



**KINGSLIFF RATEPAYERS AND PROGRESS ASSOCIATION INC.**  
**Established 1933**

**PO Box 1164, Kingscliff NSW 2487**

20 May 2022

### **Re: 2022 NSW Flood Inquiry**

The Kingscliff Ratepayers and Progress Association thanks you for the opportunity to contribute to the 2022 NSW Flood Inquiry. The floods have had a significant impact across the Tweed Shire, including the areas of the Shire represented by our Association (post code of 2487) in particular Kingscliff, Chinderah and Fingal.

While our community did not experience floods to the same degree as Lismore and other surrounding areas, the impact on individuals and infrastructure was significant and devastating. In addition to impacts in previously 'flood-prone' areas, in many, many cases significant flood water entered areas that had never before in remembered history experienced any flooding or water ingress.

The key areas of concern, as raised by our Association members, include:

- The impact on neighbouring properties of recent development in flood-prone locations and the projected impact of future planned developments. There are many 'historically approved' pending developments in this community which no longer meet the environmental and flood-plain management standards of current times. Quite simply, if development continues to occur on low lying/flood prone land, natural drainage is reduced significantly, yet the water still has to go somewhere. This recent flood event clearly showed that this type of development led to inundation in other areas.
- Lack of communication before and during the flood – media coverage focussed on SE QLD with little coverage of what was to be expected in the Tweed Shire and beyond; evacuation warnings that came to late with people already trapped; the loss of mobile and internet coverage at critical times.
- Lack of coordination of rescue, evacuation and post evacuation management.
- A clear lack of emphasis on flood prevention and preparedness - as a community we prepare for bush-fire season, but the same diligence doesn't seem to apply to flood events.
- The lack of an action plan and guidelines for flood rebuilding to help mitigate or minimise future impacts. Additionally, the destruction of and impact on the natural environment is another major reason to focus on mitigation strategies.
- The following media articles provide some strong insight into the issues surrounding flood-prone land development faced by our community.
  - <https://www.echo.net.au/2022/04/call-for-pause-on-approved-developments-on-flood-prone-land/>
  - <https://www.echo.net.au/2022/03/independent-review-of-development-on-flood-prone-land-welcomed-in-tweed-shire/>
  - <https://www.facebook.com/groups/398510356994590/permalink/2073538269491782/>
  - <https://www.facebook.com/LOVE2487/photos/a.344318730939873/358724356165977/>

Solutions suggested by our Association members include:

- Pause current development approvals on low lying/flood-prone land until the respective flood inquiries have been completed and findings delivered. (Please refer to the 1 April letter (attachment 1) from the Association to the NSW Minister for Planning and Minister for Homes, the Hon. Anthony Roberts – awaiting reply at time of this submission).

- Restore the 9 principles of sustainable development and the SEPP (Design and Place) 2021 recently revoked by the NSW Minister for Planning and Minister for Homes.
- Work with proponents of currently approved developments to revise existing plans so that they reflect the standards required today in respect to drainage, building types and density and take account of the impact on adjacent areas that may be impacted by infill.
- Identify areas of low lying/flood prone land which are currently earmarked for development and undertake a process of compulsory acquisition to prevent unsuitable areas being further developed. Compensation would surely be far less onerous and much less expensive than repeating what this community has endured three times in the past five years.
- Prevention and mitigation strategies need to be 'front of mind' for governments and their agencies, incorporating and empowering community involvement in developing 'time-lined' action plans that cover 'before, during and after'.
- Establish clear flood preparedness and flood recovery/rebuilding guidelines and standards.
- Establish flood response registers outside of emergency services, for example community members who are able to provide assistance as needed including emergency accommodation, evacuation centre support and transport.
- Establish a Disaster Response Centre (modelled on the well-established cyclone response) and provide resources, education and training, flood preparedness kits to community members – work to empower the local community.
- Develop 'Plan B's' for critical flood response matters including communication, transport and evacuation.
- Review the coordination and inwards/outwards communication and support for both during and post event to ensure that there is a clear community awareness of the key source of information and support.
- The Insurance Council of Aust and Government need to work together to find solutions to exorbitant flood insurance premiums. Share the load and/or provide discount incentives to those who (with support) flood proof their properties by relocating, raising homes, use flood proof building materials.
- Engage traditional owners in developing strategies and plans in relation to low-lying, flood-prone land. Our traditional owners have a wealth of knowledge of the local rivers/creeks and other watercourses and their relationship with the lowlands. This includes the impact on the natural environment of unsustainable development in these areas.

