

Natural Environment Referral Response - Flood

Application Number:	DA2023/0511
Proposed Development:	Demolition of existing structures, removal of trees and subdivision of one lot into three lots.
Date:	17/07/2023
To:	Nick Keeler
Land to be developed (Address):	Lot 5 DP 222134 , 337 Lower Plateau Road BILGOLA PLATEAU NSW 2107

Reasons for referral

This application seeks consent for the following:

- All Development Applications on land below the 1 in100 year flood level;
- All Development Applications located on land below the Probable Maximum Flood levels.

And as such, Council's Natural Environment Unit officers are required to consider the likely impacts on drainage regimes.

Officer comments

The development proposes Torrens title subdivision of one lot into three lots, as well as demolition, tree removal, an internal driveway and infrastructure. The Flood Risk Assessment Report by Barrenjoey Consulting Engineers Pty Ltd (March 2023) was reviewed.

The property is flood affected, with High and Medium Flood Risk Precinct.

The site is also partially affected by Flood Life Hazard Category H1-H5 as well as flood storage and floodway areas.

The development is not compliant with Clause 5.21 of the Pittwater LEP and Prescriptive controls and Clause B3.11 of the Pittwater DCP.

5.21(2) of the PLEP:

Due to the flood function and flood behaviour, as well as the scale of development, Council's flooding DA referral body is not satisfied that the development:

- (a) is compatible with the flood function and behaviour on the land, and
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

B3.11 of the PDCP

In regards to prescriptive control C5 – The applicant has not demonstrated that future development can be an be undertaken in accordance with the following DCP prescriptive controls:

A1 - As per the indicative designs, there is potential adverse impacts on flood levels and velocities. This includes in the PMF, which is applicable because the development is likely to have a significant impact on the PMF. The existing site layout of one large dwelling for the lot located outside of the high flood risk precinct is seen as the appropriate siting to minimise flood exposure, rather than a total of 3 buildings, 2 of which heavily impacted by flooding.

A2 - The indicative designs appear to show buildings and structures in the 1% AEP Flood area which would cause loss of floodway or loss of flood storage.

C1 - It has not been demonstrated that the indicative designs can be constructed in accordance with this control, while the building heights remain within the allowable envelope. 1% AEP flood levels including Climate change plus freeboard should be used for floor levels as per B3.12.

C3 - All new development must be designed and constructed so as not to impede the floodway or flood conveyance on the site. The 3 lot proposal is not commensurate with this prescriptive control. It has not been demonstrated how there will be no obstruction of the floodway caused subsequent building of structures. There also appears to be blockage of areas in the 1% AEP flood area.

The proposal is therefore unsupported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Recommended Natural Environment Conditions:

Nil.