



POLICY:	<b>CITY OF BLUE MOUNTAINS FLOOD LIABLE LAND POLICY</b>
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## **CITY OF BLUE MOUNTAINS FLOOD LIABLE LAND POLICY**

### **INTRODUCTION**

The *City of Blue Mountains Flood Liable Land Policy* (the *Blue Mountains Flood Policy*) provides a city-wide policy framework for the management of flood liable land within the City. The urban area of the City of Blue Mountains drains approximately sixty sub-catchments, most of which are not subject to major flooding. However localised flooding is reported from time to time.

Improved knowledge of flooding in the catchments will help reduce the impact of flooding on individual owners and occupiers of flood prone land. It will also help reduce private and public losses resulting from flood. The adverse social impacts of flood can be better managed through improved flood awareness, community responses to flood warning and improved emergency response and evacuation management.

More information on the City's waterways will also inform sustainable management of matters relating to flood, in the context of the role that water and waterfalls play in the Blue Mountains World Heritage area, the natural beauty of the area and the economic viability of tourism. Ecologically sustainable methods will be adopted wherever possible, including recognition of the need to maintain environmental flows for healthy waterways.

The *Local Government Act 1993* confers on councils various service or non-regulatory functions. These functions include the provision, management or operation of storm water drainage systems and of flood prevention, protection and mitigation services and facilities. Communities are increasingly looking to councils to manage the situation of flood liable land and councils are seeking to provide more reliable information to communities. Councils have a role in advising property owners, occupiers and developers on the extent and level of flooding within different parts of their local government areas.

### **BACKGROUND**

#### **City of Blue Mountains**

The major inhabited part of the City of Blue Mountains is located on the sandstone plateau of the mountains, principally along the ridge between Lapstone and Mt Victoria. The mountains townships tend to be located in the headwaters of streams that rise on the sandstone ridge

and then traverse the gullies and cliffs below the towns. Consequently there are no genuine floodplains within the City and also few perennial streams.

As a result there has historically not been as high an emphasis on management of flood liable land, as in local government areas that are part-located on a floodplain.

This *Blue Mountains Flood Policy* will provide an overall management framework for flood liable land, and also inform the preparation of Floodplain Risk Management Studies and Plans (FRMPs) for the City.

### **New South Wales Government Floodplain Development Manual**

The New South Wales Government *Floodplain Development Manual – the management of flood liable land* (the *Floodplain Development Manual*) outlines a framework for councils in progressing management of flood liable land.

The *Floodplain Development Manual* guides councils in the development and implementation of local flood risk management plans. The Manual was prepared to be consistent with the *NSW Government's Flood Prone Land Policy*. The Policy promotes a merit based approach to the development of flood prone land that balances social, economic, environmental and flood risk parameters to determine whether development or use of the floodplain is sustainable.

This *Blue Mountains Flood Policy* has been prepared to be consistent with the *Floodplain Development Manual* and *Ministerial section 117 Direction No.15 – Flood Prone Land*, as appropriate to the circumstances of the Blue Mountains. Any FRMPs that may be progressively prepared for Blue Mountains sub-catchments and any future amendments to the local planning instruments for the Blue Mountains will also be consistent with this policy framework.

The *Floodplain Development Manual* outlines the following policy provisions that inform preparation of a council's flood liable land policy and management of flood:

- A merit based approach to development or redevelopment of the floodplain;
- High Government priority for flood risk mitigation programs;
- A merit based approach to selection of Flood Planning Levels (FPLs), with the residential FPL typically being 1 in 100 flood event plus a freeboard of 500mm;
- Councils to determine planning and development controls having regard to regional and other controls, including FPLs, to endeavour to keep future flood risk to an acceptable level;
- The importance of developing and implementing flood risk management plans based on a mix of management measures that address existing, future and continuing risk;
- The provision of NSW government technical and financial support to councils in relation to flooding matters;
- Floodway definition to be based on hydraulic, hazard and potential damage considerations related to the effect of loss of flow conveyance, with provision for restricted development depending on circumstances;
- That flood risk management must recognise the principles of ecologically sustainable development (ESD) through government policy and legislation, allowing for the sustainable use of the floodplain as a natural resource;

- The need to consider ways of maintaining and enhancing riverine and floodplain ecology in the development of floodplain risk management plans;
- The importance of emergency management and the State Emergency Service Act 1989 and the State Flood Plan, and the relationship between emergency management and floodplain risk management processes;
- Recognition of the potential implications of climate change on flooding behaviour;
- Detailed implementation arrangements as outlined in the *Floodplain Development Manual*;
- Protection of councils and their staff against claims for damages when acting in accordance with the Government's policy at the time;
- Relief from land tax, council rates, water and sewerage rates where vacant land cannot be developed because of its flood prone nature.

