



Hawkesbury City Council
Policy

Development of Flood
Liable Land Policy
(Version 1)

Adopted: 31 July 2012

Hawkesbury City Council



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1.0 PURPOSE

To set the Council controls to be used for the assessment of development applications for land affected by the discharge of a 1:100 ARI (average recurrent interval) flood event.

2.0 SCOPE

This clause applies to all development applications for any development on land subject to the discharge of a 1:100 ARI (average recurrent interval) flood event.

3.0 POLICY STATEMENT

The following matters are to be applied when assessing an application on flood affected land or to which Clause 6.3 – Flood Planning, of the Hawkesbury Local Environmental Plan 2012 applies.

1. A building shall not be erected on any land lying at a level lower than 3 metres below the 1:100 ARI (average recurrent interval) flood event level for the area in which the land is situated, except as provided by subclauses (3) and (5).
2. Each habitable room in a building situated on any land to which this Policy applies shall have a floor level no lower than the 1:100 ARI (average recurrent interval) flood event level for the area in which the land is located.
3. Notwithstanding subclauses (1), (2), (7) and (8), a building that was lawfully situated on any land at 30 June 1997 may be extended, altered, added to or replaced if the floor level of the building, after the building work has been carried out, is not more than 3 metres below the floor height standard for the land immediately before the commencement day.
4. The assessment of a development application must consider the flood liability of access to the land and, if the land is within a floodway area, the effect of isolation of the land by flooding, notwithstanding whether other aspects of this Policy have been satisfied. In this regard the access to, and egress from, the land should not result in a travel path through areas of higher flood hazard risk and the development should not result in the occupants/users of the development being isolated and requiring rescue.
5. Minor (Non-Habitable) structures such as Farm Buildings, Outbuildings, Sheds, Garages and other Ancillary Structures may be erected on land below the 1:100 ARI (average recurrent interval) flood event level. However, the assessment of a development application for such a structure must consider the likely frequency of flooding, the potential flood damage (to both the subject structure and to other surrounding property should the structure be washed away) and measures to be taken for the evacuation of the property. In this regard the access to, and egress from, the land should not result in a travel path through areas of higher flood hazard risk.
6. Any part of a building below the 1:100 ARI (average recurrent interval) flood event level is to be constructed of flood compatible materials.
7. Despite subclauses (1) and (2) but subject to subclause (3), a dwelling must not be erected on land lying below the 1:100 ARI (average recurrent interval) flood event level if the allotment of land on which it is to be erected was created by a subdivision approved under clause 11 of Hawkesbury Local Environmental Plan 1989 on or after the commencement day.
8. Despite subclauses (1) and (2) but subject to subclause (3), a dwelling must not be erected on land lying below the floor height standard for the land immediately before the commencement day if the allotment of land on which it is to be erected was created by a subdivision approved under clause 11 of Hawkesbury Local Environmental Plan 1989 before the commencement day.
9. All proposed variations to this Policy, greater than 10% are to be reported to, and determined by, Council.



4.0 DEFINITIONS

Commencement Day

Means the day on which Hawkesbury Local Environmental Plan 1989 (Amendment No 86) commenced, being 22 January 1999.

Flood Compatible Materials

Means building materials and surface finishes capable of withstanding prolonged immersion in water.

Floodway Area

Those areas of the floodplain where a significant discharge of water occurs during floods. They are often aligned with naturally defined channels. Floodways are areas that, even if only partially blocked, would cause a significant redistribution of flood flow, or a significant increase in flood levels.

Land Heights

When this Policy refers to “land levels”, “land heights” or where there is reference to natural surface the reference is to the natural surface level of the land or an area of land that has been filled with the consent of the Council and not to land that has been altered without the appropriate consent having been obtained and in place.

