

# CHAPTER 3.3 FLOODPLAIN MANAGEMENT

## 1.0 INTRODUCTION

The NSW Government Floodplain Development Manual (2005) is the NSW State Government's Manual relating to the management of flood prone land. The Floodplain Development Manual (FDM) has been prepared in accordance with the NSW Government's Flood Prone Land Policy. The FDM guides Council's in the development and implementation of detailed local Floodplain Risk Management Plans to produce robust and effective floodplain risk management outcomes.

In accordance with the FDM, the Flood Risk Management Process entails four sequential stages:

- Stage 1: Flood Study
- Stage 2: Floodplain Risk Management Study
- Stage 3: Floodplain Risk Management Plan
- Stage 4: Implementation of the Plan

Wyong Shire Council is progressively producing Floodplain Risk Management Plans for each of the individual catchments within the Shire. Floodplain Risk Management Plans consider the existing flood environment and recommend specific measures to manage the impact of flooding. In assessing the flood environment, elements such as known flood behaviour, evacuation issues, site access and the potential impact of sea level rise are taken into consideration. This information is used to create floodplain risk mapping for each catchment.

Floodplain Risk Management Plans provide a range of measures that can be used to mitigate the impact of flooding. Invariably one of the most successful measures is the implementation of effective land use planning. This document provides the means for implementing the Floodplain Risk Management Plans and associated mapping for the control of development on the floodplain within Wyong Shire.

## 1.1 Objectives

- To inform the community of Council's Policy with regard to the use of flood prone land
- To establish guidelines for the development of flood prone land that are consistent with the NSW Flood Policy and NSW Floodplain Development Manual (2005) as updated by the Flood Risk Management Guide (2010)
- To control development and activity within each of the individual floodplains within Wyong Shire having regard to the characteristics and level of information available for each of the floodplains, in particular the availability of Floodplain Risk Management Studies and Floodplain Risk Management Plans prepared in accordance with the Floodplain Development Manual
- To minimise the risk to human life and damage to property by controlling development on flood prone land
- To apply a merit based approach to all development decisions taking into account ecological, social and environmental considerations
- To ensure that the development or use of floodplains and floodways does not adversely impact upon the aesthetic, recreational and ecological values of the waterway corridors
- To improve riparian corridors during redevelopment and to ensure that the ecological values of the lake systems are enhanced

- To ensure that all land uses and essential services are appropriately sited and designed in recognition of all potential floods
- To ensure that all development on the floodplain complies with Ecological Sustainable Development (ESD) principles and guidelines
- To prevent the introduction of unsuitable land uses on flood liable land
- To promote building design that considers the uniqueness of the requirements for the development of flood prone land and to ensure that the development of flood prone land does not have significant impacts upon the amenity of an area

## 1.2 Application

This plan has been prepared in accordance with Clause 74C of the Environmental Planning and Assessment Act, 1979 having regard to the provisions of the NSW Flood Policy and NSW Floodplain Development Manual (2005).

In circumstances where there may be any inconsistency between the requirements contained in this Chapter and any other Chapter within this Development Control Plan, with regard to floodplain management, the provisions of this Chapter shall apply.

## 1.3 Relationship to other Chapters

This chapter is to be read in conjunction with other relevant Sections of this Development Control Plan, including, but not limited to:

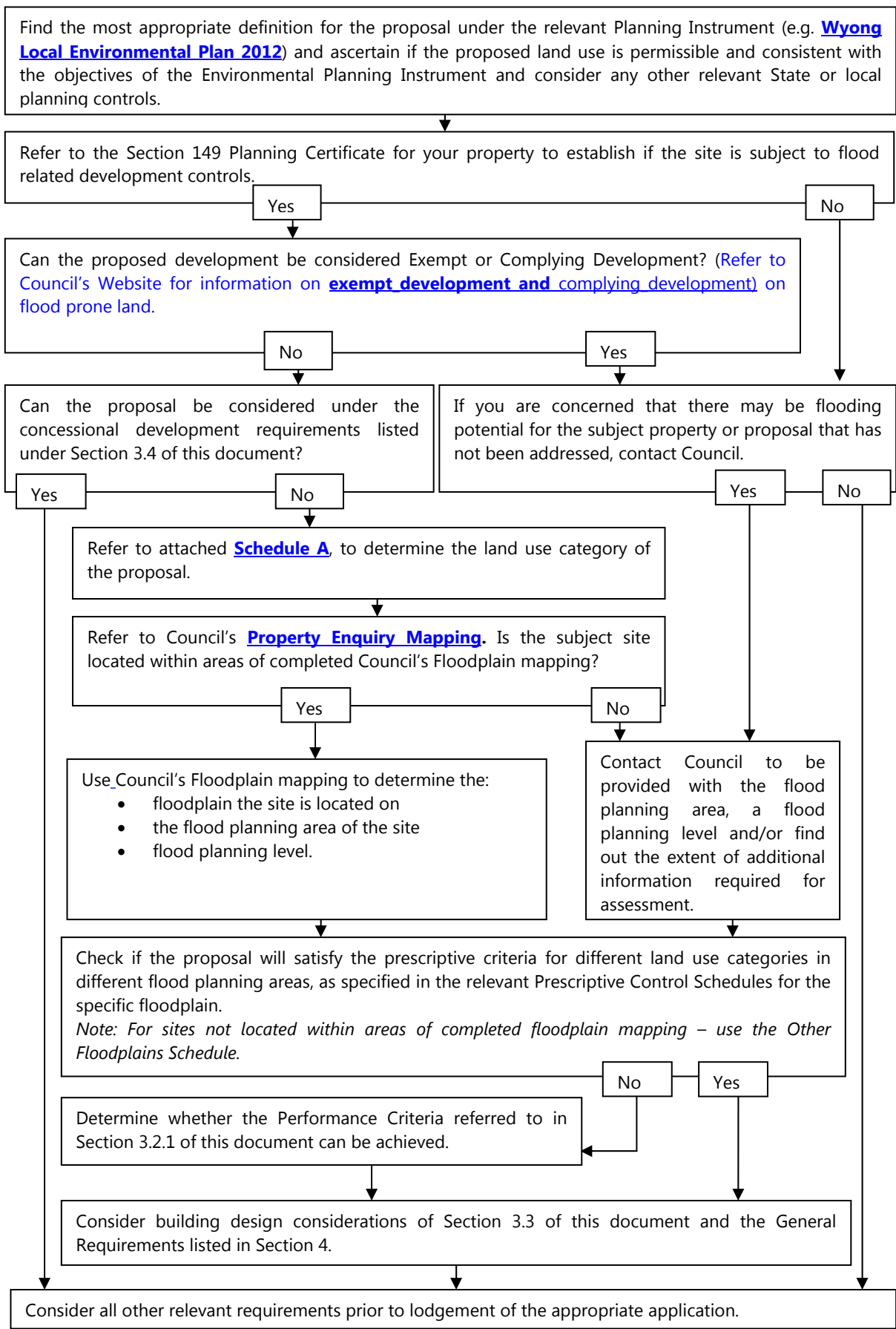
- Chapter 2.4 – Multiple Dwelling Residential Development
- Chapter 2.1 – Dwellings Houses and Ancillary Structures
- Section 4 - Subdivision
- Chapter 2.12 – Industrial Development

## 1.4 Using this Chapter

DCP 2012 is written in an **OBJECTIVES/REQUIREMENTS** format. For specific issues, a set of **OBJECTIVES** has been devised along with a set of **REQUIREMENTS**, considered to be appropriate to meet the intent of the **OBJECTIVES**. Where an applicant seeks variation from the **REQUIREMENTS**, appropriate written justification indicating how the proposal meets the relevant **OBJECTIVES**, must be provided for the consideration of Council. Section 4 – General Requirements of this document follows this format.

