

10 March 2014

Ms Santina Camroux
Coastal and Natural Resources Policy Branch
NSW Department of Planning and Infrastructure
GPO BOX 39
SYDNEY NSW 2001

Dear Ms Camroux

Coastal hazard notifications on section 149 planning certificates

Thank you for the opportunity to provide comment on the Planning Circular on the Coastal hazard notifications on section 149 planning certificates.

The NSW State Emergency Service (NSW SES) is the agency responsible for dealing with floods (including coastal inundation), storms (including coastal erosion) and tsunamis in NSW. This role includes, planning for, responding to and coordinating the initial recovery from floods and storms (including coastal inundation and erosion). As such, the NSW SES has an interest in the public safety aspects of the development of flood prone land and land subject to coastal hazards, in particular, the potential for changes to land use to either exacerbate existing flood or coastal risk or create new flood or coastal risk for communities in NSW. The emergency management arrangements for these hazards are detailed in the NSW State Flood Plan, NSW State Storm Plan and NSW State Tsunami Plan, available at www.ses.nsw.gov.au.

The planning circular intent is to provide guidance on section 149 certificate notifications relating to coastal hazards. However, there are frequent references throughout the circular to flooding and flood hazard within areas in the coastal zone. It is not clear within the circular where the definition of coastal hazard was derived from; it does not appear to be consistent with the definition of coastal hazards as per Section 4 of the *Coastal Protection Act 1979*, which separate flood from coastal processes more clearly than the draft circular.

In NSW, the processes to assess flood risk and coastal risk are significantly different processes and the risks should be treated as separate risks. The Flood Prone Land Policy, of which the implementation of the policy is guided by the State Government's Floodplain Development Manual, 2005 (FDM), is significantly different than the process to determine and manage coastal hazards, which is guided by the *NSW Coastal Policy 1997*, manual and associated guide notes under section 55D of the *Coastal Protection Act 1979* (NSW). Section 117 (2.2) and section 117 (4.3) directions under the

Environment Planning and Assessment Act 1979 demonstrate the separate requirements for development of land in the coastal zone and land that is flood prone.

To address any confusion, the NSW SES suggests that it may be worthwhile to clearly identify, under s117 (4.Hazard and Risk), a separate direction for coastal hazard, to differentiate from risk associated with flood prone land.

On another matter, the planning circular appears to only focus on the hazard up to the immediate hazard line for coastal hazards and the 1% AEP flood level for flood hazard. One of the key principles of the FDM and the Flood Prone Land Policy is that risk assessment should consider the full range of flooding, including events up to the Probable Maximum Flood (PMF) and not focus only on the 1% AEP flood. Similarly coastal risk beyond the immediate hazard line needs to be considered. In the majority of cases the immediate hazard line for coastal erosion and 1% AEP flood event form the basis of general policies for development controls for these hazards, rather than being a limit of exposure to this hazard.

Tsunami risk is also not addressed by the planning circular. Although not included as a 'coastal hazard' under the *Coastal Protection Act 1979* (NSW) nor in the planning circular, Tsunami poses a risk to the NSW coastal zone. This is detailed in the State Tsunami Emergency Sub Plan, which also details the NSW's preparation, response and initial recovery arrangements to deal with Tsunami.

Furthermore, the planning circular would benefit from providing more clarity about what would be a 'current' hazard and what would be a 'future' hazard. For example, flooding up to the PMF should be considered to be a current hazard which although the probability of occurring is quite low, it still could occur. The explanation of 'future exposure to a coastline hazard' also appears to confuse the different processes (i.e. flood hazard and coastal hazard) which is likely to confuse Councils trying to devise notations on s149 certificates.

If you require any further clarification or information regarding this matter please do not hesitate me on (02) 4251 6638 or Melanie Howard (02) 4251 6665,

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Marcus Morgan', is positioned above the printed name.

Marcus Morgan

Landuse Risk Management Officer
NSW State Emergency Service

CC: Director Community Safety; Manager, Emergency Risk Management