

**Submission
No 98**

**INQUIRY INTO PLANNING SYSTEM AND THE IMPACTS
OF CLIMATE CHANGE ON THE ENVIRONMENT AND
COMMUNITIES**

Organisation: Floodplain Management Australia

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Floodplain Management Australia

Supporting Wise Planning and Development

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President: Ian Dinham

3 November 2023

Ms Sue Higginson MLC
Chair
Portfolio Committee No.7 - Planning and Environment
Legislative Council
NSW Parliament

(Submitted on line)

Dear Ms Higginson

Submission – Inquiry into the planning system and the impacts of climate change on the environment and communities

Thank you for the opportunity to provide our comments for consideration by the above Inquiry.

About Floodplain Management Australia

Floodplain Management Australia (**FMA**) was established to promote sound and responsible floodplain management, and to help reduce the risks of flooding to life and property.

FMA has continued to carry out these important roles for more than 60 years and is the national voice for flood management, with a membership of over 180 Local Government Councils, catchment authorities, government agencies, businesses, insurers 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 has strong partnerships with 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 Meteorology. 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.

Our Overall Comments

FMA commends your Committee for its initiative in investigating this important matter. Direction from a state level in regard to the application of climate change related policies and resources has been an evolving area for some time. Such policies are important in providing direction to the 128 disparate local councils in NSW and for major planning decisions made at a state level. The role planning decisions can have in improving the resilience of our communities in the face of climate change related flood risks cannot be overestimated.

In recognition of the importance of planning in addressing climate change, FMA adopted a Position Policy entitled “Consideration of climate change flood risk in land use planning” at its Annual General Meeting in May 2022. This policy was produced after considerable discussion between FMA members, and detailed investigations by an FMA working group of experts involved in

planning and flood risk management. A copy of the Policy is attached for your reference.

While we recognise that the Terms of Reference of the Inquiry are wider-ranging than the consideration of floods, our interests and submission are confined to matters associated with flood risk management.

The attached FMA Policy outlines our position in regard to most matters to be investigated by the Committee. While the Policy also covers broader matters it serves to provide important context.

We provide the following broad comments on the matters raised within the Terms of Reference of the Inquiry, but would be pleased to provide further comment or to answer questions as the Inquiry progresses.

Developments Proposed or Approved

The need for the FMA Policy arose out of recognition by members that there was considerable, and unwarranted, variation between policies and planning controls relating to climate change adopted in New South Wales (as well as in Victoria and Queensland). Consequently the degree of flood liability, and whether that incorporated consideration of climate change, could vary from one development to another.

As the effects of climate change are predicted to be gradual, land use planning can provide an effective and significant contribution to reducing the extent to which the natural environment, property and infrastructure (and consequently personal safety) are exposed to increasing flood risks. For example, a typical house built in the last 30 years with a floor level based on a 1% annual exceedance probability flood level will typically be subject to an increased probability of being flooded in the future, and may eventually not meet the originally applied immunity standard.

Planning by its nature works over time to guide the development and redevelopment of land. Consequently there is an imperative to ensure that planning policies today incorporate a meaningful consideration of the future effects of climate change.

Adequacy of Planning Powers and Planning Bodies

Generally, it is our view that the existing legalisation provides sufficient powers for climate change flood risks to be properly addressed. However, we are of the view that policies produced through the application of the available legislation and the approach taken in the consideration of climate change flood risks in the planning process could be improved. We outline below the reforms advocated in the FMA Policy to achieve these improvements.

Short, Medium and Long Term Planning Reforms

The FMA Policy identified specific recommendations for the role to be taken by national, state and local governments in addressing climate change flood risks. Those recommendations relevant to the NSW State Government are:

Planning Information

1. The form and content of planning policies and certification should be reviewed to:
 - a. avoid misleading the public who may believe there are no flood risks when only advising if flood related planning controls apply
 - b. ensure that the same and more complete information is communicated to all enquirers
 - c. ensure the public is fully informed of known flood risks, including those related to climate change, or if there is insufficient information to know whether a flood risk exists
 - d. clearly reflect flood risks that both exist today, and the level of risk projected for the future due to climate change

- e. specify what periods in the future that climate change flood risks are notified (eg, 2050 and 2100).