The approach taken to the management of flood in this *Blue Mountains Flood Policy* is consistent with the *Floodplain Development Manual*. The Policy outlines the need for:

- A merit based approach that balances social, economic, environmental, planning and flood risk parameters to determine whether any particular development or use of flood liable land is appropriate and sustainable;
- Floodway definition to be based on hydraulic, hazard and potential damage considerations;
- Maintenance and enhancement of riverine and floodplain ecology.

#### **What is a Flood Risk Management Study and Plan?**

Flood risk management plans (FRMPs) are prepared for defined catchments, to produce relevant data, studies and management plans that will inform flood risk management decisions.

A FRMP does not encompass nuisance flooding such as surface runoff from a neighbouring property, overland flow from roads, or flooding from blocked stormwater infrastructure. In some situations this distinction between nuisance and overland flooding may be unclear, and will be clarified through the FRMP process.

Although the Blue Mountains are not subject to mainstream flooding over a floodplain, the provisions of the *Floodplain Development Manual* are relevant for managing flood and major drainage issues in local overland flooding areas within the City.

The process of developing a FRMP is generally comprised of three parts:

- The flood study provides information on the nature and extent of the flood problem and on flood levels and velocities, and produces a set of flood maps showing the extent of flooding, including at the level of individual properties;
- The flood risk management study provides advice to the council on flood mitigation options and flood management measures including a detailed damages assessment using defined hazard and risk levels;
- The flood risk management plan includes recommendations for the council on a range of matters including *FPLs*, management of High Hazard Uses, and flood modification and mitigation measures and their likely costs.

The FRMPs assist the council to meet its responsibilities to provide for balanced management and use of land. The plans inform action to:

- Minimise personal danger to residents and others, including emergency response personnel;
- Reduce flood damage to property and the costs associated with such damage;
- Develop a strategic assessment of land suitable for development so the relationship between development and a possible flood can be properly considered;
- Enable more informed and timely assessment of development applications;
- Optimise the use of community infrastructure such as roads, water supply and sewerage, and flood mitigation works.

## **CITATION AND APPLICATION**

This Policy may be cited as the *City of Blue Mountains Flood Liable Land Policy 2008*.

The Short Title the *Blue Mountains Flood Policy* may also be used.

The definitions contained in the *Glossary of the Floodplain Development Manual* underpin the flood risk management studies and plans, and this *Blue Mountains Flood Policy*.

The *Blue Mountains Flood Policy* applies within the whole of the City of Blue Mountains. The FRMPs and any information and strategies contained therein, are relevant only to the catchments for which they are prepared.

## **APPLYING THE BLUE MOUNTAINS FLOOD POLICY**

The *Blue Mountains Flood Policy* will:

- Inform the preparation of FRMPs, including the Council's adopted FPL, and the Council's approach to flood mitigation proposals;
- Be taken into consideration in merit based assessments under the planning and development controls that apply to planning and development in the City of Blue Mountains;
- Be applied through the development controls relating to the development of flood liable land.

The *Floodplain Development Manual* notes that the preparation of FRMPs is '*the cornerstone*' of flood policy and helps eliminate ad hoc decision making. The Manual details key elements that must be investigated and resolved by the Council, when preparing an FRMP. This *Blue Mountains Flood Policy* requires that an FRMP prepared for any part of the City be consistent with the *Blue Mountains Flood Policy*.

## **Flood Risk Management Studies and Plans**

Both the community and the Council benefit by having FRMPs in place.

An FRMP prepared for a catchment will define whether land falls above or below the FPL. This assists the Council in determining whether flood related development controls will apply to land below the FPL, particularly in any proposal for development of that land.

At a practical level, when FRMPs have been prepared, the Council can make informed decisions on a program of flood mitigation works. This includes a works financing plan seeking additional government funds, a balanced management plan and careful prioritising of works.

The Council has prepared a number of FRMPs, and others will be prepared as resources and funds permit. However, the preparation of such FRMPs is expensive and the Council lacks the financial resources to immediately commission the preparation of FRMPs for all of the relevant catchments within the City. The FRMPs will therefore be prepared over a period of years, subject to the availability of Council funds and the receipt of grant monies from other levels of government.

