



**D2.09**

**FLOOD MANAGEMENT - NSW  
GOVERNMENT POLICY**



## **D2.09 FLOOD MANAGEMENT – NSW GOVERNMENT POLICY**

### **ENVIRONMENT AND PLANNING – INTEGRATED PLANNING**

#### **POLICY OBJECTIVES**

The primary objective of the policy is to reduce the impact of flooding liability on individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible. That is:

- a merit approach shall be adopted for all development decisions, which takes into account social, economic and ecological factors, as well as flooding considerations;
- both mainstream and overland flooding shall be addressed, using the merit approach, in preparation and implementation by councils of floodplain risk management plans;
- the impact of flooding and flood liability on existing developed areas identified in floodplain risk management plans shall be reduced by flood mitigation works and measures, including ongoing emergency management measures, the raising of houses where appropriate and by development controls; and
- the potential for flood losses in all areas proposed for development or redevelopment shall be contained by the application of ecologically sensitive planning and development controls.

#### **POLICY STATEMENT**

To achieve its primary objective, the policy provides for:

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

The policy shall be implemented in the following manner:

- The management of flood prone land is, primarily, the responsibility of councils. As such, the standards and implementation arrangements shall be in accordance with the policies, procedures and management plans determined by councils.
- The NSW Government, through the Department of Land and Water Conservation, the Department of Urban Affairs and Planning and the State Emergency Service, shall provide specialist technical assistance on all flooding matters. The Floodplain Management Manual shall be provided to assist council in the preparation of floodplain risk management plans.
- The establishment of local floodplain risk management committees by councils, through which local community groups and individuals can effectively communicate their aspirations concerning the management of the flooding problem.
- The State Government continuing to subsidise floodplain risk management studies, works and measures.

### **Policy Provisions**

The policy provides for:

- a flexible merit based approach to be followed by councils, when dealing with flood prone land management;
- high government priority for floodplain risk mitigation programs;
- recognition of the need to consider the full range of flood sizes, up to and including the probable maximum flood and the corresponding risks associated with each flood;
- councils to be responsible for the determination of flood planning levels and appropriate planning and development controls based on social, economic and ecological, as well as flooding considerations;
- an emphasis on the importance of developing and implementing floodplain risk management plans based on an integrated mix of management measures that address the existing, future and continuing risk;
- the provision of NSW government technical and financial support to councils in relation to flooding matters;
- floodway definition to be based on hydraulic, hazard and potential damage considerations, with provision for restricted development depending on circumstances;
- inclusion of a local Catchment Management Board representative on council's floodplain risk management committee;
- explicit recognition that floodplain risk management needs to take into consideration government policies and legislation allowing for the sustainable usage of the floodplain as a natural resource, and that the planning and assessment requirements laid down in those policies and legislation must be complied with by all agencies associated with the use, development and management of the floodplain;

- an emphasis on the need to consider ways of maintaining and enhancing the riverine and floodplain ecology in the development of floodplain risk management plans;
- recognition of the importance of the continuing flood risk addressed in the State Emergency Service Act 1989 and State Flood Plan, and the close relationship between the emergency management and floodplain risk management processes;
- recognition of the potential implications of climate change on flooding behavior (global warming);
- the policy and detailed arrangements for implementation to be included in the Floodplain Management Manual;
- protection of councils and other public authorities and their staff against claims for damages, providing they act in accordance with the government's policy at the time; and
- relief from land tax, council rates and water and sewerage rates where vacant land cannot be developed because of its flood prone nature.

### **Enquiries**

General enquiries on the policy, and its currency, should be directed to the Department of Environment and Climate Change.

Enquiries regarding the flood liability of individual properties and proposal for development should be directed to the relevant council.

Enquiries regarding the flood warning, evacuation and community education matters should be directed to the State Emergency Service.

Source: NSW Government, April 2005 "Floodplain Development Manual" Section 1.

(Min No 547/1994 - 14 June 1994)

(Min No 239/2000 - 24 October 2000 – Review of Policies – no changes)

(Min No 214/2005 - 8 March 2005 - Review of Policies)

(Min No 311/2009 - 5 May 2009 - Review of Policies)

*To be reviewed in conjunction with Policy E2.02 – Flood Management.*