



**RE: Gateway Condition (c) for PP-2024-270 78 Port Hacking Road, Sylvania**

The proposed planning amendment (from SP2 Classified Road to R2 Low Density Residential) has a minor inconsistency to the references (Direction 4.1 Flooding, the Flood Risk Management Manual (2023) and 2022 Flood Inquiry). The inconsistency is justifiable for the proposed planning amendment as detailed below.

Conditions of Development would be applicable to the rezoned subject site for flood risk management considering its limited extent of identified flood affectation. Potential development of the site is feasible within the objectives of Clause 5.21 of Sutherland Shire Local Environmental Plan 2015 subject to relevant controls of the Sutherland Shire Development Control Plan 2015.

**Direction 4.1**

*(1) A planning proposal must include provisions that give effect to and are consistent with:*  
*(a) the NSW Flood Prone Land Policy,*  
*(b) the principles of the Floodplain Development Manual 2005,*  
*(c) the Considering flooding in land use planning guideline 2021, and*  
*(d) any adopted flood study and/or floodplain risk management plan prepared in accordance with*  
*the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.*

Response: 78 Port Hacking Road, Sylvania (the subject site) has been identified as flood prone based on the [Gwawley Bay Floodplain Management Study \(2015\)](#). Flood information mapping is attached.

- a) The primary objective of the Policy is to reduce the impact of flooding and flood liability on owners and occupiers of flood prone property.
- b) The Manual provides for development of strategies for use of the floodplain considering risk management principles based on avoidance, minimisation and mitigation works. The Floodplain Development Manual 2005 is the predecessor document to the Flood Risk Management Manual 2023.
- c) The Guideline's objective is to increase resilience to flooding beyond the 1% AEP.
- d) The subject site is within the Gwawley Bay Floodplain Risk Management Study and Plan (2015) (FRMSP). Specific measures on the subject site are not recommended in this report. It was prepared in accordance with the Floodplain Development Manual 2005 but was not formally adopted by Council. This FRMSP followed the adoption by Council of the Gwawley Bay Catchment Flood Study 2012 also prepared in accordance with the Floodplain Development Manual 2005.

The proposed rezoning of the subject site is considered consistent with these documents.

*(2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones.*

Response: The estimated flood extent in a PMF event is for a relatively small part of the subject site for which the proposed planning amendment is from SP2 Classified Road to R2 Low Density Residential. The inconsistency of the planning proposal to this clause is minor and justifiable due to the limited estimated flood extent and future development applications would be assessed in accordance with Council's Development Control Plan or through Councils exempt development guidelines.

*(3) A planning proposal must not contain provisions that apply to the flood planning area which:*

*(a) permit development in floodway areas,*

Response: The Gwawley Bay Floodplain Management Study 2015 indicates that the subject site is not estimated as floodway.

*(b) permit development that will result in significant flood impacts to other properties,*

Response: The subject site is identified as flood prone based on estimated inundation at the northern part of the site. This portion of the site is identified as flood fringe (not floodway nor flood storage) in the Gwawley Bay Floodplain Management Study 2015. Future development applications would be assessed in accordance with Council's Development Control Plan or through Councils exempt development guidelines. For example, it is considered that development of the site could occur without affectation of identified flood behaviour by exclusion of works (or only minor changes to existing conditions) within the flood affected area.

*(d) permit a significant increase in the development and/or dwelling density of that land,*

Response: Strategic Asset Management Unit cannot respond directly to this item. It is noted that the subject site is generally accessible by road alternatives to provisional high hazard flood-affected sections of Port Hacking Road.

*(e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors*

*housing in areas where the occupants of the development cannot effectively evacuate,*

Response: Sensitive uses and facilities are unsuitable development for land mapped as medium flood risk (as detailed in Council's Development Control Plan 2015). A small area on the northern part of the subject site is identified as medium risk precincts as shown on the attached flood information mapping. The subject site is generally accessible by road alternatives to provisional high hazard flood-affected sections of Port Hacking Road.

*(f) permit development to be carried out without development consent except for the purposes of*

*exempt development or agriculture. Dams, drainage canals, levees, still require development consent,*

Response: Strategic Asset Management Unit cannot respond directly to this item.