Major concerns for our community moving forward include:

- Repeating the same mistakes when it comes to rebuilding post event.
- Allocation of rebuilding/recovery funding without due regard to flood resilience.
- Continued development in low-lying/flood-prone locations and the impact for not only those moving into those developments (flood risk, extreme insurance premiums or unattainable flood insurance) but also the flow on effect (pun intended) for nearby residents.
- The impact of the rush to cut red-tape (particularly the wide powers of the Reconstruction Corporation) and the likelihood that this will compromise other areas that go to the heart of the liveability, fabric and amenity of our communities.

Examples of these 'compromises' include an increase in height limits and housing density and a continued push to develop on protected lands including the State Significant Farmland of the Cudgen Plateau (The Association wrote to Minister Roberts on 24 February (attachment 2) seeking his commitment to ongoing protection of the State Significant Farmland and are yet to receive a reply). This concern has been highlighted even further in recent weeks and our community has grown increasingly concerned by the cavalier attitude of the NSW Minister for Planning and Minister for Homes, regarding his move to completely abandon the NSW SEPP (Design and Place) 2021 and the 9 Principles of Sustainable Development.

Should the devastation caused by the recent major flood event be used as a vehicle to ignore decades of thoughtful planning and development in our Shire, this would add insult to injury to our communities and particularly those that have suffered the most. There is a genuine fear and concern, given the Minister's actions, that our community is under threat of unsustainable, inappropriate development under the guise of flood recovery and rehousing. Such a move would be unconscionable under any circumstances let alone from an elected government and a Planning Minister who appears to have more time and desire to listen to developers and related groups, such as the Urban Taskforce, than to communities.

We believe that a balanced approach can address the needs of flood mitigation and recovery without compromising those things that make our area unique.

Finally, the Association would welcome the opportunity to meet with representatives of the Inquiry to discuss our submission and other flood related matters in more detail.

Thank you again for the opportunity to contribute to the Inquiry. Again, we would like to emphasise that while the impact of the flooding in 2487 may not seem to be of the magnitude of areas such as Lismore, the impact to our communities, and in particular the individuals affected, is just as devastating.

Yours sincerely



Peter Newton  
President  
(on behalf of) Kingscliff Ratepayers and Progress Association Inc.

**T:**  
**W:** [www.kingscliff.org.au](http://www.kingscliff.org.au)

**E:**  
**FB:**



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1 April 2022

The Hon. Anthony Roberts  
Minister for Planning & Minister for Homes  
52 Martin Place  
SYDNEY NSW 2000

Re: Independent Flood Inquiry and Development in Flood-Prone Areas

Dear Minister

Thank you for your prompt action in facilitating the establishment of the independent flood inquiry as recently announced by the Acting-Premier. The Association and our community welcome this inquiry.

Understanding that the terms of reference are wide ranging, we note those that refer to existing and proposed future developments in flood-prone locations. These, of course, were flagged when you announced an independent review during the recent budget estimates hearing. Our community particularly is drawn to this aspect.

The Tweed Shire, and indeed our own local area, has large swathes of low-lying land slated and approved for residential development. These historical approvals, apart from being 'text-book' land-banking, go back to when the understanding of flood-plain and low-land development was framed by contemporary views of management, climate and environment. Our knowledge and understanding of these matters, has of course changed dramatically.

Many members of our community have been impacted by flood waters – many in places always considered 'flood-safe'. Our community is now rightly concerned about the further impact of further developments on low-lying land.

Within this context, we also note with some concern the Minister's recent revoking of the 9 principles of sustainable development and also an expectation that the Design and Place SEPP will likely be changed or indeed be scrapped.

The events of the last few weeks clearly illustrate that unless real and substantive change occurs in the way in which developments are considered and approved, we are simply doomed to repeat the cycle and endure the devastating impacts. A move to revoke core sustainable development principles along with changing or indeed 'scrapping' the Design and Place SEPP will simply exacerbate an already dire situation each time a major event occurs.

