

## Policy 3.14 Flood and Sea Level Rise

<b>Directorate</b>	Community Environment and Planning
<b>Responsible Officer</b>	Manager Planning and Sustainability

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## Record of Administrative Amendments

Amendment Version No.:	Description of Administrative Amendment	Date Reviewed
<u>1.2</u>	<u>Review of policy in accordance with Section 165 of the <i>Local Government Act 1993</i></u>  <u>Placed on Public Exhibition 23 July 2025</u>	<u>July 2025</u>
<u>1.1</u>	Review of policy in accordance with Section 165 of the <i>Local government Act 1993</i>  <u>Workshopped with Councillors 4 June 2025</u>	<u>June 2025</u>
<u>1.0</u>	<u>Adopted by Council (D24/94496)</u>	<u>24/07/2024</u>

## 1 Introduction

The flood and sea level rise policy provides a framework to assist Council and the community respond to emerging flood and climate change risks in relation to future development.

### 1.1 Scope

The scope of this policy demonstrates direct commitment to the following strategic guiding principles:

- Accountable | Commitment to risk management and compliance and proactive consultation and engagement organisation wide
- Transparent | Decision making processes are clearly outlined, including how a decision is made and who is involved
- Responsive | Commitment to serve the needs of the entire community
- Effective and Efficient | Clear connection between policy and implementation

#### 1.1.1 Objectives

The objectives of this pPolicy align with the objectives of the *Bega Valley Local Environmental Plan 2013*, namely:

- to minimise the flood risk to life and property associated with the use of land
- to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change
- to avoid adverse or cumulative impacts on flood behaviour and the environment
- to enable the safe occupation and efficient evacuation of people in the event of a flood-
- to protect the operational capacity of emergency response facilities and critical infrastructure during flood events.

### 1.1.2 Land affected by this policy

This policy applies to all land that may require flood related planning controls to be applied to proposed development. This includes all land within the Probable Maximum Flood (PMF) extent and overland flow paths, and all areas within 100m of the coastline or below 3m Australian Height Datum (AHD) along the shire's coastline and estuarine foreshores. Properties in these areas are currently identified as flood control lots or are subject to flood or coastal hazard controls and property notifications.

A number of catchments within the shire have not been the subject of a flood study and will not be studied in the near future. As such, this pPolicy also applies to areas:

- within 40m of a creek
- within 10m of a major drainage system or drainage easement
- with a history of flooding
- considered to be flood prone by Council's Development Engineer.

Development proposed in these areas may be required to provide additional flood assessment information to support the proposal.

In addition to land identified above, the pPolicy applies to the significant intensification of development in coastal areas potentially impacted by sea level rise to 2150, and areas that may not be flood prone, but that can become isolated in a flood event.

### 1.1.3 Types of development affected by this policy:

This policy applies to all development<sup>1</sup> on land affected by this policy, including development by or on behalf of a public authority.

### 1.1.4 Purpose

The purpose of this pPolicy is to provide a framework to assist Council and the community respond to emerging flood and climate change risks in relation to future development. Specifically, this pPolicy supports Council to:

- apply consistent and transparent decision-making to development on land affected by this policy
- consider the effects of climate change when determining development applications
- consider climate change when preparing planning instruments, policies and flood studies
- apply a sea level rise benchmark and a rainfall climate change factor to planning instruments, policies, flood, coastal studies and infrastructure planning
- continue to monitor, review and manage risks associated with climate change relating to local government functions
- continue to review its rainfall and sea level rise data when new, credible climate change and sea level rise modelling data is available, and update the-this pPolicy as required.

## 1.2 Definitions

Word or Terminology	Description
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<sup>1</sup> Aas defined in the *Environment Planning and Assessment Act 1979*.

Annual Exceedance Probability (AEP)	The chance of a flood of a given or larger size occurring in any one year, usually expressed as a percentage
Australian Height Datum (AHD)	A common national surface level datum often used as a referenced level for ground, flood and flood levels
Catchment	The area of land draining to a specific location
Defined Flood Event (DFE)	The flood event selected as a general standard for the management of flooding to development
Flood	A natural phenomenon that occurs when water covers land that is normally dry. It may result from coastal inundation (excluding tsunamis) or catchment flooding, or a combination of both
Flood Control Lots	Properties where flood related development controls may apply
Flood Island	Area of high ground within a floodplain linked to the flood free valley sides by a road across the floodplain and no alternative access
Flood Planning Area (FPA)	The area of land below the Flood Planning Level (FPL)
Flood Planning Level (FPL)	The combination of the flood level from the defined flood event and freeboard selected for flood risk management purposes
High Flood Island	A flood island comprised of land higher than the PMF
Low Flood Island	A flood island comprised of land lower than the PMF
Probable Maximum Flood (PMF)	The largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation (PMP), and where applicable, snow melt, coupled with the worst flood-producing catchment conditions

## 2 Legislation

*Local Government Act 1993*

*Environmental Planning and Assessment Act 1979*

*State Emergency and Rescue Management Act 1989*

*State Emergency Service Act 1989*

*Coastal Management Act 2016*

State Environmental Planning Policy (Resilience and Hazards) 2021

Bega Valley Local Environmental Plan 2013

## 3 Implementation

### 3.1 Policy Statement 1: Sea level Rise Benchmarks

This Policy applies a sea level rise benchmark that was established in the former *NSW Sea Level Rise Policy Statement (2009)* which was based on the SSP5-8.5 greenhouse gas emissions scenario. The planning benchmark is a rise from 1990 levels of 0.9 metres by 2100 and will be used as the basis for Council staff and the community to proceed with risk assessment, policy development, community empowerment, and planning and development decisions.

