

**Submission
No 23**

REVIEW OF THE NSW RECONSTRUCTION AUTHORITY ACT 2022

Organisation: Floodplain Management Australia

Date Received: 17 May 2024



Floodplain Management Australia

Supporting Wise Planning and Development

www.floods.asn.au ABN 67 007 279 179

President: Ian Dinham

16 May 2024

Mr Clayton Gordon Barr, MP
Chair
Joint Select Committee on the NSW Reconstruction Authority
NSW Parliament House
6 Macquarie Street
SYDNEY NSW 2000

(Submitted on line)

Dear Mr Barr

Statutory Review of the NSW Reconstruction Authority Act 2022

Thank you for the invitation to provide input to the Statutory Review of the NSW Reconstruction Authority Act 2022.

About Floodplain Management Australia

Floodplain Management Australia (FMA) is the peak national body for flood risk management practitioners in Australia. FMA promotes wise management of development on floodplains and community awareness of flood-related issues, helping to reduce the risks of flooding to life and property. FMA provides professional development and information sharing opportunities and represents the interests of Local Government at state and federal levels. Members include over 180 councils, catchment management authorities, government agencies, businesses and professionals involved in all aspects of urban and rural flood risk management.

Our members are at the front-line of flood risk assessment, flood management planning, decision making, emergency management and community engagement - see floods.asn.au

FMA Feedback on Recommendations of the NSW Independent Flood Inquiry

In November 2023, Floodplain Management Australia (FMA) prepared a detailed 'Feedback on the recommendations of the NSW Independent Flood Inquiry' (dated 28 November 2023 - Attachment A to this submission). Much of this feedback relates directly to the NSW Reconstruction Authority (RA) and the NSW Reconstruction Authority Act 2022 (NSW RA Act 2022), and so is directly relevant to the Terms of Reference of this Inquiry.

FMA's Feedback Document provided detailed comments on the recommendations made in Chapter 6 (Building back better – reconstruction) and Chapter 7 (Living with flood (disaster risk) in the natural and built environment) of the Flood Inquiry. The comments were intended to identify concerns and raise points for further discussion with the NSW State Government, rather than provide a comprehensive and final review of each recommendation.

In February 2024, FMA received a response from Minister Dib (dated 28 February 2024 - Attachment B to this submission), and we thank Minister Dib for that response. FMA is encouraged by the key messages provided by Minister Dib, acknowledging that progress has been made on some of FMA's recommendations including:

- acknowledgement of our feedback and '*specific concerns by members regarding the role of local government and of the NSW Reconstruction Authority in flood management planning*'.
- stating that '*delivering (of) Disaster Adaptation Plans ... seeking to (be) coordinated with other regional initiatives to reduce duplication, leverage existing processes, and support consistent messaging on flood risk to regional stakeholders*'.
- stating that the state government '*consider that local councils remain best placed to manage the setting of flood planning levels, as they can draw on their local knowledge and insight. NSW Government agencies, including the Reconstruction Authority and Department of Climate Change, Energy the Environment and Water (DCCEEW), will continue to provide support to councils for this responsibility*'.

Progress on Recommendations

Although some progress has been made on some of the recommendations from the FMA's Feedback Document, there is still work to do, particularly around how Disaster Adaptation Plans will be prepared and implemented in practice.

It is important that momentum is not lost and there is ongoing government commitment to work towards the recommendations of the Flood Inquiry and issues raised relating to the RA and the NSW RA Act 2022.

State Disaster Mitigation Plan

In February 2024, FMA hosted key staff representatives from the RA at its Quarterly Meeting to provide an information session entitled '*An introduction and discussion on the roles and activities of the NSW Reconstruction Authority*'. Around 40 in-person and 50 on-line participants attended this information session, which shows that this is a pertinent topic for FMA Members. The focus of the information provided was mainly related to the soon-to-be released State Disaster Mitigation Plan.

Soon after FMA Quarterly Meeting, the RA released the State Disaster Mitigation Plan in accordance with the NSW RA Act 2022. As stated on the website, '*The RA will continue to refine and update the SDMP as we evolve our knowledge and understanding, and listen to the ongoing feedback of our stakeholders and the community. The next SDMP will be delivered in 2026.*' Again, it is important that there is ongoing commitment by the state government to implement the actions in the 2024 SDMP - financially, technically and with adequate resources (people).

