

From: [NSW Government](#)
To: [Flood Inquiry](#)
Subject: Floods Inquiry
Date: Saturday, 7 May 2022 9:44:56 PM
Attachments: [History of Lismore NSW 2480 Flood Events](#)

Your details

Title

First name

Last name

Email

Postcode

Submission details

I am making this submission as A business owner

Submission type I am submitting on behalf of my organisation

Organisation making the submission (if applicable)

Your position in the organisation (if applicable)

Consent to make submission public I would like this submission to remain anonymous

Share your experience or tell your story

Your story

The partnership purchased the property at [redacted], Lismore NSW 2480 in 1988 for \$285,000. Improvements were undertaken composed predominately of the installation of a reinforced concrete ground slab (\$15,000) approximately ten years later.

At the time of purchase the prior observed maximum flood level of 12.15m had been recorded in 1974. Sign posting throughout the city CBD established the 1974 recording as a reference flood level. The local council constructed the CBD flood protection levee wall in 2005 which was then communicated as providing protection to the CBD. It is noted that the CBD levee wall would not have provided protection in 14 flood events recorded prior to its construction. The levee system as designed does not provide CBD protection in a 1 in 100 year average return interval event (which the council states as 12.38m). Most infrastructure in life threatening situations must be designed for higher Average Recurrence Intervals. The assumption of adequate warning was not proven to be correct in the February 2022 flood when CBD residents had to be boated from their residences.

In 2011 flooding in the Lockyer Valley and Brisbane Queensland led to changes in engineering estimation of rainfall and flooding including the Probable Maximum Flood. Changes in the level of risk (significant increase) were not communicated to Lismore landowners. I have also recently learnt that it is the case that due to climate change the influence of tropical weather is moving south at the rate of six kilometres per year. Higher offshore oceanic water and air temperatures can generate greater rainfall than historically the case. The recent flooding occurred whilst very high seawater temperatures extended over a very large area persisted for many months. Similarly higher flood risk does appear to have been considered in the determination of land valuation (in 2019 the land

was assessed as having a valuation of \$116,000) which has led to increasing rates since the time of acquisition. It would be expected that rates should have decreased over time as the potential for significant property loss became progressively known by NSW State and Local Governments. I also note that the local council relocated its offices to Goonellabah which in itself indicates that council does not perceive the flood risk of CBD location as acceptable.

After the February 2022 event it has been learned from my son that the estimated Probable Maximum Flood level is 16m. The PMF has not been communicated to the community however it is now estimated that the 2022 flood was a 1 in 2000 year ARI event. Such an estimate of ARI appears dubious to myself noting that records have observed for only 152 years. I was personally recently told by an indigenous person of a similar flood level to the PMF that has been passed down the generations.

The partnership sold another CBD property prior to the February 2022 flood with the intent of also selling 96 Keen Street and dissolving the partnership; due to myself and my wife being elderly and my other partners' husband having cancer.

Following the flood, the partnership has incurred a quoted damage repair bill of \$342,269.80. No rental income is available (both tenants have moved out) and rates and insurance totals \$12,000 per annum. The partners are not in a financial position to take out loans to repair the building.

Terms of Reference (optional)

The Inquiry welcomes submissions that address the particular matters identified in its [Terms of Reference](#)

1.1 Causes and contributing factors

Underlying causes are likely to originate from two years of La Nina weather patterns, saturated catchment from repeated prior flooding, and seasonally high oceanic surface temperatures

over a very large area persisting for many months. Notwithstanding the above the, southward movement of tropical climate influences (quoted at a southward migration rate of 6km per year) and the higher propensity for the air to carry greater quantities of water that can fall as rainfall are contributing factors. This is anticipated to become worse as time elapses.

Since 1975 much of the hinterland upstream from Lismore has been cleared for macadamia plantations, many of which have bare ground underneath the trees which leads to silted water courses and high and fast runoff during storm events. Residential construction may also be making run-off more severe in flood events.

