

Policy

High Flood Hazard Areas Version 1.0

Adopted by Council at its meeting on 15 August 2019

Minute No: 350

Division:
Section:
File Reference:
Historical Reference:

Engineering
Roads and Stormwater
Council Policies/Protocols/Procedures
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High Flood Hazard Areas

Policy Objective

This Policy will define high flood hazard areas, identify where they are located, and describe how residential development in high flood hazard areas is to be managed in order to limit, and if possible reduce, the future flood risk to Tweed communities.

The areas it covers are:

- Defining High Flood Hazard Areas
- Residential Development in High Flood Hazard Areas
- Subdivision in High Flood Hazard Areas
- Other Development Considerations

Definitions

Not Applicable.

Policy Background

This document has been developed for the community to outline Council's Policy on residential development in high flood hazard areas, post the record flooding of 2017.

Tweed Shire has a number of communities that are exposed to high flood hazard behaviour, in the form of significant flood depths, flood velocities, or a combination of the two. In these areas there is a serious risk to life and to the structural integrity of buildings, as confirmed by the 2017 flood.

Council has been successful in obtaining access to State Government funding for Voluntary House Purchase (VHP) Schemes with the intent of permanently removing existing occupants (as the first priority) and their property (as a second priority) from high flood hazard areas.

However Council continues to receive development applications and enquiries proposing new residential dwellings in highly flood prone areas within these same suburbs. This is contrary to the intent of VHP and the significant government investment in the Schemes.

This Policy has been adopted to assist Council officers and landholders in understanding the flood risk and to ensure that new residential development is compatible with the flood hazard of the land, in accordance with Clause 7.3 of the Tweed Local Environmental Plan 2014 (TLEP).

Policy

Defining High Flood Hazard Areas

High Flood Hazard Areas are defined in Tweed Development Control Plan Section A3 – Development of Flood Liable Land (DCPA3). Mapping in DCPA3 has been prepared for the urban areas of South Murwillumbah, Bray Park, Burringbar and Mooball. Of the areas where flood studies have been completed to date, these suburbs are known to experience the highest degree of flood hazard and are subject to approved VHP Schemes. Mapping is based on hazard definitions and classifications in the Australian Disaster Resilience Guideline 7-3 Flood Hazard (AIDR 2017). The following flood hazard classifications are deemed to constitute “high flood hazard”:

H5 – unsafe for vehicles and people. All buildings vulnerable to structural damage. Some less robust building types vulnerable to failure.

H6 – unsafe for vehicles and people. All building types considered vulnerable to failure.

Refer to DCPA3 Clause A3.2.7 and Appendix E for details and maps of high flood hazard areas.

Land to which this Policy applies is therefore defined as those areas of South Murwillumbah, Bray Park, Burringbar and Mooball that are mapped in DCP-A3 as being subject to H5 and/or H6 hazard classification, being high flood hazard areas.

Residential Development in High Flood Hazard Areas

Clause 7.3 of TLEP requires that “*development consent must not be granted to development on land at or below the flood planning level unless the consent authority is satisfied that the development ... is compatible with the flood hazard of the land.*”

Given the above definition of “high flood hazard” concerning personal safety, access limitations, and building vulnerability, it is considered that in order to comply with this TLEP Clause dwellings (including secondary dwellings if otherwise permissible) should be located outside of the H5 and H6 areas, that is, outside of mapped high flood hazard areas.

Subdivision in High Flood Hazard Areas

Tweed Shire has various existing controls for the subdivision of flood liable land in DCPA3 and the Subdivision Manual (DCP Section A5). In addition to these controls, Council has considered measures to limit the increased future flood risk in high flood hazard areas.

Further subdivision, which includes boundary adjustments, are considered unsuitable if they facilitate additional dwelling(s) in the mapped high flood hazard areas. Previously subdivision controls in DCPA3 did not apply to boundary adjustments. However there are numerous properties in the high flood hazard areas, particularly in South Murwillumbah, that contain more than one allotment. These allotments are typically long and narrow, and unable to contain a standard dwelling on their own. Many have an existing dwelling built

over multiple allotments. Boundary adjustments have been used in the past to reconfigure these allotments to create battle-axe blocks and other configurations that will accommodate an additional dwelling. Given that this practice increases the potential number of dwellings on land that is not compatible with the flood hazard of the land, Council has introduced controls in DCPA3 (Clause A3.2.7) to discourage this practice. Boundary adjustments that do not create new dwelling sites, for example to correct encroachments or to rationalise boundary alignments, can still be considered regardless of flood hazard.

Consolidation of multiple allotments under a single property title is the preferred approach within the suburbs of interest in order to limit the potential for further applications for new dwellings in high flood hazard areas.

Due to owner initiated acquisition provisions under the *Land Acquisition (Just Terms Compensation) Act 1991*, back zoning of high flood hazard land to prohibit new residential development is not currently considered to be an affordable approach by Council, so will not be pursued, other than for land acquired by Council under VHP Schemes.

Other Development Considerations

Applications for additions and alterations to existing dwellings, and non-habitable development ancillary to existing dwellings, are not subject to the provisions of this Policy.

Development applications outside of the mapped high flood hazard areas are also not subject to the provisions of this Policy.

Policy Implementation

Development controls that implement this Policy are contained in DCPA3 Clause 3.2.7. High flood hazard maps are contained in Appendix E of DCPA3.

Related Legislation

Not Applicable.

Compliance

Not Applicable.

Forms

Not Applicable.

Review Period

The Policy shall be in effect until Development Control Plan Section A3 – Development of Flood Liable Land is amended and a new version is adopted that incorporates the contemporary flood hazard data and recommendations of the Tweed Valley Floodplain Risk Management Study and Plan, and the Tweed Coastal Creeks Floodplain Risk Management Study and Plan, to the satisfaction of Council.

Useful Links

[Tweed Shire Council website](#)

Version Control:

| Version History | | |
|------------------------|-------------------------------------|--------------------------|
| Version # | Summary of changes made | Date changes made |
| 1.0 | Adopted by Council. (Minute No 350) | 15 August 2019 |
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