In support of our community and with regard to existing and future development in 'flood-prone' locations, we respectfully ask the Minister to:

- Assure our community that existing and future development considerations and approvals on such low-lying/flood-prone land as described above will be paused until the completion and delivery of findings of the Independent Flood Inquiry.
- Reconsider the removal of the 9 sustainable development principles and any proposed changes to (or indeed removal of) the Design and Place SEPP.

Thank you again for your prompt action in facilitating the inquiry, Minister, and for consideration of the issues facing our community should development on flood-prone land continue without substantive change.

Yours faithfully



Peter Newton  
President  
Kingscliff Ratepayers and Progress Association Inc

T: E:  
W: [www.kingscliff.org.au](http://www.kingscliff.org.au) FB:



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24 February 2022

The Hon. A. J. Roberts  
Minister for Planning & Minister for Homes  
52 Martin Place  
SYDNEY NSW 2000

Dear Minister

Re: Protection of State Significant Farmland

As you are aware, a development proposal has recently been publicly announced by Mr Allan Larkin of 'Digital Infratech' for a private health care and education facility on land located at 741 Cudgen Road, Cudgen. The land for the proposed development is zoned RU1, State Significant Farmland.

As a community, we have been heartened by the recent statements made by the Member for Tweed, Mr Geoff Provest MP, reiterating his election promise and 'iron-clad guarantee' that no further State Significant Farmland on the Cudgen Plateau would be lost to development. We are also very grateful for your recent public statements supporting Mr Provest's guarantees to protect the remainder of this precious farmland.

As you would also know, the Cudgen State Significant Farmlands are a world class 'food-bowl' providing innovative, sustainable agricultural practice and a surety of food production and supply in all conditions - relevant and vital to communities at any time, but recently very much highlighted by impacts of the pandemic.

We were taken aback by the claims of the 'Cudgen Connection' consortium that the land in question was zoned incorrectly and not at all significant or suitable for agriculture. This indicates to us that the developers, perhaps in pursuit of their ultimate goal, have failed to understand the range of possible agricultural uses of this particular piece of state significant farmland. From a community perspective, this is not the case and we see a range of options including traditional farming, hydroponic industries (for example, as previously used for salad products or a herb farm) or as an excellent location for an agricultural tourism site or agricultural research and education site. We know of a number of local farming families who would be willing to share their vision for how the site in question could be productively used for agricultural purposes.

As a community, we genuinely value this protected farmland for its agricultural significance and also for the significant contribution it makes to the amenity of our interconnected beach/farm environment and lifestyle. Over the years, the Kingscliff/Cudgen community has fought off a number of proposed developments on this farmland. Our community wants to reach a point *now* where we are not having to be continually vigilant or concerned that we are facing yet another battle to save and protect an area that is supposedly already protected from development by legislation. A strengthening of the legislation to remove any grey areas or loopholes (for example, through use of State Significant Development schedules) could more clearly indicate to current and future speculators that this protected farmland is a 'no go zone' for anything other than agricultural activity.

In support of our community and the remaining state significant farmland at Cudgen, we respectfully ask the Minister to:

- Publicly affirm and provide an 'unequivocal guarantee' that the remaining State Significant Farmland of the Cudgen Plateau shall remain protected from any development that is not in keeping with the agricultural purpose of the land, and particularly as applies to the 'Cudgen Connection' proposal.
- Actively and transparently consider ways of strengthening relevant legislation to encourage agricultural use and discourage land banking intended for development purposes that are not in keeping with the primary purpose of the land or legislation.

Minister, these farmlands are an iconic piece of the framework which defines the unique beauty and richness of the coastal and rural landscape of the Kingscliff/Cudgen area and indeed the Tweed Shire. They are simply what makes this region so special for the community and the thousands who visit our wonderful part of the world.

As mentioned, there is an ongoing belief and uncertainty in our community that, regardless of the legislation, the farmlands are simply at the mercy of the next major project to come along. Currently, we do not feel that we have the surety of the ongoing protection of this unique and valuable environment.

Your unequivocal guarantee of ongoing protection and also an undertaking to strengthen the legislation will provide the certainty the community now and into the future deserves.

Thank you for your consideration of our request, Minister. We look forward to hearing from you.

Yours faithfully,



Peter Newton  
President  
Kingscliff Ratepayers and Progress Association Inc

T: \_\_\_\_\_ E: \_\_\_\_\_  
W: [www.kingscliff.org.au](http://www.kingscliff.org.au) FB: \_\_\_\_\_