Section 3 of this document uses a similar format by providing **PRESCRIPTIVE CONTROLS** and **PERFORMANCE CRITERIA**. Where an applicant seeks variation from the **PRESCRIPTIVE CONTROLS**, appropriate written justification indicating how the proposal meets the relevant **PERFORMANCE CRITERIA** must be provided for the consideration of Council.

The flow chart that follows and examples provided in Schedule C have been prepared to assist in the use of this document.



**Figure 1 Assessing development application proposals**

## 1.4 Definitions

The following definitions are relevant to this plan. Additional definitions can be found in the Wyong Local Environmental Plan (2012), the Glossary of Terms for DCP 2012 and the Floodplain Development Manual.

**Annual Exceedance Probability (AEP)** means the chance of a flood of a given or larger size occurring in any one year, usually expressed as a percentage.

**Australian Height Datum (AHD)** is a common national plan of level corresponding approximately to mean sea level.

**Average Recurrence Interval (ARI)** means the long-term average number of years between the occurrence of a flood as big as, or larger than, the selected event. For example, floods with a discharge as great as, or greater than, the 20 year ARI flood event may occur on average once every 20 years.

**basement car parking** means the car parking area generally below ground level or above natural ground level but enclosed by bunding, where inundation of the surrounding areas may raise water levels above the entry level to the basement, resulting in inundation. Basement car parks are areas where the means of drainage of accumulated water in the car park has an outflow discharge capacity significantly less than the potential inflow capacity.

### Caravan Parks

**long-term site** means a dwelling site that is specified in the approval for a caravan park as being a long-term site.

**short-term site** means a dwelling site on which a moveable dwelling that is ordinarily used for holiday purposes may be installed and that is specified in the approval for a caravan park as being a short-term site.

**effective warning time** is the time available after receiving advice of an impending flood and before the floodwaters prevent appropriate flood response actions being undertaken. The effective warning time is typically used to raise furniture, evacuate people and transport their possessions.

**evacuation** is the transfer of people and or stock from areas where flooding is likely, either close to, or during a flood event. It is affected not only by warning time available, but also the suitability of the road network, available infrastructure, and the number of people that have to evacuate during floods.

**extreme flood** means an estimate of the probable maximum flood (PMF), which is the largest flood that could conceivably occur at a particular location, generally estimated from the probable maximum precipitation (PMP). Generally it is not physically or economically possible to provide complete protection against this event.

**flood** is a relatively high stream flow that overtops the natural or artificial banks in any part of a stream, channel, river, estuary, lake or dam, and/or local overland flooding associated with major drainage as defined by the NSW Floodplain Development Manual (FDM) before entering a watercourse, and/or coastal inundation resulting from super-elevated sea levels and/or waves overtopping coastline defences excluding tsunamis.

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

**flood evacuation strategy** means the proposed strategy for the evacuation of areas with effective warning time during periods of flood as specified within any policy of Council, the floodplain risk management plan (FRMP), the relevant state government disaster plan, by advices received from the State Emergency Services (SES) or as determined in the assessment of individual proposals.

**floodplain** means the area of land which is subject to inundation by floods up to and including the probable maximum flood (PMF) event.

**Floodplain Development Manual (FDM)** refers to the document dated April 2005, published by the New South Wales Government and entitled 'Floodplain Development Manual: the management of flood liable land'.

**flood planning area** the area of land below the FPL and thus subject to flood related development controls.

**Flood Planning Level (FPL)** are the combinations of flood levels and freeboards selected for floodplain risk management purposes, as determined in management studies and incorporated in management plans.

**Floodplain Risk Management Plan (FRMP)** means a plan prepared for one or more floodplains in accordance with the requirements of the FDM or its predecessor.

**Floodplain Risk Management Study (FRMS)** means a study prepared for one or more floodplains in accordance with the requirements of the FDM or its predecessor.

**flood storage** means those parts of the floodplain that are important for the temporary storage of floodwaters during the passage of a flood.

**floodway** means those areas, often aligned with obvious naturally defined channels, where a significant discharge of water occurs during floods. They are also areas where, if only partially blocked, will cause a significant redistribution of flood flow or significant increase in flood levels, which may impact on other properties.

**freeboard** is a factor of safety expressed as the height above the design flood level. Freeboard provides a factor of safety to compensate for uncertainties in the estimation of flood levels across the floodplain, such as wave action; localised hydraulic behaviour and impacts that are specific event related, such as levee and embankment settlement; cumulative impacts of fill in floodplains and other effects such as changes in rainfall patterns as a result of climate change.

**habitable floor area** means:

- in a residential situation: a living or working area, such as a lounge room, dining room, rumpus room, kitchen, bedroom or workroom;
- in an industrial or commercial situation: an area used for offices or to store valuable possessions susceptible to flood damage in the event of a flood.

**hazardous materials** are solids, liquids, or gases that can harm people, other living organisms, property, or the environment. These may include materials that are radioactive, flammable, explosive, corrosive, oxidizing, asphyxiating, bio-hazardous, toxic, pathogenic, or allergenic. Also included are physical conditions such as compressed gases and liquids or hot materials, including all goods containing such materials or chemicals, or may have other characteristics that render them hazardous in specific circumstances.

**large scale development** is (for the purposes of this document) a proposal that involves site disturbance 2500m<sup>2</sup> of land or greater.

**local overland flooding** means inundation by local runoff rather than overbank discharge from a stream, river, estuary, lake or dam.

**Probable Maximum Flood (PMF)** is the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation.

**Probable Maximum Precipitation (PMP)** is the greatest depth of precipitation for a given duration meteorologically possible over a given size storm area at a particular location at a particular time of the year, with no allowance made for long-term climatic trends (World Meteorological Organisation, 1986). It is the primary input to the estimation of the probable maximum flood.

