

**From:** [NSW Government](#)  
**To:** [Flood Inquiry](#)  
**Subject:** Floods Inquiry  
**Date:** Wednesday, 22 June 2022 4:10:16 PM  
**Attachments:** [NSW Flood Inquiry Submission - Valley Watch - May 2022.pdf](#)

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## Your details

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## Submission details

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<b>I am making this submission as</b>	A member of the general public
<b>Submission type</b>	I am submitting on behalf of my organisation
<b>Organisation making the submission (if applicable)</b>	Valley Watch Inc
<b>Your position in the organisation (if applicable)</b>	Secretary
<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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## **Supporting documents or images**

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### **Attach files**

- [NSW Flood Inquiry Submission - Valley Watch - May 2022.pdf](#)
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## **RE SUBMISSION – NSW FLOOD INQUIRY**

Thank you for the opportunity to comment on NSW Flood Inquiry.

Valley Watch Inc. is a local not-for-profit organisation which has been operating in the Lower Clarence area for the past 30 years. Our mission is to advocate for a healthy and biologically diverse environment and to preserve the quality of life in the Clarence Valley.

This submission relates only to Yamba and environs. Yamba was fortunate in this event not to have received the extreme event catchment rainfall as did nearby areas. The outcome was a comparative lesser level of flood damage. However, it is reasonable to suggest that Yamba may not be so lucky in a future event and there are important lessons to learn.

It is also important to note that the timing of this flood - 27<sup>th</sup> February 2022. A scenario of peak Christmas Holiday season where the town is three times the normal population together with seasonal King Tides would have provided for a very different set of events unfolding.

The other important aspect of this flood, was the upper catchment did not receive rainfall that was experienced near the coast. Therefore impacts of riverine flooding from the upper catchment was lessened. The lower river areas experienced the biggest flood in history and one can only imagine how much worse it could have been if upper catchment levels were also at their peak.

This rainfall event was not unprecedented. Historic records show previous high rainfall events that have occurred in the lower catchment – what was different was the local Yamba landscape where much of the locally surrounding floodplain remained untouched and able to absorb high rainfall.

### Rainfall figures from BOM over previous years

15 May 1921 – 273.1mm  
2 March 1999 – 300mm  
30 June 2005 – 250.4mm  
28 Feb 2022 – 274.4mm

1. The Inquiry is to consider and report to the Premier on the following matters:

- a. *the causes of, and factors contributing to, the frequency, intensity, timing, and location of floods in NSW in the 2022 catastrophic flood event, including consideration of any role of weather, climate change, and human activity.*

Our focus in this submission is on human activity and the impact of poor drainage, lack of maintenance and management on storm water drains and inappropriate development with uncontrolled run-off.

The initial flooding in Yamba in February 2022 was stormwater flooding (local drainage) prior to the Clarence River flood crest reaching Yamba.

Two new unlinked stand-alone developments, being the currently proposed Park Avenue Yamba subdivision and the large West Yamba subdivision are the focus of this submission. Both are having devastating impacts to adjacent properties and as yet, not one house has been built. There are without doubt cumulative impacts into the future. These impacts are not being addressed by Clarence Valley Council. There is no Master Plan, environmental impact statement or drainage management plan for the town.

Legislation states developments must not impact other properties with local overland stormwater run-off.

LEP????

### **Statutory Authority - Responsibility**

Clarence Valley Council (CVC) is a statutory body and has a statutory duty of care to its residents. In 2009 a Floodplain Risk Management Plan (FRMP) was adopted by CVC after a study was done. The Plan concerned environmental issues relating to flooding, in particular new residential development on flood-labile land and the impacts of increased human activity. The FRMP stated a Master Plan be prepared to achieve a holistic strategy to ensure development is integrated and does not create problems when addressing cumulative issues. No Master Plan was ever prepared although development has been allowed to go ahead on the floodplain. The new development areas on the floodplain resulted in water diversion onto established parts of Yamba which had insufficient stormwater and drainage facilities to cope, causing flooding.

By not putting in place a Master Plan in accordance with FRMP and allowing developments to proceed on the floodplain has CVC failed in its duty of care to its residents?

Does CVC have foreseeability (real knowledge) of the impacts the recent flood was going to have on the established parts of Yamba that have not had water through their properties previously?

The following two cases of Unlinked Standalone Developments highlight the impacts in the recent 2022 flood and rainfall event in Yamba.