The SDMP needs to be a live document as it progresses to its next update in 2026 (updates are required as part of the Act). Also, it is essential that ongoing progress reports on the implementation of actions of the SDMP are provided to all stakeholders, including FMA - this will ensure that the 2024 SDMP is not a 'set and forget' document.

Conclusion

Thank you for the opportunity to provide a submission to the Review Committee and, as encouraged by Minister Dib in his letter of February 2024, FMA looks forward to continuing to engage closely with NSW state agencies to support floodplain risk management across NSW.

Yours faithfully


Ilan Dinham
President

Please address correspondence to:

Glenn Evans Executive Officer Floodplain Management Australia

Email 

Phone 



Floodplain Management Australia

Supporting Wise Planning and Development

www.floods.asn.au ABN 67 007 279 179

President: Ian Dinham 0435 946 525

28 November 2023

The Hon. Chris Minns, MP
Premier of New South Wales
52 Martin Place
SYDNEY NSW 2000

Dear Premier,

Feedback on Recommendations of the NSW Independent Flood Inquiry

Floodplain Management Australia (FMA) has engaged with its NSW Local Government membership (comprising some 64 Councils and other specialist floodplain risk management practitioners) as part of FMA's considered position on the recommendations of the 2022 NSW Independent Flood Inquiry ('the Inquiry') and to prepare the enclosed feedback on the recommendations of the Inquiry for your consideration.

The response has a twofold purpose:

1. As FMA is the peak national body for flood risk management practitioners in Australia, it is considered appropriate to have a documented, official response to the Inquiry; and
2. To start a dialogue with the State Government in order for FMA to be involved in some capacity with the implementation of the recommendations. FMA is the trusted voice on floodplain risk management across NSW and we are ideally positioned to ensure the knowledge and experience of our membership contributes to improved flood risk management and planning in NSW.

FMA promotes wise management of development on floodplains, and community awareness of flood-related issues, helping to reduce the risks of flooding to life and property. We are pleased to note that the outcomes of the Inquiry support improvements to preparedness and resilience, rather than focusing on recovery alone.

Further to our submission to the Inquiry (dated 13 May 2022), FMA now seeks to provide detailed comments on the recommendations made in Chapter 6 (Building back better – reconstruction) and Chapter 7 (Living with flood (disaster risk) in the natural and built environment) of the Inquiry for consideration by the NSW State Government, including the newly formed NSW Reconstruction Authority. This is not to diminish the importance of the recommendations in other Chapters to our members, for which we also provide comments at a higher level.

An overview of our feedback on each chapter of the Inquiry is provided in **Table 1** below, with detailed responses to recommendations from Chapters 6 and 7 enclosed. As you would be aware, the issues raised by the Inquiry and its recommendations are complex and nuanced, and as such our feedback is intended to identify concerns and raise points for further discussion with the NSW State Government, rather than provide a comprehensive and final review of each recommendation.

Table 1 FMA Response to each chapter of the Report of the NSW Independent Flood Inquiry

Chapter	FMA Response to Recommendations
2. Flood causes and contributing factors	<ul style="list-style-type: none"> • These recommendations have been addressed in detailed submissions by our member agencies including the Bureau of Meteorology and NSW SES. • FMA is committed to supporting the BOM and SES and facilitate education and training between such agencies and FMA’s broader membership. • FMA has been a committed member of the Flood Warning Consultative Committee (FWCC) and intends to continue to contribute to discussions around rain/river monitoring through the FWCC.
3. Emergency Management and Response	
4. Emergency Planning and Preparedness	
5. Understanding flood (disaster) risk and acting on threat	<ul style="list-style-type: none"> • FMA strongly supports improving our collective understanding of the impact of floods (and other natural disasters) on mental health. This has been the subject of presentations at the FMA National Conference in 2022 and 2023. • FMA strongly supports all efforts to improve community flood awareness. We note that through our members, significant effort has already gone into collating a range of existing flood education resources (available on our website) as well as developing new resources. FMA welcomes the opportunity to share our knowledge in this field and collaborate with the NSW Department of Education to develop this recommendation further.
6. Building back better – reconstruction	<ul style="list-style-type: none"> • Please refer to detailed responses attached to this letter. • NSW Reconstruction Authority – FMA members seek clarity around the NSW Reconstruction Authority’s role and responsibilities, particularly where changes are proposed to existing State Government departments and Local Government responsibilities. • FMA is keen to ensure that any restructuring of State Government is clearly communicated to Local Government, particularly to ensure councils are aware of where financial and technical assistance can be found moving forward.
7. Living with flood (disaster risk) in the natural and built environment	<ul style="list-style-type: none"> • Please refer to detailed responses attached to this letter. • Many recommendations present the risk of significant rework/ duplication of effort already undertaken through the Floodplain Management process for limited value.

