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10 HAZARDS

This Chapter applies to development on land that is considered to be affected by hazards such as bush fire, flood and contamination.

Where consent is required for the development of land subject to hazards, the development application will be assessed on its ability to meet:

- The zone objectives and provisions of the applicable LEP.
- *Environmental Planning and Assessment Act 1979*, including the provisions of Section 79C.
- The provisions of the *Murray Regional Environmental Plan No 2—Riverine Land*.
- Any other applicable State Environmental Planning Policies.
- Relevant objectives and controls in this DCP.
- Council policies (refer to Chapter 1 Section 1.8).
- Council's Development Manual.

Note: It is important that development complies with all relevant Chapters of this DCP. Applicants should check each Chapter and address all relevant controls.

10.1 BUSH FIRE PRONE LAND

This section applies to the development of land that is certified by the NSW Rural Fire Service to be bush fire prone.

Section 79BA of the *Environmental Planning and Assessment Act* 1979 states that development carried out on bush fire prone land must comply with *Planning for Bush Fire Protection 2006* (or as amended), prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, and *Australian Standard 3959: Construction of Buildings in Bush Fire Prone Areas*.

Some types of development on bush fire prone land will need to be referred to the NSW Rural Fire Service. Where a bush fire safety authority is required in accordance with section 100B of the *Rural Fires Act 1997* the development is classified as "integrated development." Examples of such development include subdivision where lots created could be lawfully used for residential or rural residential purposes; and development for special fire protection purposes such as a school, child care centre, a hospital, tourist accommodation and seniors housing.

Objectives

a. Minimise risk to life and property from bush fire attack through provision of adequate water supplies, defendable space, asset protection zones, safe access and egress and appropriate construction standards.

b. Ensure development satisfies statutory requirements for development within bush fire prone areas.

Controls

1. Development on land that is mapped as being bush fire prone must satisfy the requirements of *Planning for Bush Fire Protection 2006* (or as amended).

2. Development on land that is mapped as being bush fire prone must satisfy the requirements of *Australian Standard 3959: Construction of Buildings in Bush Fire Prone Areas*.

Note: Council may refer development applications to the NSW Rural Fire Service for comment. This will occur under section 79BA where the development application does not comply with the Planning for Bush Fire Protection (2006) or under section 100B where the development is classified as 'integrated development'.

For further information refer to NSW Rural Fire Service Community Resilience Fast Facts 5/07 Western NSW District and 1/12 Application of Section 100B.

10.2 CONTAMINATED LAND

Past activities carried out on a property can result in contamination of the land by chemicals, which presents a risk to human health and the environment. Some common activities that may lead to contamination include service stations, underground fuel storage tanks, dry cleaners, sheep and cattle dips and scrap yards to name a few.

Where it is known or suspected that a development site or adjoining land is contaminated, Council refers to *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55) and *Managing Land Contamination: Planning Guidelines* (published in 1998 by the Department of Urban Affairs and Planning and the EPA).

In accordance with SEPP 55 and the associated guidelines, Council may ask an applicant to provide a "preliminary investigation" of the land. In certain circumstances a "detailed investigation" may then be required. In some cases where land contamination is identified, remediation of the land may be necessary. The matter of contaminated land is particularly important where a change of use to a residential, educational, recreational, child care or health care service is proposed.

Note: Where it is known or suspected that a development site or adjoining land is contaminated, Council may request further investigations to be undertaken by a suitably qualified professional. For more information contact Council's Environmental Services Section.

10.3 FLOOD LIABLE LAND

This section applies flood liable land, including both the floodplain and floodway. Figure 10-1 is an indicative map of the flood planning area. Applicants must seek the advice of Council to determine whether a particular parcel of land is subject to flooding.

The following key definitions are taken from the *Floodplain Development Manual 2005*, prepared by the Department of Infrastructure, Planning and Natural Resources.

Floodplain: Area of land which is subject to inundation by floods up to and including the probable maximum flood event, that is, flood prone land.

Floodway: 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 partially blocked, would cause a significant redistribution of flood flow, or a significant increase in flood levels.

Flood Planning Level: The combination of historical flood event levels plus freeboard selected for floodplain risk management. Generally the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metres freeboard.

Probable Maximum Flood: the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation coupled with the worst flood producing catchment conditions.