### **WEST YAMBA DEVELOPMENT**

Valley Watch Inc. has for the last few decades endeavored to keep a close watch on, oppose and comment on, the machinations and goings on by various parties keen to change forever the historically unique qualities and functions of Yaegl floodplain country known as West Yamba.

Plans to develop this flood plain with 1100 plus houses have been very controversial and impacts from recent fill has had major effect on nearby residences and businesses.

In broad terms development of the kind proposed in this area is inappropriate because

- *The land is flood-prone and likely to be heavily impacted by climate change.*
- *The area has a high-water table and historically has been a catchment area for local rain events.*
- *Concerns raised since its inception have been acknowledged but ignored.*
- *No Masterplan has been completed.*
- *Stormwater has not included in Yamba Floodplain Risk Management Study*
- *There has not been a study as to the effects of 1.3 million tons of fill required.*
- *Planning NSW now requires flood modelling for the Probable Maximum Flood event.*
- *Developers are providing inaccurate unvalidated or incomplete data in drainage assessment reports.*
- *There is inadequate information to ensure stormwater quantity and quality is met and monitored - during construction and completion.*
- *It is unclear where stormwater runoff will go after it is discharged from the properties.*
- *Indications that Carrs Drive will be raised by 458mm will have further impact.*
- *No Evacuation Plan for Yamba*

The above issues have been raised by the community for years and ignored by Clarence Valley Council. An article from the Sydney Morning Herald April 2007 noted that:

*“And even the proposal’s architect, the council’s Environment and Planning Director acknowledges it is out of step with today’s planning regime.” He said “There are acknowledged problems there. It is flood-prone low-lying land with a high-water table. We have never hidden the fact that if we were to start the process of West Yamba today there would be doubts as to whether council would proceed.”*

The 2009 Yamba Floodplain Risk Management Study identified that a Master Plan should be completed before any subdivision occurs. This would include community consultation.

The need for a Masterplan for West Yamba has been a community expectation yet has been never forthcoming. Is it any wonder so many questions remain unanswered when attempting to consider consequences of increased urban development in this area, especially a lack of any clear understanding of current and future hydrology?

The 2009 Yamba Floodplain Risk Management Study notes that –

- *The proposed Master Plan must address water related cumulative issues”. “The Master Plan should endeavor to achieve a holistic strategy to ensure that the development is integrated and does not create problems when attempting to address cumulative issues. This would include the potential impacts of increased human activity -*

*nutrients, sedimentation, runoff - on the nearby exclusion zones during a flood or ocean event when WSUD capacities are exceeded.” (Ref 6.3.3)*

The Plan notes 3 key issues (Table ii), specifically that:

- *The use of flood modification measures (levees, etc.) to facilitate future development is generally not acceptable,*
- *Any further development will exacerbate the flood hazard,*
- *The proposal is not compatible with two background reports,*

The Plan notes that:

- **Coastal Design Guidelines for NSW** - *This guideline does not encourage development on lands, such as at Yamba, which are subject to sea level rise, frequent flood hazard or where cut and fill is required to overcome flood hazard or coastal processes.*
- **Grafton and Lower Clarence Floodplain Risk Management Plan (Reference 4)** - *This states that as a general principle, it is preferable that new urban areas are located outside of the floodplain and intensification of existing urban areas be restricted to a level that can be accommodated within the evacuation capacity of the State Emergency Services.*

The Plan notes that:

- *Intense rain over the township of Yamba causing ponding in low lying areas as a result of inadequate local drainage. This mechanism is largely outside the scope of this present investigation. 3.1 (4)*
- *“The importation of the required 1.3 million cubic meters of soil would result in one truck movement every six minutes, eight hours a day, five days a week, for nine and a half years”.*

The WYURA (West Yamba Urban Release Area) DCP states: “Extent of any development potential is to be consistent with a final Floodplain Risk Management Plan;”

After many many years of residents expressing concern about existing stormwater and flash flooding problems in West Yamba, Clarence Valley Council is preparing a Drainage report for Yamba. However, it seems they are putting the cart before the horse and ongoing development on the West Yamba floodplain continues to be approved.

Noted in the reports for a recent Development Application for a 295-lot subdivision (SUB 2019/0030) “(iii) An authority to discharge over affected properties will be necessary.”