Formed in 1961, FMA has developed strong partnerships with 170 local councils, key State/Territory and Commonwealth Government agencies including NSW State Emergency Service, NSW Department of Planning and Environment, ACT State Emergency Service, Victorian Department of Energy, Environment and Climate Action, Queensland Reconstruction Authority and the Bureau of

Please address correspondence to
Glenn Evans, Executive Officer, Floodplain Management Australia
[Redacted]

cc Simon Draper, CEO of the NSW Reconstruction Authority
Kiersten Fishburn, Secretary of the Department of Planning and Environment

Enclosed: Detailed responses to Chapter 6 and 7 Inquiry Recommendations

Ian Dinham
President
[Redacted]

Yours Faithfully

Meteorology. Our Young Floodplain Managers subcommittee has grown to around 200 members nationally and regularly engages with early career professionals in the flood risk management space. In addition, we have links to equivalent organisations in the United States, the United Kingdom and New Zealand. Our international network is invaluable in sharing flood management experience and expertise from other nations with our members for the benefit of their communities.

FMA holds quarterly meetings in New South Wales and Queensland, and an Annual National Conference, which in 2023, attracted over 500 delegates across Australia and internationally. We frequently run workshops to engage with and provide training opportunities for our members, including Local Government floodplain managers and planners, as well as industry professionals who provide technical services to support floodplain risk management, emergency management and planning measures (such as flood modelling, mapping and determination of flood planning levels). FMA and our industry partners have also developed and present an annual Flood Risk Management short course through the University of Technology Sydney, targeting existing and potential practitioners.

On this basis FMA is uniquely positioned to facilitate two-way communication between State Government, Local Government, community groups, the tertiary sector and industry professionals in relation to floodplain management, emergency management and planning and regulation of development within the floodplain.

FMA would be pleased to discuss opportunities to contribute and collaborate with the NSW State Government as the recommendations of the Inquiry are further investigated and implemented.

Recommendation	Discussion/ Background Information	FMA Response
<p>Recommendation 15: NSW Reconstruction Authority</p>	<p>Our NSW member Councils are funded through the NSW Floodplain Management Program to complete Flood Studies, Floodplain Risk Management Studies and Plans, and to implement the recommended flood mitigation/management options in their adopted plans. The NSW Government's Flood Policy and Flood Risk Management Manual state that the management of the floodplain is the responsibility of Local Government - Councils. This ensures that the process is suited to the characteristics of individual floodplains and also considers the needs of the community and the local environment.</p> <p>FMA members have raised the need to clarify the role and responsibility of Council and the RA (and other agencies SES, DPE etc.) specifically as it relates to the responsibility for checking/endorsing flood studies, floodplain risk management studies and plans or is it expected that the RA will take over this responsibility from Council's floodplain risk management committees.</p>	<p>FMA encourages the NSW State Government to ensure an effective consultation and engagement framework is established to enable the RA to appropriately consult with Councils and understand the availability of existing flood studies and floodplain risk management studies and plans.</p> <p>Where possible the RA should seek to partner with the Council to ensure the best available data is considered as part of state-wide efforts, avoid duplication of work and ensure a single point of truth is maintained when it comes to understanding flood behaviour and flood risk.</p> <p>FMA advocates for the NSW State Government to support whole-of-catchment approaches to understanding flood behaviour and floodplain risk management planning. The formation of the RA provides an opportunity for regionally co-ordinated delivery of flood studies and flood risk management studies and plans.</p> <p>FMA would welcome the opportunity to meet with the RA to understand how its responsibilities interact with the existing Floodplain Management Program and whether the formation of the RA may alter the existing responsibilities of Local Government, such as the responsibility for delivering or updating flood studies across their Local Government area and provision of technical guidance, for example, relating to appropriate climate change scenario selection for planning and risk management purposes.</p>

