

Infrastructure Works and Emergency Services

MinuteNumber: 921

Council Meeting Date: 03/05/04

27/04/2004 WKS180-04

Proposed Flood Notations for Section 149 Certificates - Ewey Creek

File Number: 02/00647, 02/00082, 04/00110

Director: Engineering (PL)

Report Item

REPORT IN FULL

Purpose

To attach flood notations to Section 149 Certificates for specific properties adjoining Ewey Creek from Manchester Road, Gymea to the foreshore of Yowie Bay.

Background

A Flood Study has been completed for the full 2.3 km length of Ewey Creek from Manchester Road, Gymea to the western head of Yowie Bay. This study confirms that a number of properties are affected by flooding up to and including the Probable Maximum Flood (PMF).

There are one hundred and eighty nine (189) properties identified within the area inundated by the PMF and of these, ninety nine (99) are subject to the Flood Planning Level (FPL). This is the level of the 1% AEP (Annual Exceedance Probability) event plus 500 mm freeboard. Appendix 'A' attached to this report provides a list of those properties affected by the FPL and Appendix 'B' identifies those properties that are affected by the PMF. The flood boundaries are shown on Council's Geographical Information System (GIS) and the minimum finished floor levels for all affected properties are detailed in Appendix 'C'.

Policy

Council is required under the Schedule 4 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 (minimum floor level based on the adopted 1% AEP flood standard 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 development of the affected properties listed in Appendix 'A' and shown on Council's GIS:

GENFLD:

"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."

EFN01

"There shall be no development within the floodway defined as the limit of the 5% Annual Exceedance Probability (AEP) floodplain as shown on Council's Geographical Information System (GIS)."

"Annual Exceedance Probability (AEP) refers to the probability of risk of a flood of a given size occurring or being exceeded in any given year."

"The finished floor level for any residential, commercial, industrial or other habitable structure, or major addition to any such structure, shall be a minimum of 500 mm above the level of the 1% AEP."

"No filling of the land shall be allowed within the floodplain of the 1% AEP event plus 500 mm."

"Any structure within the 1% AEP floodplain plus 500 mm as shown on Council's Geographical Information System (GIS) shall be supported on piers in such a way that the flow of water beneath the structure is not impeded."

"Refer to Council's Geographical Information System (GIS) for location of flood boundaries and the document entitled, "Ewey Creek - Flood Levels", held on Council File Number 02/00082 for minimum finished floor levels."

As recommended in the Floodplain Management Manual, for land subject to the PMF, Council is to advise on Section 149 Certificates that the land may still be subject to flooding in rare storm events. Accordingly, the following flood notation should be attached to any Section 149 Certificate issued for properties listed in Appendix 'B' and shown on Council's Geographical Information System (GIS):

EFN02:

"That pursuant to the NSW State Government Flood Prone Land Policy Council has by resolution adopted to advise that while it considers the land to be above the Flood Planning Level the property may still be subject to flooding in rare storm events."

Current Situation/Alternatives/Benefits

The properties 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 flood liable, restrict the development of the land because of the likelihood of flooding and attach the specific notations to the respective properties.

Consultation - Community and Staff

Discussions have been held between Council's Stormwater Management Branch, Environmental Services Division, Land Information Unit and Survey Services.

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. It is intended that development will

not be permitted on land inundated by the 5% AEP flood event and that minimum finished floor levels will be set for any proposed development affected by the 1% AEP flood event. Land filling will also be restricted.

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 as notified to Council the properties listed in Appendices A and B be classified as Flood Prone.
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:

GENFLD

"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 Prone under the NSW State Government Flood Prone Land Policy."

EFN01

"There shall be no development within the floodway defined as the limit of the 5% Annual Exceedance Probability (AEP) floodplain as shown on Council's Geographical Information System (GIS)"

"Annual Exceedance Probability (AEP) refers to the probability of risk of a flood of a given size occurring or being exceeded in any given year."

"The finished floor level for any residential, commercial, industrial or other habitable structure, or major addition to any such structure, shall be a minimum of 500 mm above the level of the 1% AEP."

"No filling of the land shall be allowed within the floodplain of the 1% AEP event plus 500 mm."

"Any structure within the 1% AEP floodplain plus 500 mm as shown on Council's Geographical Information System (GIS) shall be supported on piers in such a way that the flow of water beneath the structure is not impeded."

"Refer to Council's Geographical Information System (GIS) for location of flood boundaries and the document entitled, "Ewey Creek - Flood Levels", held on Council File Number 02/00082 for minimum finished floor levels."

