

Chapter B7 – Floodplain Management

1.0 Introduction

1.1 Scope of this Chapter

This chapter applies to all flood prone land in the Kempsey Shire local government area.

1.2 Relationship to Other Chapters of this DCP

The provisions contained in Chapters included in Parts C, D, E and F of this DCP override the provisions of this Chapter to the extent of any inconsistency.

This chapter of the DCP is to be read in conjunction with those sections of this DCP which specify flood related development requirements for individual land uses and specific areas.

1.3 Relationship to Other Documents

This chapter of the DCP is to be read in conjunction with:

- The current “NSW Flood Prone Lands Policy”; and
- “NSW Floodplain Development Manual.

2.0 Chapter Objectives

The objectives of this Chapter are:

- a) To ensure that development on flood prone land is carried out in accordance with the requirements of:
 - (i) Council’s policies and procedures;
 - (ii) NSW Government’s Floodprone Lands Policy; and
 - (iii) NSW Government’s Floodplain Development Manual.

3.0 Guidelines

3.1 Kempsey Local Environmental Plan 2013

Clause 7.3 of KLEP2013 contains local planning provisions in relation to flood planning.

3.2 Council Policies and Procedures

At the time of adoption of this DCP, the development requirements and related detail in relation to development on flood affected land are contained in:

- Council Policy No 1.1 – Development Control Policy;
- Council Procedure No 1.1.11 – Flood Risk Management; and

- Existing adopted Flood Risk Management Plans.

3.3 Determining the Flood Planning Level for a site

The Flood Planning Level for any locality on the Macleay River Floodplain is determined by identifying the 1% AEP Flood level (on Australian Height Datum) from the Council adopted flood record then adding a freeboard of 0.5 metres to it.

This level is used to set the minimum habitable floor level for residential buildings in the Shire.

4.0 Development Requirements

Desired Outcomes

- DO1 – Development appropriately addresses the constraints of flood prone land.
- DO2 - Development is undertaken in accordance with the requirements of the relevant Council Policies, guidelines and Floodplain Risk Management Plans addressing development in flood prone areas.
- DO3 - On-site Sewerage Management Systems are sited and designed to withstand flooding conditions (including consideration of structural adequacy, avoidance of inundation, and flushing/leaking into flowing flood waters) to a reasonable degree.
- DO4 - The habitable floor levels of residences are located at the appropriate Residential Flood Planning Level for the site.
- DO5 - Development does not have a significant impact on the natural conveyance of floodwaters through Floodways.
- DO6 - For vulnerable types of developments (eg aged care, schools etc) located in the low flood risk (above 1% AEP Flood) parts of the Macleay River Floodplain:
- Suitable flood related development controls are developed to ensure the safety of people; and
 - An appropriate, associated Emergency Response Management Plan is developed.
- DO7 - For any critical emergency response and recovery facilities developments located in a low risk flood prone areas (above the 1% AEP Flood) on the Macleay River Floodplain:
- Suitable flood related development controls are developed to ensure continued operation during and after any flood event up to an including the Probable Maximum Flood.

Development Requirements

- a) Development complies with the requirements contained in Council Procedure No 1.1.11 – Flood Risk Management and any Floodplain Risk Management Plan recommendations.

- b) In relation to on-site sewage management systems:
- (i) All components of on-site sewage management systems, including vents, openings and electrical components are to be located above the 1 in 100 year probability flood contour; except that
 - (ii) Land application/disposal areas for treated effluent may be below the 1 in 100 year probability flood contour, but must be above the 1 in 20 year probability flood contour.

Note – The figures used in this requirement are taken from the “Environment and Health Protection Guidelines – On-site Sewerage Management for Single Households (NSW Government, January 1998)”.