They will be prepared in consultation with local communities to ensure that valuable local knowledge is taken into account. This includes community knowledge about the movement of water over land, and views on social and ecological issues for the area under study.

The preparation of FRMPs also enables inclusion of property flood information on S149 Certificates issued under the provisions of the *Environmental Planning and Assessment Act 1979* (the *EP&A Act*).

As further FRMPs are prepared a standard approach to flood modelling, including compliance with this *Blue Mountains Flood Policy* will be developed. This will ensure consistent standards across catchments and ease of use by the Council and the community.

### **Flood Planning Level**

The FPL is the benchmark below which planning authorities apply specific flood related development controls, mainly to applications for development of land, to minimise the impact of flood on individual owners and occupiers of flood prone property.

The 1 in 100 year flood level is widely used as the FPL internationally and within Australia. Adoption of this flood level for planning purposes provides a reasonable balance in protecting the community from property damage and personal injury in infrequent, but not improbable, flood events, while not unduly restricting development on land that rarely floods. The *Floodplain Development Manual* advises that the FPL for typical residential development would generally be the 1 in 100 flood event plus an appropriate freeboard, typically 500mm. The freeboard is a safety factor of height above the designated flood level. It compensates for factors such as localised hydraulic effects, climatic change, and sensitivity of flood modelling data.

The Council has adopted the FPL of 1:100 with a freeboard of 500mm for residential development.

The Council has also adopted the FPL of 1:100+500mm freeboard for non residential development. The FRMPs prepared for the Council recommend the adoption of this flood level as the Council's standard FPL for all uses. The catchments have a range of mixed land uses and no advantage was found in varying the FPL to cater for different land uses. As further FRMPs are prepared and details of the flood regime within the various catchments is better known, the Council may consider the merits of adopting an alternative FPL for non residential development.

The adoption of a standard FPL should not be taken to mean that land above this level is virtually flood free as historically, significant flood damage has been sustained by property outside the area covered by the 1:100 year flood.

## **ENVIRONMENTALLY SUSTAINABLE APPROACH TO FLOOD MITIGATION WORKS**

An environmentally sustainable approach to flood mitigation works will include the promotion of Water Sensitive Design (WSD) best practice, for future development in catchments where localised flooding has been identified.

This will include attention to maintaining natural waterways and environmental flows in flood mitigation works undertaken by the Council. For any new development the post-development flows should not exceed pre-development flows. As the post and pre-development flows remain the same there will be no increase to downstream flows.

The preservation of hanging swamps within the Blue Mountains is a high priority. Any flood mitigation works shall be supported by an environmental assessment, given the potential of works to impact on endangered ecological communities and threatened species, including hanging swamps. Measures to identify and protect these communities and species need to be put in place.

Water harvest and reuse can be promoted in identified flood prone catchments as a precautionary measure against smaller flood events up to the level of the 1:20 flood. For larger flood events the vast volumes of water make it impractical to implement water harvesting.

It is also recognised that climate change may lead to increased intensity of storms in the South Eastern Australia region. However this increase in intensity is likely to coincide with a decrease in storm frequency. Increases in storm intensity are likely to result in greater flooding and storm surge. This will have a significant impact on natural ecosystems and human life as well as on public and private property.

### **Mitigation Works and Asset Management Planning**

Sustainable Asset Management (SAM) Plans including Stormwater Quality Improvement Devices (SQIDs), for drainage and stormwater quality improvement shall be used in the management and planning of new stormwater related assets. The principles of a triple bottom line assessment - environmental, social and economic components are to be covered when analysing proposed flood mitigation priority works and in the preparation of SAM Plans.

Flood avoidance, property modification and flood modification are all management responses to flood mitigation. The FRMP for a catchment prioritises mitigation works by the score in the benefit-cost ratio, to produce the greatest social, economic, and environmental benefit including serving the community.

A multidisciplinary working group is proposed to be established to regularly review the flood mitigation options outlined in the various FRMPs. The working party will prioritise the key flood mitigation works within catchments and on a City-wide basis, and seek external funding to implement the proposed works. As the Council has limited capital funds, any major flood mitigation works rely on external funding sources which are allocated based on State-wide priorities, with Council providing matching funds or 'in kind' support.

The following considerations will inform assessments of mitigation works priorities. Flood mitigation works proposals developed from the FRMPs will identify priority flood mitigation. The identified works are to be ranked in order of priority and weighted using the benefit-cost ratio. The works selected will be those identified as having the greatest benefit for the community with minimal outlay from the Council.