Council's existing Flood Studies and Flood Risk Management Plans support the use of this sea level rise benchmark for flood related planning and development controls. Sea level rise benchmarks are to guide future coastal assessments and coastal management programs completed under the NSW coastal management framework.

Consideration of sea level rise beyond 2100 should be given when assessing the merits of significant intensification of development. Under SSP5-8.5 emissions scenario, sea level rise of up to 1.88m is predicted by 2150. Therefore, any proposal to significantly intensify development (dwellings, businesses, etc.) in locations below 3 m AHD<sup>2</sup> should consider the potential for that land to become impacted by tides by 2150.

### 3.2 Policy Statement 2: Rainfall Climate Change Factor

The Australian Rainfall and Runoff DataHub provides interim climate change factors to incorporate projected increases in rainfall into hydrological analysis. The current version (2019\_v1) only provides guidance to 2090. As such, this Policy applies a rainfall climate change factor for 2090, RCP 8-5 for the whole of the Bega Valley Shire. Any future updates to Australian Rainfall and Runoff DataHub interim climate change factors should be utilised, when available. This would include applying factors for 2100, if available, in place of 2090.

Flood Studies and Flood Impact Risk Assessments will incorporate this rainfall intensity increase factor when producing planning levels and overland flow modelling, and it will be used as the basis for Council staff and the community to proceed with risk assessment, policy development, community empowerment, and planning and development decisions.

### 3.3 Policy Statement 3: Defined Flood Event

The defined flood event (DFE) is the flood event that is selected as a general standard for the management of flooding to development. In accordance with the proposed sea level rise benchmark and rainfall climate change factor, along with the recommendations from Council's existing Flood Studies and Flood Risk Management Plans, the DFE is defined as follows; (unless updated through an adopted flood risk management study and plan prepared consistent with the principles of the NSW Coastal Management Manual 2023 or its update):

*DFE = 1% AEP flood event inclusive of 2100 sea level rise and 2100 rainfall increases*

*Where:*

*2100 Sea Level Rise is equal to 0.9m*

*2100 rainfall increases are to be sourced from the Australia Rainfall and Runoff DataHub*

### 3.4 Policy Statement 4: Flood Planning Areas

The Flood Planning Area (FPA) is the area of land below the Flood Planning Level (FPL).

The FPL is defined as the DFE with a freeboard of 0.5m then added for residential developments or 0.3m for commercial developments.

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<sup>2</sup> Considering 1.88 meters of sea level rise added to Highest Astronomical Tide at Eden of 1.17 m AHD (from Australian National Tide Tables, 2011)

Until the Flood Study and Flood Risk Management Plan for the Bermagui River are completed, the habitable floor level for new residential development in Bermagui will remain at 3m AHD (incorporating 0.5m freeboard).

### 3.5 Policy Statement 5: Flood Islands

There may be locations which are not directly flood prone, but which can become isolated during a flood event. The implications of isolation during a flood event should be considered when assessing the viability of development in these locations.

High Flood Islands are not identified as a flood control lot, and as such flood related development controls do not apply.

Increasing the density of development within a High Flood Island is not desirable. The area will require resupply by boat or air if not evacuated before the road is cut. If it will not be possible to provide adequate support during the period of isolation, evacuation will have to take place before isolation occurs. Consideration of High Flood Island is required for land subject to a planning proposal that will intensify the density of residential development under Ministerial Direction 4.1 and Clause 5.22 of the *Bega Valley Environmental Plan 2013*.

### 3.6 Policy Statement 6: Development on land affected by this policy

All development on land affected by this policy must consider this policy. Development must consider the Flood Planning Matrix in section 5.8.1 'Flood and Sea Level Rise' of the *Bega Valley Development Control Plan 2023*.

### 3.7 Responsibilities

#### 3.7.1 Elected Council

Ensure decision making considers the principles for flooding and sea level rise outlined in this policy.

#### 3.7.2 Chief Executive Officer (CEO), Leadership Executive Group (LEG)

Responsible for leading organisation wide adoption of this policy in the every-day operations of Council.

#### 3.7.3 Assets and Operations and Community, Environment and Planning

Embed the principles for flooding and sea level rise outlined in this policy in service delivery, design, decision making and development assessment.

## 4 Supporting documents

### 4.1 BVSC Procedures that relate to this Policy

N/A

Procedure No.:	Procedure Name	External or Internal Procedure


#### 4.14.2 BVSC Policies that Relate to this Policy

Policy No.:	Policy Name
3.01	Development Administration
3.07	Climate Change Policy
5.01	Asset Management Policy

**Note:** Policy details may change from time to time. -To ensure you are viewing the most recent version please view Council's adopted Policies and Procedures on [the](#) Council website.