**reliable access during a flood** means the ability for people to safely evacuate an area subject to imminent flooding within effective warning time, having regard to the depth and velocity of flood waters, the suitability of the evacuation route, and without a need to travel through areas where flood hazard increases.

**Section 149 Planning Certificate** provides information, including the statutory planning controls that apply to a parcel of land on the date the certificate is issued.

**suitably qualified engineer** is an engineer who is included in the National Professional Engineers Register, administered by the Institution of Engineers Australia.

**survey plan** is a plan prepared by a registered surveyor which shows the information required for the assessment of an application in accordance with the provisions of this Policy.

## 2.0 APPLICATION REQUIREMENTS

### 2.1 Required Information

- a Applications must include information that addresses all relevant controls listed within this document and the following matters as applicable:
- b Development applications affected by this DCP Chapter shall be accompanied by a survey plan showing:
  - i the position of the existing building/s or proposed building/s;
  - ii the existing ground levels and features to Australian Height Datum around the perimeter of the site and contours of the site; and
  - iii the existing or proposed floor levels to Australian Height Datum.
- c Applications for earthworks, filling of land, infrastructure and subdivision shall be accompanied by a survey plan (with a minimum contour interval of 0.25m) showing relative levels to Australian Height Datum.
- d For large scale developments, or developments in critical situations, where an existing catchment based flood study is not available, a flood study prepared by a suitably qualified engineer using hydrologic and hydraulic dynamic one or two dimensional computer model may be required.
- e Where the controls for a particular development proposal require an assessment of structural soundness during potential floods, the following impacts must be addressed:
  - i hydrostatic pressure;
  - ii hydrodynamic pressure;
  - iii impact of debris; and
  - iv buoyancy forces.

Foundations need to be included in the structural analysis. Scour protection may be required at foundations.

## 3.0 DEVELOPMENT CONTROLS

The Department of Planning and Infrastructure has produced a group of Model Local Provisions for inclusion in Local Environmental Plans. The Model Local Provisions have been produced to address common topics raised by Councils in Local Environmental Plan preparation and provide Council's with guidance in what is to be considered in the assessment of development proposals. The Model Clause for Flood Planning has been adopted under Section 7.2 of Wyong Local Environmental Plan 2012.

The Performance Criteria listed under Section 3.2 below, reflect the Considerations specified in the Local Environmental Plan.

The Prescriptive Controls described in Section 3.1 and found in attached Schedules E to L indicate, where the Considerations required under Wyong LEP 2012 Section 7.2:

- can be met through the implementation of appropriate development controls;
- can be met without development controls for flooding being required (shown in green in the Schedules);
- in the view of Council, cannot be met through the use of reasonable development controls ( shown in grey in the Schedules).

### 3.1 Prescriptive Controls

Attached Schedules E to L outline the controls relevant to each of the floodplains to which this plan applies.

The development controls apply to development proposals on land identified as flood prone land. The type and stringency of controls have been graded relative to the severity and frequency of potential floods, having regard to categories determined by the relevant Floodplain Risk Management Study and Plan.

If an appropriate study or plan has not been completed, Schedule F - All other floodplains applies. For significant development on land where Flood Risk Mapping has not been completed a site-specific flood study may be required.

*Note: Council is to insert controls for floodplains as appropriate FRMP's are prepared and adopted. Appropriate studies yet to be completed are shown grey in the following list.*

Schedule E - Tuggerah Lakes Foreshore

Schedule F – All other floodplains

Schedule G - Porters Creek

Schedule H - Lower Wyong River

Schedule I - Ourimbah Creek

Schedule J - Tumby Umbi Creek

Schedule K – Lake Macquarie

Schedule L- Wallarah Creek

### 3.2 Performance Criteria

If a proposal does not meet the requirements of the relevant Prescriptive Controls, consent must not be granted to development unless the consent authority is provided with adequate information to be satisfied that the development:

- a is compatible with the flood hazard of the land;
- b will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties;

- c incorporates appropriate measures to manage risk to life from flood;
- 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;
- e is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- f Proposed development must be consistent with the principles of Ecologically Sustainable Development.
- g The proposal adequately considers the impact of climate change.
  - i It is to be noted that with regard to climate change benchmarks as required for consideration under NSW State Government Legislation have been used in producing the flood risk management plans that inform this document.
  - ii Some prescriptive requirements such as flood planning level requirements may be relaxed if Council can be satisfied that the projected life of the proposed development is for a relatively short-term and therefore does not warrant the imposition of controls that consider impacts beyond the cessation of the proposed development. This will only be considered for uses where the residual risk to the occupation of the development is considered to be low. This may include certain temporary or demountable structures but would not include residential developments.

*Note: The prescriptive controls have been developed to ensure that proposals that meet the requirements of the relevant Prescriptive Control Schedule will meet the objectives of this Plan. A performance based assessment is likely to involve the submission of independent studies and reports. It is recommended that you should discuss the likelihood of achieving a successful outcome using a performance based assessment with Council staff using the pre-application process, prior to lodging an application*

### **3.3 Building Design Considerations**

In any case, building design, whether relying on the Prescriptive Controls or Performance Criteria, should not result in significant impacts upon the amenity of an area by way of:

- a overshadowing of adjoining properties that does not meet the requirements of the relevant development controls adopted by Council;
- b privacy impacts (e.g. by unsympathetic house-raising);
- c being incompatible with the streetscape or character of the locality. A request to raise the overall building height to beyond the prescribed building heights to achieve the appropriate minimum floor level will not be considered adequate. Building design is to be appropriate to the constraints of the site;
- d filling of land to permit the construction of a building that has not been specifically designed in consideration with conditions that may be experienced on the floodplain. Slab on ground construction is generally not considered appropriate on a floodplain.



### 3.4 Concessional Development – Minor Additions

- a Council acknowledges that in some instances, relatively minor building additions will have a minimal impact on the floodplain and will not present an unmanageable risk to life. Council will give consideration for the following forms of development on suitable sites:
  - i attached dwelling additions of up to 40m<sup>2</sup> of habitable floor area at or above the same level as the existing adjoining approved floor level for habitable floor area. The allowance for additions shall be made no more than once for any given property;
  - ii additions to Commercial and Industrial Uses of up to an additional 100 m<sup>2</sup> or 20% (whichever the less) of the Gross Floor Area of the existing building at no less than the same level as the existing adjoining approved floor level. The allowance for additions shall be made no more than once for any given property.
- b Any proposal to be considered as concessional development must meet the building design considerations of Section 3.3– Building Design Considerations and must meet the requirements of Section 4 – General Requirements below, most significantly with regard to the filling of flood prone land.
- c As part of any consent issued pursuant to this Section Council will require:
  - i a restriction on use limiting the further development of the site may be placed on the property title;
  - ii the existing development to be suitably upgraded to address the potential impacts of flooding.