*(g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities,*

Response: The subject site is identified as low and medium risk precincts (per Council's Development Control Plan) on the northern part of the site as shown on the attached flood

information mapping. It is generally accessible by road alternatives to provisional high hazard flood-affected sections of Port Hacking Road.

*(h) permit hazardous industries or hazardous storage establishments where hazardous materials*

*cannot be effectively contained during the occurrence of a flood event.*

Response: Strategic Asset Management Unit cannot respond directly to this item. Future development applications would be assessed in accordance with Council's Development Control Plan or through Councils exempt development guidelines.

*(4) A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:*

*(a) permit development in floodway areas,*

Response: The Gwawley Bay Floodplain Management Study 2015 indicates that the subject site is not estimated as floodway.

*(b) permit development that will result in significant flood impacts to other properties,*

Response: The subject site is identified as flood prone based on estimated inundation at the northern part of the site. This portion of the site is identified as flood fringe (not floodway nor flood storage) in the Gwawley Bay Floodplain Management Study 2015. Future development applications would be assessed in accordance with Council's Development Control Plan or through Councils exempt development guidelines.

*(c) permit a significant increase in the dwelling density of that land,*

Response: Strategic Asset Management Unit cannot respond directly to this item. It is noted that the subject site is generally accessible by road alternatives to provisional high hazard flood-affected sections of Port Hacking Road.

*(d) permit the development of centre-based childcare facilities, hostels, boarding houses, group*

*homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,*

Response: Sensitive uses and facilities are unsuitable development for land mapped as medium flood risk (as detailed in Council's Development Control Plan 2015). A northern part of the subject site is identified as medium risk precincts as shown on the attached flood information mapping. The subject site is generally accessible by road alternatives to provisional high hazard flood-affected sections of Port Hacking Road.

*(e) are likely to affect the safe occupation of and efficient evacuation of the lot, or*

Response: The subject site is identified as low and medium risk precincts (per Council's Development Control Plan) on the northern part of the site as shown on the attached flood information mapping. It is generally accessible by road alternatives to provisional high hazard flood-affected sections of Port Hacking Road.

*(f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.*

Response: The subject site is identified as low and medium risk precincts (per Council's Development Control Plan) on the northern part of the site as shown on the attached flood information mapping. It is generally accessible by road alternatives to provisional high hazard flood-affected sections of Port Hacking Road.

*(5) For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council*  
Response: The subject site has been identified as flood prone based on the Gwawley Bay Floodplain Management Study 2015 as shown in the attached flood information mapping.

The inconsistency of the planning proposal to these clauses (3, 4, and 5) is minor and justifiable due to the limited estimated flood extent on the site and future development applications would be assessed in accordance with Council's Development Control Plan or through Councils exempt development guidelines.

### **2022 Flood Inquiry**

Response: The Inquiry makes recommendations for future improvements to the way NSW plans and prepares for, responds to and recovers from natural disasters like the floods. Recommendation 18 is for a risk-based approach to calculating flood planning levels, including taking account of climate change. The Gwawley Bay Floodplain Management Study 2015 determined flood risk precincts which are shown on the attached flood information mapping. Flood extents and risk precincts on the subject site do not preclude development but identifies sensitive uses as unsuitable. Development controls for flood affected land are applicable from Council's Development Control Plan.





