



DCP Chapter C.2 'Areas Affected by Flood'

May 2024

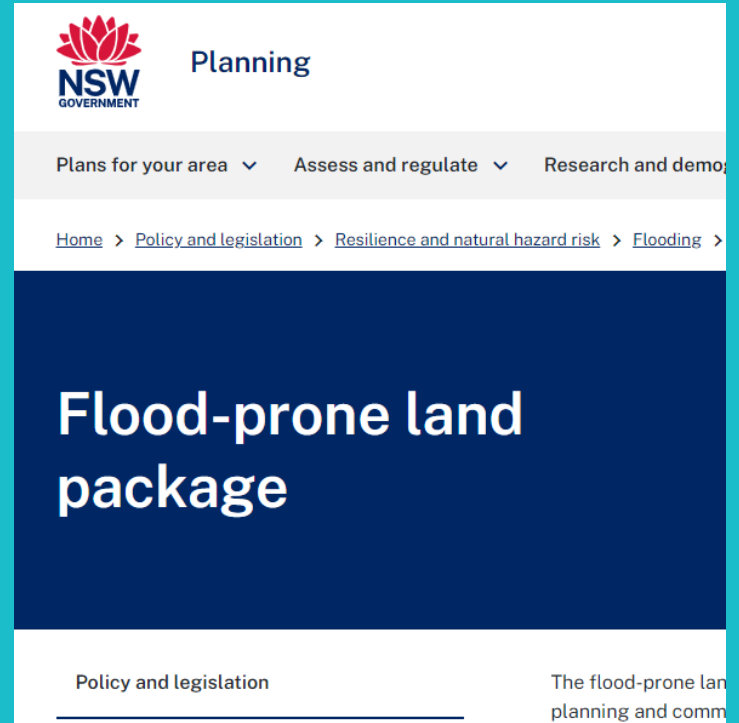
Scope of Works

Why update this DCP Chapter?

- NSW Govt Flood Prone Land Package (FPLP) commenced July 2021
- New flood related clauses inserted into Byron LEP 2014 (5.21 and 5.22)
- Council adopted both the compulsory (5.21) and non-compulsory clause (5.22)
- Updating terminology to plug gaps and improve consistency with FPLP / LEP
- Updating references to support documentation, i.e. flood studies
- Adding in relevant actions from the North Byron Floodplain Risk Management Study
- Key focus on expanding flood emergency management concepts
- Improving linkages to on-line materials

Flood Prone Land Package

- Commenced July 2021 - stated reasons
- *“better management of flood risk beyond the 1% annual exceedance probability”*
- *“greater resilience built into communities in floodplains and reduces potential property damage and loss of life in recognition of increasing extreme flood events throughout NSW”*
- Includes LEP clauses and updated Local Planning Directions (planning proposals)



The screenshot shows the NSW Government Planning website. At the top left is the NSW Government logo. To its right is the word "Planning". Below this is a navigation bar with three items: "Plans for your area", "Assess and regulate", and "Research and demo". A breadcrumb trail below the navigation bar reads: "Home > Policy and Legislation > Resilience and natural hazard risk > Flooding >". The main content area has a dark blue background with the title "Flood-prone land package" in large white text. At the bottom, there are two sections: "Policy and legislation" on the left and "The flood-prone land planning and comm" on the right.

New LEP clauses

- 5.21 – Flood planning
- Largely similar to earlier LEP clause 6.3 also called flood planning
- Some strengthening of terms and requirements relating to cumulative impact and flood emergency management

Byron Local Environmental Plan 2014



Status information

Currency of version

Current version for 13 January 2023 to date (accessed 19 January 2023 at 11:42)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced. See [Historical Notes](#)

Does not include amendments by—

Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021 (650) (amended by *Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2022 (726)*), Sch 3 (not commenced — to commence on 26.4.2023)

See also—

Planning Legislation Amendment Bill 2019

About this Plan

This Plan is a standard instrument local environmental plan under the [Environmental Planning and Assessment Act 1979](#).

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 13 January 2023.