*Note: Due to concerns for safety and the consequences of prolonging poor land use practices, concessional development or other site redevelopment will not be supported on within (FPA 4).*

### 3.5 Exempt and Complying Development

A proposed development is 'exempt development' if it will have only a minimal impact on the local environment and is classified as exempt development in a planning instrument. There is no need for planning or construction approval to be obtained for exempt development. If there is any conflict due to similarities in land uses described in this plan and the relevant exempt development provisions, the exempt development provisions prevail.

In limited circumstances certain development may be considered as complying development on flood prone land. Complying developments are developments that comply with set local or state government development standards.

Relevant information with regard to exempt and complying development can be accessed on the Development\_Control\_Plan Page of Council's Website.

## 4.0 GENERAL REQUIREMENTS

The following ancillary development issues are to be considered in the assessment of proposed development of flood prone land.

### 4.1 Requirements for fencing

#### OBJECTIVES

- To ensure that fencing does not result in any significant obstruction to the free flow of floodwaters
- To ensure that fencing will remain safe during floods and not become moving debris that potentially threatens the security of structures or the safety of people
- To ensure that fencing does not obstruct connectivity and the movement of fauna along riparian corridors

#### REQUIREMENT

Fencing is to be laid in such a manner that it will not modify the flow of floodwaters and cause damage to surrounding land.

### 4.2 Requirements for Car Parking

#### OBJECTIVES

- To minimise the damage to motor vehicles from flooding
- To ensure that motor vehicles do not become moving debris during floods, which threaten the integrity or blockage of structures or the safety of people, or damage other property
- To minimise risk to human life from the inundation of basement and other car park or driveway areas

#### REQUIREMENTS

- a The proposed car park should not increase the risk of vehicle damage by flooding inundation.
- b The proposed garage/car park should not increase the likelihood of flooding on other developments, properties or infrastructure.
- c Any damage that may arise to the proposed garage/car park shall not be greater than that which can be reasonably managed by the property owner.
- d Open car parking - The minimum surface level of open space car parking subject to inundation should be designed giving regard to vehicle stability in terms of depths and velocity during inundation by flood waters. Where this is not possible, it shall be demonstrated how the objectives will be met.

### 4.3 Requirements for Filling of Flood Prone Land

#### OBJECTIVE

- To ensure that any filling of land that is permitted as part of a development consent does not have a negative impact on the floodplain

## REQUIREMENTS

- a Unless a floodplain risk management plan for the catchment has been adopted, which allows filling to occur, filling for any purpose, including the raising of a building platform in flood-prone areas is not permitted in areas identified as Flood Planning Area 3 or Flood Planning Area 4. In all other areas unless a report from a suitably qualified engineer is to be submitted and approved by Council that certifies that the development will not increase flood affectation elsewhere.
- b Filling of individual sites in isolation, without consideration of the cumulative effects is not permitted. Any proposal to fill a site must be accompanied by an analysis of the effect on flood levels of similar filling of developable sites in the area. This analysis would form part of a flood study prepared by a suitable qualified professional.

### 4.4 Requirements for On-Site Sewer Management

#### OBJECTIVES

- To prevent the spread of pollution from on-site sewer management systems during periods of flood
- To assist in the ongoing operation of on-site sewer management systems during periods of flood

#### REQUIREMENTS

- a The treatment tank/ holding device is to be located above the 1% AEP flood contour.
- b The land application area is to be above that 5% AEP flood contour except in Wyong Shire's drinking water catchment where no component of the system will be permitted on land below the 1% AEP flood contour.
- c Refer to Chapter 3.8 – On Site Effluent Disposal in Non-Sewered areas for guidance with regard to this form of application.

### 4.5 Requirements for the Storage of Hazardous Substances

#### OBJECTIVE

- To prevent the potential spread of pollution from hazardous substances

#### REQUIREMENT

The storage of products which, in the opinion of Council, may be hazardous or pollute floodwaters, must be placed at a minimum of 500 mm above the height of the 1% AEP flood or placed within an area protected by bunds or levels such that no flood waters can enter the bunded area if the flood level rose to a level of 500 mm above the height of the 1% AEP flood.

# APPENDIX A LAND USE CATEGORIES

The definitions listed below are extracted from the Wyong Local Environmental Plan 2012.

## **1 Critical Infrastructure and Facilities**

airstrip, air transport facilities, electricity generating works, emergency service facility, helipad, hospital, public administration buildings (occupied by emergency services organisations), public utility undertaking, road, sewerage system, water supply system

## **2 Sensitive Uses and Facilities**

child care centre, correctional centre, educational establishment, group homes, heavy industrial storage establishment, heavy industry, home based child care, hostel, respite day care centre, seniors housing

## **3 Land Subdivision – Torrens Title** *(Does not include Community and Strata Subdivision or Subdivision of approved residential development)*

## **4 Single Dwellings Houses** *(one dwelling per existing residential lot only)*

dwelling houses, exhibition homes

## **5 Medium to High Density Residential**

attached dwelling, boarding house, caravan parks (long term sites), dual occupancy, exhibition village, multi dwelling housing, residential flat buildings, rural workers dwelling, secondary dwelling, semi-detached dwelling, shop-top housing.

## **6 Commercial and Industrial Uses**

amusement centre, animal boarding and training establishment, boat building and repair facilities, car parks, cemetery, charter and tourism boating facilities, commercial premises, community facilities, crematorium, depot, entertainment facility, freight transport facility, function centre, industries (excluding heavy industry and heavy industrial storage establishments), health consulting rooms, health service facility (excluding patient transport facilities and hospitals), highway service centre, industrial retail outlet, industrial training facility, information and education facility, marinas, medical centre, passenger transport facilities, place of public worship, port facilities, public administration buildings (not occupied by emergency services organisations), recreation facilities, registered club, research station, restricted premises, rural industry (excluding stock and sales yards), service station, storage premises, sex services premises, toilet & amenities blocks, transport depot, truck depot, vehicle body repair workshop, vehicle repair station, veterinary hospital, warehouse or distribution centre, waste or resource management facility, wholesale supplies

## **7 Shed and Garages, ancillary residential development**

*Note: ancillary residential development includes swimming pools, cabanas, gazebos and similar structures*

## **8 Tourist & Visitor Accommodation (excluding short term caravan parks)**

camping grounds, eco-tourist facilities, tourist and visitor accommodation

## **9 Caravan parks – short term accommodation**

## **10 Agriculture and Recreation**

agriculture, farm buildings, recreation area, stock and sales yard, environmental facility,

## **11 Permissible Earthworks**

environmental protection works, flood mitigation works

## **12 Not Listed – Merit Assessment?**

forestry, home business, home occupation, home occupation (sex services), wharf or boating facility, signage, boat launching ramp, boat sheds, charter or tourism boating facilities, environmental facilities, jetties,

mooring, mooring pens, water recreation structure, extractive industries ( industry?), mortuaries, open cut mines ( industry?), restricted facility

