

Natural Environment Referral Response - Flood

Application Number:	Mod2020/0460
Date:	29/09/2020
To:	Jordan Davies
Land to be developed (Address):	Lot 19 DP 21687 , 47 Elaine Avenue AVALON BEACH 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

An existing condition applies to this Development Application to require that the proposed development be certified to withstand the potential hydraulic forces of the Probable Maximum Flood event to be demonstrated prior to the issue of the Occupation Certificate (Condition E3). A similar condition was not included to be demonstrated prior to Construction Certificate and the dwelling house was constructed in a way that the subject Occupation Certificate condition could not be achieved. Whilst Shelter-in-place in a structurally sound refuge is the preferable emergency response arrangement for this property, to permit the issuing of an Occupation Certificate, alternative arrangements have been proposed in this application to permit the removal of condition E3 from the existing consent.

The Flood Emergency Response Report outlines an evacuation plan for the subject property. The potential warning times and required evacuation timeline are extremely short, however appropriate warning mechanisms have been identified for implementation to manage the residual risk to life.

The proposal is therefore supported.

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

Recommended Natural Environment Conditions:

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

Installation of water level gauge and alarm

A water level gauge and related alarm inside the dwelling is to be installed as per the details outlined in the Flood Emergency Response Report (The Report) prepared by Northern Beaches Consulting Engineers dated 12/12/2019. The gauge must have warning thresholds calibrated to the levels outlined

in The Report and must have back-up power provided to ensure the ongoing efficacy of the system.

Reason: To ensure that the flood risk to life is appropriately managed.

Restriction as to User and Positive Covenant for Water Level Gauge and Flood Warning Alarm
Restriction as to user

A restriction as to user shall be created on the title over the water level gauge and internal alarm in order to:

1. Prohibit the removal or modification of the gauge or flood warning alarm
2. The operation of the gauge and flood warning alarm must be continuous.

Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify such restriction.

Positive Covenant

The Applicant shall submit a positive covenant (under the provisions of Section 88B of the Conveyancing Act 1919) to be created on the final plans and accompanying 88B instrument, requiring the proprietor of the land to maintain the water level gauge and flood warning alarm in accordance with the industry and manufacturing standards to ensure ongoing flood emergency response arrangements. The terms of the positive covenant are to be prepared to Council's standard requirements, which are available from Northern Beaches Council. Northern Beaches Council shall be nominated as the sole authority empowered to release, vary or modify such covenant.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To ensure the ongoing operation of the water level gauge and flood warning alarm.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

Flood Emergency Response Report

The Flood Emergency Response Report (The Report) prepared by Northern Beaches Consulting Engineers dated 12/12/2019 must be kept on the premises at all times and exercised regularly to ensure the occupants of the dwelling are proficient in the requirements of The Report.

Reason: To ensure that the flood risk to life to the occupants of the dwelling is appropriately managed.