New LEP clauses

- **5.22 – Special Flood Considerations**
- Similar to earlier LEP clause 6.4 called Floodplain Risk Management
- Expansion of objectives in relation to safe occupation (of flooded dwellings), flood compatibility of land and development, cumulative impacts and environmental protection
- Introduces term of '*sensitive and hazardous development*' and expanded typology as shown.

sensitive and hazardous development means development for the following purposes—

- (a) boarding houses,
- (b) caravan parks,
- (c) correctional centres,
- (d) early education and care facilities,
- (e) eco-tourist facilities,
- (f) educational establishments,
- (g) emergency services facilities,
- (h) group homes,
- (i) hazardous industries,
- (j) hazardous storage establishments,
- (k) hospitals,
- (l) hostels,
- (m) information and education facilities,
- (n) respite day care centres,
- (o) seniors housing,
- (p) sewerage systems,
- (q) tourist and visitor accommodation,
- (r) water supply systems.

Terminology

- Glossary of key terms added to DCP with some new terms - may absorb in part A of DCP
- Term **Flood Liable** – replaced with **Flood Planning Area** and **Probable Maximum Flood** (also called flood prone lands)
- Term **‘future flood planning level’** terms removed

Source: Camden Council

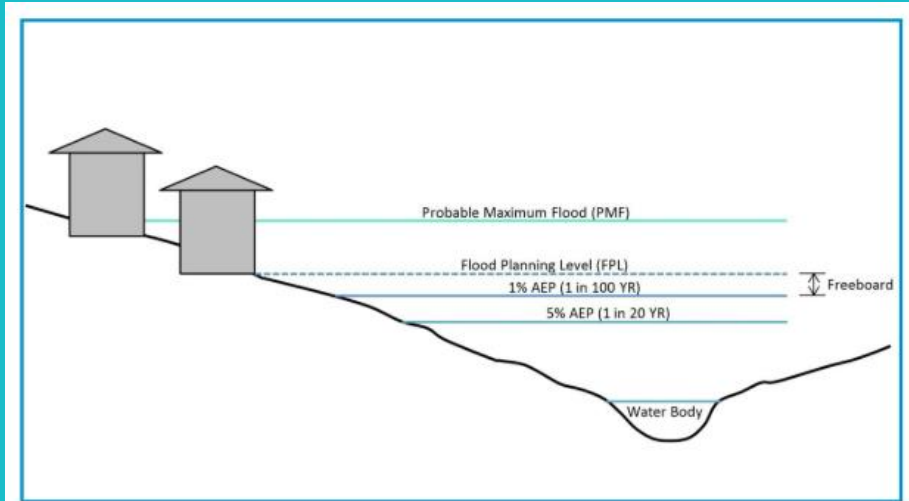


Fig: Flood level definitions

Terminology

- Council already has defined terms for **Critical Facility** and **Special Purposes Facility**
- The definitions are expanded to capture development typologies now included in the LEP for '**Sensitive and Hazardous Development**' to avoid duplication of terms.

Lismore Police Station 2022

Source PANSW



Flood Studies

- Generally removed study specifics – refer reader to Council website
- Allows information in DCP to remain more relevant with less constant updating requirements.

Floodplains


We are responsible for managing flood risk in the Byron Shire.

We have four major floodplains in the Byron Shire.

For each of these there are floodplain management studies and plans.

These studies and plans:

- aim to reduce the impact of floods on the community
- consider the risk and consequences of flooding
- take into account social and environmental issues associated with flooding.

 [Belongil Creek Floodplain](#)

 [Brunswick River Floodplain](#)

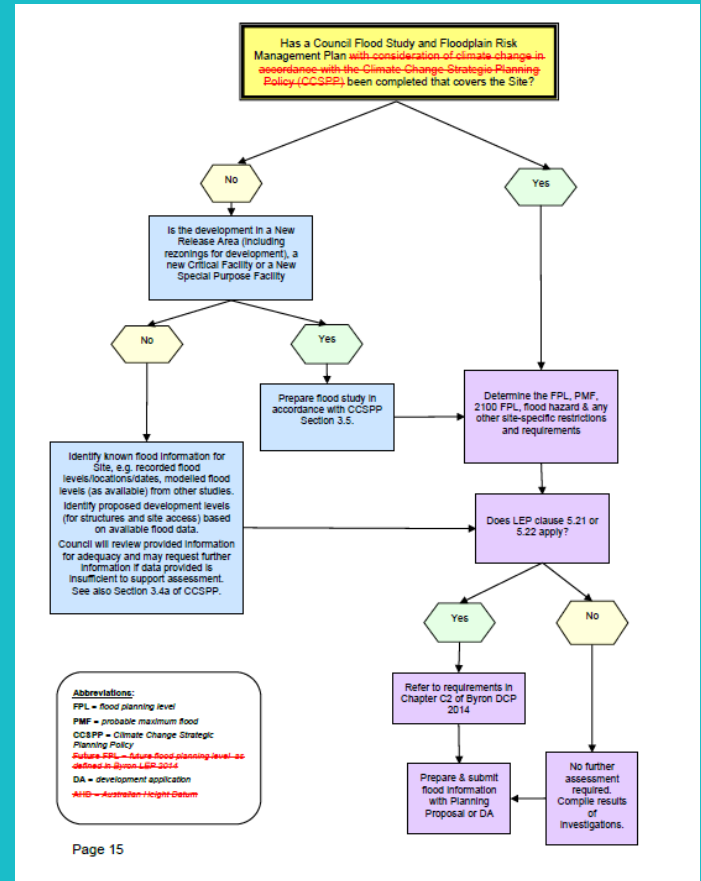
 [Tallow Creek Floodplain](#)

