CHAPTER 5 – OVERLAY CODES

PART 8 MAJOR FLOOD EVENTS OVERLAY CODE

Division 1 Applicability of the Major Flood Events Overlay Code

1.1 This code applies to development:-

(1) that is located[1] in "flood management area" shown on *Overlay Code Map 8 - Major Flood Events;* **and**

(2) referred to as "self assessable" or "code assessable" in Tables 5.8.1 or 5.8.2 below.

Division 2 Designated Natural Hazard Management Area (Flood) for the Building Code of Australia

2.1 For the purposes of Section 13 of the *Building Regulation 2006*, the area shown on *Overlay Code Map 8 – Major Flood Events* as flood management area, is designated natural hazard management area (flood).

Division 3 Assessment Tables for the Major Flood Events Overlay Code

3.1 Assessment Categories for the Major Flood Events Overlay Code

The assessment categories are identified for development in Column 2 of Tables 5.8.1 or 5.8.2, as follows:-

(1) Table 5.8.1 - Material Change of Use and Associated Works[2] for uses listed in Column 1; or

(2) Table 5.8.2 - Other Development not associated with a Material Change of Use[3] listed in Column 1.

NOTE: Zones also affect assessment categories. See zone maps to determine the zone of the land. Also see Chapter 1, Part 1, Division 4, Section 4.8(3) explaining how the higher assessment category prevails.

3.2 Relevant Assessment Criteria for Development Affected by the Major Flood Events Overlay Code

(1) The relevant assessment criteria in the overlay code are referred to in Column 3 of Tables 5.8.1 and 5.8.2.

(2) For self assessable or code assessable development, the relevant assessment criteria are applicable codes.

Table 5.8.1: Assessment Categories and Relevant Assessment Criteria for Major Flood Events Overlay Code - Material Change of Use and Associated Works[2]

COLUMN 1 Use[4]	COLUMN 2 - Assessment category	COLUMN 3 Relevant assessment criteria - applicable code for self and code assessable development
Flood Management Area		
Detached House	**Self Assessable –** if the acceptable solutions of the Major Flood Events Overlay Code are complied with.	• Major Flood Events Overlay Code
	Code Assessable – if the acceptable solutions of the Major Flood Events Overlay Code for self assessable development are not complied with.	• Major Flood Events Overlay Code
Agriculture ***Environmental Park*** ***Farm Forestry*** ***Non-Intensive Animal Husbandry*** ***Park*** ***Recycling Depot***	**Exempt**	
All Other Defined and Undefined Uses	**Code assessable**	• Major Flood Events Overlay Code

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Table 5.8.2: Assessment Categories and Relevant Assessment Criteria for the Major Flood Events Overlay Code – Other Development Not Associated with a Material Change of Use[3]

COLUMN 1 Type of development	COLUMN 2 - Assessment Category	COLUMN 3 Relevant assessment criteria - applicable code for self and code assessable development
Flood Management Area		
Building Work (other than *minor building work*)	**Self assessable –** if the acceptable solutions of the Major Flood Events Overlay Code are complied with.	• Major Flood Events Overlay Code
	Code assessable – if the acceptable solutions of the Major Flood Events Overlay Code are not complied with.	• Major Flood Events Overlay Code
Minor Building Work	**Exempt[6]**	
Operational Work not associated with Reconfiguring a Lot	**Self assessable –** if the acceptable solutions of the Major Flood Events Overlay Code are complied with.	• Major Flood Events Overlay Code
	Code Assessable – if the acceptable solutions of the Major Flood Events Overlay Code for self assessable development are not complied with.	• Major Flood Events Overlay Code
Reconfiguring a Lot	**Code Assessable**	• Major Flood Events Overlay Code
All Other Development	**Exempt**	

Division 4 Compliance with the Major Flood Events Overlay Code

4.1 Self assessable development that complies with the acceptable solutions contained in Division 5, Table 5.8.3 complies with the Major Flood Events Overlay Code.

4.2 Assessable development that is consistent with the specific outcomes contained in Division 5, Table 5.8.4 complies with the Major Flood Events Overlay Code.