It is not imperative that minor roads and access ways remain open during a flood. The type of flooding experienced in the Blue Mountains is of the flash flood variety and is likely to only inhibit the movement of traffic temporarily, until flood waters recede.

While overland flooding may cause little to no inconvenience to residents, as flood water may inundate only a minor portion of land, overfloor flooding results in significant damage and causes distress to occupants of affected properties.

Natural systems including sensitive environments have a particularly good ability to recover from large storm events because of the infrequent nature of such events and the long recovery time between events.

Once priority flood mitigation works have been identified external funding to finance the works will be sought. These funding applications will target grant programs to aid the Council and will further improve the benefit-cost ratio of projects identified in the flood risk management studies and plans.

### **Future Flood Studies**

The objective of flood studies is to define flood behaviour within the City. Some past studies have produced information on the nature and extent of the flood problem, flood levels, depths, velocities and flows for a full range of storm events under existing and future catchment and flood conditions.

The contracts to carry out future flood studies for individual catchments will continue to be tendered out. This will ensure that a competent and cost effective consultant is chosen. The selection of successive areas will be prioritised on the basis of past records of localised flooding, flood damage, and potential risk to life due to flooding, which indicate the need to identify the catchment concerned as a high priority for the preparation of a flood study. It is planned that flood studies and subsequent FRMPs be prepared, over time, for the entire City.

### **EMERGENCY FLOOD RESPONSE**

Blue Mountains City Council does not have statutory responsibility for the response to flood events, but supports the local State Emergency Service (SES) as the agency responsible. The support is both financial and in kind, including:

- Most of the financial support to maintain the unit;
- Suitable accommodation for the unit (Operational Bases at Katoomba and Falconbridge);
- Provision of motor vehicles (utilities & trucks);
- Availability of staff who are SES members through the Council's Emergency Services Leave Policy.

### **Community Flood-Readiness**

The Blue Mountains' small and steep catchments have a rapid rate of rise of flood waters, as the peak flow generally occurs within the first hour of the storm followed by a rapid fall of flood waters. It is also impossible to predict when larger storms will occur, and this compounds the difficulties of flood readiness.

Emergency response by the SES is one part of flood management, but the rapid rise of flood waters in the Blue Mountains means that the community may need to respond quickly. This makes community flood-readiness education an important part of flood management planning in the Blue Mountains. Owners and occupiers of flood affected land should be aware of the flood threat to the land, the flood warning and evacuation systems, and the

action to take when warnings are issued. The SES and the Council will work together to make this information available. The general community should also be kept informed on the flood threat in their area, and keep up to date with appropriate action in the event of flood. The Council should endeavour to facilitate this process.

In existing flood affected areas, measures will be taken, over time, to attempt to reduce the flood risk. In some areas mitigation works will not be feasible. The community also needs to be aware that in rare flood events there is the possibility that flooding may occur to a level above the Council's FPL.

Results from a social survey undertaken by the Council's flood risk management consultants indicated that there is a low level of flood awareness in the Blue Mountains community and limited application or knowledge of flood warning and emergency procedures. The Council proposes to work with the SES to improve general Flood Education and Awareness within the City. A targeted Flood Education and Awareness Program will be developed to inform local communities on emergency response implications and responses that are developed from Catchment-based FRMPs as they are adopted.

## **SECTION 149 CERTIFICATES**

When property is sold in NSW, the vendor must attach to the sale contract a copy of a planning certificate for the property issued by the local council under section 149(2) of the EP&A Act. When the Council has secured an FRMP, information will be included on the planning certificate. Section 149(2) Certificates advise whether development on the land or part of the land is subject to the Council's flood related development controls. Certificates should not be understood to advise that land above the adopted FPL is flood free, as land above the FPL can flood in rare flood events.

## **PLANNING AND DEVELOPMENT CONTROLS**

The *Floodplain Development Manual* promotes the use of a merit based approach which balances social, economic, and environmental and flood risk parameters to determine whether a particular development or proposed use of the floodway is appropriate and sustainable. This approach is applied in this *Blue Mountains Flood Policy*, and will be applied to all land identified in any FRMP as being below the FPL.