## APPENDIX B FLOOD COMPATIBLE MATERIALS

| Component                         | Flood Compatible Material  |
|-----------------------------------|--|
| Flooring and Sub-floor            | <ul style="list-style-type: none"> <li>▪ Concrete slab-on-ground monolith construction</li> <li>▪ Suspended reinforced concrete slab</li> </ul>  |
| Wall Structure                    | <ul style="list-style-type: none"> <li>▪ Solid brickwork, blockwork, reinforced, concrete or mass concrete</li> </ul>  |
| Wall and Ceiling Linings          | <ul style="list-style-type: none"> <li>▪ Fibro-cement board</li> <li>▪ Brick, face or glazed</li> <li>▪ Clay tile glazed in waterproof mortar</li> <li>▪ Concrete</li> <li>▪ Concrete block</li> <li>▪ Steel with waterproof applications</li> <li>▪ Stone, natural solid or veneer, waterproof grout</li> <li>▪ Glass blocks</li> <li>▪ Glass</li> <li>▪ Plastic sheeting or wall with waterproof adhesive</li> </ul> |
| Roof Structure                    | <ul style="list-style-type: none"> <li>▪ Reinforced concrete construction</li> <li>▪ Galvanised metal construction</li> </ul>  |
| Doors                             | <ul style="list-style-type: none"> <li>▪ Solid panel with water proof adhesives</li> <li>▪ Flush door with marine ply filled with closed cell foam</li> <li>▪ Painted metal construction</li> <li>▪ Aluminium or galvanised steel frame</li> </ul>   |
| Insulation                        | <ul style="list-style-type: none"> <li>▪ Closed cell solid insulation</li> <li>▪ Plastic/polystyrene boards</li> </ul>   |
| Windows                           | <ul style="list-style-type: none"> <li>▪ Aluminium frame with stainless steel rollers or similar corrosion and water resistant material.</li> </ul>  |
| Nails, Bolts, Hinges and Fittings | <ul style="list-style-type: none"> <li>▪ Brass, nylon or stainless steel</li> <li>▪ Removable pin hinges</li> <li>▪ Hot dipped galvanised steel wire nails or similar</li> </ul>   |
| Main Power Supply                 | <ul style="list-style-type: none"> <li>▪ Subject to the approval of the relevant authority the incoming main commercial power service equipment, including all metering equipment, shall be located above the designated flood level. Means shall be available to easily disconnect the dwelling from the main power supply.</li> </ul>  |

| Component                            | Flood Compatible Material   |
|--------------------------------------|---|
| Wiring                               | <ul style="list-style-type: none"> <li>▪ All wiring, power outlets, switches, etc., should be located above the designated flood level. All electrical wiring installed below this level should be suitable for continuous underwater immersion and should contain no fibrous components.</li> <li>▪ Earth leakage circuit-breakers (core balance relays) or Residual Current Devices (RCD) must be installed.</li> <li>▪ Only submersible type splices should be used below maximum flood level.</li> <li>▪ All conduits located below the relevant designated flood level should be so installed that they will be self-draining if subjected to flooding.</li> </ul> |
| Electrical Equipment                 | <ul style="list-style-type: none"> <li>▪ All equipment installed below or partially below the designated flood level should be capable of disconnection by a single plug and socket assembly.</li> </ul>  |
| Heating and Air Conditioning Systems | <ul style="list-style-type: none"> <li>▪ Heating and air conditioning systems should be installed in areas and spaces of the house above the designated flood level.</li> </ul>   |
| Fuel storage for heating purposes    | <ul style="list-style-type: none"> <li>▪ Heating systems using gas or oil as a fuel should have a manually operated valve located in the fuel supply line to enable fuel cut-off.</li> <li>▪ The heating equipment and related fuel storage tanks should be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. The tanks should be vented to an elevation of 600 millimetres above the designated flood level.</li> </ul>  |
| Ducting for heating/cooling purposes | <ul style="list-style-type: none"> <li>▪ All ductwork located below the relevant flood level should be provided with openings for drainage and cleaning. Self-draining may be achieved by constructing the ductwork on a suitable grade. Where ductwork must pass through a water-tight wall or floor below the relevant flood level, a closure assembly operated from above relevant flood level should protect the ductwork.</li> </ul>   |

*Note: Materials not listed may be accepted by council subject to certification of the suitability of the material of the manufacturer.*

## APPENDIX C USING THIS DCP CHAPTER - EXAMPLES

### 1 Proposed dwelling house on flood prone land zoned R2 residential within an area where an appropriate Flood Risk Management Plan and associated mapping is completed:

- Refer to the flowchart shown in Section 1.3 of Chapter 3.3.
- Refer to the relevant Environmental Planning Instrument (e.g. Wyong Local Environmental Plan 2012). The land use you wish to undertake is a dwelling house and is permissible in the R2 zone.
- A check of your 149(2) Certificate indicates that the subject site is subject to flood related development controls.
- A check of the Exempt and Complying Development SEPP indicates that the proposal cannot be considered as Complying Development
- Schedule A of Chapter 3.3 indicates that a dwelling house falls within the Single Dwelling House Category.
- Council's Property Enquiry Mapping indicates that appropriate mapping for your site is completed.
- Catchment –Tuggerah Lakes.
- Category – FPA3.
- Using the Prescriptive Control Schedule Matrix for Tuggerah Lakes and note the requirements for your proposal:

|                      |   |
|----------------------|---|
| Floor Level          | (1,5)1% AEP Flood Planning Level + 500mm freeboard (as provided above) + Subsidence allowance if applicable                             |
| Building Components  | (1) Any part of the building below FPL to be flood compatible material (refer to Schedule B for the list of Flood Compatible Materials) |
| Structural Soundness | (1) Appropriate Engineers Report from a suitably qualified engineer   |
| Flood Affection      | (1) Engineering Report re no increase on flood affectation elsewhere  |
| Evacuation           | (1) Appropriate Engineers Report from a suitably qualified engineer<br>(3) Evacuation plan to be provided. To be approved by Council.   |
| Access               | (1) Reliable access for emergency services<br>(2) Reliable access for pedestrians and vehicles  |
| Other                | (3) Maximum 4 bedroom dwelling, maximum FSR 0.5:1, no concession for building heights to be provided                                    |

*Note: For minor dwelling additions refer to Section 3.4 - Concessional Development.*

- Check your proposal against the building design requirements of Section 3.3 of Chapter 3.3.
- Check your proposal against the general requirements for other elements of development such as fencing and car parking indicated in Section 4 of Chapter 3.3.
- Consider all other relevant requirements prior to the lodgement of an application.



