

13 March 2024



Covenant Christian School Association Ltd
13/67 Albert Street
CHATSWOOD NSW 2067

Attention: Isaac Clayton – iclayton@epmprojects.com.au

Dear Sir,

Development Application No: DA2023/0714 for Demolition works and alterations and additions to the Covenant Christian School at 212 Forest Way BELROSE.

I refer to your development application (DA) which is under assessment by Council.

The assessment of your application has revealed issues, which prevent Council from supporting the proposal in its current form with the supplementary information submitted to address flooding considerations raised in Council's previous letter, dated 25 September 2023.

The flood report prepared by *WMA Water* has submitted a Flood assessment/ study and determined the 1/100AEP flood level in the vicinity of the proposed library building to be 158.58 m AHD. The required Flood Planning Level for the development is 159.08. However, *WMA* have recommended the Finished Floor Level be set at 158.43 (and it is noted there is a part of the ground level floor at 156.84 also). This recommendation by *WMA* cannot be supported based on Clause 47 of the LEP 2000.

Clause 47 of The Warringah Local Environmental Plan (LEP) 2000 states:

"47. Flood affected land

Development on flood affected land is to be sited and designed to minimise impacts of flooding on property and have regard to the existing flood regime.

In particular—

- development is not to reduce flood storage area or impact upon the existing flood regime,*
- habitable floor areas of buildings are to be at a level of at least 500mm above the 1% annual exceedance probability flood level, and*
- buildings or works affected by flooding are to be constructed of flood compatible building materials.*

For the purposes of this clause, flood affected land means land below the 1 per cent annual exceedance probability flood level."

Council's Development Engineers and Floodplain Engineers, having undertaken an assessment of the DA and WMA report require that it is essential for all the habitable (ground) floor levels of the library redevelopment to be at the FPL = 159.08, to provide a freeboard at least 500mm above the 1% AEP" level. The library redevelopment proposal



is not supported due to non-compliance with the required Flood Planning Level controls pursuant to Clause 47 of Council's LEP (2000).

Council is providing you with three options to progress the handling of your application:

1. Prepare and submit further supporting information/amendments to the assessing officer directly addressing the issues by 10 April 2024 (28 days). If the amended information is deemed acceptable and satisfactorily addresses all the issues raised, you must then upload all documentation via the *NSW planning portal*; or
2. Request that the current proposal proceed to determination in its current form, which may result in refusal of the application; or
3. Withdraw the application from Council, which may include the refund of a portion of the application fees. Please note, that should this be your preferred option, Council will require additional information and will request this under separate cover.

Should you choose to amend your application, we ask that you contact the assessment officer to discuss resolution of the above issues and submission requirements. This is to ensure any amendments satisfactorily address the assessment issues, prior to further expenses and resources being spent on the application.

Should you choose to amend your plans to address the concerns above, you may also need to update your supporting documentation (e.g.: Architectural drawings, flood report, "Clause 20 variation" etc). Please discuss this with the assessment officer to ensure the right documentation is updated.

As per the requirements of section 36 of the *Environmental Planning and Assessment Regulation 2021* you are advised that this application was accepted on 9 June 2023.

Please advise of your selected option by responding to this letter by **21 March 2024** at council@northernbeaches.nsw.gov.au and marked to the attention of the assessment officer. Should Council not receive your response and selected option by this date, Council will assume that you are not withdrawing this application and it will be determined in its current form.

Should you wish to discuss any issues raised in this letter, please contact Alex Keller on 1300 434 434 during business hours Monday to Friday.

Yours faithfully

Alex Keller
Principal Planner