

**DEVELOPMENT
CONTROL
PLAN
NO. 115**



**BUILDING IN FLOOD
LIABLE AREAS**

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Building in Flood Liable Areas

1 Name of Plan

This plan is called Development Control Plan No. 115 - Building in Flood Liable Areas. This plan applies to all land identified as being flood liable within the City of Gosford.

2 Local Environmental Plan

This plan generally conforms to the provisions of the Gosford Planning Scheme Ordinance and Interim Development Order No 122 and any subsequent amending Local Environmental Plan.

3 Purpose of Plan

The purpose of this plan is to provide more detailed guidelines for the development of flood liable land. The implementation of these guidelines will reduce the impact of flooding and flood liability on individual home owners and occupiers, and reduce private and public losses resulting from flooding.

In applying this plan it is anticipated that flood plains will not be unnecessarily sterilised and development unreasonably restricted.

4 Operation of Plan

This plan has been prepared in accordance with Section 72 of the Environmental Planning and Assessment Act, 1979, and accompanying Regulation. This plan will come into effect upon notification pursuant to clause 20(4) of the Environmental Planning and Assessment Regulation, 1994, being 14 April 2000.

5 Application of Plan

Where a development application is lodged which relates to land to which this plan applies, Council shall take the provisions of this plan into consideration in determining that application.

Compliance with the provisions of this plan does not necessarily imply that Council will consent to any application. Council must also take into consideration those matters listed under Section 79C of the Environmental Planning and Assessment Act, 1979.

The development standards outlined in this document are guidelines assumed to meet the objectives of an element. Where in the opinion of Council, an application satisfies the objectives set out in this plan Council may grant consent to the application notwithstanding that one or more of the development standards are not complied with.

6 Objectives of the Development Control Plan

The objectives of this Development Control Plan are as follows:

- a To bring to the attention of the community, Council's policy in relation to building on flood liable land in the area.
- b To insist that buildings and other structures built in flood liable areas are designed and constructed to withstand the likely stresses of the highest probable flood.
- c To limit building that may reduce the ability of the flood plain, and in particular the floodway, to carry water and subsequently add to the height of floods.
- d To minimise the financial burden to owners of flood liable land and to the general public.
- e To reduce flood losses by restricting and controlling building so that it is less susceptible to flood damage and minimises risks to residents and those involved in rescue operations during floods.

7 Specific Requirements of the Development Control Plan

7.1 Zoning Enquiries

Council has a zone which covers various areas which are flood liable - ie the 9(a) – 'Restricted Development - Flood Prone' zone. However, not all flood-liable land is incorporated in this zone, particularly the various rural areas. Therefore, different town planning requirements may apply in these other areas.

7.2 Filling

Filling of the flood plain or land below the 1% A.E.P. flood level will not be permitted unless the area is designated 'flood fringe'.

Areas which are below the 1% A.E.P. flood level but where it is shown by calculation (by a competent approved consultant) that the cumulative effect of filling the area would not raise the flood level by more than 10mm may be designated as 'flood fringe'.

Filling is not to be undertaken within those areas affected by flooding without Council's approval.

Filling operations must include adequate provision for drainage of surface water erosion and siltation control and be so placed and graded as to prevent the shedding of surface water direct to adjoining properties.

7.3 Definitions

FLOOD LIABLE: Land which will be inundated by a 1% A.E.P. flood event.

FLOODWAYS: Those areas, often aligned with obvious naturally defined channels, where a significant passage of water flows during floods. They are often the deepest areas and areas where the highest velocities occur. Also, they are areas which, even if

only partially blocked, would cause a significant redistribution of flood flow, which may in turn adversely affect other areas.

FLOOD STORAGE: Those parts of the floodplain that are important for the temporary storage of floodwaters during the passage of a flood.

FLOOD FRINGE: The remaining area of land affected by flooding, after floodway and flood storage areas have been defined.

HIGH HAZARD: Potential for structural damage. Evacuation by trucks difficult. Possible danger to life and limb. Social disruption and financial losses could be high.

LOW HAZARD: Should it be necessary, people and their possessions could be evacuated by trucks. Able-bodied adults would have little difficulty wading. Damage potential would be low.

