

**Submission
No 199**

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

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Portfolio Committee No 7

Planning and Environment

NSW Legislative Council

Parliament House

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

Dear Committee Members

I thank you for providing the opportunity to lodge a submission to this inquiry.

It will be very brief and to the point, I'm sure you'll be swamped with information and I just wish to make a few salient points.

Quite a few council's ago, Clarence Valley Council, in it's collective wisdom, decided to allow development of the Yamba floodplain (this project is referred to as WYURA, West Yamba Urban Release Area); ostentatiously, this was necessary to allow the population of Yamba, Angourie and Wooloweyah to reach 11,000, the surveyed projected maximum number of residents ratepayers thought was applicable to inhabit the area.

Unfortunately, this decision resulted in the importation of huge amounts of fill to raise the entire area's flood level to the current minimum height. A never-ending supply of trucks have continued day after day, year after year, importing this fill; they continue to this very day!

In early 2022 we had a flood. It was not a hugely high flood, we've had many worse in the past. However, for the first time, the impact of the fill on the flood plain became immediately obvious – it flooded in long established areas where it had never flooded before! All water did not drain off the floodplain into Lake Wooloweyh and Oyster Channel anymore, at least some of it ran north and east into long established homes.

Now immediately after this flood (which was also the monster flood which decimated Lismore, 100 kms away and on a different river system), we had grandstanding statements from both Prime Minister Albanese and Premier Minns that we have learned a valuable lesson, that we will never ever allow building on flood plains again!

Yet here it is, one year and nine months later and Clarence Valley Council keeps approving DAs in the WYURA development area, new housing construction continues aplenty. When queried by ratepayers as to why the PM and Premier have effectively been ignored, council maintains it has to assess each DA under existing planning laws and if they knock any of these developments back they'll lose in the Land & Environment Court, at great cost to ratepayers.

I can accept that reasoning; what I can't accept is why council can't be proactive in getting state government to change the law as it currently exists? I can't accept why seemingly nothing has been done by NSW State Planning to quickly change the planning laws! I can't accept why the Prime Minister can say never again and then do nothing to fix it!

Surely it would have been a simple matter to declare a moratorium on all floodplain development while governments get their act in order, fix the mess it had already created?

But no, absolutely nothing seems to get done, what a sad indictment on our regulators, our governments, our systems.

Meanwhile citizens whose homes flooded in February 2022 struggle to fix the mess, struggle to get insurance to pay for repairs, struggle to get reinsured at all, and live in fear as to what will happen next as the fill continues unabated!

An appalling situation, I trust you agree; dare I suggest the committee visit the area, talk to the residents impacted, what we have here is a disaster for some caused by many reasons, some which may not be within our control but some are. Yet what we can control we haven't, just how incompetent are our governments, politicians and bureaucracy, it was just so easy to implement a short term solution but they haven't.

Of course, estimated modelling for future rises in sea levels shows us long term we probably have a huge problem. But short term we have a small problem, exacerbated only by governments at all levels sitting on their hands and doing nothing (bar proclaiming trust us, we'll fix it), it absolutely shakes the very foundations of our democracy, just why is so hard to fix the small problem now, simple cause and effect shows us the fill will continue to be an issue, when WYURA is finally completed I would suggest there is every chance in a big flood we will have a Lismore 2022 situation all over again in Yamba.

I have deliberately not addressed the many other issues around this WYURA development, the associated environmental issues, the traffic chaos that will require major roadworks etc because I want some short term action – STOP THE FILL, it should have been done eighteen months ago, I implore you to do it now!

Yours sincerely

David Schwarz