

Infrastructure Works and Emergency Services

MinuteNumber: 542

Council Meeting Date: 29/11/04

15/11/2004 WKS080-05

Proposed Flood Notations for Section 149 Certificates

– Dents Creek (North West Arm)

File Number: 98/1880, 02/00082, 04/00110

Director: Engineering (JJ)

Report Item

REPORT IN FULL

Purpose

To attach flood notations to Section 149 Certificates for **specific** properties in Gymea Bay and Grays Point from the confluence of Dents Creek and Savilles Creek downstream to Fernhill Place, Grays Point.

Background

On 22 October 2001, Council resolved to attach flood notations to Section 149 certificates for properties along Dents Creek from President Avenue, Gymea to the confluence with Savilles Creek (Refer to WKS084-02 ).

Council further resolved that the flood study be extended upstream along Savilles Creek and downstream along North West Arm to identify any additional properties that may be affected by flooding and a further report submitted to Council.

The flood study for North West Arm from the confluence of Dents Creek and Savilles Creek downstream to Fernhill Place, Grays Point has now been completed. The investigation confirms that a number of properties are affected by flooding up to and including the Probable Maximum Flood (PMF). The flood study was terminated in the vicinity of Fernhill Place, because the impact of flooding from this point downstream is insignificant due to the large waterway area. This lower reach of North West Arm is however subject to tidal inundation.

Flood Risk Mapping

The study identified three flood risk precincts characterised as High, Medium and Low.

Different development controls are proposed for the floodplain, depending on the type of development and the flood risk area within which development is proposed. Development controls are to be applied through the draft Sutherland Shire Flood Risk Management Development Control Plan (DCP), which affects the whole of Sutherland Shire. This draft DCP has been recommended for public exhibition in a report to the Works and Emergency Services Committee entitled "*Georges River Floodplain Risk Management Study & Plan*" (see WKS079-05). The three flood risk precincts can be described as follows:

- *High Flood Risk*, where high flood damages, potential risk to life, or evacuation problems are anticipated. It is recommended that most development is restricted within this area;
- *Medium Flood Risk*, where there is still a significant risk of flood damage, but where these damages can be minimised by the application of appropriate development controls and
- *Low Flood Risk*, where the risk of flood damage is low. Most land uses would be permitted within this area (subject to other planning considerations).

Flood risk mapping has been added to Council's Geographical Information System (GIS). This will provide a valuable source of information for Council to manage flood risk and also assist with future emergency management operations.

Policy

Council is required under Schedule 4 of the Environmental Planning & Assessment Regulation 2000 to advise on the Section 149 Certificate for a property, whether Council or any other public authority has adopted a policy that restricts development of the land because of the likelihood of flooding.

The New South Wales Government recommends in its Floodplain Management Manual (January 2001), that for land above the Flood Planning Level (1% AEP flood plus a 500 mm minimum freeboard), Councils should also advise in the Section 149 Certificates that the land may still be subject to flooding in extreme events.

Proposed Notations

It is proposed that the following notations be applied to the affected properties listed in Appendix "A" and shown on Council's GIS:

GENFR

- *Council has by resolution adopted a policy to restrict the development of the land because of the likelihood of flooding as the land is classified as flood liable under the NSW State Government Flood Prone Land Policy.*
- *Refer to Council's Geographical Information System (GIS) for locations of High, Medium and Low Flood Risk areas and the document held on Council File Number 02/00082 for flood levels on this property.*
- *The term "Flood Risk" relates to the potential danger to personal safety and property. Refer to the NSW State Government Floodplain Management Manual, 2001 for further details.*
- *Council's Development Control Plan "draft Sutherland Shire Flood Risk Management DCP" applies to this property. This draft DCP specifies controls on development to manage potential flood risk within this property and adjacent areas.*

Current Situation/Alternatives/Benefits

The properties listed in Appendix 'A' are not currently identified on their respective Section 149 Certificates as having any restrictions to development because of the likelihood of flooding. It is now necessary for Council to resolve to classify these properties as being flood liable and to attach the corresponding notations.

Consultation - Community and Staff

The Environmental Services Division, Environmental Planning, Land Information and Survey Services were consulted.

Strategic Issues

Environmental and Economic

Notification of development restrictions will fulfil Council's statutory obligations in regard to Section 149 Certificates, so that property owners, purchasers, and developers can make prudent decisions in regard to the relevant properties. The flood notations will help to minimise flood damage to new development, consequent costs to the community and impacts to the environment.

Operational Issues

Financial

There are no budgetary funds required.

Resources

The proposed notations can be applied "in-house".

