

**From:** [NSW Government](#)  
**To:** [Flood Inquiry](#)  
**Subject:** Floods Inquiry  
**Date:** Tuesday, 17 May 2022 7:44:50 PM  
**Attachments:** [Jennifer M. Waters - Submission to NSW Flood Inquiry.docx](#)

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## Your details

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|-------------------|----------------------|
| <b>Title</b>      | Ms                   |
| <b>First name</b> | Jennifer             |
| <b>Last name</b>  | Waters               |
| <b>Email</b>      | <input type="text"/> |
| <b>Postcode</b>   | 2480                 |

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## Submission details

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| <b>I am making this submission as</b>    | A resident in a flood-affected area                     |
| <b>Submission type</b>                   | I am making a personal submission                       |
| <b>Consent to make submission public</b> | I give my consent for this submission to be made public |

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## Share your experience or tell your story

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### Terms of Reference (optional)

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

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|------------------------------------|-------------------------|
| <b>1.1 Causes and contributing</b> | See attached submission |
|------------------------------------|-------------------------|

**factors**

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**1.2 Preparation and planning**      See attached submission

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**1.3 Response to floods**      See attached submission

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**1.4 Transition from incident response to recovery**      Ses attached submission

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**1.5 Recovery from floods**      See attached submission

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**Supporting documents or images**

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**Attach files**      • [Jennifer M. Waters - Submission to NSW Flood Inquiry.docx](#)

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**Submission to NSW Flood Inquiry – Jennifer M. Waters – Address:  
NSW 2480 – Property flooded 28 February 2022**

**Street, North Lismore**

On the morning of 28 February 2022 my home at \_\_\_\_\_ Street, North Lismore was flooded to an approximate level of 1 and a half metres above the floor level. The floor level in my house is at 13.04 metres. My house is a newer home built on stilts in 2003. There is no room to raise my home further to avoid floods of this magnitude.

I phoned 000 at daybreak (around 6:00am) on the morning of the flood seeking emergency assistance to evacuate but was told I would need to locate help myself because emergency services were stretched beyond capacity. I had two small dogs & a cat loaded on a kayak along with some food for them and an overnight bag for me. There was no room for me on the kayak. I was rescued around 9:30am, some 3 hours later by two men from Lennox Head in their “tinnie”. I was then helped over the next week by random, good-hearted strangers in Tullera NSW and Dunoon NSW who fed me, gave me a bed and helped me to get back to my house.

**How did this flood immediately impact on me?** I fear I may have lost my life had I not started yelling and waving for help. Rescuers didn’t see me behind trees, with only my chest sticking out of the water (The water was well over the one metre mark on my verandah and I was sitting on a step stool). I now suffer from PTSD because of this event. I struggle to make decisions and to return to my home due to high anxiety and grief. My home has now been cleaned and is waiting for the insurance company to provide an assessment. I lost most of my household contents.

I am engaging in psychological therapy to support me in managing my mental health through the recovery process.

I was fully insured. I am angry about what happened here and the impact it has had on my life, on my finances and on my hopes for a secure future. While I am not a wealthy woman, I had a good financial plan for my future, including a plan to retire soon.

I am angry because I researched the investment in my home very well prior to purchase. My home was my retirement nest egg and formed most of my savings. Even though I was insured, it looks as though I have now lost a considerable amount of my savings through no fault of my own.

I am angry because, although I was fully insured, my losses are likely be considerable.

**Is Public Safety just a “buzz” word?** I am a single, 67-year-old professional woman with a tertiary qualification. I am employed full time by the NSW Corrections Service as a Community Corrections Officer in Lismore. To continue executing my work responsibilities I need to reside in this area. In my employment, I am charged with protecting the safety of this community from the actions of the offenders I supervise. This flood has underlined the degree to which I no longer feel safe in my own community and as such, whether Public Safety requirements have in fact been disregarded by the authorities managing the flood plain I have been living in.

I ask this inquiry to consider that my lack of safety, caused by the events surrounding the flood, was not in fact my fault in choosing to buy a house in the Lismore flood plain. Today the language about the flood includes the statement that it was a “predictable” event. I do not accept that it was a “predictable” event. I did considerable research to mitigate any risk before buying the property and, on the evidence available, my property was not at risk of flooding. But I am no Hydrologist. Nor should I need to be a Hydrologist to safely buy a home located in an area zoned for residential dwellings. Neither am I a wealthy woman who can afford to just write off hundreds of thousands of dollars in losses.