Other anomalies found with this DA

- *Percentage estimates for area and slope of existing catchments – are unrealistic.*
- *Calculations of initial and continuing losses do not consider the high-water table.*
- *Peak stormwater discharge comparison shows increased peak flows and does not meet West Yamba Urban Release Area Controls for natural and environmental hazards.*
- *Validation of developed peak flows - discharge points are not included.*
- *The combined areas of fill proposed will reduce the waterway area for a river flood resulting in an upstream increase in flooding levels for the Oyster Channel and increased velocities along Carrs Drive and Golding Street.*
- *There is inadequate information to ensure stormwater quantity and quality is met and monitored - during construction and completion. And unclear where stormwater runoff will go after it is discharged from the properties.*

Clarence Valley Council is assessing each DA on its own merits, and each has differing hydrology reports that are lacking detail and management outcomes. The cumulative impact of run-off and overall management of storm water is not being effectively assessed or planned for.

The Clarence Valley Local Flood Plan – Yamba Sector Response (NSW SES) indicates Yamba Road as an evacuation route to assembly areas on higher ground, protecting life from the hazard. Yamba Road is lower than the proposed development and it is already evident during rain events that there are flooding problems both on the road and adjacent properties, far greater than before commencement of development in West Yamba.

Council has recently indicated that it is preparing a **Detailed Drainage Assessment of Carrs Drive and Sullivans Road**, Clearly, this is an assessment that should have been undertaken before the rezoning was approved over a decade ago, and we believe no development applications should be considered until this report, a Masterplan and an Environmental Impact Statement are completed.



The following photos and maps give some clear indication of where West Yamba is located and the impacts of the recent Rain Bomb (27/2/2022). Properties on Yamba Rd were affected from water flowing from West Yamba **prior** to the Clarence River flooding.



Prior to fill - West Yamba Floodplain



St James Primary School Mar 2022 – fill now located on both sides of school



**Figure 3.1** Recognised Development Applications



Following the rain event – pre flood. Looking Sth East & Sth West towards the fill from houses south of Yamba Road. The instant lake was 4 ft deep prior to the Clarence River Flooding

Community groups such as Keep it Country and Valley Watch Inc have been trying to highlight the issues with West Yamba drainage to Clarence Valley Council for many years. Despite the many issues that remain unresolved the Development Applications continue to be approved with no master plan and detrimental effects on existing residents.

<https://www.keepyambacountry.com/copy-of-our-purpose>

## **Park Ave Yamba**

The proposed Park Avenue subdivision has been an ongoing development proposal since 2001 (with a number of different configurations of numbers of homes and roads). The near 7-hectare property, previously an open space (a natural retention basin for excess water) was filled to 2.8m AHD in 2006 (about 1.6m higher than adjacent properties to the north of Yamba Road). More fill, about 2,600 truckloads, is proposed with the current DA to a height of 3.01m AHD for the proposed 136 homes/over 55s resort style living development.

Existing homes, on the northern side of Yamba Road, adjacent to the proposed Park Avenue subdivision, have flooded with stormwater (up to 600mm into their properties and through their homes). These homes have never flooded before, from the stormwater runoff from this filled subdivision mound, constructed ready for the proposed 136 new homes. Stormwater was entering adjacent properties, overtopping the 1.6m high retaining wall. Water was also coming from between the Besser bricks of the retaining wall as well as seeping through under the bottom of the wall.

Apart from the water into the properties and homes on Yamba Road, sewage surcharged into yards and into homes, in sinks and showers. Homes to the north of Yamba Road have been inundated with water from the proposed Park Avenue subdivision and from Yamba Road as well. Water remained in yards for days, about 600mm deep, after the estuarine flood crest had subsided. Some toilets wouldn't flush, and some residents needed to be evacuated. Many residents were not covered for flood insurance for their damaged floors and furniture, damaged and now faulty white goods such as fridges, freezers, air dryers, air conditioning units, etc. Stormwater inundation also occurred from Yamba Road to the southern properties – this was from Yamba Road and also from newly filled developments in West Yamba.

The existing easement on the southern boundary of the proposed Park Avenue subdivision land has a 1.6m high retaining wall and a number of different open concrete dish and box drains. Stagnant water still lies in these drains at the back of the properties along the northern side of Yamba Road. It has now been over two months since the heavy rainfall events. This is very distressing to residents as it creates a health risk along with potential occurrences of mosquito borne diseases. This stormwater inundation and potential health risk is detrimentally impacting on the lives and livelihood of these residents.