Recommendation	Discussion/ Background Information	FMA Response
<p>Recommendation 16: Cost Benefit Framework</p>	<p>Cost Benefit Analyses are currently prepared in Floodplain Risk Management Studies and Plans when investigating and prioritising floodplain risk management options.</p> <p>FMA strongly supports improved consideration of both tangible and intangible direct damages and indirect damages with floodplain risk management measures.</p>	<p>FMA suggests reviewing and, if needed, adapting the Economic Assessment Framework of Flood Risk Management Projects (Queensland Reconstruction Authority, 2021) for use in NSW, as it provides a more comprehensive methodology for the quantification of a range of costs and benefits relevant to floodplain management projects.</p>

Recommendation	Discussion/ Background Information	FMA Response
<p>Recommendation 17: Landholders Can Access Information on Previous Disasters</p>	<p>FMA supports any initiative that makes flood information more readily available and understandable for the general public. FMA notes that many Local Governments already hold up-to-date flood information from Flood Studies and Floodplain Risk Management Studies and Plans (in GIS format) which is made available through the NSW SES Flood Data Portal and has whole of government access.</p> <p>Further consideration of how flood risk is expressed (e.g. use of a local gauge height rather than (or in addition to) a recurrence interval) to make information standardised across LGAs and more meaningful to users is strongly supported. FMA's members have raised concerns about potential for overwhelming the public with too much information, keeping information up to date, and liability if information is erroneous or outdated.</p>	<p>FMA strongly advocates for the avoidance of multiple sources of truth when it comes to flood data as this can adversely affect the public confidence and trust in flood information.</p> <p>FMA suggests the flood data held in the NSW SES Flood Data Portal should remain the point of truth but would encourage the State Government to make the data publicly available in a format that is more accessible to non-technical audiences at a property scale. To this end FMA is aware that many Councils have existing Flood Property Reports which are publicly available to landholders. FMA would welcome the inclusion of historic flood level data into property-scale Flood Reports through consultation with Local Government authorities.</p> <p>While FMA supports the use of the best available information, it notes also that a 2 year review/update period is unlikely to be feasible, and will not necessarily improve the quality of available data. Periodic reviews every 5-10 years would be more practical, however additional funding arrangements to support post-event data capture would be beneficial.</p>

Recommendation	Discussion/ Background Information	FMA Response
<p>Recommendation 18: Risk-based Approach to Calculating Flood Planning Level</p>	<p>The intent of Recommendation 18 is consistent with current practice through the NSW Flood Risk Management Manual and Floodplain Management Program, and many local government organisations are regularly completing Flood Studies and Floodplain Risk Management Studies and Plans to ensure appropriate flood planning level(s) are in place.</p> <p>While FMA acknowledges the importance of suitable Flood Planning Levels (FPLs), we are concerned that 're-determinations for all high-risk catchments' will generate a significant amount of re-work without materially improving the outcome. We also note that a focus on 'high-risk catchments' may be misdirected as there has already been significant investment and investigations in these areas, whereas catchments with latent risk may not have been studied in as much detail and may be of concern.</p> <p>FMA's Council members have expressed concern with how much is being taken out of Council's and the community's control, and repetition of work being undertaken by Councils.</p> <p>We note also that FMA Members have consistently identified that Councils need direct assistance in the implementation of the floodplain management process including funding, technical support and project management and administrative assistance.</p>	<p>FMA strongly recommends the State Government liaise with local Councils to understand local-scale priorities and co-ordinate these priorities at catchment scale.</p> <p>Further, FMA is strongly supportive of moving away from one 'standard flood planning level', in favour of a risk-based approach that allows for consideration of the land use type and degree of flood risk to determine the most suitable FPL. This necessarily involves the adoption of multiple FPLs and an appropriate risk informed approach to very rare floods, which needs to be factored into the review.</p>