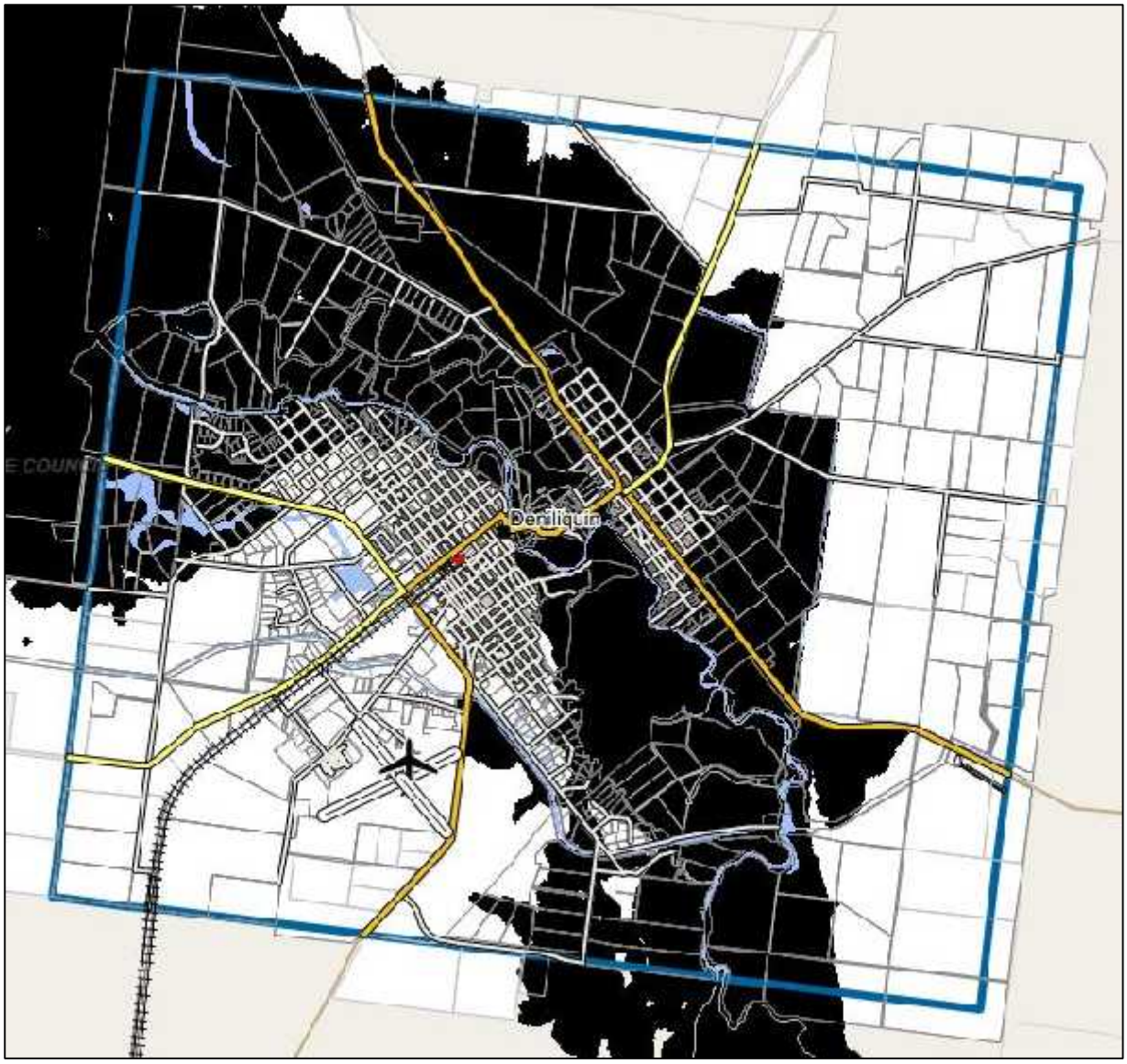

Figure 10-1 Indicative Map of Flood Planning Area

Objectives

a. Minimise the risk to public safety.

b. Minimise the cost of flood damage.

c. Ensure that the nature of development and the construction are compatible with the flood hazard.

d. Ensure development is undertaken in accordance with the Flood Plain Development Manual 2005.

Controls

Controls for development on flood liable land are listed in Table 10-1 below.