# SUTHERLANDSHIRE

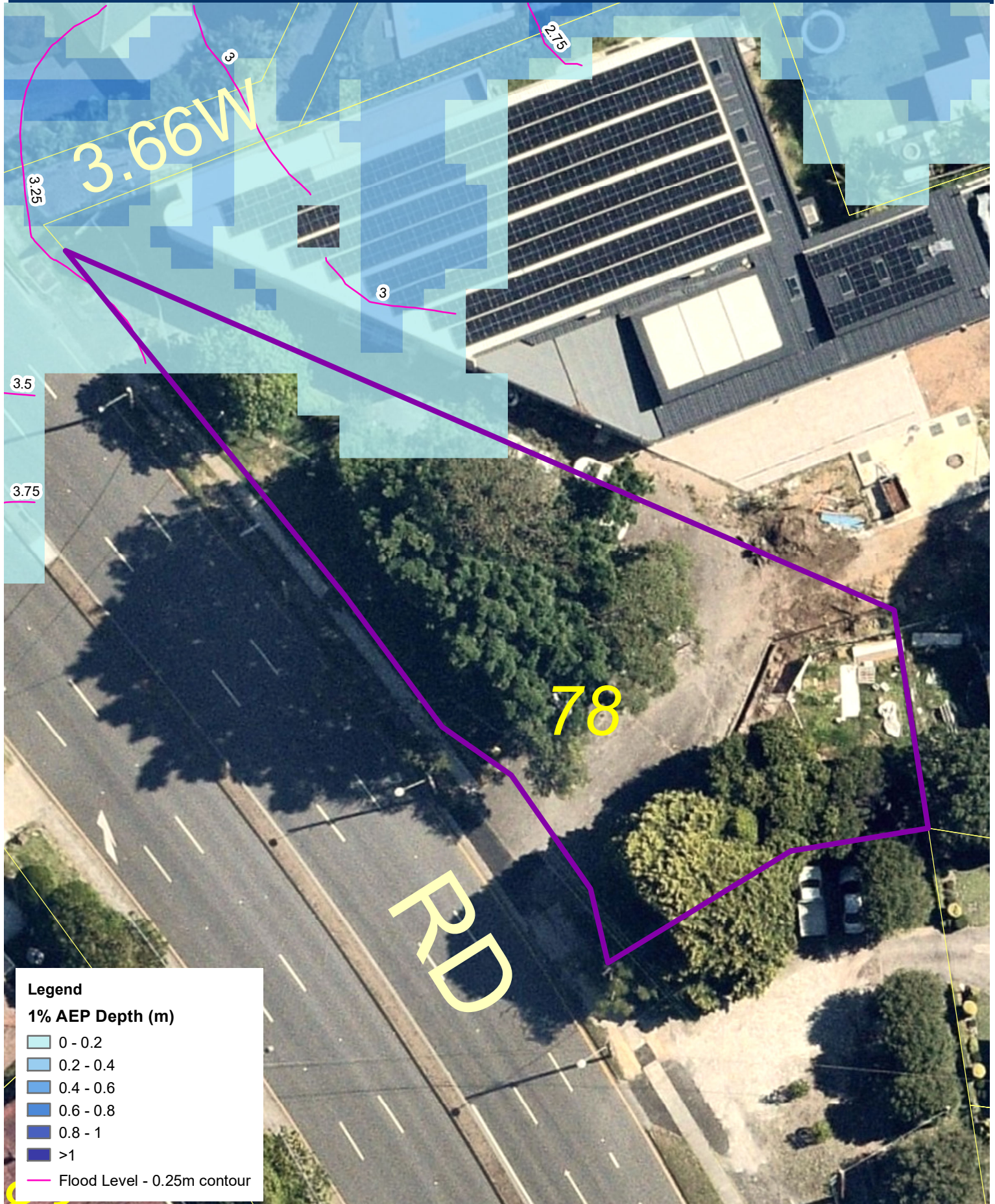
1:350

0 4 8 12 m @ A4

## Gwawley Bay Catchment Floodplain Risk Management Study

1% AEP Flood Depth

78 Port Hacking Road  
SYLVANIA







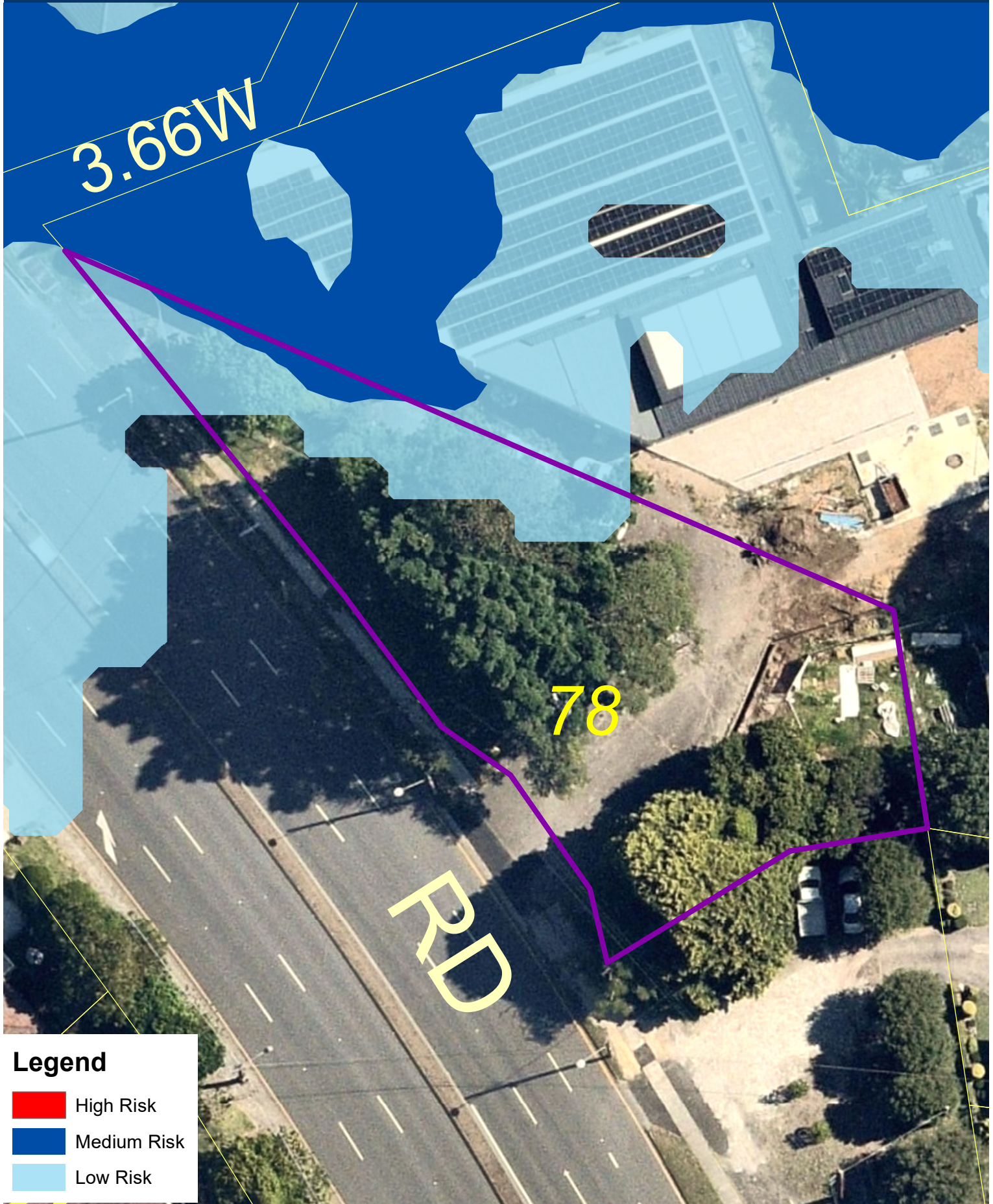
# SUTHERLANDSHIRE

1:350

0 4 8 12m @ A4

## Gwawley Bay Catchment Floodplain Risk Management Study

Flood Risk Precincts  