Division 5 Overall Outcomes for the Major Flood Events Overlay Code

5.1 The overall outcomes are the purpose of this code.

5.2 The overall outcomes sought by the Major Flood Events Overlay Code are the following:-

(1) Acceptable levels of flood immunity for people, buildings, ***structures***, activities, essential services, ***community infrastructure*** and the manufacture, storage and handling of ***bulk hazardous materials*** are provided; and

(2) The hydraulic capacity and effective functions of the ***Shire's*** waterways are maintained; and

(3) The design limits the reliance on assistance from emergency services in a flood event and assists in the response by emergency services to a flood threat; and

(4) The banks of waterways are protected from erosion by a flood event.

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Division 6 Acceptable Solutions and Specific Outcomes for the Major Flood Events Overlay Code

6.1 The acceptable solutions for self assessable development for the Major Flood Events Overlay Code are contained in Table 5.8.3.

Table 5.8.3: Acceptable Solutions for Self Assessable Development

Acceptable Solutions for Self Assessable Development
Siting of Development
AS 1.1 Building floor levels of all habitable rooms are above the ***DFE*** flood level by the following heights: (a) 750mm – where inundation area is an existing natural watercourse; (b) 500mm – where inundation area is an engineered channel. **AND** **AS1.2** Non-habitable rooms of dwelling units and other forms of residential accommodation are sited so that the floor levels are located above the ***DFE*** flood level. **AND** **AS 1.3** Other buildings are located and designed so that floor levels (except areas used for car parking) are located above the ***DFE*** flood level. **AND** **AS 1.4** Buildings and ***structures*** used for the storage of non-hazardous material or equipment:- (a) may be located below the ***DFE*** but above the 2% AEP; and (b) do not cause erosion or scour problems. **AND** **AS 1.5** Works within the area of inundation for the ***DFE*** do not involve:- (a) any physical alteration to a drainage feature affecting its flow capacity; or (b) vegetation clearing; or (c) any increase in the rate of release of stormwater runoff from the premises to the area of inundation for the ***DFE***; or (d) altering the existing surface levels to adversely impact flood immunity of surrounding properties. ***Note: The applicable flood levels associated with Defined Flood Event (DFE) within the inundation areas, can be obtained by requesting a Flood Search from Council.***

6.2 The specific outcomes and probable solutions for the Major Flood Events Overlay Code are contained in Table 5.8.4. The elements covered by the specific outcomes are:-

(1) Siting of Development;
(2) Uses Involving ***Bulk Hazardous Materials***; and
(3) Community Infrastructure.

Table 5.8.4: Specific Outcomes and Probable Solutions for Assessable Development

Specific Outcomes for Assessable Development	Probable Solutions
Note – Information to be provided with an application for development on a site subject to the Major Flood Events Overlay is contained in *Planning Scheme Policy PSP17 Demonstrating Compliance with the Major Flood Events Overlay Code*.	
Siting of Development	
SO 1 Development is located to maintain the safety of people and to minimise the potential for damage to property from a ***defined flood event (DFE***).	**PS 1.1** Building floor levels of all habitable rooms are above the ***DFE*** flood level by the following heights: (a) 750mm – where inundation area is an existing natural watercourse; (b) 500mm – where inundation area is an engineered channel. **AND** **PS 1.2** Non-habitable rooms of dwelling units and other forms of residential accommodation are sited so that the floor levels are located above the ***DFE*** flood level. **AND** **PS 1.3** Other buildings are located and designed so that floor levels (except areas used for car parking) are located