**2 Proposed dwelling house on flood prone land zoned R2 residential within an area where an appropriate Flood Risk Management Plan and associated mapping is yet to be completed.**

- Refer to the flowchart shown in Section 1.3 of Chapter 3.3.
- Refer to the relevant Environmental Planning Instrument (e.g. Wyong Local Environmental Plan 2012). The land use you wish to undertake is a dwelling house and is permissible in the R2 zone.
- A check of your 149(2) Certificate indicates that the subject site is subject to flood related development controls.
- A check of the Exempt and Complying Development SEPP indicates that the proposal cannot be considered as Complying Development.
- Schedule A of Chapter 3.3 indicates that a dwelling house falls within the Single Dwelling House category.
- Council's Property Enquiry Mapping indicates that appropriate mapping for your site is yet to be completed.
- Contact Council to be provided with a flood planning level (eventually this information will be available from Council's Property Enquiry Mapping). Council staff have indicated that the site is within FPA 4.
- Refer to Performance Criteria of Section 3.2 of Chapter 3.3. Can the proposal meet the Criteria listed under Section 3.2?

*Note: It is likely that a report from a suitably qualified engineer will be required to respond to the Performance Criteria.*

- Check your proposal against the building design requirements of Section 3.3 of Chapter 3.3.
- Check your proposal against the general requirements for other elements of development such as fencing and car parking indicated in Section 4 of Chapter 3.3.
- Consider all other relevant requirements prior to the lodgement of an application.

**3 Proposed warehouse on land zoned IN1 general industrial within an area where an appropriate Flood Risk Management Plan and associated mapping has been completed.**

- Refer to Section 1.3 of Chapter 3.3.
- Refer to the relevant Environmental Planning Instrument (e.g. Wyong Local Environmental Plan 2012). The land use you wish to undertake is defined as a warehouse/distribution centre and is permissible in the IN1zone.
- A check of your 149(2) Certificate indicates that the subject site is subject to flood related development controls.
- A check of the Exempt and Complying Development SEPP indicates that the proposal cannot be considered as Complying Development.
- Schedule A of Chapter 3.3 indicates that a warehouse falls within the Commercial and Industrial Uses Category.
- Council's Property Enquiry Mapping indicates that appropriate mapping for your site is completed.
- Catchment – Tuggerah Lakes.
- Category – FPA2.
- Flood Planning Level (FPL) – as provided on mapping.
- Using the Prescriptive Control Schedule Matrix for Other Floodplains and note the requirements for your proposal:

|                      |   |
|----------------------|---|
| Floor Level          | (2,5) 2% AEP Flood Planning Level + 500mm freeboard + subsidence allowance if appropriate   |
| Building Components  | (1) Any part of the building below FPL to be flood compatible material (refer to Schedule B for the list of Flood Compatible Materials) |
| Structural Soundness | (1) Appropriate Engineers Report from a suitably qualified engineer   |
| Flood Affectation    | (1) No increase in flooding elsewhere.  |
| Evacuation           | (1) Appropriate Engineers Report from a suitably qualified engineer   |
| Access               | (1) Reliable access for emergency services<br>(2) Reliable access for pedestrians and vehicles  |
| Other                | Nil   |

- Check your proposal against the building design requirements of Section 3.4 of Chapter 3.3.
- Check your proposal against the general requirements for other elements of development such as fencing and car parking indicated in Section 4 of Chapter 3.3.
- Consider all other relevant requirements prior to the lodgement of an application.

**4 Proposed manufactured office building to be used in conjunction with an industrial development on flood prone land zoned IN1 industrial within an area where an appropriate Flood Risk Management Plan and associated mapping is yet to be completed.**

- Refer to Section 1.3 of Chapter 3.3.
- Refer to the relevant Environmental Planning Instrument (e.g. Wyong Local Environmental Plan 2012). The land use you wish to undertake is permissible in the IN1 zone.
- A check of your 149(2) Certificate indicates that the subject site is subject to flood related development controls.
- A check of the Exempt and Complying Development SEPP indicates that the proposal cannot be considered as Complying Development.
- Schedule A of Chapter 3.3 indicates that industry falls within the Commercial and Industrial Uses Category.
- Council's Property Enquiry Mapping indicates that appropriate mapping for your site is not completed.
- Contact Council to be provided with a flood planning level and flood risk category (eventually this information will be available from Council's Property Enquiry Mapping). Council staff have indicated that the site is within FPA 3.
- Refer to Performance Criteria of Section 3.2 of Chapter 3.3. Can the proposal meet the Criteria listed under Section 3.2?

*Note: It is likely that a report from a suitably qualified engineer will be required to respond to the Performance Criteria. In this instance, the land use may potentially be considered short term there may be scope to investigate a potential reduction in building height and other controls given that the land use may be considered short-term and can be granted concession under Section 3.2(g)(ii).*

- Check your proposal against the building design requirements of Section 3.3 of Chapter 3.3.
- Check your proposal against the general requirements for other elements of development such as fencing and car parking indicated in Section 4 of Chapter 3.3.
- Consider all other relevant requirements prior to the lodgement of an application.

**5 Proposed dwelling additions of 35m<sup>2</sup> on flood prone land zoned R2 residential within an area where an appropriate Flood Risk Management Plan and associated mapping is completed. The dwelling house has not previously been approved for additions.**

- Refer to the flowchart shown in Section 1.3 of Chapter 3.3.
- Refer to the relevant Environmental Planning Instrument (e.g. Wyong Local Environmental Plan 2012). The land use you wish to undertake is a dwelling house and is permissible in the R2 zone.
- A check of your 149(2) Certificate indicates that the subject site is subject to flood related development controls.
- A check of the Exempt and Complying Development SEPP indicates that the proposal cannot be considered as Complying Development
- The flowchart guides you to Section 3.5 of Chapter 3.3.
- Section 3.5 indicates work can be undertaken with the consent of Council provided the floor level is at or above the existing approved adjoining floor level.
- Check your proposal against the building design requirements of Section 3.3 of Chapter 3.3.
- Check your proposal against the general requirements for other elements of development such as fencing and car parking indicated in Section 4 of Chapter 3.3 if appropriate.
- Consider all other relevant requirements prior to the lodgement of an application.

