

From:
To: [Flood Inquiry](#)
Subject: Submission to Flood Inquiry
Date: Saturday, 9 April 2022 9:50:32 AM
Attachments: [image002.png](#)

To the Inquiry,

We own and live in a house that was flooded in February 2022. On the same block, with the same zoning, we have a site that is 20 metres higher, well out of the flood zone and available for a rebuild of our home.

Council has advised we may not be allowed to relocate to the new site. I have queried this but have not had any clarification. Absent a timely response, we will still be living in a flood affected house, below flood level, come next wet season. We remain subject to the risk of flood and to increasing insurance premiums (unless the increases take insurance out of our reach) There is also a human cost to this, every time we hear heavy rain, anxiety creeps into our household.

This situation is totally avoidable, totally unnecessary but mandated by council advice.

Could the Inquiry please look into compelling councils to prioritise developments (including preliminary queries) that mitigate, alleviate or remove flood risk.

Possible actions might include

- Flagging such developments for immediate action.
- Waiving or discounting council charges for those flagged works where profit is not a driver for the development
- Providing state government support for additional town planning resources for these works

I understand some councils are quite rigid in their approach to developments and would argue that queue jumping should be avoided, however I believe this argument is hollow where works flagged as above are designed to eliminate life and property threatening situations

I don't think councils are deliberately attempting to thwart useful developments but more likely are constrained by decades of by-law and policy accretion. To assist councils to prioritise their efforts I propose that the Floodplain Development Manual Policy Statement primary objective and recognised facts be extended to cover all council actions, not just floodplain management plans and development decisions.

(Extract below)

Document <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Water/Floodplains/floodplain-development-manual.pdf>

1.1 Flood Prone Land Policy

The primary objective of the New South Wales Flood Prone Land Policy, as outlined below, recognises the following two important facts:

- flood prone land is a valuable resource that should not be sterilised by unnecessarily precluding its development; and
- if all development applications and proposals for rezoning of flood prone land are assessed according to rigid and prescriptive criteria, some appropriate proposals may be unreasonably disallowed or restricted, and equally, quite inappropriate proposals may be approved.

1.1.1 The Policy Statement

The primary objective of the policy is to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible. That is:

- a merit approach shall be adopted for all development decisions in the floodplain to take into account social, economic and ecological factors, as well as flooding considerations;
- both mainstream and overland flooding shall be addressed, using the merit approach, in preparation and implementation by councils of strategically generated floodplain risk management plans;
- the impact of flooding and flood liability on existing developed areas identified in floodplain risk management plans shall be reduced by flood mitigation works and measures, including on-going emergency management measures, the raising of houses where appropriate and by development controls; and
- the potential for flood losses in all areas proposed for development or redevelopment shall be contained by the application of ecologically sensitive planning and development controls.

Additionally Clause 5.21 in the Schedule 1 Amendment of standard Instrument should also be extended to cover all council actions so that minimisation of " flood risk to life and property" can be considered in all council decision making.

(Extract below)

Document <https://www.millsoakley.com.au/thinking/wider-application-of-flood-planning-rules/>

Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental

Plans) Order 2006

Clauses 5.21 and 5.22

Insert after clause 5.20—

5.21 Flood planning [compulsory]

(1) The objectives of this clause are as follows—

(a) to minimise the flood risk to life and property associated with the use of land,

Thank you for your time,