HABITABLE ROOM: A living area such as a lounge room, dining room, rumpus room, kitchen, bedroom etc.

A.H.D.: Australian Height Datum.

M.F.L.: Minimum Floor Level. The minimum floor level specified as part of the building control program for structures within flood liable areas.

1% A.E.P.: 1% Annual Exceedence Probability. A 1% probability flood has a one in one hundred chance of a bigger flood occurring in any year.

7.4 New Residential Development

7.4.1 Floodways

New dwellings or filling of land is not permitted in floodways.

7.4.2 Flood Liable Land other than Floodways

Filling is not permitted without the approval of Council. Applications for approval to erect a dwelling must be accompanied by details of levels of filling and details of arrangements proposed for drainage of the site.

All applications for the erection of a dwelling on land which is flood liable must be accompanied by a survey plan prepared by a Registered Surveyor giving details of existing ground level to A.H.D.

Where, in the opinion of Council, a proposed development could be damaged by flooding no building approval will be given until a certificate of structural adequacy with regard to stability as a result of flooding has been submitted to Council from a suitably qualified Engineer.

The floor level of all new dwellings must be no lower than the M.F.L.

A certificate by a Registered Surveyor certifying the M.F.L. has been achieved shall be submitted to Council prior to commencement of any construction above floor level.

Non-habitable areas such as garages, workshops, storerooms, etc. may be constructed below the M.F.L. at Council's discretion.

Non-habitable rooms capable of adaption or occupation for habitable purposes will not be permitted below the M.F.L.

All drainage fixtures to be installed such that their surcharge point is above the M.F.L.

Materials used in construction below M.F.L. to be of a type which is best able to withstand the effects of immersion.

Where in the opinion of Council a proposed development would cause an increase in flood levels approval may be refused.

7.5 Additions to Existing Buildings

7.5.1 Floodways

Additions or filling of land will not be permitted in floodways.

7.5.2 Flood Liable Land Other than Floodways

Filling is not permitted without the approval of Council. Applications for approval to erect additions must be accompanied by details of levels of filling and details of arrangements proposed for drainage of the site.

Maintenance and minor repairs do not require Council approval.

The floor level of all habitable rooms must be no lower than the M.F.L.

Where it is impractical to raise the floor level, applications will be treated on their individual merits.

Where, in the opinion of Council, a proposed development could be damaged by flooding, no building approval will be granted until a certificate of Structural Adequacy with regard to stability as a result of flooding has been submitted to Council from a suitable qualified Engineer.

Materials used in construction below M.F.L. to be of a type which is best able to withstand the effects of immersion.

A certificate by a Registered Surveyor certifying the M.F.L. has been achieved shall be submitted to Council prior to commencement of any construction above floor level.

Where in the opinion of Council a proposed development would cause an increase in flood levels, approval may be refused.

7.6 Commercial and Industrial Development

7.6.1 Floodways

New development and re-development or filling of land will not be permitted in floodways.

7.6.2 Flood Liable Land other than Floodways

Filling is not permitted without the approval of Council. Applications for approval to erect a building must be accompanied by details of levels of filling and details of arrangements proposed for drainage of the site.

New development and additions to existing buildings below flood level are discouraged, however, may be permitted at Council's discretion.

Where it is not practical to raise the floor level of additions above the M.F.L. a once only increase in floor area will be considered by Council, on its merits.

Where, in the opinion of Council, a proposed development could be damaged by flooding no building approval will be granted until a certificate of structural adequacy with regard to stability as a result of flooding has been submitted to Council from a suitable qualified Engineer.

A certificate by a Registered Surveyor certifying the M.F.L. has been achieved shall be submitted to Council prior to commencement of any construction above floor level.

All drainage fixtures to be installed such that their surcharge point is above M.F.L.

Materials used in construction below M.F.L. to be of a type which is best able to withstand the effects of immersion.

The use or storage of toxic or pollutant goods or materials, or other products which in the opinion of Council may be hazardous or pollute floodwaters will not be permitted on flood prone land below M.F.L.

Where in the opinion of Council a proposed development would cause an increase in flood levels approval may be refused.

Minute No 60/2000 – 28 March 2000