

C12.0 Flood-Prone Areas Hazard Code

C12.1 Code Purpose

The purpose of the Flood-Prone Areas Hazard Code is:

- C12.1.1 To ensure that use or development subject to risk from flood is appropriately located and managed, so that:
- (a) people, property and infrastructure are not exposed to an unacceptable level of risk;
 - (b) future costs associated with options for adaptation, protection, retreat or abandonment of property and infrastructure are minimised; and
 - (c) it does not increase the risk from flood to other land or public infrastructure.
- C12.1.2 To preclude development on land that will unreasonably affect flood flow or be affected by permanent or periodic flood.

C12.2 Application of this Code

- C12.2.1 This code applies to development of land within a flood-prone hazard area.
- C12.2.2 This code applies to use of land within a flood-prone hazard area if for:
- (a) a change of use that converts a non-habitable building to a habitable building; or
 - (b) a new habitable room within an existing building.
- C12.2.3 This code applies to use in a habitable building, or development of land, identified in a report prepared by a suitably qualified person, that is lodged with an application for a permit, or required in response to a request under section 54 of the Act, as subject to risk from flood or that has the potential to cause increased risk from flood.
- C12.2.4 The planning authority may only make a request under clause C12.2.3 where it reasonably believes, based on information in its possession, that the land is subject to risk from flood or has the potential to cause increased risk from flood.
- C12.2.5 This code does not apply to land subject to the Coastal Inundation Hazard Code.

C12.3 Definition of Terms

C12.3.1 In this code, unless the contrary intention appears:

Term	Definition
critical use	means a use that is within one of the following Use Classes: (a) Emergency Services; or (b) Hospital Services.
flood	means the risk of periodic or permanent flooding of land from a watercourse or other inland water source.
flood-prone hazard area	means land: (a) shown on an overlay map in the relevant Local Provisions Schedule, as within a flood-prone hazard area; or (b) identified in a report for the purposes of C12.2.3.
flood hazard report	means a report prepared by a suitably qualified person for a site, that must include: (a) details of, and be signed by, the person who prepared or verified the report; (b) confirmation that the person has the appropriate qualifications and expertise; (c) confirmation that the report has been prepared in accordance with any methodology specified by a State authority; and (d) conclusions based on consideration of the proposed use or development: (i) as to whether the use or development is likely to cause or contribute to the occurrence of flood on the site or on adjacent land; (ii) as to whether the use or development can achieve and maintain a tolerable risk for the intended life of the use or development, having regard to: a. the nature, intensity and duration of the use; b. the type, form and duration of any development; c. the likely change in the level of risk across the intended life of the use or development; d. the ability to adapt to a change in the level of risk; e. the ability to maintain access to utilities and services; f. the need for flood reduction or protection measures beyond the boundary of the site; g. any flood management plan in place for the site and/or adjacent land; and h. any advice relating to the ongoing management of the use or development; and (iii) any matter specifically required by Performance Criteria in this code.

Term	Definition
flood management plan	means a management plan for a flood-prone hazard area endorsed by the relevant council.
hazardous use	<p>means a use that is within one of the following Use Classes:</p> <ul style="list-style-type: none"> (a) Crematoria and Cemeteries; (b) Extractive Industry, if the use involves the storage of a hazardous chemical of a manifest quantity; (c) Hospital Services, if the use involves the storage of a hazardous chemical of a manifest quantity; (d) Manufacturing and Processing, if the use involves the storage of a hazardous chemical of a manifest quantity; (e) Recycling and Waste Disposal; (f) Research and Development, if the use involves the storage of a hazardous chemical of a manifest quantity; (g) Storage, if the use involves the storage of a hazardous chemical of a manifest quantity; (h) Transport Depot and Distribution, if the use involves the storage of a hazardous chemical of a manifest quantity; (i) Utilities, if the use involves the storage of a hazardous chemical of a manifest quantity; or (j) Vehicle Fuel Sales and Service.
vulnerable use	<p>means a use that is within one of the following Use Classes:</p> <ul style="list-style-type: none"> (a) Custodial Facility; (b) Educational and Occasional Care; (c) Residential, if for a respite centre, residential care facility, retirement village or assisted housing; or (d) Visitor Accommodation, if the use accommodates more than 12 guests.

C12.4 Use or Development Exempt from this Code

C12.4.1 The following use or development is exempt from this code:

- (a) alterations or extensions to an existing building if:
 - (i) the site coverage is not increased by more than 20m² from that existing at the effective date;
and
 - (ii) not for a critical, hazardous, or vulnerable use;
- (b) use or development of land for:
 - (i) Natural and Cultural Values Management;
 - (ii) Passive Recreation;
 - (iii) Port and Shipping in a proclaimed wharf area;
 - (iv) Resource Development, excluding a habitable building;
 - (v) minor utilities;
 - (vi) infrastructure for the generation of hydro-electricity; and
 - (vii) outbuildings;
- (c) planting or disturbance of vegetation on existing pasture or crop production land; and
- (d) consolidation of lots.

C12.5 Use Standards

C12.5.1 Uses within a flood-prone hazard area

Objective:	That a habitable building can achieve and maintain a tolerable risk from flood.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>No Acceptable Solution.</p>	<p>P1.1</p> <p>A change of use that, converts a non-habitable building to a habitable building, or a use involving a new habitable room within an existing building, within a flood-prone hazard area must have a tolerable risk, having regard to:</p> <ul style="list-style-type: none"> (a) the location of the building; (b) the advice in a flood hazard report; and (c) any advice from a State authority, regulated entity or a council. <p>P1.2</p> <p>A flood hazard report also demonstrates that:</p> <ul style="list-style-type: none"> (a) any increase in the level of risk from flood does not require any specific hazard reduction or protection measures; or (b) the use can achieve and maintain a tolerable risk from a 1 % annual exceedance probability flood event for the intended life of the use without requiring any flood protection measures.