78 Port Hacking Road  
SYLVANIA







# SUTHERLANDSHIRE

1:350

0 4 8 12 m @ A4

## Gwawley Bay Catchment Floodplain Risk Management Study

1% AEP Provisional Hazard

78 Port Hacking Road  
SYLVANIA



3.66W

78

RD

### Legend

#### 1% AEP Provisional Hazard

 High Hazard

 Low Hazard





# SUTHERLANDSHIRE

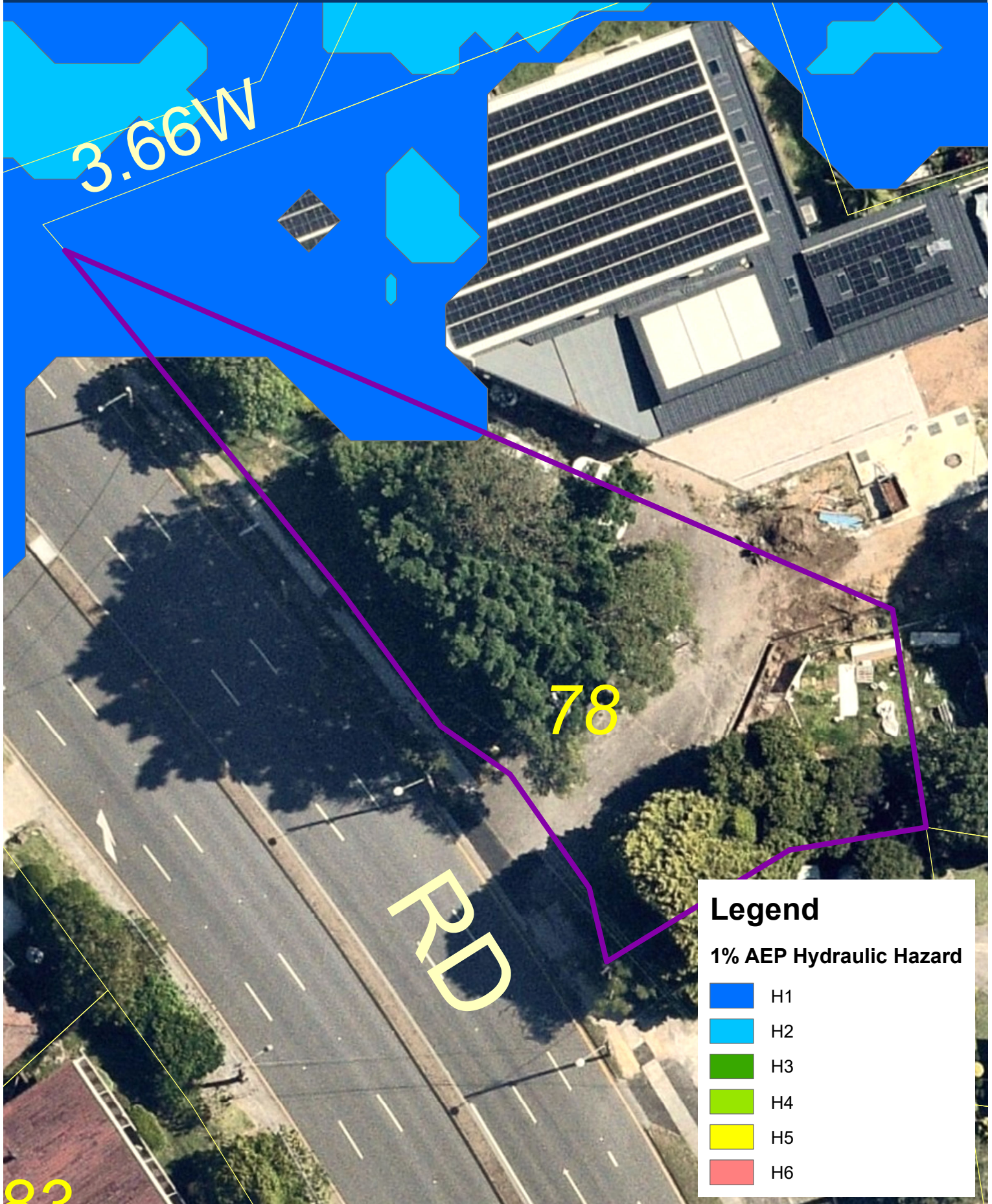
1:350

0 4 8 12 m @ A4

## Gwawley Bay Catchment Floodplain Risk Management Study

1% AEP Hydraulic Hazard

78 Port Hacking Road  
SYLVANIA



### Legend

#### 1% AEP Hydraulic Hazard

	H1
	H2
	H3
	H4
	H5
	H6





# SUTHERLANDSHIRE

1:350

0 4 8 12 m @ A4

## Gwawley Bay Catchment Floodplain Risk Management Study

1% AEP Hydraulic Category

78 Port Hacking Road  
SYLVANIA