It is disturbing to see the scope of the Webb, McKeown & Associates Pty Ltd – 'Yamba Flood Risk Management Study 2008/2009':

It states flooding at Yamba can occur as a result of a number of mechanisms, one being:

*"1.2 (4) Intense rain over the township of Yamba causing ponding in low lying areas as a result of inadequate local drainage. This mechanism is largely outside the scope of this present investigation."*

It also states: "4.2.4 Local Drainage Issues

*DESCRIPTION: Yamba has a kerb and gutter drainage system with an underground pipe network. Local drainage issues are likely to be limited to possible surcharging of pipes due to high tailwater levels, potential blockage of pipes and/or drains as well as ponding of local runoff. The roads in Yamba are undulating which may result in ponding and/or diversion of runoff into footpaths and private properties. No significant damage occurs as a result of these issues, but they would be an inconvenience to residents.*

and

*DISCUSSION: Local drainage issues are found in all urban communities and generally occur as a result of historical circumstances (basic or no road and drainage system at the time of development, limited or no controls on minimum building floor levels, little or no kerb and guttering) and the nature of the topography (land never graded to form flow paths). Local drainage issues generally do not result in any significant damage to properties and there is minimal (if any) risk to life. However, it does cause significant inconvenience to residents who take pride in the appearance of their community and it may influence tourist activities."*



The detrimental impacts are now more than a significant inconvenience for residents adjacent to the proposed Park Avenue subdivision. Furthermore, the inadequate stormwater drainage has undoubtedly adversely impacted on tourism in every sphere.

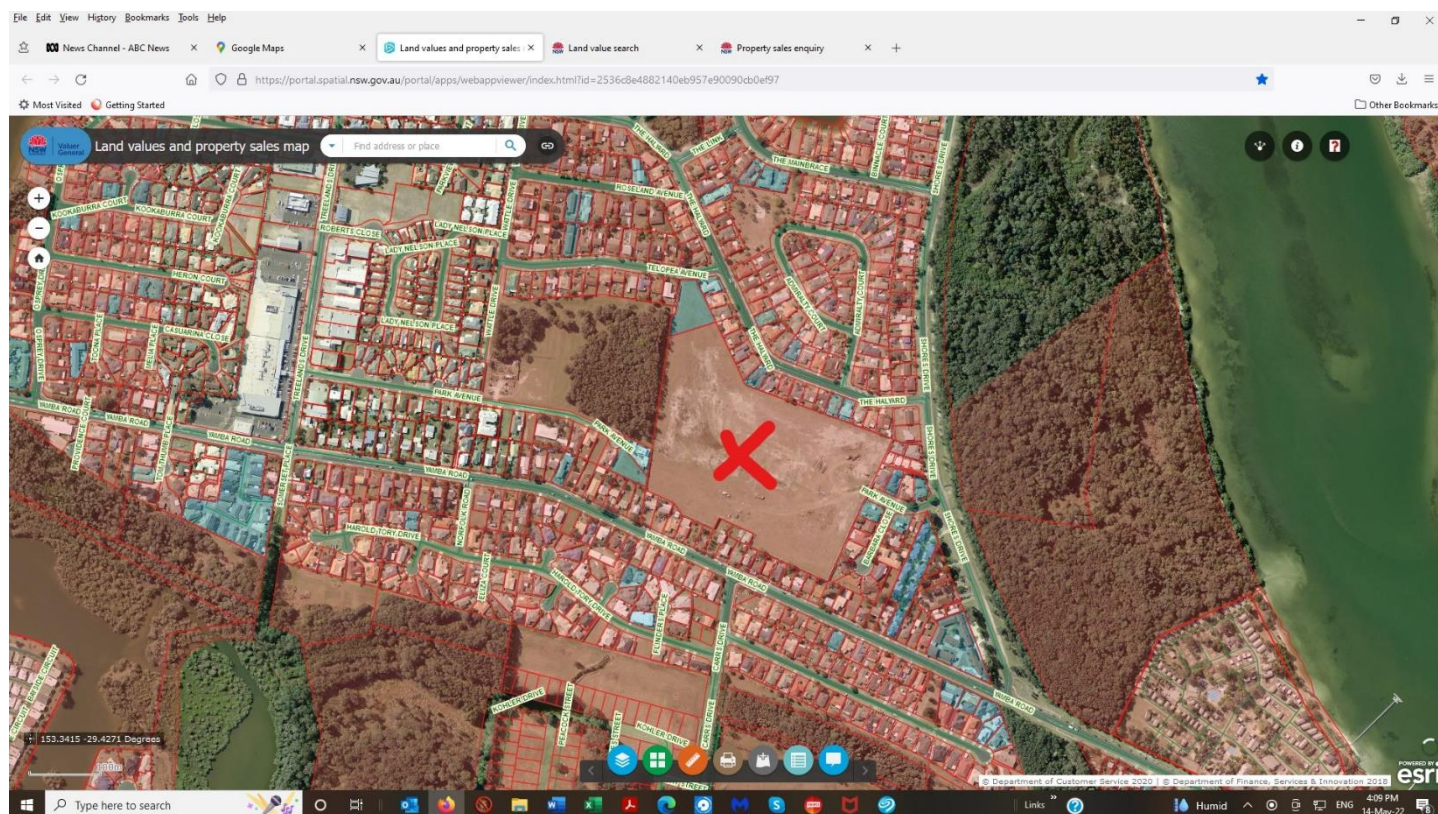
Paterson Consultants Pty Limited undertook a “*Drainage Design for the Park Avenue, Yamba dated February 2014*” for the previous owners of the Park Avenue subdivision land (Lot 30 DP 845863), Parkes (Menai) Pty Limited. The Conclusion states “*Provision of drainage from Lot 30 has proceeded without realistic provision for drainage of Lot 30.*”