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 properties listed in Appendix B be advised on any Section 149 Certificate issued that the land may be subject to flooding in accordance with the following notation:

EFN02

"That pursuant to the NSW State Government Flood Prone Land Policy, Council has by resolution adopted to advise that while it considers the land to be above the Flood Planning Level the property may still be subject to flooding in rare storm events."

5. That the Director - Environmental Services Division attach the flood notations in Items 2 and 4 above to any Section 149 Certificate issued for the properties listed in Appendices 'A' & 'B'.

6. That the Director - Corporate Services Division upload the information related to all affected properties as listed in Appendices 'A', 'B' and 'C' onto Council's Geographical Information System (GIS).

7. 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.

Attachments

Proposed Flood Notations for Section 149 Certificates - Ewey Creek

(To view, double click on Icon and select 'Launch'. Select 'File' 'Exit' to return to report.)

Appendix A



FPL.xls

Appendix B



PMF.xls

Appendix C



S149-Levels.xls

Committee Recommendation:

1. That pursuant to the NSW State Government Flood Prone Land Policy as notified to Council the properties listed in Appendices A and B be classified as Flood Prone.
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:

GENFLD

"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 Prone under the NSW State Government Flood Prone Land Policy."

EFN01

"There shall be no development within the floodway defined as the limit of the 5% Annual Exceedance Probability (AEP) floodplain as shown on Council's Geographical Information System (GIS)"

"Annual Exceedance Probability (AEP) refers to the probability of risk of a flood of a given size occurring or being exceeded in any given year."

"The finished floor level for any residential, commercial, industrial or other habitable structure, or major addition to any such structure, shall be a minimum of 500 mm above the level of the 1% AEP."

WKS180-04 cont'd

"No filling of the land shall be allowed within the floodplain of the 1% AEP event plus 500 mm."

"Any structure within the 1% AEP floodplain plus 500 mm as shown on Council's Geographical Information System (GIS) shall be supported on piers in such a way that the flow of water beneath the structure is not impeded."

"Refer to Council's Geographical Information System (GIS) for location of flood boundaries and the document entitled, "Ewey Creek - Flood Levels", held on Council File Number 02/00082 for minimum finished floor levels."

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 properties listed in Appendix B be advised on any Section 149 Certificate issued that the land may be subject to flooding in accordance with the following notation:

EFN02

"That pursuant to the NSW State Government Flood Prone Land Policy, Council has by resolution adopted to advise that while it considers the land to be above the Flood Planning Level the property may still be subject to flooding in rare storm events."

5. That the Director - Environmental Services Division attach the flood notations in Items 2 and 4 above to any Section 149 Certificate issued for the properties listed in Appendices 'A' & 'B'.

6. That the Director - Corporate Services Division upload the information related to all affected properties as listed in Appendices 'A', 'B' and 'C' onto Council's Geographical Information System (GIS).

7. 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.

Council Resolution:

1. That pursuant to the NSW State Government Flood Prone Land Policy as notified to Council the properties listed in Appendices A and B be classified as Flood Prone.

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:

GENFLD

"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 Prone under the NSW State Government Flood Prone Land Policy."

EFN01

"There shall be no development within the floodway defined as the limit of the 5% Annual Exceedance Probability (AEP) floodplain as shown on Council's Geographical Information System (GIS)"

"Annual Exceedance Probability (AEP) refers to the probability of risk of a flood of a given size occurring or being exceeded in any given year."

"The finished floor level for any residential, commercial, industrial or other habitable structure, or major addition to any such structure, shall be a minimum of 500 mm above the level of the 1% AEP."

WKS180-04 cont'd

"No filling of the land shall be allowed within the floodplain of the 1% AEP event plus 500 mm."

"Any structure within the 1% AEP floodplain plus 500 mm as shown on Council's Geographical Information System (GIS) shall be supported on piers in such a way that the flow of water beneath the structure is not impeded."

"Refer to Council's Geographical Information System (GIS) for location of flood boundaries and the document entitled, "Ewey Creek - Flood Levels", held on Council File Number 02/00082 for minimum finished floor levels."

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 properties listed in Appendix B be advised on any Section 149 Certificate issued that the land may be subject to flooding in accordance with the following notation:

EFN02

"That pursuant to the NSW State Government Flood Prone Land Policy, Council has by resolution adopted to advise that while it considers the land to be above the Flood Planning Level the property may still be subject to flooding in rare storm events."

5. That the Director - Environmental Services Division attach the flood notations in Items 2 and 4 above to any Section 149 Certificate issued for the properties listed in Appendices 'A' & 'B'.

6. That the Director - Corporate Services Division upload the information related to all affected properties as listed in Appendices 'A', 'B' and 'C' onto Council's Geographical Information System (GIS).

7. 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.