

Submission
No 129

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

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Partially
Confidential

Inquiry into the Planning System and the Impacts of Climate Change on the Environment and Communities

Introduction

Recent floods have highlighted the need for local communities to better understand their environment so that they can be prepared when heavy rain or potential flooding is predicted.

I have lived on the Central Coast of NSW since 1979 in localities that are flood prone and have had 4 floods since February 2020. The last flood in July 2022 was the highest since 1964.

Our home is 100 years old this year and the original floor level was built above the 1 in 100 probable flood level.

When our home was extended in 2007, I became aware of the flood mitigation requirements and have been actively researching and studying the impact of floods in our locality.

Since 2016 I have been an advocate for better flood mitigation development, in particular, a thorough risk assessment for a proposed 200 lot greenfield subdivision at Chittaway Point has not been undertaken.

A History of Poor Standards for Flood Prone Land

The development of our locality of 400 properties is a microcosm of how flood prone land, that is located next to a major creek and Tuggerah Lake, has been poorly risk assessed by Wyong Shire Council (WSC) and successive State Governments.

In 1984, the 1 in 100 year probable flood levels were introduced by Wyong Shire Council for future residential developments. It was based on the Lower Wyong River Flood Study and for the first time flood contour maps showed the extent of flood prone land. This became the benchmark for planning, however there were no flood mitigation standards for existing properties. Without proactive Council involvement a plethora of sub standard designs were allowed to proliferate. The community then made their own assessment of what would be an acceptable design standard for land that would likely flood one day.

To date the 1 in 100 year probable flood and the probable maximum flood have not occurred however the reality is that many properties will be severely impacted or destroyed, lives are at risk and the majority of the community are oblivious to the hazards.

An example of a poor standard was the upgrade from septic tanks to sewer in our locality in 1991. The existing sewerage system becomes overloaded when floodwaters enter the sewer mains and the pumping stations. The result has been the loss of sewer services for extended periods and the contamination of the whole area with raw sewage.

In 1994 the first Tuggerah Lakes Flood Study was published. It took until 2010 for a Floodplain Risk Management Study to be commissioned and it was another 5 years before the recommendations from the Plan were adopted by WSC. Today most of these recommendations including a visual audit and upgrade of sewer gullies have still to be implemented.

Another recommendation is that an asset management procedure be developed for water level and rainfall gauges so that this infrastructure is in working order at all times. Currently there are 6 rain gauges out of 16 which are not recording and 2 of the main river flow gauges have become inoperative at relatively moderate flood flows.

Furthermore the underground power supply fuses from the power poles to the meter box are not 100% waterproof. This has resulted in 8 day power outages during a flood. The wiring regulations for flood prone areas are in urgent need of amendments.

The Impact of Flooding on Surrounding Properties

In March 2020, WSC refused a development application for a proposed 72 lot residential subdivision located on flood prone land in our locality. In August 2021, the Land and Environment Court overruled this decision subject to the conditions that 2 very large floodway culverts be constructed to divert floodwaters away from the proposed subdivision. The impact of flooding on surrounding properties was not given proper consideration. Missing information now exists on what are the evacuation routes, what protection is there when the stormwater detention basin over boards into surrounding properties, how will stormwater from the subdivision discharge into an adjacent flooded creek and what happens when floodwaters from the subdivision cover the main access road to our existing locality.

The legal framework does not protect surrounding properties and is biased towards the landowners on which the development is being proposed.

Where are the Flood Adaptation Plans?

Another recommendation from the Tuggerah Lakes Floodplain Risk Management Plan (TLFRMP) - 2015 has been the need to develop Flood Adaptation Plans for the 5,500 flood affected properties around Tuggerah Lakes. Despite several requests to Central Coast Council's Catchment to Coast Advisory Committee no grant funding has been available for our locality despite repeated applications being submitted in the last few years.

Despite 4 moderate floods in 3 years Flood Action Plans are still being developed.

Why isn't the Community a Stakeholder for Future Plans?

Tuggerah Lakes flood levels are controlled by the amount of sand stockpiled in a large estuary. The estuary is currently heavily constricted and the long term plans to maintain an opening have been the subject of protracted discussions by the community, consultants, Council and State Government agencies for decades. In the current development of a new Entrance Management Plan for Tuggerah Lakes, a CCC appointed community focus group are being excluded as a stakeholder in the assessment of alternative flood mitigation plans.

The community focus group last met with consultants and CCC in February 2023 to assess the preferred options. A response from CCC and its Administrator for an update on these new plans was requested in May and the community is still waiting.

Conclusions

There are numerous shortfalls in how the community are being engaged. A communication reset for CCC residents has already been recommended by the government appointed Tuggerah Lakes Expert Panel in 2020. State Government stakeholders and their consultants are intentionally kept at arms length from the community's input.

Unfortunately public submissions are seen as a "tick the box" process and the legislation that species how public submissions should be evaluated is very basic and needs to be upgraded.

Prepared by

1 November 2023