that does not meet "habitable room" definition is the 1% AEP flood level plus 0.5m at 50 years from application date - This is the "Adaptable minimum floor level" shown on PSC Flood Certificates. ³ Minimum finished floor level for development that does not meet "habitable room" definition is the 5% AEP flood level plus 0.5m at 50 years from application date - This is the "Minimum on-site wastewater level" shown on PSC Flood Certificates, plus 0.5m. ⁴ Minimum finished level of 0.03m below the current day 1% AEP flood level - This is the "Current day 1% AEP flood level" shown on PSC Flood Certificates, minus 0.03m. ⁵ Minimum finished level of the 1% AEP flood level at 50 years from application date - This is the "Adaptable minimum floor level" shown on PSC Flood Certificates, minus 0.5m. ⁶ Minimum finished floor level of PMF level - This is the "Probable maximum flood level" shown on PSC Flood Certificates.
Submission Requirements	⁷ Flood DCP Compliance Report (see Clause B5.26) ⁸ Flood Evacuation Response Plan (see Clause B5.27) ⁹ Flood Study (see Clause B5.29), unless requirements in Clause B5.30 are met ¹⁰ Fill for livestock flood refuge uses only, Flood Study required, unless requirements in Clause B5.32 are met ¹¹ Farm Sheds must comply with Clause B5.23 ¹² Site Based Overland Flow Report (see Clause B5.36)

Table 2 Development Suitability Table