1.2 Preparation and planning

Levee bank construction was inadequate and provided a false sense of the true magnitude of risk that property owners in the CBD could face. Preparation and planning including allowing new developments on the flood plain (as recently as Bunnings announced expansion in December 2021) have continued even though the risks have knowingly increased. Lessons from flooding potential from the 2011 Lockyer Valley event have not been adopted and considered in the approval of development applications by the local council.

Future local area planning continues to ignore climate change induced sea level rise which is reported by the NSW state Government to be between 400mm and 800mm over a 100 year period. Adding the higher sea levels means that the future of the Lismore CBD may not be viable at all.

Preparation by BOM and other forecasters flood level estimates failed to consider the potential for the following increase in levels due to the rainfall that actually occurred post the initial warning. This is most likely due to a prior history of accurately forecasting the levels of prior floods. Residents and business owners took the flood

level advice to be correct and many lifted to the upper floor which would otherwise have been adequate to avoid flood damage. The potential for additional rainfall which could occur after it was too late to take alternative action (due to flooding in progress following the breaching of the levee) was not considered by the BOM. This should be a lesson learnt for flood forecasting especially with excessively saturated catchments and high offshore water temperatures, whether or not moderate to high rainfall is forecast in the coming eight days.

1.3 Response to floods

SES had insufficient resources to respond to the magnitude of persons impacted.

1.4 Transition from incident response to recovery

NSW Government and other organisational response was ineffective. On many occasions I requested assistance (including online and by telephone) for the stripping out damage from the 96 Keen Street Lismore property and all that I was offered was to have washing out the mud. This had already been done by the tenants of the building as their last act of vacating the building.

1.5 Recovery from floods

The magnitude of grants available to ABN holders is not sufficient to repair the damage incurred. The offer of a loan of up to \$130,000 (itself not sufficient) assumes that the business owner has the capacity to procure and manage the works. In my personal situation the partners are not in that position nor want to undertake significant value works with the potential risk that the property when the repairs are completed in three months time would not be tenanted. If we were to proceed and grants and loans were approved in full; the partnership would still have to contribute \$162,300 excluding contingency. The local council continues to charge rates which imposes a significant and unsustainable burden on the partnership. It would be reasonable for the local council to forego the issuance of rates notices for the next twelve months where it can be demonstrated that

building owners do not have an income from a damaged property.

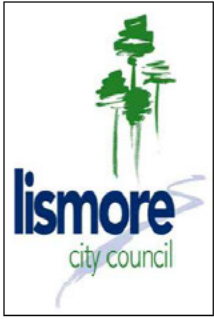
1.6 Any other matters

It is requested that the NSW Government purchase buildings in the Lismore CBD from owners willing to sell. A reasonable offer could be made by the NSW Government for example to purchase at a capitalisation rate of 8% (assuming prior rental less expenses or estimated if vacant prior to the flood). This offer (\$370,000 for 96 Keen Street) would be accepted by the Da Re and De Martin partnership. Note that 96 Keen Street Lismore when first acquired was tenanted by the Attorney Generals Department. The top floor could also be converted from offices into NSW Government funded low cost residential housing which would be useful in the Lismore area.

Supporting documents or images

Attach files

- [History of Lismore NSW 2480 Flood Events](#)



HISTORY OF LISMORE FLOOD EVENTS

1870-2022

FOR EVENTS HIGHER THAN 6.0m AHD

LEGEND
A H D HEIGHT OF FLOOD EVENT

6m to 7m	10m to 11m	13m to 14m
7m to 8m	11m to 12m	14m to 15m
8m to 9m	12m to 13m	
9m to 10m	13m to 14m	

Minor Flood - App. 4.2m
 Moderate Flood - App. 7.2m
 Major Flood - App. 9.7m
 Levee Overtop - Varies between 10.3m & 10.95m depending on river gradient

