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Your Ref: N/A

Our Ref: 15081-01 Letter 003

Date: 27<sup>th</sup> March 2020

Attn: Mr. Terry Wetherall

**RE: SUMMARY OF FLOOD AND GROUNDWATER INVESTIGATIONS –  
PROPOSED DEVELOPMENT AT 120 WALKER STREET, HELENSBURGH**

***Is the proposal consistent with the SEPP?***

Yes. Wollongong City Council's DCP 2009 includes developments under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* under the 'Critical Utilities and Uses' landuse category (Table 1, p.17). The Proposed Development Control Matrix presented as Schedule 10 of DCP 2009 describes Critical Utilities as an unsuitable land use in a medium risk precinct, even though it permits residential land use in the same precinct.

We note that (the then) DIPNR's guidelines for Councils and applicants on 'Housing for Seniors or People with a Disability' make the point that *"only genuinely high flood hazard affected areas should be identified in LEPs. This will avoid identifying land in an LEP that would be suitable for residential development"*. The guidelines go on to state that *"only high hazard areas require prohibition"* and that *"Councils should be consistent with the latest manual of the management of flood liable lands as notified by the Minister for Infrastructure and Planning and Minister for Natural Resources"*.

As part of our involvement in previous Senior's Living developments where this inconsistency arose, we discussed this issue with Mr Graham Towers, Environmental Planning Officer in DPE's Local Planning Team. Specifically, we asked Mr Towers how the conflict between these documents could be resolved in that the Seniors Living SEPP anticipates appropriate development in flood prone areas, with only genuinely high hazard areas excluded if identified in an LEP; whereas Council's DCP 2009 prohibits development of seniors developments in 'medium' flood risk areas.

Mr Towers commented further that if there is a conflict between a DCP and a SEPP, the SEPP would over-ride the DCP. We further understand this to be a common understanding of fundamental environmental planning law, given Section 3.43 (5)(b) of the EP&A Act. As such, and given that there is no 'high hazard' areas on the site, we consider it suitable under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

The above was stated clearly in our published a Flood Study dated 16<sup>th</sup> December 2019.

***Is the proposal supported by the DCP?***

Yes. WCC's DCP 2009 (Chapter E13) sets forth its prescriptive controls for all development on the floodplain. The proposal is wholly located in a Medium Flood Risk Precinct, at worst. When applying the DCP's prescriptive controls for 'residential' purposes, the proposed development can readily comply with those controls, which are focused on:

1. Minimum habitable FFL's set at 500mm above the peak 1% AEP flood surface levels. Given the shallow depth of inundation of overland flow only, this can be readily achieved.
2. Use of flood compatible materials below the Flood Planning Level. This requires the use of masonry, concrete, steel and other similar materials essentially at ground level for the buildings, which is common construction techniques for the proposed structures. This is therefore readily achieved.
3. Evacuation. The site has full and direct access to Walker Street in all flood events up to and including the PMF, and also has safe refuge on site.

There is no doubt that future development can readily comply with the DCP provisions, to the extent that it even needs to given the lack of discernible flood behaviour across the site. The above was stated clearly in our published a Flood Study dated 16<sup>th</sup> December 2019.

***What is the risk to human life and property damage at the proposed development?***

There is no risk to loss of life, or property damage, expected on the site. This is achieved via the application of Council's standard controls for risk reduction in a Medium Flood Risk Precinct. The above was stated clearly in our published a Flood Study dated 16<sup>th</sup> December 2019.

***How does the proposed built form affect flood behaviour?***

The proposed built form only has a minor, and local influence on flood behaviour, as evidenced in the detailed flood model results. All of these minor and local influences are readily accommodated on the site. The above was stated clearly in our published a Flood Study dated 16<sup>th</sup> December 2019.

***What is the PMF refuge?***

Refuge for occupants is available on site in the Probable Maximum Flood (PMF) event. We note this event is roughly equivalent to a 1 in 10 million year event. This is an event so rare that it exceeds the existence of human beings on earth. However, the development does not have to rely on this refuge in such a rare event, as the site has full and direct access to Walker Street in all flood events up to and including the PMF. Either strategy can be accommodated. The above was stated clearly in our published a Flood Study dated 16<sup>th</sup> December 2019.

***Is filling required to achieve a certain floor level?***

No. Typical slab on ground construction will deliver FFL's 500mm above the shallow overland flow across the site.

We trust this resolves the matters raised in WCC's response.

For and on behalf of  
Rienco Pty Ltd



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