Recommendation	Discussion/ Background Information	FMA Response
<p>Recommendation 19: Disaster Adaptation Plans for All Towns</p>	<p>FMA notes that parts of Recommendation 19 are consistent with components of a Floodplain Risk Management Study and Plan. Planning by its nature needs to balance opportunities and constraints to get the best outcome for an area. While we do not object to Disaster Adaptation Plans being prepared, they should be factored into the planning process in a balanced way.</p> <p>A key priority for our members would be to receive technical guidance on standard inclusions for Disaster Adaptation Plans and the recommended methodology for their preparation. In addition, FMA members are keen to understand how a town Disaster Adaptation Plan would interface with the Floodplain Risk Management Studies and Plans, Local Emergency Management Plans and Subplans, and the EP&A Act.</p> <p>FMA notes also that access to technical guidance is a priority for our member Councils. Technical guidance is generally currently provided through NSW DPE EHG. It is important that any changes to this arrangement are clearly communicated to our member Councils.</p>	<p>FMA would welcome the opportunity to provide input to and be involved in developing guidance relating to Disaster Adaptation Plans (DAP), including:</p> <ul style="list-style-type: none"> • Standard inclusions; • Technical methodology; • How the DAP interfaces with other studies, emergency management plans and legislation; and • Who is responsible for preparing and delivering DAPs.
<p>Recommendation 20: Floodplains as Assets</p>	<p>The intent of Recommendation 20 broadly aligns with the principles of the NSW Flood Risk Management Manual and current practice in many NSW LGAs. The uses allowed on land when purchased by the government take into consideration productive uses such as agricultural and recreational uses where compatible with the flood hazard and economically sustainable, in addition to conversion to natural systems.</p> <p>Clarity is sought regarding the definition of 'floodplain' - if this refers to the Probable Maximum Flood (PMF) as defined by the Manual then there will be a significant amount of land affected and potentially sterilised from future development for an extremely rare risk, with significant impacts on the economy of regions.</p>	<p>FMA notes that moving floodplain ownership into Government leasehold is likely to be a slow and challenging process that should be complemented with strategies that allow for improved risk management in the interim. There are vast implications of a Government leasehold model which need further consideration (and may mean it is not feasible in NSW).</p> <p>FMA is in favour of supporting engineered flood mitigation schemes to manage existing risk. However, FMA does not support construction of new flood mitigation as the basis for the release of further floodplain land for future development (creating new risks).</p>

Recommendation	Discussion/ Background Information	FMA Response
<p>Recommendation 21: Simplify the Planning System Disaster Provisions</p>	<p>The intent of Recommendation 21 broadly aligns with the principles of the NSW Flood Risk Management Manual and current best practice.</p> <p>FMA members have raised concerns that the recommended planning measures make local LEP provisions redundant, make Floodplain Risk Management Studies and Plans worthless and does not include community views in floodplain management.</p> <p>FMA members have also noted that the issues raised in this recommendation (and other related recommendations) raise the need for a review of current complying development provisions, particularly for new housing located on flood control lots.</p>	<p>FMA is generally supportive of the development of tools and advice to support inclusion of cumulative impacts of flooding into strategic plans, however there needs to be further consideration on the application of flood controls between the FPA and PMF.</p>
<p>Recommendation 22: Relocating Communities Most At Risk With Good Homes and Amenities</p>	<p>The intent of Recommendation 22 broadly aligns with the principles of the NSW Flood Risk Management Manual and the Floodplain Management Program.</p> <p>Systems to effectively relocate communities (and maintain viability of communities) following a disaster would be more effective if they are in place before the disaster to allow residents to take up the opportunity to move in a timely manner and take advantage of available grants/insurance money. Servicing of new communities, particularly sewer and water, needs to be considered at the earliest opportunity (noting that these two services are provided by local government outside of Newcastle, Sydney, Wollongong). The local water utility would generally not have financial capacity to construct the required sewer and water infrastructure. Broader strategic regional planning considerations need to inform these decisions.</p>	<p>FMA welcomes the opportunity to facilitate further engagement with member Councils, including those in other states, that have recent experience with Voluntary Purchase Schemes.</p>
<p>Recommendation 23: Housing and Development Funding Options</p>	<p>The intent of Recommendation 23 broadly aligns with the principles of the NSW Flood Risk Management Manual.</p> <p>Lessons from previous Voluntary Purchase and Voluntary House Raising Schemes (both successful and unsuccessful), as well as residential flood resilience programs should be used to inform the implementation of Recommendation 23.</p> <p>FMA members have also queried how the proposal fits with insurance, and that insurers need to be part of the solution, with regulatory mechanisms in place. Further engagement with FMA members and Local Government in general is needed.</p>	<p>FMA welcomes the opportunity to facilitate further engagement with member Councils, including those in other states, that have recent experience with Voluntary Purchase Schemes, Voluntary House Raising Schemes, and residential flood resilience programs.</p>