Local authorities and politicians, who could have made decisions that would have prevented the predicament I now find myself in, clearly did not consider my safety or my financial security to be a priority. They clearly had access to Hydrologists and Engineers in formulating their decisions. I didn't have access to such experts and therefore I put my faith in the authorities to keep me safe.

I intend to question, in this submission, whether there has in fact been negligence in how the Lismore Flood Plain has been managed.

I will ask this inquiry to consider that assistance is necessary for people like myself to move out of the danger zones and to recoup the investments in our homes by way of buy-back schemes and land swaps. Thank you in anticipation of reading this submission.

**Facts about my home:** I purchased my home in 2019. I paid a large part of the cost (\$325,000) from my personal savings and the rest I financed on a mortgage with Westpac Bank. This was with a view to it being paid in full by my planned retirement date in September 2024. At the time of the flood, I believe my house was worth roughly \$450,000, given recent comparable property sales in the area. (\$420,000. Terania Street – 6/21) and (\$710,000. Terania Street – 11/21). My home was not an old tongue and groove workers cottage or Federation villa. It was a beautiful, modern 3 bedroom home built to resemble a California bungalow. It blended in well in its neighbourhood and I loved it. It had newer conveniences, appliances, gib-board walls & had well insulated walls & ceilings. It was built on the site of an earlier dwelling that is said to have been destroyed. It was erected on stilts which took the floor height to 13.04 metres, in relation to the flood risk. The height at my front gate is 9.19 metres.

I researched the flood history in Lismore, before I purchased the property, and I learned that there had not been any flood over 12.78 metres in records dating back to 1878. I also learned that my floor level was over the 1 in 100 year predicted flood level. I talked to SES personnel who told me confidently that my floor would never be flooded. I considered I was safe. But I am not a Hydrologist. I made an assessment based on the readily available information from the authorities, which proved to be wrong and inadequate.

What I was not privy to in my research was that major floods had been increasing in regularity over several decades. What needs to be asked is; Why was that not seen and acted on by the appropriate authorities? Why were warnings not made public by the appropriate authorities charged with the responsibility of monitoring flood information? What more could I have been expected to do before committing my life savings to this property?

**Why were North and South Lismore still zoned for residential occupation? Why were building permits still being issued for the area?**

When the construction of my home was being planned in 2003 and an Occupancy Certificate issued, approvals were needed from the Lismore Council to do this. It was necessary for the builder of the home to demonstrate that the planning and construction of the home met standards under the Environmental Planning & Assessment Act. On researching this act, I find that one of the objectives of the act is to “promote the social & economic welfare of the (Lismore) community”. I question whether the Lismore Council (LCC) performed this duty in 2003 when they issued the building permit and Occupancy Certificate for my property. Surely LCC had a responsibility, in 2003, to be professionally informed and aware about whether retaining a residential zoning in the North & South Lismore areas and continuing to issue building permits was “promoting the social & economic welfare” of the people living there or intending to live there.

## **Probable Maximum Flood Level**

I understand that there is technical term called a "Probable Maximum Flood Level" (PMF) relevant to flood levels, which exists to inform building engineers who are signing off on the height of houses or properties being planned or built. This level considers the size of the catchment area, the nature of climatic systems appropriate to the region and local topography. The "Probable Maximum Flood Level" in Lismore has been estimated at 16 metres (AHD). This estimate is said to have been made in 1998.

If this potential flood height was known, (in 1998 and later), why were building permits still being issued? Why was my house deemed to be safe when this information indicated otherwise? Why was authorisation given to raise existing homes to 3 metres below this level? Why were requests to raise houses above the 13.4 metres refused to residents?

I have a friend, Jo , who lives at Crown Street in South Lismore. She raised her home in approximately 2017 to a height of 13.14 metres and she was still flooded during the current flood. She asked to raise her house higher than 13.14 metres, when it was raised in 2017, and this request was declined. I ask you to consider what more could we have done as residents in this area to avoid flooding?

Lismore City Council are said to have consulted a Hydrologist (post the 1974 flood) to consider how protecting property, businesses and community safety might be achieved but are said to have ignored the more extensive and costly proposals made by this Hydrologist. This was said to have included a dyke system, similar to that in the Netherlands. (This information is anecdotal and has not been checked thoroughly).