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Specific Outcomes for Assessable Development	Probable Solutions
	above the ***DFE*** flood level. **AND** **PS 1.4** The development incorporates at least 1 evacuation route within the ***site*** that:- (1) is constructed to the standard prescribed for a "medium rigid vehicle[5]" and (2) remains passable by a 2 wheel drive vehicle at all times leading up to, during and immediately after the ***DFE***.
SO 2 Buildings or structures used for storage of non-hazardous material or equipment are located to maintain the safety of people and to minimise the potential for damage to property from a ***DFE*.**	**PS 2** Buildings and structures used for the storage of non-hazardous material or equipment:- (1) may be located below the ***DFE*** but above the 2% AEP; and (2) do not cause erosion or scour problems.
SO 3 Development does not result in adverse impacts on the hydraulic capacity of the waterway and floodplain or increase the extent of flood inundation on land other than the ***site*** beyond the designated inundation level for the ***DFE***.	**PS 3** Works within the area of inundation for the ***DFE*** do not involve:- (1) any physical alteration to a drainage feature affecting its flow capacity; or (2) vegetation clearing; or (3) any increase in the rate of release of stormwater runoff from the premises to the area of inundation for the ***DFE***; or (4) altering the existing surface levels to adversely impact flood immunity of surrounding properties.
Uses Involving Bulk Hazardous Materials	
SO 4 Development does not cause nuisance or annoyance by impeding drainage or cause drainage water to flow onto adjoining allotments**.**	**PS 4.1** The manufacture and storage of ***bulk hazardous materials*** is located above the ***DFE*** flood level. **OR** **PS 4.2** Structures used for the manufacture and storage of ***bulk hazardous materials*** are designed to prevent the intrusion of floodwaters. **AND** **PS 4.3** The manufacture and storage of ***bulk hazardous materials*** has included in its design containment measures to protect against contamination of floodwaters from spillage during a flood event.
Community Infrastructure	
SO 5 ***Essential services infrastructure*** are fully functional during and immediately after a ***DFE*.**	**PS 5** Any components of ***essential services infrastructure*** that are likely to fail to function at optimum design level or may result in environmental contamination when inundated by flood water, are:- (1) located above the inundation level for the ***DFE***; or (2) designed and constructed to exclude floodwater intrusion and/or infiltration.
SO 6 ***Vital community infrastructure*** is able to function effectively during and immediately after flood events.	**PS 6** ***Vital community infrastructure*** is not located below the Recommended Flood Level (RFL) specified for that ***vital community infrastructure*** in the following table:

Emergency services	0.2% AEP
Emergency shelters	0.5% AEP
Police facilities	0.5% AEP
Hospitals and associated facilities	0.2% AEP
Stores of valuable records or items of historic or cultural significance (e.g. galleries, libraries).	0.5% AEP
Power stations	0.2% AEP
Major switch yards	0.2% AEP
Substations	0.5% AEP
Sewage treatment plants	***DFE***
Water treatment plants	0.5% AEP

Note: The applicable flood levels associated with Defined Flood Event (DFE) within the inundation areas, can be obtained by requesting a Flood Search from Council.

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Schedule A to the Major Flood Events Overlay Code - Additional Defined Terms

For purposes of this code, the following meanings apply to critical terms used in the code:-

1) Bulk Hazardous Materials

Defined in the *Dangerous Goods Safety Management Act 2001* in quantities that:

(a) would be equivalent to or exceed the minimum quantities set out to determine a large dangerous goods location in the dangerous goods safety management regulation; or

(b) would require a licence for a magazine for the storage of an explosive under the *Explosives Regulation 1955.*

2) Defined Flood Event (DFE)

Is the 1% Annual Exceedence Probability (AEP) flood event including an allowance for greenhouse climate change and general sea level rise.

3) Essential Services Infrastructure

Is any of the following:-

(a) on-site electricity;

(b) gas;

(c) water;

(d) sewerage; and

(e) telecommunications.

4) Natural Hazard Management Area (NHMA) (flood)

Is an area identified by a local government in its ***planning scheme*** as land inundated by a ***Defined Flood Event (DFE).*** In this instance, the ***NHMA (flood)*** for this ***planning scheme*** is shown on the Major Flood Events Overlay Map.

5) Vital Community Infrastructure

Is any of the following:-

(a) aeronautical facilities;

(b) communication network facilities;

(c) facilities for the storage of valuable records or items of cultural or historical significance (including facilities for the storage of public records under the *Public Records Act 2002*);

(d) ***hospitals*** and associated ***institutions***;

(e) police and emergency services facilities including emergency shelters;

(f) railway lines, stations and associated facilities;

(g) State-controlled roads;

(h) water cycle management infrastructure; and

(i) works of an electricity entity under the *Electrical Safety Act 2002*.

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[1] This overlay code does not apply if the proposed development is outside the mapped areas.

[2] Table 5.8.1 refers to material change of use and associated works undertaken at the same time as the material change of use. Also, see ***planning scheme*** explanatory notes giving examples that explain the type of development involved in different proposals.

[3] Table 5.8.2 refers to other development including works not undertaken at the same time as the material change of use. Also, see ***planning scheme*** explanatory notes giving examples that explain the type of development involved in different proposals.

[4] For defined uses see Chapter 7, Part 2, Use Definitions Schedule.

[5] Prescribed in the Access and Parking Code.

[6] Exempt building work may still require a building development approval from a building certifier under the Building Act.

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