CITY OF HOBART

FLOOD FACTS FOR DEVELOPERS

This fact sheet provides information for property owners and developers whose land or premises has been identified as susceptible to flooding. It is intended as a supplementary to the Flood Fact Sheet for Residents.

My property has been identified as flood prone.What are my development options?

Your property is still able to be developed, provided your design is suitable. Any development should be designed and sited so that it does not cause floodwater to be displaced onto nearby properties, or increase risk to people or their premises. Design regulations under the Building Act 2000 state that the floor level of habitable rooms must be 300mm above the one in 100-year flood level (1 per cent Annual Exceedance Probability, or AEP, taking into account predicted rainfall increases as a result of climate change). More information on AEP is available from the Australian Government's Bureau of Meteorology and Geoscience Australia.

I want to develop property located in a flood zone. Are there any special permit requirements?

Your development will need to comply with the standards in the Inundation Prone Areas Code in the *Hobart Interim Planning Scheme* 2015. This may require you to provide a flood risk assessment by a qualified engineer demonstrating that your development will not have an adverse impact on adjacent or nearby properties, and that any risk to your property is acceptable. The code also applies if the use of a site is changing from a non-habitable use to a habitable use – such as converting a garage or storage space into a bedroom or visitor accommodation. Other codes, such as the Waterway and Coastal Protection Code, may apply if developing near a watercourse.

Some small developments may be exempt from requiring a planning permit. To find out if the planning scheme applies to your development, submit a Planning Application Enquiry via the City of Hobart development portal.

You will need confirmation from a building surveyor that the development complies with the *Building Act 2000.* It is important to note that you must comply with both the planning scheme and the building regulations.

If your proposed development is near public stormwater pipes, natural depressions, or open waterways you may need to seek consent from the City of Hobart under section 13 and 14 of the *Urban Drainage Act 2013* and/or section 73 and 74 of the *Building Act 2016.* It is recommended that you submit an enquiry about these consents to the City via coh@hobartcity.com.au

Am I able to subdivide my land if it is in a flood zone?

Your development must comply with the standards outlined in the Inundation Prone Areas Code in the Hobart Interim Planning Scheme 2015, as well as the Local Government *(Building and Miscellaneous Provisions Act) 1993 Section 109(1)(h).*

To subdivide land considered at risk of inundation, you will need to demonstrate there is sufficient area not at risk of inundation available for future development.

The planning scheme specifies a minimum size for any new lot. This varies depending on the zoning of the land – that is, whether it is zoned commercial, residential, environmental living, or otherwise. Any new lot must have an area equivalent to this size outside of the predicted flood extent for a 1 per cent AEP plus climate change event.

In most cases this will require a flood study using 2D modelling from a qualified and experienced engineer.

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Where can I access the planning schemes?

The *Hobart Interim Planning Scheme 2015* and the *Sullivans Cove Planning Scheme 1997* are accessible via the City of Hobart website or the Tasmanian Government's iPlan website. These are the current planning schemes for the Hobart municipality. All Councils will soon transition to the Tasmanian Planning Scheme.

Why am I being asked to do my own flood study?

The City's flood modelling has been done on a catchment-wide scale and provides high level indications of flood risk only. A site-specific flood study is required to account for the proposed development along with any localised topographical details that may influence the direction, speed or depth of potential water flow for your specific site. If you do not want to complete a site-specific flood study, you will need to ensure your proposed development is sufficiently set back (both horizontally and vertically) from the modelled flood extent.

What are the requirements of a site-specific flood study?

Site-specific flood studies range in complexity depending on the scale of your development and the likelihood of the inundation risk. In general a flood study will need to include:

- Survey of the site and plans showing the existing and proposed ground levels.
- Cross-sections across the flood path showing flood depth and extent pre and post development.
- Plan views of the site showing flood extents, depths, velocities and hazard level pre and post development. The maps and analysis must extend far enough to show all changes in flood conditions up and downstream of the proposed development.
- A report detailing the modelling approach taken, the input parameters, and all assumptions made.

If your development is minor, a simplified approach may be possible but it is recommended that you or your engineer discuss this with the City of Hobart prior to any submissions.

What information can the City of Hobart provide me or my engineer about flood levels and flow rates?

City of Hobart catchment scale models only indicate potential flood risk. In some areas it may be possible to also provide an estimated flood depth, however there is a fee associated with extracting site-specific information. Contact the City at coh@hobartcity.com.au or call **03 6238 2711** and ask to speak to a stormwater officer to discuss what information is available for your property.

What does this mean for the sale / resale value of my property?

The City of Hobart cannot comment on the market value of properties. Buying real estate is buyer beware and you should thoroughly research all aspects of a property before purchasing. A Council Land Information Certificate issued under s337 of the Local Government Act 1993 may advise if a property is fully or partially located in a potential flood risk zone.

Why was my neighbour allowed to develop but I am not?

There are no precedents under planning law, so even if your neighbour's development was permitted, your development will be assessed on its individual merits based on the most up to date information available, and the current planning scheme.

My land is shown as flood prone, but the building on my neighbour's land will block any floodwater. Why is my property still considered flood prone?

You cannot rely on third party buildings to provide you with flood protection. Your neighbour may elect to redevelop their property differently in the future. Their walls may also not have been designed to act as flood walls so may fail under hydraulic loading. Your development needs to be designed to adequately mitigate for flood risk in its own right.

Can I build a flood wall to protect my property? Can I just pipe the floodwater?

You can potentially build a flood wall, however you will need a planning permit and an engineering report to demonstrate that floodwater will not be displaced onto nearby properties. The wall would need to be maintained by the property owner and the title of the property will generally require a maintenance plan, pursuant to *Part 5 of the Land Use Planning and Approvals Act 1993*.

Piping of flood water may offer some protection, but you will still need to allow some pathway for flood water that exceeds the capacity of the pipe. The City of Hobart is unlikely to permit building over a public stormwater main.

What head of power does the Council have to restrict development on my land?

The Council has power under s13 of the *Urban Drainage Act 2013*, the Local Government *(Building and Miscellaneous Provisions Act) 1993* (for subdivisions), and the relevant planning schemes. You must also comply with the building regulations.

Will the current flood risk mapping be updated?

The City regularly assesses and improves its flood models, updating flood risk mapping accordingly. Developers should consult the City's website for the latest information