

In reply please quote: 10/02884

Contact: Andrew Mooney on 9725 0214

11 March 2014

NSW Planning and Infrastructure
GPO Box 39
Sydney NSW 2001

Attention: Santina Camroux

Dear Santina

DRAFT PLANNING CIRCULAR – COASTAL HAZARD NOTIFICATIONS

Thank you for the opportunity to comment on the above draft Circular and extension granted to Council for lodging this submission with NSW Planning and Infrastructure.

1. Background

Council generally supports measures that are aimed at promoting greater certainty and understanding for the community in relation to advice provided on Section 149 certificates. It is noted the Fairfield City is affected by the provisions of the circular as the Georges River and sections of Prospect Creek and Cabramatta Creek in the south east section of the Fairfield LGA are affected by tidal inundation.

At this stage, Council does not consider the provisions of the draft circular will have significant implications for advice provided on s.149(2) certificates as it has not adopted a specific policy that restricts development of land due to potential tidal inundation.

Based on previous advice issued by the Department in a Planning Circular (PS-11-001 – re: Coastal Matters) Council includes advice under s.149(5) certificates on properties with the potential to be affected by potential tidal inundation under sea level rise scenarios for 2050 and 2100.

2. Current and Future Hazards

One of Council's key concerns in relation to the draft Circular is that it fails to provide detailed advice and guidance for NSW Council's to adequately distinguish between current and future coastal hazards including tidal inundation.

Although some information is included in the circular on these matters this is very general and insufficient to provide an accurate determination on advice that should be included on 149 certificates. In addition, information in circular does not ensure a consistent approach across the State for advice included on 149 certificates in relation to current and future hazards.

Moreover, In terms of addressing the objectives of EP&A Act of promoting the "proper management" and "orderly and economic development" of land, it would seem a somewhat arbitrary exercise in defining whether a hazard is either 'current' or 'future' as the overriding concern and obligation for council's is to ensure that the potential impacts of a coastal hazard are considered at the time development is proposed.

As with flood liable land issues, it is suggested an alternative more systematic approach would be to deal with the issue of coastal hazards in terms of the 'consequences' and 'likelihood' of the coastal hazards occurring to determine the associated level of risks (i.e. high, medium and low risk precincts) of a particular hazard (e.g. risks of storm surge versus risks from tidal inundation).

This would allow an appropriate level of assessment and provision of measures to mitigate the level of risk identified for development at the time it is proposed. A further advantage of utilising risks precincts is that different levels of risks can be applied to discrete sections of a property, allowing areas of a site not affected by risks to be more readily developed.

In this regard it is suggested that the State Government consider developing guidelines (similar to those contained in the NSW Floodplain Development Manual) to establish a clear framework and regime of controls for dealing with coastal hazards in a consistent way across the State that has regard to the level of risks rather than the potential timing of a coastal hazard occurring.

It is suggested that the well researched and widely accepted planning and management framework established under the NSW Floodplain Development Manual could be readily applied to the context of coastal hazards (e.g. through a mechanism such as the NSW Coastal Manual 1990).

There are a number of similarities between flooding and coastal hazard issues in how these correlate with requirements for development (e.g. planning for evacuation, flood compatible building components and materials, provision of free board).

It is noted the Coastal Manual 1990 is significantly out of date (in terms of recommended planning approaches for dealing with coastal hazards). In this regard it is recommended the State Government undertake a major review of the document to provide a more a holistic and substantive approach to dealing coastal hazards rather than relying on piecemeal planning circulars and guidance notes for dealing with this issue.

In the interim, it is requested that NSW Planning and Infrastructure provide more specific advice and guidance to NSW Councils in distinguishing between 'current' and 'future' coastal hazards to ensure consistent advice being provided across the State on Section 149 certificates.

3. Identification of coastal hazards

The third paragraph on Page 2 of the draft Circular states as follows;

"If a property is exposed to the 1 in 100 year flood hazard today, then this is a current exposure to a coastal hazard"

As referred to previously, only a small portion of the waterways of Fairfield City Council are affected by tidal affects. However, more extensive parts of the City are classified as flood liable land as a result of mainstream (but not specifically from tidal inundation) or overland flooding.

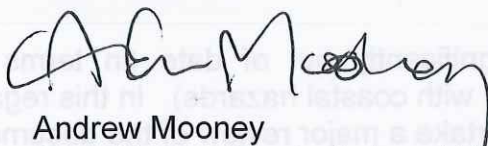
In this regard application of the above statement in the draft Circular to areas of Fairfield City not affected by tidal inundation but affected by a "flood hazard" as also being exposed to a "coastal hazard" are unclear. Council does not consider current flood liable areas of the City as also being affected by a "current exposure to a coastal hazard".

It is suggested to clarify this issue planning and Infrastructure should distinguish between fluvial / overland flooding from a catchment and coastal flooding that occurs as a result of a combination of tides, storm surge, sea level anomalies and wave set-up

If Council's interpretation of this issue is correct then it is requested that the advice in the draft Circular be amended to distinguish between properties that are exposed to mainland and overland flood hazards (i.e. current flood liable land) but not located within the coastal zone and properties being exposed to a flood hazard and also being located in a coastal zone.

Please contact the undersigned if you would like to discuss any of the above further on 9725 0214.

Yours faithfully



Andrew Mooney
Coordinator Strategic Land Use Planning