



Floodplain Management Association

Caring for People and the Environment
www.floods.org.au ABN 67 007 279 179

Chairman: Ian Dinham 0435 946 525

3 March, 2014

Mr Sam Haddad
Director-General
Department of Planning & Infrastructure

Dear Mr Haddad,

Submission on Draft Planning Circular: Advice on Coastal Hazards

Thank you for the opportunity to comment on the above.

We generally support the underlying intent of the circular but believe there are detailed factors that should be considered in the finalisation of the circular. Further, we implore the Department to move forward with providing a holistic review of the suite of guidelines relating to flood risk planning in NSW.

Detailed Factors

1. The circular should provide clearer guidance as to the information communicated to the public in regard to the following situations:
 - a. The inclusion of “coastal flooding” in the circular is unclear, and seems to have been included with other coastal hazards without much regard to the difficulties in separating tidal inundation, riverine and estuarine flooding, storm surge and sea level rise. Some clarification as to the intended application of the guideline would be of assistance, particularly as the planning implications of the hazards vary. For example, coastal flooding relates to an increased chance of periodic inundation while sea level rise can relate to permanently increased levels of inundation.
 - b. Properties currently affected by planning controls due to a hazard may be subject to more stringent planning controls in the future. The information provided to the public should be able to distinguish between current planning controls and possible future planning controls.
 - c. In some cases planning controls based on climate change hazard predictions are imposed (eg. fill levels in greenfield release areas) while in other cases planning controls based on current day hazards are imposed (eg. the floor level for alterations and additions to an existing house). Clarity as to how Councils are to notify such policies that apply to the same land would be desirable, particularly for S149(2) Certificates.
 - d. Properties not currently affected by a planning control due to a hazard may not be currently totally risk free, but the present risk is so low that controls are currently not applicable. While planning controls may not presently apply, evacuation strategies may still apply due to the severe consequences to individuals and the community

associated with rarer flood events. The information provided to the public should not be misleading in this regard.

2. While a study may not be sufficiently advanced to provide confident hazard information, S149 certificates should advise that such studies are under preparation when that is the case. This is particularly important when such a study may be completed and adopted soon after the purchase of land and the commencement of investment in a development project, only to later have the study made a relevant consideration in the determination of development application.

Holistic Review

3. As outlined within the FMA's submission to the White Paper on the new Planning Act, there remain broader unresolved issues in the manner that flood risk planning is undertaken and communicated. In that submission the FMA focused on the following 3 important topics of the planning system that require careful resolution in order that the planning system can responsibly incorporate mechanisms to manage flood risks.
 - a. Standardisation of a flood risk planning approach across each statutory planning layer.
 - b. Integration of NSW Flood Policy into the Environmental Planning Legislation.
 - c. Mapping of flood risk areas.
4. These earlier comments remain pertinent. It is our view that embracing the above 3 matters can provide greater certainty to the community in regard to flood risk, and support a more efficient development approval system. The resolution of these broader matters could greatly assist in providing a clearer and simpler approach to addressing flooding and coastal hazards in the NSW planning system. This would consequently minimise the need for additional micro-issue guidelines such as that provided in the draft circular.
5. The FMA seeks to shift the current paradigm of flood risk planning from being simply the identification of areas where development should not occur to the promotion of a strategic planning approach that proactively guides appropriate development within floodplain areas.

We reiterate that the FMA would be prepared to work with the Department to assist in the implementation of the required mechanisms. We would appreciate the opportunity to meet with Departmental officers to elaborate on the above and to collaborate in the resolution of these matters.



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