**6 Proposed garage of 50m<sup>2</sup> on flood prone land zoned RU1 Primary Production within an area where an appropriate Flood Risk Management Plan and associated mapping is completed.**

- Refer to Section 1.3 of Chapter 3.3.
- You have referred to the relevant Environmental Planning Instrument (e.g. Wyong Local Environmental Plan 2012) and established that the land use you wish to undertake is not a prohibited land use in the RU1 zone.
- A check of your 149(2) Certificate indicates that the subject site is subject to flood related development controls.
- A check of the Exempt and Complying Development SEPP indicates that the proposal cannot be considered as Complying Development (not low hazard).
- Schedule A of Chapter 3.3 indicates that a shed will fall under the definition of sheds/garages and other ancillary structures.
- Council's Property Enquiry Mapping indicates that mapping for your site is completed.
- Catchment –Tuggerah Lakes.
- Category – FPA2.
- Finished Floor Level (FPL) – as provided on mapping.
- Using the Prescriptive Control Schedule Matrix for Other Floodplains and note the requirements for your proposal:

|                     |                                    |
|---------------------|------------------------------------|
| Floor Level         | (6) At ground level                |
| Building Components | (2) 50m <sup>2</sup> maximum       |
|                     | (3) Warning signage to be provided |
- Check your proposal against the building design requirements of Section 3.3 of Chapter 3.3.
- Check your proposal against the general requirements for other elements of development such as fencing and car parking indicated in Section 4 of Chapter 3.3.
- Consider all other relevant requirements prior to the lodgement of an application.

## APPENDIX D DETAILED ASSESSMENT CRITERIA

### a Compatibility with Flood Hazard / Flooding Impacts and Behaviour:

- Impact of flooding and flood liability is to be managed ensuring the development does not divert floodwaters or interfere with flood storage or natural function of the waterway
- Flood behaviour (for example, flood depths reached, flood flow velocities, flood hazard, rate of rise of floodwater)
- Duration of flooding
- Appropriate flood mitigation works
- freeboard
- Council's duty of care – Proposals to addressed or limit.
- Depth and velocity of flood waters for relative flood event

### b Impact on other land / Cumulative Effects of the Development:

- Development should not detrimentally increase the potential flood affectation on other development or properties or infrastructure, either individually or in combination with the cumulative impact of development that is likely to occur in the same floodplain.
- Cumulative effects of the development and precedents created for further cumulative development

### c Manage Risk to Life:

- The proposed development should not result in any increased risk to human life
- Controls for risk to life for floods up to the Flood Planning Level
- Controls for risk to life for floods greater than the Flood Planning Level
- Existing floor levels of development in relation to the Flood Planning Level and floods greater than the Flood Planning level
- Council's duty of care – Proposals to address and limit
- What level of flooding should apply to the development e.g. 1 in 20 year, etc
- Effective flood access and evacuation issues
- Flood readiness – Methods to ensure relative flood information is available to current and future occupants and visitors
- A site specific Flood Risk Assessment in support of the application addressing the requirements of the NSW Flood Policy and NSW Floodplain Development Manual 2005. These documents are available from the NSW Department of Environment, Climate Change and Water website. <http://www.environment.nsw.gov.au/floodplains/manual.htm>

### d Warning and Evacuation:

- Available effective warning time and reliable access for the evacuation of an area potentially affected by floods
- Evacuation should be consistent with any relevant or flood evacuation strategy where in existence

- Depth and velocity of flood waters for relative flood event
- A site specific Flood Risk Assessment in support of the application addressing the requirements of the NSW Flood Policy and NSW Floodplain Development Manual 2005. These documents are available from the NSW Department of Environment, Climate Change and Water website. <http://www.environment.nsw.gov.au/floodplains/manual.htm> existing floor levels of development
- Council's duty of care. – Proposals to addressed or limit
- What level of flooding should apply to the development e.g. 1 in 20 year, etc
- Effective flood access and evacuation issues.
- Flood readiness – Methods to ensure relative flood information is available to current and future occupants and visitors

e Environmental Impacts:

- 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

f The Cost:

- The additional economic and social costs that 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
- Land values and social equity – effect both negative and positive – e.g. development increasing land values, restrictions decreasing land values, etc
- Future development (specifically, the ability of the community and individuals to recover from flood events)
- Economic factors both in regard to doing and not doing the development
- Social issues
- Servicing the development safely in flood e.g. potable water, sewer, etc

g Ecological Sustainable Development:

- Proposed development must be consistent with ESD principles including but not limited to:
  - i Intergenerational equity - namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations
  - ii The precautionary approach - namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation
  - iii Biodiversity conservation - namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration
  - iv Improved valuation, pricing and incentive mechanisms - namely, that environmental factors should be included in the valuation of assets and services

Further information regarding ESD principals may be sourced from the Environmental Planning and Assessment Regulations 2000 Schedule 2 Part 6.

- must be addressed

- land availability
- land values and social equity – both positive and negative
- social issues
- environmental issues
- cultural issues

h Climate Change:

- The proposal adequately considers the impact of climate change. It is to be noted that with regard to climate change projected sea level rise benchmarks as required for consideration under NSW State Government Legislation have been used in producing the flood risk management plans that inform this document.