## **Aboriginal Historians and Verbal History.**

I am aware now that Aboriginal historians have recalled flood levels in the Lismore basin reaching from the top of the Lismore Square shopping centre to the bottom of the Lismore Base Hospital (14 to 16 metres) in the time of their ancestors. These accounts were known but appear to have been ignored by Caucasian planners and strategists. This concerns me greatly. So much irresponsible behaviour has been demonstrated by European settlers in settling the Northern Rivers and in later management and planning for businesses and housing in this area. This has included denuding the area of trees (especially along rivers), ignoring the reasons why the Aboriginal population never chose to live in the Lismore basin and ignoring the verbalised history of the Aboriginal people regarding flood levels. Surely planners working for the council had an obligation to research ALL available information and to have made more responsible zoning and directions for land use that considered All of this information? Information that would have enabled authorities to remove or manage risks where they were present. I ask you to consider that the actions of those officials responsible for these decisions could be construed as negligent. And as such that negligence is currently being born not by the officials involved but by residents like myself.

I also ask you to consider that better respect deserves to be shown to the verbal history available through Aboriginal elders and this history needs to be recorded and saved for future reference.

**Why are the authorities; Lismore Local Council; State Government not working for solutions to mitigate people's losses after this event. Why should I be solely held responsible for any loss I may incur because of this event?**

I ask the Inquiry to consider that the level of danger to the human and animal occupants in North and South Lismore has been growing for several decades. I was not able to realise that when I

purchased my home. The evidence was not readily available to the general public. Thousands of homeowners cannot be seen to be negligent in their research. It appears clear that the risk factors for purchasing in these areas was not made available by the authorities that had access to expert reports and historical information.

I was fully insured. My insurance was not hugely exorbitant. I paid approximately \$3600 per year, which suggested a relatively low risk to the insurance company. I ask you to consider that those of us who have tried to safeguard our interests, by purchasing full house and contents insurance and by doing our research in advance of buying in this neighbourhood, are not now left to try and resolve our financial and accommodation nightmares without help.

We should not be left homeless and destitute because of the flood.

Urgent solutions are needed to be found for those of us who are older, approaching retirement or elderly, who tried to avoid the risks, by such means as having insurance.

I urgently ask that buy-back initiatives and land swap options are offered and offered in a timely and inexpensive fashion so that we are not flooded again before our homes can be relocated.

**My situation now.** My home was insured for \$400,000 and my contents for \$50,000, so I should be ok. Right? No that is not the case! An initial estimate of the repairs to the house has determined that repairs will only cost in the neighbourhood of \$270,000. I will therefore only recoup \$200,000 from the insurance company once my mortgage (\$70,000) has been paid. In consultation with a real estate agent, I have learned that I may be limited to selling the property “as-is” for an amount in neighbourhood of \$75,000, which is the approximate value of the land only. And that is only if I can sell it, which (at present) is hard to imagine! The net loss to me is therefore around \$200,000. This represents almost 50% of my pre flood estimated property value. This is NOT acceptable!

I find myself now scrounging to recoup any money from this disaster and praying that my retirement will not be as destitute as it is starting to look.

#### **A timely solution.**

I am currently homeless. A timely solution needs to be found. I would appreciate anything you can do to help me move my house to a non-flood prone location and fix it up so I can either live in it again or sell it to recoup my retirement nest egg as planned. Failing that, I would appreciate a buy-back option so that I can walk away from this lovely home with my finances intact.

#### **Creating a National Insurance Scheme.**

Of special concern now, is whether I would get affordable insurance again, if I remain living in the flood plain areas of North and South Lismore. Consideration for a National Insurance Scheme or Commission to provide funding for insurance for flood affected areas and for bush fire prone areas is urgently needed. I know in New Zealand that there is an Earthquake Commission (EQC) which provides earthquake insurance to all New Zealanders. Why couldn't a similar Commission be set up in Australia to assist people avoiding destitution from such disasters in future.

**Questions about Meteorological Predictions – how they are made and who listens:** Questions need to be raised about Meteorological predictions, such as the term “rain bomb”. We understand that a Cyclone is a nightmare weather system, and we need to plan quickly to keep ourselves and our property safe. However, the public needs to know what these new terms mean, why are they becoming more common through-out the world and why weren't the public warned about the levels of potential risk? My neighbour across the street from me started moving all his possessions to

higher ground in the days before this “rain bomb” stopped over us on 28 February 2022. He said he could tell from the amount of precipitation that we were “in for it”. How did my neighbour realise this situation, but the local SES and other Emergency Services failed to demonstrate a sense of danger or urgency in their communications? Does our language need to change with the new weather systems to help people and emergency services be more wary and prepared?

Thank you for reading this submission.

Jenny (Jennifer) Waters