

Summary of Changes to the Flood Prone Land Clause

The same Flood Prone Land Clause is contained in each of the three DCPs:

- Pittwater DCP: B3.11
- Warringah DCP: E11
- Manly DCP: 5.4.3

The current Pittwater DCP also contains Clauses B3.12 and B3.13. Clause B3.12 remains unchanged, and there is no update at this stage to anything related to climate change. Clause B3.13 is to be deleted, with the information summarised and incorporated into the emergency response controls in the main Flood Prone Land Clause.

Within the Flood Prone Land Clause, the main changes are:

- The section on Performance Criteria has been deleted, as it is redundant.
- The summary of major steps to be followed, just above the matrix, has been deleted. This information will be covered in a new Guidelines document.
- Land Use types have been summarised, with some irrelevant types deleted.
- The vulnerable and critical land uses in the matrix have been grouped together as they are subject to the same controls.
- Controls have been reorganised into more logical sections, with more concise wording. Repetition has been removed.
- Details in the "Flood Prone Land Design Standard" have been incorporated in the Flood Prone Land Clause, allowing the deletion of the Standard. Discrepancies between the Clause and Standard have been rectified in the process.
- In Control C4 (F4 in the current DCP), the one-off addition below the FPL of up to 30m² has been qualified so that of the 30m², only 10m² may be below the 1% AEP flood level. The reference to 10% of the floor area has been removed as it was considered unfair. There previously was and still is the requirement for no net loss of available flood storage below the 1% AEP flood level, which limits the use of this Control anyway.
- In Control C6, more detail has been included to provide clarification, to ensure that development of what is essentially a new, two-storey house has the ground floor level at or above the FPL.
- The current Control F9 regarding foyers at the 5% AEP flood level has been removed because it was never used, in addition the 5% AEP flood level is not available in some studies. Commercial premises still have an allowance for the first 5m of shopfront to be below the FPL, which still provides adequate flexibility.
- In Control D2, The amendment allows for developments to meet the level requirements for open car parks and carports more easily.
- In Control D3, the difference between carports and garages has been clarified.
- In Control E1, the information pertaining to emergency response and shelter-in-place refuge has been summarised and incorporated into the one control, avoiding the need to refer to a separate policy. The "Flood Emergency Response Planning for Development in Pittwater Policy" can thus be deleted.

- The old Control F3, “Where the lowest floor has been elevated to allow the passage of flood waters, a restriction shall be imposed on the title of the land, pursuant to S88B of the Conveyancing Act confirming that the undercroft area is not to be enclosed”, has been deleted, and a statement included at the top to apply generally: “A Section 88B notation under the Conveyancing Act 1919 may be placed on the title describing the location and type of flood risk mitigation works with a requirement for their retention and maintenance”. Very few Section 88B notations have been made since harmonisation, but this slight change makes it easier to apply when it is really required.

Documents which have been incorporated into the main Flood Prone Land Clause and which can now be deleted are:

- “Flood Emergency Response Planning for Development in Pittwater Policy”
- “Flood Prone Land Design Standard”
- Clause B3.13 in the Pittwater 21 DCP