

20 May 2022

Professor Mary O’Kane AC and Michael Fuller APM
NSW Independent Flood Inquiry
GPO Box 5341
Sydney NSW 2001

By email: inquiry@floodinquiry.nsw.gov.au (via Flood Inquiry Submissions Portal)

Dear Professor O’Kane and Mr Fuller,

RE: UDIA NSW submission on the NSW Independent Flood Inquiry

UDIA welcomes this opportunity to comment on the NSW Independent Flood Inquiry announced by the NSW Government in March 2022. As the peak industry body representing the leading participants in urban development in NSW, Urban Development Institute of Australia (UDIA) advocates for the creation of Liveable, Affordable and Connected Smart Cities.

UDIA maintains that the current NSW flood planning framework provides an appropriate risk-based approach to the assessment of flood risk in NSW, and we are supportive of its continued operation in NSW.

In this submission, we have recommended several additional improvements, outlined below, to ensure the delivery of much needed housing is not held up and the flood resilient communities of the future are built.

Background

The recent flooding events have had a terrible impact on NSW and highlighted the need for adequate risk-based land use policies to protect life, property and the environment.

The highest flood risk properties in NSW are generally those built prior to the current flood planning policies. Today, NSW has a well-established and supported planning and land use framework for development on Flood Prone land which has been operating for almost two decades. The Flood Prone Land Policy (FPLP) and subsequent Floodplain Development Manual (FPDM), introduced in 2005, guide local government in managing flood risk in their communities. UDIA, alongside flood specialists, state agencies, emergency services, local governments and the state government have been supportive of the FPLP and FPDM and support their retention as the appropriate risk-based approach to guide land use planning on flood prone land.

As UDIA’s member companies span all facets of the industry, from developers, consultants, local government and state agencies, we are acutely aware of the existing flood planning policy framework in NSW and its strengths and weaknesses. To inform this submission, we convened a special taskforce of land developers, planning practitioners and consultants to evaluate the impact of the recent flooding events, review the current policies and recommend ways to improve the land use planning and resilience framework.

UDIA recommends that the existing policy framework established under the FPLP and FDPM remains in force, supported by a number of practical, readily implementable, improvements to flood planning and mitigation.

Recommendations:

- 1. Retain the policy framework established under Flood Prone Land Policy (FPLP) and Floodplain Development Manual (FPDM), reviewed in 2022, as the correct policy setting for NSW.**
- 2. Make all flood data publicly available in a central location to enable industry to adequately assess risk and support improved land use planning and flood mitigation outcomes.**
- 3. Improve the coordination and funding prioritisation of enabling infrastructure (evacuation and flood mitigation) and ensure infrastructure is flood resilient.**
- 4. Formalise the referral function of the State Emergency Service under the NSW planning system, improve internal capacity, define their focus and introduce transparent standard procedures and timeframes.**
- 5. Review current flood mitigation infrastructure requirements and remove any requirement deemed ineffective.**

Retain the existing policy framework backed by meaningful improvements to flood planning and mitigation

The current framework under FPLP and FPDM provides advice on how to develop and implement local floodplain risk management plans, as well as guiding councils through the risk management process. It provides advice on how to identify flood risk, develop floodplain risk management plans and implement those plans and outlines the technical and financial assistance provided by the NSW Government. Extra support is further provided through the Floodplain Risk Management Guidelines (FRMG) for councils to develop and implement floodplain risk management plans. The guidelines are comprehensive and cover many aspects of managing floodplain risk and include associated templates and spreadsheets. The framework is extensive, widely supported and delivering appropriate risk-based land use outcomes.

UDIA notes that the properties with the highest flood risk in NSW, are generally those built prior to the introduction of the FPLP and FDPM. Floodplain Risk Management Plans prepared by councils under the FDPM are based on up-to-date flood modelling, assess risk appropriately and support development in appropriate risk-assessed areas. This framework has broad support from all stakeholders and was reviewed in early 2022. No major deficiencies or areas of concern were publicly raised during the review process. Based on the enduring success of the framework and the recent review, it is appropriate for the FPLP and FPDM to continue to set the policy framework for development on flood prone land in NSW.