Recommendation	Discussion/ Background Information	FMA Response
<p>Recommendation 24: Housing, Especially Social Housing</p>	<p>The intent of Recommendation 24 broadly aligns with the principles of the NSW Flood Risk Management Manual. Lessons from previous flood proofing and residential resilience schemes (both successful and unsuccessful and within and outside of NSW) should be used to inform the implementation of Recommendation 24.</p> <p>Pressure on developers (and consent authorities) to provide housing will need to be managed appropriately to ensure suitable sites are selected based on current flood information, climate change projections, and other considerations such as access to amenities, evacuation routes etc. The provision of safe, reliable and suitable social housing is such an important and ongoing issue which needs the best technical and financial support to ensure we are benefitting, not further burdening, low socio-economic status communities.</p> <p>FMA members have noted that higher ground may be impacted by vegetation, bushfire risk, flora/fauna, steep slopes and no/limited services, and that rehousing vulnerable communities needs to be a process of rebuilding communities not just rebuilding houses, including providing necessary social infrastructure, access to schools, services, jobs, community facilities and other essential services and infrastructure.</p>	<p>FMA supports this recommendation in principle, and emphasises the importance of safe, reliable and suitable social housing provided in appropriate locations, with the necessary social infrastructure to support communities.</p> <p>We also note the importance of ensuring the recommended actions are properly resourced and do not impose another burden on Councils who have DA backlogs and limited professional staff.</p>

Recommendation	Discussion/ Background Information	FMA Response
<p>Recommendation 25: Caravan Parks and Manufactured Home Estates</p>	<p>The matter of permanent residency in caravan parks relates directly in the majority of cases to the lack of affordable housing options, and cannot be considered just from a flooding perspective - it is societal, economic and generational. Residents of caravan parks have limited rights and rely on facility managers / owners doing the right thing long term. Caravan park legislation in NSW needs a complete overhaul, and although it has been proposed, previous governments have not been able to deliver this.</p> <p>In some catchments, caravan parks are located on extremely low lying and isolated land, and stronger legislation is needed to manage (if not prohibit) permanent residents on certain flood liable land within caravan parks. Consideration should also be given to additional measures to improve the safe use of caravan parks for all users including preferred siting, evacuation plans, flood warning systems, improved education, awareness and access to information.</p>	<p>FMA suggests that any residence intended for permanent use in a caravan park or manufactured home estate should be subject to standard controls applicable to residential development.</p> <p>In addition, consideration should be given to measures to improve the safe use of caravan parks for all users in relation to flood risk, such as site planning, evacuation planning, flood warning systems, and improved education and awareness.</p>

Recommendation	Discussion/ Background Information	FMA Response
<p>Recommendation 26: Roads</p>	<p>The intent of Recommendation 26 broadly aligns with the principles of the NSW Flood Risk Management Manual. Review of evacuation routes and flood immunity of roads is currently undertaken in Floodplain Risk Management Studies. Much of the information about key routes and their flood immunity is likely already known to Local Governments and the SES and should be used to inform the implementation of Recommendation 26.</p> <p>Evacuation routes can use a range of different road types, often relying on local roads. Many country towns are situated on one or more state highways, and these can be flood affected at different times, cutting off supply routes. Consideration of all possible evacuation routes is needed (including for example upgrading existing fire trails or other routes through national parks and state forests) to provide alternatives for emergency supply or evacuation.</p> <p>Rural flood and landslip risk is a significant problem and addressing this would be a massive undertaking for each Council, and unlikely to provide benefit, given limited warning times and documented evidence that people do not evacuate. Resources may be better directed towards self-resilience and awareness for communities likely to be isolated, and investing in upscaling of emergency response agencies.</p>	<p>FMA supports the development of a state-wide road evacuation plan that facilitates the delivery of funding for ongoing road maintenance and upgrades.</p> <p>Where possible State Government and the Commonwealth should seek to partner with the council to ensure local knowledge is utilised and that resources are allocated appropriately. It is also noted that it may not be feasible for some communities to evacuate (e.g. due to risk of landslip, limited warning time etc.) and that investment in other emergency management measures may be required.</p>

