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Dear Santina,

Draft Planning Circular - Coastal hazard notations on Section 149 planning certificates

On behalf of the Davistown Community and members of the Davistown Progress Association I would like to provide comment on the content of the proposed planning circular.

Our members and our local community of around 2400 people has been the subject of much discussion in recent years in relationship to both current and future coastal flooding. In 2010 Gosford City Council identified around 9000 homes as being affected by future sea level rise. They did this by placing notations on section 149(5) planning certificates. Normally S149(5) Planning Certificates are not attached to contracts for the sale of property but Gosford Council at that time only provided a combined certificate . That is the Section 149(2) with the 149(5) attached at the back.

We don't believe that councils should be able to do this because they say whatever they like on the 149(5) and can attach it to the 149(2) and provide information that property owners are not required by the law to provide.

The impact on this small coastal community was devastating especially coming just after the global financial crisis. Work in this area is hard to come by and small business is facing tough times. The impact on our local community resulted in significant devaluation to properties some of which can be attributed to the GFC but some also to the sea level rise notations.

Later we have learnt that less than 4500 homes would be affected by sea level rise. In other words a mistake in the order of 100% greater than it should have been.

The population of our community includes a greater than normal number of retirees due to the fact that we have two retirement centres. Many people have lived here all their lives. Their homes are their major asset and any proposal that suggests that once again that this community will be declared as being badly affected by sea level rise will have a devastating effect. We cannot allow that to happen again.

That isn't the only time that our council has got it wrong. After the flood in 1974 our suburb was declared flood liable and all future homes had to have floor levels built first to 2.25m AHD and later to 2.45m AHD. The flood in 1974 only entered a few homes with the rest having floor levels above the height of the flood. Despite arguing with the council for many years on the flood level, we were forced to build to this height. That means that new homes have floor levels between 1- 1.5 metres above the ground. The extra cost was carried by the owners, not the council.

I have attached correspondence from that time for your information and to show how difficult it is to get agreement from a local council once they have made a decision, regardless if they are right or wrong.



Shortly after Gosford Council placed the notation on our planning certificates we also started to get huge increases in home insurance around the end of 2010 and into 2012. Not just a few hundred dollars but thousands of dollars. The insurance companies blamed the council for the flood mapping they had put up on their website and the council blamed the insurers. Many of our local elderly residents had to forgo the insurance that they normally had due to the huge increases. That came on top of property values declining.

Early last year we then discovered that the flood mapping for Brisbane Water was actually a map of the level that people had to build floors to, not the level of the flood.

Later again we discovered that not only was the 1 in 100 year flood mapping based on a floor level of 2.45m AHD instead of the flood level of 1.95m AHD they claimed we would get, but the flood level was found to actually be only 1.5m AHD for Davistown. They got it wrong by almost a full metre. The insurers thought that the flood level for Davistown was 2.45m AHD instead of 1.5m AHD.

This is what can happen with planning certificates.

Our association is strongly opposed to any chance at all that allows mistakes like these to happen again. The idea that councils will be advised to put notations on planning certificates regarding a flood level in 40 or 100 years is laughable.

It has taken them 40 years to get the levels right for the 1974 flood. There is no chance they will get it right for 40 years from now.

The only way to remedy this problem is to keep them on a tight chain and make sure they talk to people often and a lot and to discuss matters first before making wild decisions.

The proposal for directives from the Minister is one way that councils can be controlled but more importantly we need the State Government to become more involved and to make certain that councils stop exaggerating the potential for flooding now and in the future. The flood they are concerned about lasts about 6 hours and drops like a stone when the tide starts to run out. The depth of the flood in the lowest part of this suburb is about half a metre and it doesn't have a lot of power.

The State Government must make certain that any sea level rise that councils add onto existing flood levels is 100% correct otherwise the solution will be worse than the problem.

Yours sincerely,

Arthur Stanley
President Davistown Progress Association Incorporated

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