UDIA recommends:

- 1. Retain the policy framework established under Flood Prone Land Policy (FPLP) and Floodplain Development Manual (FPDM), reviewed in 2022, as the correct policy setting for NSW.**

The Department of Planning and Environment (DPE) has confirmed that they are undertaking data collection and analysis of the recent flood events. UDIA made a request to access this data to inform this submission but was denied based on confidentiality concerns. Government needs to partner with UDIA on floodplain risk management, as it is ultimately our members who undertake land and property development in affected areas, delivering Government's strategic plans and housing and employment for the community.

Good planning policy is underpinned by a sound research and evidence base however, Councils, state agencies and government locate and disseminate their data differently, making it extremely challenging to find and navigate. To this point, some Councils include a flood planning area in their Local Environmental Plan (LEP) maps (e.g. Maitland, Lake Macquarie) while other Councils make flood mapping available independently of

their LEPs (e.g. Newcastle, Cessnock) and some don't provide any useful flood mapping at all. The SES NSW Flood Data Portal further makes all flood projects available to the public, however this is again piecemeal and difficult to navigate. Finally, the NSW planning portal spatial viewer makes some flood planning map layers available. It is obvious that the data would benefit from better coordination and consolidation in a central location together with new data immediately added, to ensure it is up to date and stakeholders are able to make informed decisions.

UDIA recommends:

- 2. Make all flood data publicly available in a central location to enable industry to adequately assess risk and support improved land use planning and flood mitigation outcomes.**

While the existing flood planning policy framework remains appropriate in NSW, there are opportunities to improve the broader suite of measures that support the policy framework.

Planning for flood infrastructure including emergency evacuation, flood mitigation and resilience, is an area where better coordination and funding prioritisation could greatly improve outcomes. State agencies and local government need to better work together to prioritise, fund and deliver infrastructure in a timely manner, which is fit for purpose and supports existing and future communities. Currently governments and state agencies are at loggerheads as to what infrastructure is required, where to prioritise spending and who will pay for, provide and operate the final product. This is leading to land sitting idle, while government bodies battle with one another. This is holding the state back from delivering much needed housing, and the communities of the future.

UDIA recommends:

- 3. Improve the coordination and funding prioritisation of enabling infrastructure (evacuation and flood mitigation) and ensure infrastructure is flood resilient.**

The role of the SES as a referral agency under the NSW planning system is supported however, their procedures and processes could be greatly improved to ensure their expert advice does not take a narrow approach that has the potential to exclude whole of government considerations or cause delays. The NSW planning system has a well-established concurrence and referral pathway which enables agencies to provide expert input into the planning system. The SES would benefit from defining their matters for consideration and assessment and improving transparency. This includes access to data and assumptions that underpin modelling. UDIA is aware of instances where 2016 road layouts were used to assess flooding impacts out to the year 2040. This is inappropriate and would have been readily addressed through better industry collaboration. Greater transparency and a more collaborative approach with industry is needed.

Many agencies have dedicated individuals or teams to provide advice in a timely and consistent manner. The SES should establish a dedicated individual or team to deal with planning matters and ensure their process is transparent and their advice is appropriate, risk based, and delivered within a consistent and timely manner.

UDIA recommends:

- 4. Formalise the referral function of the State Emergency Service under the NSW planning system, improve internal capacity, define their focus and introduce transparent standard procedures and timeframes.**

Developers are currently being asked to deliver flood mitigation infrastructure to support land release and development. While it is appropriate that flood mitigation infrastructure is provided, there is growing concern that some of the measures being requested, including drainage ditches, do little to manage or mitigate flood risk. Just as it is important to coordinate and prioritise funding on major infrastructure projects, the allocation of funds to smaller works is equally important. Spending should be focused on measures which have a genuine impact on flood management and mitigation and importantly, represent value for money.

UDIA recommends:

- 5. Review current flood mitigation infrastructure requirements and remove any requirement deemed ineffective.**

Conclusion

Thank you again for the opportunity to provide our submission to the NSW Independent Flood Inquiry. UDIA maintains that the current NSW flood planning framework provides an appropriate risk-based approach to the assessment of flood risk in NSW. We are supportive of its continued operation in NSW and have recommended several additional improvements, outlined above, to ensure that the delivery of much needed housing is not held up and the flood resilient communities of the future are built.

Should you have any further questions or to arrange a meeting, please contact Michael Murrell, Planning Policy Manager at [REDACTED]

Kind Regards,

Steve Mann
Chief Executive
UDIA NSW