The planning and development controls that apply within the City of Blue Mountains generally require that a merit based approach be followed when assessing development applications. In the context of flood risk, the assessment of development proposals will take into account a wide range of considerations, including:

- A merit based assessment of an application taking into account a range of relevant social, economic and environmental considerations;
- The application of conditions relevant to the site, taking into account its flood liability, High Hazard flood areas, property impact, and personal safety, which will include assessment of the need for emergency response planning;
- The requirement for works for the purpose of mitigating flood impacts, including excavation, any cut or fill, wall or levee or any other works;
- The particular needs of high hazard flood areas and uses, and vulnerable uses;
- The impact of the development on downstream properties, including the need to maintain runoff levels from new development to pre-development level; *and*
- Any impact on the effective functioning of the floodplain or watercourse.

### **Particular Circumstances**

Where a FRMP has not yet been prepared for a Catchment and a site is proximate to a water course or shows evidence of the movement of water over the site, a site specific flood study will be required as part of any development application for larger developments, but not for single family dwellings. In either case, current practice for assessing development applications will apply with relevant social, economic and environmental considerations taken into account as appropriate.

Where an FRMP shows land to be above the FPL there is a lower risk of flooding and a Section 149 Certificate notation and particular flood related development controls will generally not apply, however:

*“... the safety of people and associated emergency response management needs to be considered and may result in:*

- *Restrictions on types of development which are particularly vulnerable to emergency response, for example developments for aged care, and*
- *Restrictions on critical emergency response and recovery facilities and infrastructure. These aim to ensure these facilities and the infrastructure can fulfil their emergency response and recovery functions during and after a flood event. Examples include evacuation centres and routes, hospitals and major utility facilities.”*

Where a FRMP shows areas of flood as subject to high velocities there is a danger to any person caught in the floodwaters. Evacuation difficulties, along with damage to structures, would be likely. The steep fall and narrow path of flood waters in the Blue Mountains is consistent with higher velocity flooding in some areas. This makes areas below the Blue Mountains FPL less feasible for development than in other areas where a slower rise of floodwaters is the primary pattern of flooding.

An exception to the merit-based assessment is detailed in Ministerial Direction No 15 – Flood Prone Land, which provides that a draft LEP shall not rezone land within flood planning areas from Special Area, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial or Special Area Zone. The Direction also instructs on the provisions that a draft LEP shall include to give effect to and be consistent with, the NSW Flood Prone Land Policy and the principles of the *Floodplain Development Manual*. The Direction also nominates certain provisions that a draft LEP shall not contain, including provisions which permit some development in floodway areas. The Direction applies to both a council when preparing a LEP, and to applicant generated and site specific applications for the rezoning of land, which are included within the LEP process.

The policy provisions of this *Blue Mountains Flood Policy* provide guidance city-wide, whether or not an FRMP has been prepared for the catchment. A significant number of catchments within the Blue Mountains area are too small or considered too low risk to warrant an FRMP as a priority, and will remain under the control of the current planning instruments and development controls detailed at Appendix 1.

*Appendix 1.Planning Instruments and Flood Related Development Controls*, provides information relevant to the consideration of flood prone land and its management. It is not an exhaustive listing, and planning instruments may change over time. When proposing development in the City further enquiries should be made to the Council to ascertain whether Appendix 1 remains current. Professional advice should be obtained when proposing any changes to the zoning of land or the carrying out of development or works within the City of Blue Mountains.

The provisions of the Council's LEP 2005 apply if the property is located within the part of the City regulated by the LEP. Clause 88 of LEP 2005 states that Consent shall not be granted to development on land that in the opinion of the consent authority is subject to inundation unless the consent authority is satisfied that the proposed development will not result in the outcomes identified in the clause. All aspects of a proposed development, that could have a flood impact, and all relevant provisions of the LEP, should be addressed in the Statement of Environmental Effects (SEE) submitted with the application for the development of the land. This should include proposals for works for on-site detention and flood mitigation.

The provisions of LEP 1991 apply if the property is located within the part of the City regulated by the LEP. All aspects of a proposed development that could have a flood impact, and all relevant provisions of the LEP, should be addressed in the SEE submitted with the application for the development of the land, including proposals for works for on-site detention and flood mitigation.

The provisions of the Council's Better Living DCP that deal with a matter that could have a flood impact, should be addressed in the SEE submitted with the application for the development of the land.

## **APPENDIX 1. PLANNING INSTRUMENTS AND FLOOD RELATED DEVELOPMENT CONTROLS**

The Council's LEPs, DCPs and other relevant documents are available at the www references noted. Council Libraries provide free web-time, but you will need to make a booking through your local library.

