

Natural Environment Referral Response - Flood

Application Number:	DA2021/1912
Proposed Development:	Alterations and additions to an existing building for a mixed use development including seniors housing and boarding house
Date:	22/12/2022
To:	Jordan Davies
Land to be developed (Address):	<p>Lot 1 DP 544341 , 2 - 4 Lakeside Crescent NORTH MANLY NSW 2100</p> <p>Lot 46 DP 12578 , 2 - 4 Lakeside Crescent NORTH MANLY NSW 2100</p> <p>Lot 47 DP 12578 , 2 - 4 Lakeside Crescent NORTH MANLY NSW 2100</p> <p>Lot 48 DP 12578 , 2 - 4 Lakeside Crescent NORTH MANLY NSW 2100</p> <p>Lot 45 DP 12578 , 8 Palm Avenue NORTH MANLY NSW 2100</p> <p>Lot 22 DP 865211 , 389 Pittwater Road NORTH MANLY NSW 2100</p>

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 proposed development is for alterations and additions to an existing building for a mixed- use development including seniors housing and boarding house at 2- 4 Lakeside Crescent and 8 Palm Avenue and 389 Pittwater Road, North Manly.

Following review of provided material, the Council's flood referral body has several concerns with the development. As per Clause 5.21 Flood Planning of the Warringah LEP 2011, development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied of 5 requirements (2) (a)-(e). With respect to those requirements, Council flood referral body is not satisfied that the proposed development:

(a) is compatible with the flood ... behaviour on the land

The proposed development is surrounded by high hazard flooding in the 1% AEP flood. The depth of flooding surrounding the building is greater than 1m. The flooding can occur very quickly after rain occurs and cause the land to be isolated and submerged for several hours.

Introducing vulnerable landuse (Senior's Living) to the area is not considered compatible with the flood

behaviour status of the land. The proposed change of use of the ground floor from community health centre to an unsupervised habitable use (including 12 boarding house units – two of which must be accessible units) is also not consider compatible with the flood behaviour status.

(c) will not adversely affect the safe occupation and efficient evacuation of people ... in the event of a flood

The intended design and scale of buildings resulting from the development must be considered by the flood referral body, as per Clause 5.21 Flood Planning (3) of the Warringah LEP 2013. It is deemed that the change of use to the ground floor, the introduction of Seniors Living to the floodplain and the scale of additional residences on the floodplain may adversely affect safe occupation and efficient evacuation of people in the event of a flood. This is because the ability to reliably predict flash flooding is not currently possible, therefore in reality the flood plan provided is not expected to be followed by residents independently of emergency services (SES) intervention and prior to the site becoming isolated. This means that the emergency will likely require additional resources to efficiently evacuate people and there are significant concerns for vulnerable people to shelter in place at the site. There is also deemed not to be an efficient means of medical evacuation (Prescriptive Control E2 of E11 Flood Prone Land in the Warringah DCP).

(d) incorporates appropriate measures to manage risk to life in the event of a flood

The intended scale of the building has been considered in assessing the appropriateness of the measures. Although the development incorporates some measures to manage flood-related risk to life, the flood referral body is not satisfied that that the risk to life will be appropriately managed in the event of a flood. The inadequacies of measures resulting in risks to life in the event of a flood include but are not limited to:

- the introduction of a vulnerable community to a floodplain with a practical means of medical evacuation (Prescriptive Control E2 of E11 Flood Prone Land in the Warringah DCP)
- the shelter in place must be intrinsically accessible to all people on the site ... without the reliance on an elevator [i.e lift] (Prescriptive Control E1 of E11 Flood Prone Land in the Warringah DCP). In order for seniors and for the inhabitants of accessibility boarding house units to get to the first floor (to shelter above the Probable Maximum Flood level) they would need to use the lift, stair lift or stairs. During flood emergencies it is common for power and back-up power sources to fail, the lifts may not have power and stairs may not be possible for vulnerable people to reach the shelter in place refuge without a ramp.
- the applicant has not provided sufficient information as to alleviate concerns of structural integrity of the building during a flood greater than a FPL (Prescriptive Control B2 of E11 Flood Prone Land in the Warringah DCP). Specific details required to satisfy Council of this will be compiled and requested separately via written correspondence.
- the applicant has not provided sufficient information, to confirm how the ground floor will be protected from flooding via potential water entry points up to the FPL (flood-proofing requirement of Prescriptive Control C6 of E11 Flood Prone Land in the Warringah DCP). Specific details required to satisfy Council of this will be compiled and requested separately via written correspondence.

The above concerns and Council's flood assessment position has generally been supported by a consultant conducting a peer review of the flood assessment. Further details including the peer reviewer's final report will be provided to the applicant when finalised.

The suitability of the development under the Seniors Living SEPP (2004) is also questioned. Although the identified flood risk is not mapped in an Environmental Planning Instrument, the natural hazard and high flood hazard on the site is mapped in the adopted Manly Lagoon Flood Study (2013) and Manly Lagoon Floodplain Risk Management (2018). Mapping of the hazard in an adopted study has been deemed in case law to be sufficient for the SEPP to either not apply or for flood risks to be considered

with greater emphasis).

The Flood referral body considers the proposal to be compliant with the requirements from Clause 5.21 Flood Planning (2b and 2e) of the Warringah LEP 2011 as follows:

(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

(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses.

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.