 [Marshalls Creek Floodplain](#)

[More Flood Planning documents](#)

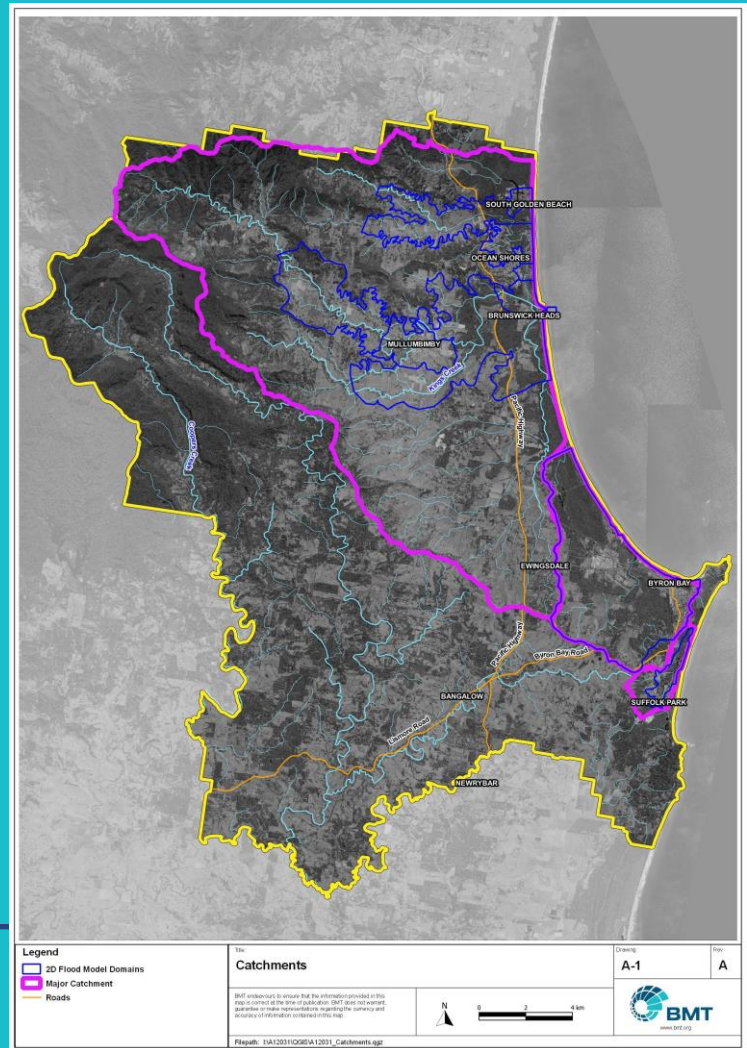
Flood Planning Matrix and Flow Chart

- Several changes made to this section
- Updated terms and linkages in the **Flow Chart**
- **Flood Planning Matrix** updated with new terms, removed **Additional Constraints** column, updated specifics of **Control Measures** requirements, updated and included new descriptions in introductory text, particularly in relation to **Flood Effect** and **Flood Emergency Management**.



Special Provisions

- Updates to this section in relation to:
 - **Cumulative Development** and No-fill Zones
 - Introduction of recommendations of North Byron FRMS
 - Inclusion of section on **Rural Crossings**
- Updated mapping of catchments and active 'model' areas



Flood Emergency Management

- New section added - includes suggested assessment flowcharts that align with Govt recommendations
- Two key parts
 - Infill development and redevelopment
 - Greenfield developments, rezonings and new communities.
- Onus on applicant to provide supporting material, with requirements increasing for larger and higher risk developments, particularly those not considered in an SES endorsed Flood Plan

