

FLOODPLAIN MANAGEMENT & PLANNING CERTIFICATE NOTATIONS

FREQUENTLY ASKED QUESTIONS

WHAT IS A SECTION 10.7 PLANNING CERTIFICATE (FORMERLY SECTION 149 CERTIFICATE)?

A section 10.7 (s10.7) certificate is a Planning Certificate which is specific to each individual property. Under NSW legislation, a contract for sale of a property must include a current s10.7 certificate from the relevant local Council. There are two types of s10.7 certificate:

- **s10.7(2) certificate:** contains the information specified in Schedule 4 of the *Environmental Planning and Assessment Regulation 2000*. Among other things, this will include information relating to relevant planning instruments and development control plans, zoning & land use, heritage items, road widening and realignments, flood-related development controls, land reserved for acquisition and bushfire prone land.
- **s10.7(5) certificate:** provides the above s10.7(2) information plus advice on other relevant matters affecting the land of which Council may be aware. This additional information may include additional flood-related information, details of environmental reports, specific planning controls, tree preservation information and more.

WHY DOES COUNCIL PUT NOTATIONS ON S10.7 CERTIFICATES?

We have a responsibility to inform the community and future property owners as clearly as we can about potential risks to life and property, and to help limit damage from flooding now and into the future.

We also have legal and moral obligations to let current and future owners know about any development controls which may apply to a specific property. Any property identified as being flood prone and that may attract development controls will have a flood notation on its s10.7 certificate.

HOW DO WE DETERMINE WHICH PROPERTIES ARE FLOOD PRONE?

We use several sources including historical data and flood modelling. In 2006 we conducted an Overland Flow Study covering the entire Penrith Local Government Area (LGA). This study has directed more detailed Flood Risk Management Studies and Plans, which are now being developed for each area most at risk of flooding. This process involves consulting with residents and landowners, and engaging independent, expert consultants.

We have also been developing maps to define the Flood Planning Area (FPA) for various waterways, and properties within these areas. Properties located within or next to the identified '100 year flood' zone may be subject to flood related development controls.

WILL THE NOTATION AFFECT THE VALUE OF MY PROPERTY?

Because individual property values are based on many factors and the impact of flood development controls varies greatly from one property to another, it's impossible to predict whether a notation will affect property values. A notation on the s10.7 certificate will not change how flood prone a particular property is. All flood information Council has is already freely available through our website or on enquiry.

DOES HAVING A FLOOD NOTATION MEAN I CAN'T DEVELOP MY LAND?

It's unlikely that development controls will prohibit all development on flood prone land. However some factors may need to be taken into consideration in any future development to alleviate risk to life and property. For example, you may be asked to build on a certain part of your land or elevate your building to a certain height. Council's Development Services team can help you understand these considerations. Council assesses applications based on current zoning information.

WILL A NOTATION CAUSE MY INSURANCE PREMIUM TO RISE? DO I NEED TO TELL MY INSURANCE COMPANY?

You don't need to tell your insurance company about the notation, as it already has access to extensive details about the flood risk status of your property. However, if you are concerned, contact your insurer directly to find out how it classifies flooding (and stormwater), and how this relates to your insurance provisions and premiums.

Insurance companies use a variety of sources to calculate risks and premiums, including the National Flood Information Database, which is funded by insurance companies through the Insurance Council. The insurance industry also uses its own estimates for flood risk assessment and its own definitions for flooding. These may differ from Council's information. When requested, and where required, Council supplies flood information to the insurance industry.

WHAT IF I DISAGREE WITH THE FLOOD MAPPING FOR MY AREA?

We use up-to-date flood modelling techniques, as well as expert assistance from consultants and the NSW State Government, to determine mapping and assessments. We believe our flood level estimates are as accurate as possible.

However if you believe the assessment is not correct for your property, you can write to Council to request a review. Your request must specify why you disagree with our assessment and provide as much information as possible to support your claim; such as survey levels for the review. Alternatively, you can seek professional advice relating to your property.

WHAT IS THE '100 YEAR FLOOD' LEVEL?

The 1 in 100 year flood event level - also known as 1% Annual Exceedance Probability flood event - is a probability measure which means there is a 1 in 100 or 1% chance in any one year of a flood occurring at that level. Council has adopted this standard for residential developments.

This doesn't mean the land will flood only once every 100 years. NSW councils use the 1 in 100 year flood event, plus a 500mm freeboard, as a benchmark for investigating flooding problems and to set development controls for residential development. It also gives an idea of where major flooding has occurred or is estimated to occur across the City.

For more information on this topic, see Floodplain Management on Council's website or phone 4732 7777.