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C12.5.2 Critical use, hazardous use or vulnerable use

Objective:	That critical, hazardous and vulnerable uses, located within a flood-prone hazard area can achieve and maintain a tolerable risk from flood.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>No Acceptable Solution.</p>	<p>P1</p> <p>A critical, hazardous, or vulnerable use within a flood-prone hazard area must achieve a tolerable level of risk from flood, having regard to:</p> <ul style="list-style-type: none"> (a) the type form and duration of the use; and (b) a flood hazard report that demonstrates that: <ul style="list-style-type: none"> (i) any increase in the level of risk from flood does not warrant any specific hazard reduction or protection measures; or (ii) the use can achieve and maintain a tolerable risk from a 1% annual exceedance probability flood event for the intended life of the use without requiring any flood protection measures.
<p>A2</p> <p>No Acceptable Solution.</p>	<p>P2</p> <p>In addition to the requirements in clause C12.5.2 P1, a critical use within a flood-prone hazard area must achieve and maintain a tolerable risk, having regard to:</p> <ul style="list-style-type: none"> (a) the ability of the use to function and maintain service during the flood event and recovery period; (b) any interruption to the operation of the critical use in locations external to the immediate impact of the flood; (c) the creation of risk to the health or safety of people from damage or disruption to: <ul style="list-style-type: none"> (i) a water supply service; or (ii) the drainage and treatment of waste water; (d) the advice contained in a flood hazard report; and (e) any advice from a State authority, regulated entity or a council.

<p>A3</p> <p>No Acceptable Solution.</p>	<p>P3</p> <p>In addition to the requirements in clause C12.5.2 P1, the impact of flood on a hazardous use within a flood-prone hazard area must achieve and maintain a tolerable risk, having regard to:</p> <ul style="list-style-type: none"> (a) the health and safety of people; (b) any impact on property; (c) any impact on the environment; (d) the advice contained in a flood hazard report; and (e) any advice from a State authority, regulated entity or a council.
<p>A4</p> <p>No Acceptable Solutions.</p>	<p>P4</p> <p>In addition to the requirements in clause C12.5.2 P1, a vulnerable use within a flood-prone hazard area, must be protected from flood, having regard to:</p> <ul style="list-style-type: none"> (a) any protection measures, existing or proposed; (b) the ability and capability of people in a flood event who may live, work or visit the site, to: <ul style="list-style-type: none"> (i) protect themselves; (ii) evacuate in an emergency; and (iii) understand and respond to instructions in the event of an emergency; (c) any emergency evacuation plan; (d) the level of risk for emergency personnel involved in evacuation and rescue tasks; (e) the advice contained in a flood hazard report; and (f) any advice from a State authority, regulated entity or a council.

C12.6 Development Standards for Buildings and Works

C12.6.1 Buildings and works within a flood-prone hazard area

Objective:	<p>That:</p> <ul style="list-style-type: none"> (a) building and works within a flood-prone hazard area can achieve and maintain a tolerable risk from flood; and (b) buildings and works do not increase the risk from flood to adjacent land and public infrastructure.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>No Acceptable Solution.</p>	<p>P1.1</p> <p>Buildings and works within a flood-prone hazard area must achieve and maintain a tolerable risk from a flood, having regard to:</p> <ul style="list-style-type: none"> (a) the type, form, scale and intended duration of the development; (b) whether any increase in the level of risk from flood requires any specific hazard reduction or protection measures; (c) any advice from a State authority, regulated entity or a council; and (d) the advice contained in a flood hazard report. <p>P1.2</p> <p>A flood hazard report also demonstrates that the building and works:</p> <ul style="list-style-type: none"> (a) do not cause or contribute to flood on the site, on adjacent land or public infrastructure; and (b) can achieve and maintain a tolerable risk from a 1% annual exceedance probability flood event for the intended life of the use without requiring any flood protection measures.

C12.7 Development Standards for Subdivision

C12.7.1 Subdivision within a flood-prone hazard area

Objective:	That subdivision within a flood-prone hazard area does not create an opportunity for use or development that cannot achieve a tolerable risk from flood.
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, within a flood-prone hazard area, must:</p> <ul style="list-style-type: none"> (a) be able to contain a building area, vehicle access, and services, that are wholly located outside a flood-prone hazard area; (b) be for the creation of separate lots for existing buildings; (c) be required for public use by the Crown, a council or a State authority; or (d) be required for the provision of Utilities. 	<p>P1</p> <p>Each lot, or a lot proposed in a plan of subdivision, within a flood-prone hazard area, must not create an opportunity for use or development that cannot achieve a tolerable risk from flood, having regard to:</p> <ul style="list-style-type: none"> (a) any increase in risk from flood for adjacent land; (b) the level of risk to use or development arising from an increased reliance on public infrastructure; (c) the need to minimise future remediation works; (d) any loss or substantial compromise by flood of access to the lot, on or off site; (e) the need to locate building areas outside the flood-prone hazard area; (f) any advice from a State authority, regulated entity or a council; and (g) the advice contained in a flood hazard report.