Directions for Deciding on Land Use Zones and Planning Controls

2. Each state should have a state policy to provide direction for the management of climate change related flood risks, that:
 - a. incorporates direction consistent with that advocated by the FMA Policy
 - b. specifies that matters identified in that policy be addressed prior to the preparation of a plan that significantly changes development potential in floodplains
 - c. ensures that planning addresses climate change related flood risks to private and public property, infrastructure and to life.
3. That the relevant state planning authority be responsible for preparing the policy in consultation with other relevant government agencies, in particular those involved with the management of the natural environment, emergency services, local government, utility authorities, FMA and the Bureau of Meteorology.
4. The directions should specify the future climate change projected flood risk that should be considered for different:
 - a. land uses (eg vulnerable land uses, critical infrastructure or general residential, commercial and industrial development) and
 - b. planning contexts (eg infill development or greenfield development).
5. In NSW, a definitive state level planning policy that addresses climate change floodplain risk management matters should be prepared as a priority.
6. Related policies, and regional, subregional, and district plans and strategies, should also be revised to provide consistency.

Strategic Planning

7. Consider climate change flood risk early in the regional, subregional and district planning processes.
8. Adopt the principles (Chapter 2) and guidance (Chapter 3) provided in the Policy.
9. This should be informed by catchment or regional scale guidance on flood hazard and risk.
10. Consider risks from cumulative impacts and coincident natural hazards.
11. Develop 'whole of organisation' responses to provide a consistent and coordinated approach to flood risk management, of which land use planning is an important action.

Actions 1 and 7 to 11 should be achievable in the short term. Matters related to planning information will assist both planning authorities and individuals making more informed decisions. Planning authorities need to be consistently and properly informed about climate change flood risks in order for the issue to be addressed in an objective way when determining development applications. Individual members of the public should also be properly informed so they can take personal responsibility in managing risks.

Recommendations associated with strategic planning need to be part of an ongoing process. It is critical to ensure that land uses are appropriately located and that mitigation measures are planned for as part of the initial planning process. These are not matters that can be addressed in the determination of individual development applications.

Actions 2 to 6 relate to the areas of policy improvement that could take more time and resources, and therefore are achievable in the short to medium term.

There are no planning actions that should be sought to be achievable in the long term. It is imperative that appropriate planning occurs now to avert the undesirable consequences of climate change in the long term.

Alternative Regulatory Options to Increase Residential Dwelling Capacity

Land use planning will need to factor climate change related future risks when determining where future housing should be located. Overly harsh policies will restrict the opportunities to provide these facilities, while no restrictions can generate unmanageable risks. Often the lack of adequate information can lead to delays in the approval of housing projects or an understandably overly conservative approach by planning bodies that unnecessarily reduces housing opportunities. The above recommended actions seek to improve the information and policy base so that objective and efficient decision making can occur.

Land use planning could also address future risks associated with climate change by encouraging redevelopment to more flood compatible development. For example, the wholesale redevelopment of an existing low lying area could provide the opportunity to raise and reconstruct development to be more compatible with existing and future climate change related flood risks. Such proposals of course need to also take into consideration emergency management and the potential for external flood impacts, as well as broader planning matters.

Land use planning is only one element of a comprehensive flood risk management strategy and needs to be considered in conjunction with other measures such as structural means. Where opportunities exist, more resources can be invested in reducing existing and future flood risks through structural mitigation works.

Conclusion

FMA brings together expertise and experience from all aspects of flood protection, preparedness, response and recovery, with involvement in the planning process from a range of perspectives.

In summary, FMA applauds the Committee's initiative in reviewing improvements in climate change related flood risk management policies which can increase the resilience of our communities, while ensuring opportunities for wise development that can reduce the NSW housing shortage are maximised.

We thank you again for the opportunity to be involved. Please let us know if we can assist further.

Yours faithfully

Ian Dinham
President

Enclosures:

1. FMA Position Policy - Consideration of climate change flood risk in land use planning

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