### ***The Local Government Act 1993***

The Local Government Act – Section 733 Exemption from liability – flood liable land and land in coastal zone, provides that:

- (1) A council does not incur any liability in respect of:*
  - (a) any advice furnished in good faith by the council relating to the likelihood of any land being flooded or the nature or extent of any such flooding, or*
  - (b) anything done or omitted to be done in good faith by the council in so far as it relates to the likelihood of land being flooded or the nature or extent of any such flooding, and*
- (4) Without limiting any other circumstances in which a council may have acted in good faith, a council is, unless the contrary is proved, taken to have acted in good faith for the purposes of this section if the advice was furnished, or the thing was done or omitted to be done, substantially in accordance with the principles contained in the relevant manual most recently notified under subsection (5) at that time.*

### ***The Environmental Planning and Assessment Act 1979***

*The Environmental Planning and Assessment Act 1979* is the principal legislation that regulates (among other matters) the making of environmental planning instruments, such as the Council's LEPs, and the assessment of development applications.

The Acts may be viewed at: <http://www.legislation.nsw.gov.au>

### ***Section 117 Ministerial Direction No 15 - Flood Prone Land***

The NSW Department of Planning *Section 117 Ministerial Direction No 15 - Flood Prone Land* provides that a draft LEP shall not rezone land within flood planning areas from Special Area, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial or Special Area Zone. The Direction also nominates certain provisions that a draft

LEP shall not contain, including provisions which permit some development in floodway areas. The Direction applies to both a council when preparing a LEP, and to applicant generated and site specific applications for the rezoning of land, which are included within the LEP process.

### ***NSW Government's Flood Prone Land Policy***

The primary objective of the *Flood Prone Land Policy* is to reduce the impact of flooding on the owners and occupiers of flood prone land, and to reduce private and public losses resulting from floods.

The Ministerial Direction and the Flood Prone Land Policy can be found by using the search function at: <http://www.planning.nsw.gov.au/>

### ***Floodplain Development Manual***

The NSW Government's *Floodplain Development Manual* establishes the primary objectives of the Flood Prone Land Policy. It promotes the use of a merit approach which balances social, economic, environmental and flood risk parameters to determine whether a particular development or use of the floodplain is appropriate and sustainable. The Manual details a policy framework as a basis for local authorities to work towards the management of flood liable land. The *Floodplain Development Manual* is at:

<http://www.dnr.nsw.gov.au/floodplains/manual.shtml>

### ***Blue Mountains Planning Controls***

The following Blue Mountains planning controls are relevant to the management of potential flood impacts within the City. Provisions include the management of stormwater, catchment impacts, appropriate construction and conditioning of development, patterns and fall of drainage including roof drainage and possible flooding, consideration of watercourses, creeks and wetlands, proposals for cut and fill, disposal of sewage, appropriate construction techniques and their ongoing management, vegetation removal, types of vegetation to be used for revegetation, and the way roads are planned and constructed.

### ***Blue Mountains Local Environmental Plan (LEP) 2005***

Clause 88 of LEP 2005 states that consent shall not be granted to development on land that in the opinion of the consent authority is subject to inundation unless the consent authority is satisfied that the proposed development will not produce identified adverse outcomes. That is, a merit based consideration will be undertaken on a case-by-case basis.

### ***Blue Mountains Local Environmental Plan (LEP) 1991***

Management of flood liable land at the time of a development application under LEP 1991 should include a merit based assessment of flood impact addressed in a Statement of Environmental Effects (SEE).

LEPs 1991 and 2005 are at:

<http://www.bmcc.nsw.gov.au/citydevelopment/localenvironmentalplans/>

### ***City of Blue Mountains Flood Liable Land Policy***

The *City of Blue Mountains Flood Liable Land Policy* outlines the policy framework that will apply City-wide, whether or not an FRMP has been prepared for a particular catchment.

### ***The Better Living Development Control Plan – Towards a More Sustainable Blue Mountains 2005***

The *Better Living Development Control Plan (DCP)* applies City-wide to all land regulated by either LEP 1991 or LEP 2005. The DCP seeks to promote ecologically sustainable development, and contains provisions that apply to developments that may alter the pattern and/or intensity of flooding in a particular location. Consideration must be given to the slope

of the land, patterns and fall of drainage (including roof drainage) and possible flooding, consideration of watercourses, creeks and wetlands, proposals for cut and fill, and criteria for stormwater management.

The Better Living Development Control Plan is at:

<http://www.bmcc.nsw.gov.au/citydevelopment/developmentplanspoliciesandguides/>