# APPENDIX F PRESCRIPTIVE CONTROLS MATRIX – OTHER FLOODPLAINS

|                      | Flood Planning Area 1                  |                               |                  |                        |                              |                                |                                   |                     |                                  |                          | Flood Planning Area 2  |  |                               |                  |                        |                              |                                |                                   |                     |                                  | Flood Planning Area 3    |                        |  |                               |                  |                        |                              |                                |                                   |                     |                                  |                          |                        |  |
|----------------------|--|-------------------------------|------------------|------------------------|------------------------------|--------------------------------|-----------------------------------|---------------------|----------------------------------|--------------------------|------------------------|--|-------------------------------|------------------|------------------------|------------------------------|--------------------------------|-----------------------------------|---------------------|----------------------------------|--------------------------|------------------------|--|-------------------------------|------------------|------------------------|------------------------------|--------------------------------|-----------------------------------|---------------------|----------------------------------|--------------------------|------------------------|--|
|                      | Critical Infrastructure and Facilities | Sensitive Uses and Facilities | Land Subdivision | Single Dwelling Houses | Medium to High Density Resi. | Commercial and Industrial Uses | Sheds / Garages / ancillary resi. | Tourist Development | Caravan parks - short-term sites | Agriculture & Recreation | Permissible Earthworks | Critical Infrastructure and Facilities | Sensitive Uses and Facilities | Land Subdivision | Single Dwelling Houses | Medium to High Density Resi. | Commercial and Industrial Uses | Sheds / Garages / ancillary resi. | Tourist Development | Caravan parks - short-term sites | Agriculture & Recreation | Permissible Earthworks | Critical Infrastructure and Facilities | Sensitive Uses and Facilities | Land Subdivision | Single Dwelling Houses | Medium to High Density Resi. | Commercial and Industrial Uses | Sheds / Garages / ancillary resi. | Tourist Development | Caravan parks - short-term sites | Agriculture & Recreation | Permissible Earthworks |  |
| Floor Level          | 3,5                                    | 3,5                           |                  |                        |                              |                                |                                   |                     |                                  |                          |                        |  |                               | 1,5              |                        | 2,5                          | 5,6                            | 1,5                               | 4                   | 4                                |                          |                        |  |                               |                  | 1,5                    |                              |                                | 5,6                               |                     |                                  |                          | 4                      |  |
| Building Components  | 1                                      | 1                             |                  |                        |                              |                                |                                   |                     |                                  |                          |                        |  |                               | 1                |                        | 1                            | 2,3                            | 1                                 | 1                   | 1                                |                          |                        |  |                               |                  | 1                      |                              |                                | 2,3                               |                     |                                  |                          | 1                      |  |
| Structural Soundness | 1                                      | 1                             |                  |                        |                              |                                |                                   |                     |                                  |                          |                        |  |                               | 1                |                        | 1                            |                                | 1                                 | 1                   | 1                                |                          |                        |  |                               |                  | 1                      |                              |                                |                                   |                     |                                  | 1                        |                        |  |
| Flood Affection      | 1                                      | 1                             |                  |                        |                              |                                |                                   |                     |                                  | 1                        |                        |  |                               | 1                |                        | 1                            |                                | 1                                 |                     | 1                                | 1                        | 1                      |  |                               |                  | 1                      |                              |                                |                                   |                     |                                  | 1                        | 1                      |  |
| Evacuation           | 1                                      | 1                             |                  |                        |                              |                                |                                   |                     |                                  |                          |                        |  |                               | 1                |                        | 1                            |                                | 1                                 | 2                   | 1,2                              |                          |                        |  |                               |                  | 1,3                    |                              |                                |                                   |                     |                                  | 1,2                      |                        |  |
| Access               | 1,2                                    | 1,2                           |                  |                        |                              |                                |                                   |                     |                                  |                          |                        |  |                               | 1,2              |                        | 1,2                          |                                | 2                                 | 2                   | 1                                |                          |                        |  |                               |                  | 1,2                    |                              |                                |                                   |                     |                                  | 1                        |                        |  |
| Other                |  |                               |                  |                        |                              |                                |                                   |                     |                                  |                          |                        |  |                               |                  |                        |                              |                                | 1                                 | 2                   |                                  |                          |                        |  |                               |                  | 3                      |                              |                                |                                   |                     |                                  |                          |                        |  |

Unsuitable land use - requires performance based assessment

Not Relevant

## Floor Level

- 1 = Flood planning level (FPL) for residential development = 1% AEP flood level plus 500mm freeboard
- 2 = Flood planning level (FPL) for commercial and industrial development = 2% AEP flood level plus 500mm freeboard
- 3 = Flood planning level (FPL) is PMF level plus 500mm freeboard
- 4 = Flood planning level (FPL) is 20% AEP flood level with 0mm freeboard
- 5 = Mine subsidence allowance to be added to flood level to determine flood planning level, if applicable.
- 6 = Ground level. Absolute minimal filling will be permitted to provide vehicular access to sheds and other residential ancillary structures such as pools and gazebos, where required.

## Building Components

- 1 = Any part of the building located below the FPL to be constructed of flood compatible materials.
- 2 = Maximum size of enclosed sheds is 50m<sup>2</sup>.
- 3 = Appropriate signage on a minimum of one prominent internal or external wall indicating flood hazard of the area. Sign to be a minimum size 600mm x 600mm
- 4 = Basement carpark entry to be at 1% AEP Flood Level plus 500mm freeboard or the PMF level - whichever higher

## Structural Soundness

- 1 = Appropriate consulting engineering report - the building can withstand floodwater forces including debris and buoyancy up to the FPL.

## Flood Affection

- 1 = Appropriate engineering report to certify that the development will not increase flood affection elsewhere, having regard to a) loss of flood storage, b) changes in flood levels, flows and velocities upstream, downstream and adjacent

## Evacuation

- 1 = Appropriate engineers report demonstrating that permanent, failsafe, maintenance free measures are incorporated in to the development to ensure the timely and safe evacuation of people from the development, without significant
- 2 = Effective evacuation plan to be developed by the park manager, in conjunction with the SES, with adequate documentation (written, signs,) of the plan to be displayed around the park. Plan is to be updated every 2 years.
- 3= Evacuation plan to be provided. Plan to be approved by Council

## Access

- 1 = Reliable emergency vehicle access for ambulance, SES and fire trucks up to 1%AEP design flood event.
- 2 = Reliable access for pedestrians or vehicles required during a 1% AEP storm event to an appropriate area of refuge located above the PMF level

## Other

- 1 = Provision of adequate flood liability information and advice to guests or visitors
- 2 = Provision of adequate flood liability information and advice to guests, including installation of permanent flood height markers throughout the park.
- 3= Maximum 4 bedroom dwelling. Maximum Floor Space Ratio of 0.5:1. No concession for building heights to be provided. For minor dwelling additions refer to Section 3.4 - Concessional Development

# WEBSITE INFORMATION - EXEMPT AND COMPLYING DEVELOPMENT

As of 1 June 2011 [SEPP Exempt and Complying Development](#) is divided into the following groups:

- General Exempt Development Code
- General Housing Code (complying development –housing)
- Rural Housing Code
- Housing Alterations Code
- Commercial and Industrial Code
- Subdivisions Code
- Demolition Code

Flooding is only referred to as a constraint to Exempt and Complying Development in the General Exempt Development Code, Rural Housing Code and General Housing (Complying Development) Code. Therefore there are no restrictions with regard to flooding for development listed under other parts of the SEPP.

## **Exempt Development:**

A proposed development is 'exempt development' if it will have only a minimal impact on the local environment and is classified as exempt development in a planning instrument. There is no need for planning or construction approval to be obtained for exempt development.

SEPP Exempt and Complying Development provides a list of Exempt Development under the [General Exempt Development Code](#). In addition to other restrictions under the SEPP, Exempt Development for the following purposes cannot be carried out on a flood control lot:

- Earthworks and Retaining Walls
- Fencing (non-rural)

*Note: While rural fencing may be undertaken as exempt development there are specific standards for rural fencing on flood control lots.*

## **Complying Development:**

Complying developments are developments that, due to their limited environmental impact, can comply with set local or State Government development standards. The approval process can be fast tracked as there is no need for the extent of assessment required for a development application. There are standard conditions of consent that can be found in the SEPP that are applied to complying development approvals.

With regard to flood prone land, Complying Development cannot be carried out on any part of a flood control lot unless that part of the lot has been certified, for the purposes of the issue of the relevant complying development certificate, by the council or a professional engineer who specialises in hydraulic engineering as not being any of the following:

- a a flood storage area;
- b a floodway area;
- c a flow path;
- d a high hazard area;
- e a high risk area.

and can meet the other various restrictions/conditions described in the SEPP.

Councils [Property Enquiry Mapping](#) provides a layer for most areas showing where flood prone land is not one of the categories mentioned above and can therefore may be able to be considered as Complying Development.