It should be noted that the only access/exit road, Park Avenue to Shores Drive, to/from the subdivision site is closed whenever there are heavy rainfall events (stormwater) as well as flooding events in the Clarence River.

Summer storms bringing heavy rainfall events are a common event on the coast and it is reasonable to expect Clarence Valley Council drainage systems would be able to cope, but this was not the case. Estuarine flooding is a separate matter to stormwater/local drainage.

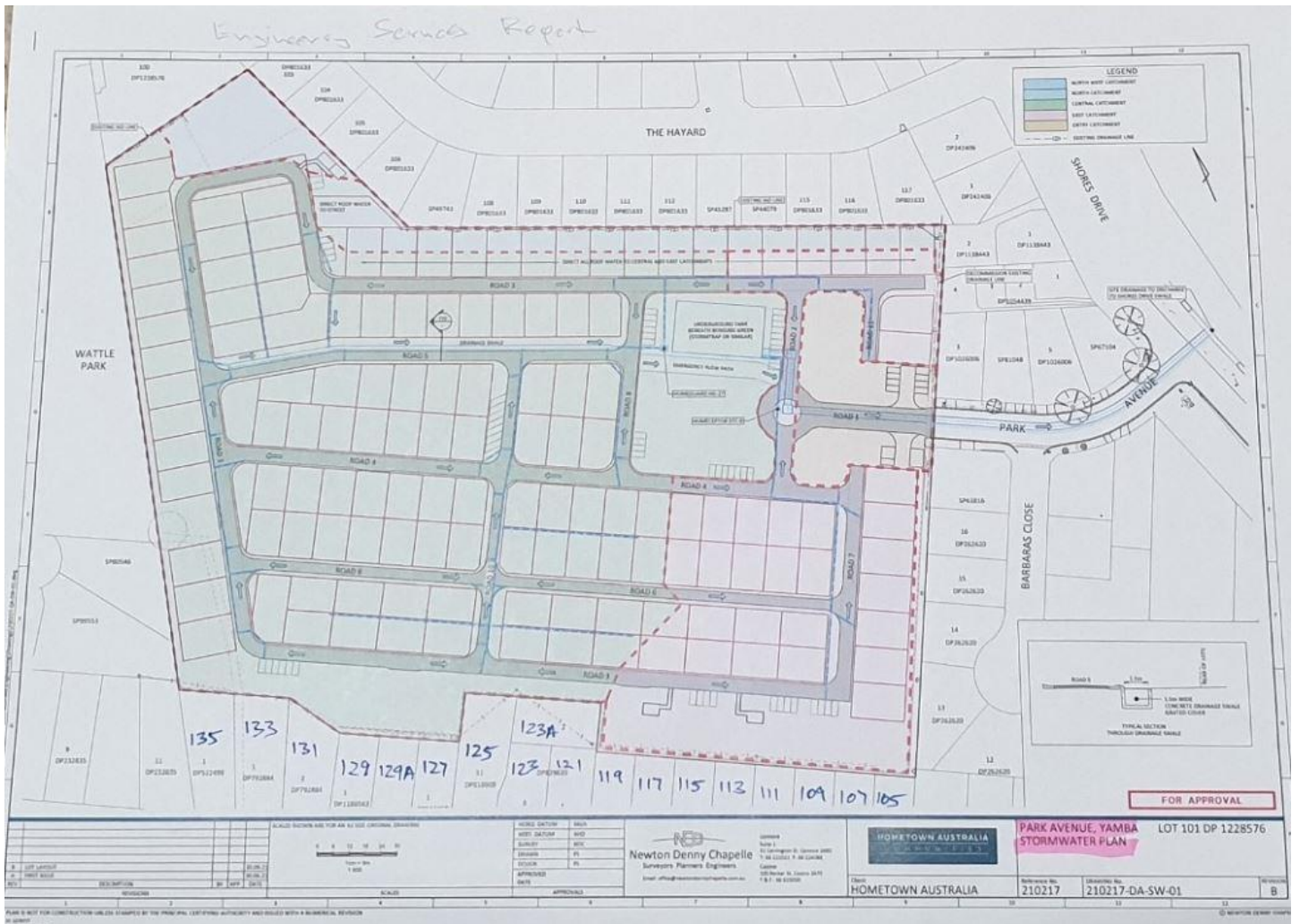
On 10 March 2022, following presentations from a local community group “Valley Watch” and also from some locals in the Northern Regional Planning Panel voted three to two to defer the Proposed Park Avenue Yamba subdivision development for three months. This was due to the fact that there is no evacuation plan. We are participating in another Northern Regional Planning Panel Meeting next month if the DA proceeds with an approved evacuation plan.

