

Proposed Interim Flood Planning Levels

Council is currently seeking feedback on proposed interim Flood Planning Levels for the Clarence River floodplain, which is based on Council's recently adopted Lower Clarence Flood Model Update 2022.

FREQUENTLY ASKED QUESTIONS

What is changing?

Council is currently seeking feedback on proposed interim Flood Planning Levels for the Clarence River floodplain, which is based on Council's recently adopted Lower Clarence Flood Model Update 2022.

The proposed interim flood planning levels would mean that new habitable floors need to be constructed 500mm above the new flood levels, which includes a mid range projection for climate change.

Habitable floor area in a residential development includes: a living or working area, such as a lounge room, dining room, rumpus room, kitchen, bedroom or workroom).

For new industrial or commercial development this includes: an area used for offices or to store valuable possessions susceptible to flood damage in the event of a flood.

What are the Interim Flood Planning Levels?

A Flood Planning Level is the minimum level that new developments are typically required to be built above.

'Flood Planning Level' (FPL) is defined as 'The combination of the flood level from the Defined Flood Event and freeboard selected for flood plain risk management purposes' in the NSW Government's Flood risk management manual: The policy and manual for the management of flood liable land, published 30 June 2023.

For the purpose of Clarence Valley Council's proposed interim Flood Planning Levels:

1. the Defined Flood Event (DFE) is the 1% Annual Exceedance Probability (AEP) Flood Event (i.e. 1 in 100 year flood) with a mid range Climate Change scenario (RCP 4.5)
2. the 'Freeboard' is 500mm.

The DFE is derived from the Lower Clarence Flood Model Update 2022 (2022 Flood Model). Council adopted the 2022 Flood Model on 27 June 2023 (Resolution 06.23.009) and resolved to exhibit the draft interim Flood Planning Levels for consultation on 24 October 2023 (Resolution 7.2.190).

FREQUENTLY ASKED QUESTIONS

What are the main changes in Flood Planning Levels?

The interim Flood Planning Levels are proposed to replace current Flood Planning Levels.

Generally, the proposed Flood Planning Levels increase in all cases, more in Grafton and surrounds, and lesser in the Lower River. This is because the proposed Flood Planning Levels include greater climate change assumptions than the current 2013 Flood Model.

The existing Flood Planning Levels are based on the 1% AEP Defined Flood Event derived from the 2013 Lower Clarence Flood Model Update (2013 Flood Model) + 500mm freeboard. The 2013 Flood Model includes conservative assumptions about sea level rise associated with climate change.

The proposed interim Flood Planning Levels are based on the 1% AEP Flood Event with a Climate Change scenario (RCP 4.5) derived from the latest 2022 Flood Model + 500mm freeboard. The 2022 Flood Model includes up-to-date assumptions about sea level rise and increases in rainfall and runoff associated with climate change.

What is 'Freeboard'?

Freeboard is a factor of safety typically used in relation to the setting of minimum floor levels and is added in addition to a defined flood event like a 'buffer' to allow for other factors, such as wave and wind action.

Freeboard aims to provide reasonable certainty that the risk exposure selected in deciding on a specific event for development controls or mitigation works is achieved, and is typically set at 500mm across NSW.

To what development does the Interim Flood Planning Levels apply?

The interim Flood Planning Levels are proposed to apply to all development to which the current Flood Planning Levels apply, which is typically residential development and other development that includes habitable rooms.

Council's current planning controls in the Development Control Plans (DCPs) typically require habitable floor levels to be above the Flood Planning Level.

Our DCPs define Habitable Floor area as:

- 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.

It is proposed that the interim Flood Planning Levels will apply to all new development applications, subject to Council adoption. Council will consider all submissions before deciding how to proceed in early 2024.

There are no proposed changes to Council's Development Control Plans at this stage as part of the exhibition of the proposed interim Flood Planning Levels. The updating of Development Control Plans is proposed to occur subsequent to the proposed adoption of the interim Flood Planning Levels.

FREQUENTLY ASKED QUESTIONS

Q How do the proposed interim Flood Planning Levels affects development applications?

Development applications will be assessed against the planning controls in effect at the time of lodgement. This means Council will continue to rely on the Flood Planning Level as defined by the 2013 Flood Model when deciding development applications. The proposed interim Flood Planning Levels will only take effect subject to Council's formal adoption of the proposed changes.