Recommendation	Discussion/ Background Information	FMA Response
<p>Recommendation 27: Environment</p>	<p>Community engagement and education should be a key component of all nature-based flood mitigation and adaptation projects, particularly to ensure the community understands the likely impact of changes in vegetation on flood behaviour.</p> <p>The hydraulic assessments should consider flood impacts in a range of flood magnitudes/frequencies, and should aim to understand impacts on existing development, infrastructure and evacuation routes that may affect implementation staging, timing and overall design of revegetation activities. Climate change scenarios should also be considered.</p> <p>FMA members raised complementary concepts including the Dutch concept of “Room for the River” where involvement of landowners is required to implement, and “Sponge Cities” being explored in China involving high levels of rainwater absorption and reuse to minimise flood risk.</p>	<p>FMA notes the importance of revegetation and wetland restoration projects being subject to hydraulic modelling assessments to understand changes in flood behaviour.</p> <p>FMA also notes the importance of an ‘all-hazards’ approach, e.g. to ensure that revegetation for the purpose of flood risk management does not introduce or exacerbate bushfire risk.</p> <p>FMA acknowledges the importance of First Nations involvement in land use planning and natural resource management per the recommendation.</p>
<p>Recommendation 28: Essential Services and Floodplain Infrastructure</p>	<p>The intent of Recommendation 28 is consistent with the aims of Clause 5.22 in LEPs to situate critical infrastructure and vulnerable land uses above the PMF, however this clause is only applicable to Councils that 'opted in' in 2021, not all NSW Councils. Wider application of the use of the PMF for specific uses is agreed in principle but needs to be implemented as part of a risk-based planning process that looks at the needs of a particular community balanced against flood related risks, lest communities are deprived of essential services.</p> <p>In general, Local Government is currently responsible for maintenance and operation of floodplain infrastructure (drains, levees, flood gates). Additional State Government funding support is likely to improve Local Government's ability to prioritise maintenance of such floodplain infrastructure, particularly during drier periods when other tasks/costs tend to take priority.</p>	<p>Additional consideration and technical guidance are required for instances where the PMF is impractical and services are needed within the floodplain, such as in isolated rural communities. FMA recommends use of the National Emergency Risk Assessment Guidelines (NERAG) handbook for guidance in the first instance.</p> <p>FMA welcomes the opportunity to facilitate further discussions with Council members prior to reassigning responsibilities for existing floodplain infrastructure.</p>

The Hon Jihad Dib MP

Minister for Customer Service and Digital Government
Minister for Emergency Services
Minister for Youth Justice



Ref: MINS-287005395-3639

Mr Ian Dinham
President, Floodplain Management Australia

Re: Feedback on Recommendations of the NSW Independent Flood Inquiry

Dear Mr Dinham,

I am writing in response to your correspondence to the Premier of 28 November 2023 regarding Floodplain Management Australia's (FMA) feedback on the recommendations of the NSW Independent Flood Inquiry (the Flood Inquiry). The Premier has asked me to respond on his behalf.

I note FMA's feedback on the recommendations from the Flood Inquiry. This Government is committed to addressing the important reforms recommended by the Inquiry. We support or support in principle all but one of the recommendations from the Inquiry, noting our commitment to not support the back office merger of NSW State Emergency Service and NSW Rural Fire Service in line with feedback from volunteers.

I also acknowledge the specific concerns raised by your members regarding the role of local government and of the NSW Reconstruction Authority in flood management planning. The Reconstruction Authority is delivering a suite of projects to help deliver on the Inquiry's recommendations, and where possible, is working in partnership with local government, industry, and specialists to design and deliver these programs.

The Reconstruction Authority is also delivering a Disaster Adaptation Plan, in line with its legislative requirements under the *NSW Reconstruction Authority Act 2022*. It is seeking to coordinate this work with other regional initiatives to reduce duplication, leverage existing processes, and support consistent messaging on flood risk to regional stakeholders.

We consider that local councils remain best placed to manage the setting of flood planning levels, as they can draw on their local knowledge and insight. NSW Government agencies, including the Reconstruction Authority and Department of Climate Change, Energy, the Environment and Water (DCCEEW), will continue to provide support to councils for this responsibility.

I understand that representatives from FMA met with the Reconstruction Authority in February 2024. I encourage FMA to continue engaging closely with the Authority, the SES, and DCCEEW to support floodplain risk management across NSW.

Thank you for taking the time to write on this issue.

[Redacted]
Jihad Dib MP

Minister for Customer Service and Digital Government
Minister for Emergency Services
Minister for Youth Justice

28/02/2024