Below are photos of proposed subdivision site and Park Ave stormwater plan. Three adjacent sites being 125, 127 & 135 Yamba Rd all impacted by stormwater from Park Ave entering these properties. Entry to Shores Drive flooded – evacuation route to Yamba Rd. Videos showing “Pumping Water out of 127 Yamba Rd”, “Feb 2022 stormwater 135 Yamba Rd” and “Entry into the subdivision site through Park Ave” have not been able to uploaded with our submission. These can be viewed via our facebook site <https://www.facebook.com/ClarenceValleyWatch> and will be forward via separate email to [inquiry@floodinquiry.nsw.gov.au](mailto:inquiry@floodinquiry.nsw.gov.au)



Proposed Park Ave Subdivision Site





Park Ave Subdivision Stormwater Plan (numbers show house lots on Yamba Rd)



1a. Backyard 125 Yamba Road Yamba



1b. House 125 Yamba Rd Stormwater 2 March 2022





1c. House 125 Yamba Rd 16 May 2022



2. Backyard 127 Yamba Road – water pouring through retaining wall from Park Ave filled Subdivision site





3a. 135 Yamba Rd Storm water – came into the house

3b. 135 Yamba Rd fence broken from pressure of storm water



3c. 135 Yamba Rd Storm Water 30cm high through home





4. Park Ave Retaining Wall

5. Entry into Shores Drive Yamba

### Lack of Evacuation Plan

1b. *the preparation and planning by agencies, government, other entities and the community for floods in NSW, including the accuracy and timing of weather forecasts, current laws, emergency management plans, practices and mitigation strategies, their application and effect;*

Coast Voices covered the issue of evacuation of Yamba residents on the 1<sup>st</sup> April 2021 (This is no April Fool's Joke!!)

<https://northcoastvoices.blogspot.com/search?q=yamba+evacuation>

- Aged population / influx of tourists (3x population at Xmas / Increased planned population)
- Single Road in and out - Yamba Rd cut at Palmers Island
- 2022 Why was a Flood Disaster Not Called?
- Lack of Food – Coles ran out of food. Coles flooded. Yamba town cut in half – people could not get to shops
- Only 8 SES volunteers
- Current Emergency Plan to go up the hill – where exactly are we going – there are no shops or food up the hill. Pacific Hotel (on the hill has red alert in high rainfall event for landslide caution). Who is responsible when this plan is unable to be implemented especially in peak holiday time? Yamba Bowling Club planned evacuation centre.
- Angourie Rd roundabout – closed at high tide.
- New expanded aged care facilities are currently being built. Three over 55's approvals in recent years - have attracted increase in average age of residents in township - more likely to need increased physical and medical assistance.



Yamba One Road OUT – over Shallow Channel Causeway



Shallow Channel Causeway in flood – Mar 2022

One thing that has been echoed throughout this flood ordeal in the whole of the Northern Rivers is that Community are not being listened to. We hope this Inquiry is more than just a box ticking exercise in public consultation but red flag for what we are facing as human induced climate change weather patterns become more normalized events in our region. The Climate Emergency is well and truly unfolding!!

Regards

Helen Granleese  
President  
Valley Watch Inc