Implementation and Communication of Decision(s)

Once notations have been attached to Section 149(2) Certificates, this information will be available to staff and the community in general. A letter will be sent out to each affected property owner informing them of the application of notations to the Section 149 Certificate for their property.

Report Recommendation:

1. That pursuant to the NSW State Government Flood Prone Land Policy, the properties listed in Appendix 'A' be classified as Flood Liable.
2. That the subdivision of land and the erection of any new structure, major addition, or alteration to existing structures on the properties listed in Appendix 'A' be restricted due to the likelihood of flooding in accordance with the following notations:

GENFR

"Council has by resolution adopted a policy to restrict the development of the land because of the likelihood of flooding as the land is classified as flood liable under the NSW State Government Flood Prone Land Policy".

"Refer to Council's Geographical Information System (GIS) for locations of High, Medium and Low Flood Risk areas and the document held on Council File Number 02/00082 for flood levels on this property".

"The term "Flood Risk" relates to the potential danger to personal safety and property. Refer to the NSW State Government Floodplain Management Manual, 2001 for further details".

"Council's Development Control Plan "draft Sutherland Shire Flood Risk Management DCP" applies to this property. This draft DCP specifies controls on development to manage potential flood risk within this property and adjacent areas".

3. That the notations listed in Item 2 above be attached to any Section 149 Certificate issued for the properties listed in Appendix 'A'.
4. That the Director - Engineering Division notify all affected property owners in writing of the addition of flood notations to the Section 149 Certificates for their properties, within 21 days from the date of this clause being resolved by the Council.
5. That the Director - Environmental Services Division be advised of the attachment of flood notations to Section 149 Certificates for properties listed in Appendix 'A'.

Proposed Flood Notations for Section 149 Certificates – Dents Creek (North West Arm)

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Appendix - "A"



Appendix A - NWA Property list.xls

Committee Recommendation:

1. That pursuant to the NSW State Government Flood Prone Land Policy, the properties listed in Appendix "A" be classified as Flood Liable.
2. That the subdivision of land and the erection of any new structure, major addition, or alteration to existing structures on the properties listed in Appendix "A" be restricted due to the likelihood of flooding in accordance with the following notations:

GENFR

"Council has by resolution adopted a policy to restrict the development of the land because of the likelihood of flooding as the land is classified as flood liable under the NSW State Government Flood Prone Land Policy".

"Refer to Council's Geographical Information System (GIS) for locations of High, Medium and Low Flood Risk areas and the document held on Council File Number 02/00082 for flood levels on this property".

"The term "Flood Risk" relates to the potential danger to personal safety and property. Refer to the NSW State Government Floodplain Management Manual, 2001 for further details".

"Council's Development Control Plan "draft Sutherland Shire Flood Risk Management DCP" applies to this property. This draft DCP specifies controls on development to manage potential flood risk within this property and adjacent areas".
3. That the notations listed in Item 2 above be attached to any Section 149 Certificate issued for the properties listed in Appendix "A".
4. That the Director - Engineering Division notify all affected property owners in writing of the addition of flood notations to the Section 149 Certificates for their properties, within 21 days from the date of this clause being resolved by the Council.
5. That the Director - Environmental Services Division be advised of the attachment of flood notations to Section 149 Certificates for properties listed in Appendix "A".

6. That the Director - Engineering investigate the information available regarding the impact of rises in sea levels.

Council Resolution:

1. That pursuant to the NSW State Government Flood Prone Land Policy, the properties listed in Appendix "A" be classified as Flood Liable.

2. That the subdivision of land and the erection of any new structure, major addition, or alteration to existing structures on the properties listed in Appendix "A" be restricted due to the likelihood of flooding in accordance with the following notations:

GENFR

"Council has by resolution adopted a policy to restrict the development of the land because of the likelihood of flooding as the land is classified as flood liable under the NSW State Government Flood Prone Land Policy".

"Refer to Council's Geographical Information System (GIS) for locations of High, Medium and Low Flood Risk areas and the document held on Council File Number 02/00082 for flood levels on this property".

"The term "Flood Risk" relates to the potential danger to personal safety and property. Refer to the NSW State Government Floodplain Management Manual, 2001 for further details".

"Council's Development Control Plan "draft Sutherland Shire Flood Risk Management DCP" applies to this property. This draft DCP specifies controls on development to manage potential flood risk within this property and adjacent areas".

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4. That the Director - Engineering Division notify all affected property owners in writing of the addition of flood notations to the Section 149 Certificates for their properties, within 21 days from the date of this clause being resolved by the Council.

5. That the Director - Environmental Services Division be advised of the attachment of flood notations to Section 149 Certificates for properties listed in Appendix "A".

6. That the Director - Engineering investigate the information available regarding the impact of rises in sea levels.