Applicants will be advised about the proposed interim Flood Planning Levels during the assessment of development applications and be given the opportunity to voluntarily amend development applications to comply with the latest information, being the proposed interim Flood Planning Levels.

Q Will the latest 2022 Flood Model be used in the assessment of development applications?

All new and recently submitted development applications that propose earthworks and/or filling of flood prone land will be required to demonstrate compliance with the flood planning controls in the Clarence Valley Local Environmental Plan 2011 and relevant DCP. Flood impact assessments will be required to be undertaken against the latest 2022 Flood Model.

Q How is Climate Change incorporated in the interim Flood Planning Level?

Including climate change in Flood Planning Levels is "best practice" and must be considered, as required by the NSW Government's current flood planning policy and guidelines.

The RCP4.5 climate change scenario chosen is the mid-range scenario that aligns with Council's adopted Disaster Resilience Framework. RCP4.5 is a middle-of-the-road greenhouse gas emission scenario where some mitigation of green house gas emissions occurs.

The climate change scenario (RCP4.5) uses a 100 year "planning horizon", being 2123. Using a 100 year "planning horizon" aligns with projected building life and the NSW Government's Flood Risk Management Guidelines (FB01) and coastal program guidelines.

Q How will I be impacted if my existing home, which was previously above the Flood Planning Levels and not considered flood prone, is now flood prone?

The proposed interim Flood Planning Levels are a planning control and will only apply to new development where habitable rooms are proposed. As such, the proposed levels would apply to developments such as extensions with habitable rooms or an additional new dwelling. The proposed interim Flood Planning Levels do not affect the use of existing homes or buildings.

Q I have an existing vacant lot that is filled to allow a house to be built to the current Flood Planning Level. How will I be impacted?

The future dwelling on the lot will need to have the primary habitable floor areas above the proposed interim Flood Planning Levels. This may require the use of elevated floor levels using piers, posts, suspended slab and/or fill pad dwelling designs to achieve compliance.

FREQUENTLY ASKED QUESTIONS

Why is an 'interim' Flood Planning Level proposed?

An 'interim' Flood Planning Level is proposed to quickly incorporate the most up-to-date flood planning information from the 2022 Flood Model into our planning controls.

An 'interim' Flood Planning Level is also required because the way Flood Planning Levels are set has recently been changed by the NSW Department of Planning and Environment (DPE).

Currently, the Flood Planning Levels and a Flood Planning Area map are included in our Clarence Valley Local Environmental Plan 2011 (CVLEP). Recent advice from the DPE indicates that the standardised Local Environmental Plan used across NSW will no longer include definitions for a Flood Planning Level or a Flood Planning Area, meaning the CVLEP cannot be updated to reflect the proposed Flood Planning Levels. The standardised Local Environmental Plan now uses the definitions in the Flood Risk Management Manual 2023 to define Flood Planning Levels.

What this change of approach means is that the Flood Risk Management Manual 2023 generally requires that Flood Planning Levels are determined through a Floodplain Risk Management Study and incorporated into a Floodplain Risk Management Plan. Council has commenced preparation of a new Floodplain Risk Management Study and Plan for the Clarence River floodplain which is expected to take 18-24 months.

For these reasons, Council has resolved to exhibit the proposed interim Flood Planning Levels, which if adopted, would be in effect until a new Floodplain Risk Management Plan is adopted.

Will the proposed Flood Planning Levels mean more fill is imported onto floodplains?

The purpose of the proposed interim Flood Planning Levels is to increase the habitable floor height of houses and other buildings to reduce flood risk, and this may be done by using a range of design methods.

Where filling of a site is proposed, it is possible that the proposed interim Flood Planning Levels will result in higher fill pads. If filling is proposed, the applicant must demonstrate to Council that the planning controls in the Clarence Valley Local Environmental Plan 2011 and the relevant Development Control Plan must be met, including demonstrating no detrimental flooding impacts on other developments or properties.

For planning matters, contact Murray Lane on 02 6643 0287 or Stephen Timms on 02 6643 0255.

For questions about the Flood Model, contact Greg Mashiah on 02 6645 0244.



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