Table 10-1 Development Controls for Flood Prone Land

FLOODWAY	FLOODPLAIN
RESIDENTIAL AND RURAL ZONES **R1, R5 & RU1** (LEP 2013) **1(a) General Rural & 2 Urban** ("Deferred Matter" LEP 1997)	
1. The finished floor level must be in accordance with Council's Policy 5.9 Flood Planning Levels. 1. A building in a flood hazard area must be designed and constructed, to the degree necessary, to resist flotation, collapse or significant permanent movement resulting from the action of hydrostatic, hydrodynamic, erosion and scour, wind and other actions during the defined flood event. 2. Structures must be orientated on the site and constructed in a manner to minimise the impact on the floodway. 3. Materials and design used for structures, including fences, must not impede the flow of flood water. 4. An engineers report is required for any new residential structure (for example dwellings, units, motels, aged care etc), certifying that the structure can withstand the forces of floodwater, debris and buoyancy up to and including the probable maximum flood. 5. An application for development within the floodway must address clause 6.2 of the LEP 2013 or clause 21 of the LEP 1997 for the Davidson Street area identified as "Deferred Matter". 6. Safe path of travel for residential accommodation, at the same	2. The finished floor level must be in accordance with Council's Policy 5.9 Flood Planning Levels. 3. Safe path of travel, at the same height as the adjoining road network, must be provided for pedestrians and/or vehicles at a height that is equivalent to the adjoining road network. 4. An application for development within the floodplain must address clause 6.2 of the LEP 2013 or clause 21 of the LEP 1997 for the Davidson Street area identified as "Deferred Matter".

FLOODWAY	FLOODPLAIN
height as the adjoining road network, must be provided for pedestrians and/or vehicles at a height that is equivalent to the adjoining road network.	
COMMERCIAL, INFRASTRUCTURE AND INDUSTRIAL ZONES **B2, B6, IN1 & SP2** (LEP 2013) **1(a) General Rural & 2 Urban** ("Deferred Matter" LEP 1997)	
1. The finished floor level must be in accordance with Council's Policy 5.9 Flood Planning Levels. 2. Preparation of a Flood Risk Management Plan for the property in consultation with the SES. 3. Construction must satisfy the requirements of the Australian Building Codes Board's *Construction of Buildings in Flood Hazard Areas: Standard*. 4. Buildings to be orientated and constructed to minimise the impact on the floodway. 5. No alteration to existing ground levels through filling or other earthworks except for the purpose of laying foundations. 6. Chemicals and materials to be stored above the flood planning level. 7. An engineers report is required for any new residential structure (ie dwellings, units, motels, aged care etc), certifying that the structure can withstand the forces of floodwater, debris and	1. The finished floor level must be in accordance with Council's Policy 5.9 Flood Planning Levels. 2. Preparation of a Flood Risk Management Plan for the property in consultation with the SES. 3. Safe path of travel, at the same height as the adjoining road network, must be provided for pedestrians and/or vehicles at a height that is equivalent to the adjoining road network. 4. Construction must satisfy the requirements of the Australian Building Codes Board's *Construction of Buildings in Flood Hazard Areas: Standard*. 5. An application for development within the floodplain must address clause 6.2 of the LEP 2013 or clause 21 of the LEP 1997 for the Davidson Street area identified as "Deferred Matter".

FLOODWAY	FLOODPLAIN
buoyancy up to and including the probable maximum flood. 8. An application for development within the floodway must address clause 6.2 of the LEP 2013 or clause 21 of the LEP 1997 for the Davidson Street area identified as "Deferred Matter".	
OPEN SPACE, WATERWAYS AND ENVIRONMENTAL ZONES **RE1, RE2, E1, E3, W1 & W2** (LEP 2013)	
1. The finished floor level must be in accordance with Council's Policy 5.9 Flood Planning Levels. 2. Preparation of a Flood Risk Management Plan for the property in consultation with the SES. 3. Construction must satisfy the requirements of the Australian Building Codes Board's *Construction of Buildings in Flood Hazard Areas: Standard*. 4. Buildings to be orientated and constructed to minimise the impact on the floodway. 5. No alteration to existing ground levels through filling or other earthworks except for the purpose of laying foundations. 6. An engineers report is required for any new residential structure (for example dwellings, units, motels, aged care etc), certifying that the structure can withstand the forces of floodwater, debris and buoyancy up to and including the probable maximum flood.	1. Flood planning levels for floor levels of habitable rooms in accordance with Council policy. 2. Preparation of a Flood Risk Management Plan for the property in consultation with the SES. 3. Safe path of travel, at the same height as the adjoining road network, must be provided for pedestrians and/or vehicles at a height that is equivalent to the adjoining road network. 4. Construction must satisfy the requirements of the Australian Building Codes Board's *Construction of Buildings in Flood Hazard Areas: Standard*. 5. An application for development within the floodplain must address clause 6.2 of the LEP 2013 or clause 21 of the LEP 1997 for the Davidson Street area identified as "Deferred Matter".

FLOODWAY	FLOODPLAIN
7. An application for development within the floodway must address clause 6.2 of the LEP 2013 or clause 21 of the LEP 1997 for the Davidson Street area identified as "Deferred Matter". 8. Safe path of travel for residential accommodation, at the same height as the adjoining road network, must be provided for pedestrians and/or vehicles at a height that is equivalent to the adjoining road network.	