

Shelter-in-place guideline submissions report

Summary of submissions

January 2025





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Shelter-in-place guideline submissions report

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Contents

Introduction.....	4
Purpose of the report.....	4
Background.....	4
Consultation	4
Exhibition of the draft shelter-in-place guideline.....	4
Overview of submissions.....	5
View on the guideline	5
Main themes from submissions	6
General comments.....	6
Duration of shelter-in-place.....	6
Flood events and types of flooding included in guideline	7
Scale and development types.....	7
Draft guideline structure/terminology	8
Additional considerations.....	8
Additional guidance sought	9
Response to submissions.....	9
Duration of shelter-in-place and types of flood events	9
Scale and development types.....	10
Draft guideline structure	10
Additional guidance sought	10

Introduction

Purpose of the report

The report outlines:

- submissions received in response to the exhibition of the draft shelter-in-place guideline
- the department's response to key issues raised.

Background

Keeping people safe during floods requires many different risk management strategies and relies on good planning. This includes how infrastructure and development is designed and where it is located, flood preparedness and the ability to evacuate safely.

Evacuation is the preferred response to flooding emergencies but is not always possible in all locations, especially during flash flood events. When evacuation is not possible shelter-in-place has been proposed on an ad hoc basis, without guidance.

The 2022 NSW Independent Flood Inquiry identified this policy gap around 'shelter-in-place'. To address this, the department consulted on a draft guideline on when shelter-in-place may be considered.

The department prepared the draft shelter-in-place guideline which outlines considerations for consent authorities, council development control plans and development approvals.

Consultation

Exhibition of the draft shelter-in-place guideline

The department publicly exhibited the draft shelter-in-place guideline from 17 January to 28 February 2023. The exhibition was provided an opportunity for the community and consent authorities to provide feedback.

Overview of submissions

A total of 28 submissions were received in response to the exhibition of the draft guideline. Of these submissions:

- 20 were from councils
- four were from individuals
- two were from industry/interest groups
- two were from a government agency

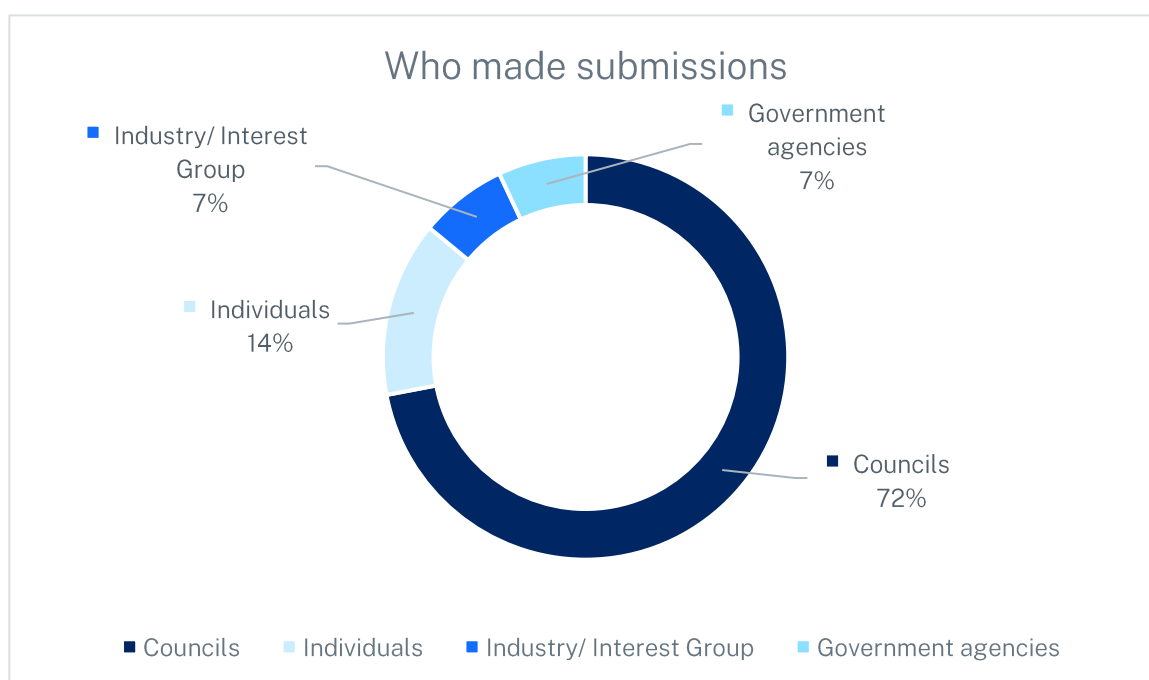


Fig 1: Who made submissions

The submissions received, excluding those requesting confidentiality have been published and are available on the department's website.

View on the guideline

The following views on the guideline were received:

- five supported the guideline
- one objected to the guideline
- 22 provided comments and feedback on the guideline, which included support for the department developing a guideline on SIP

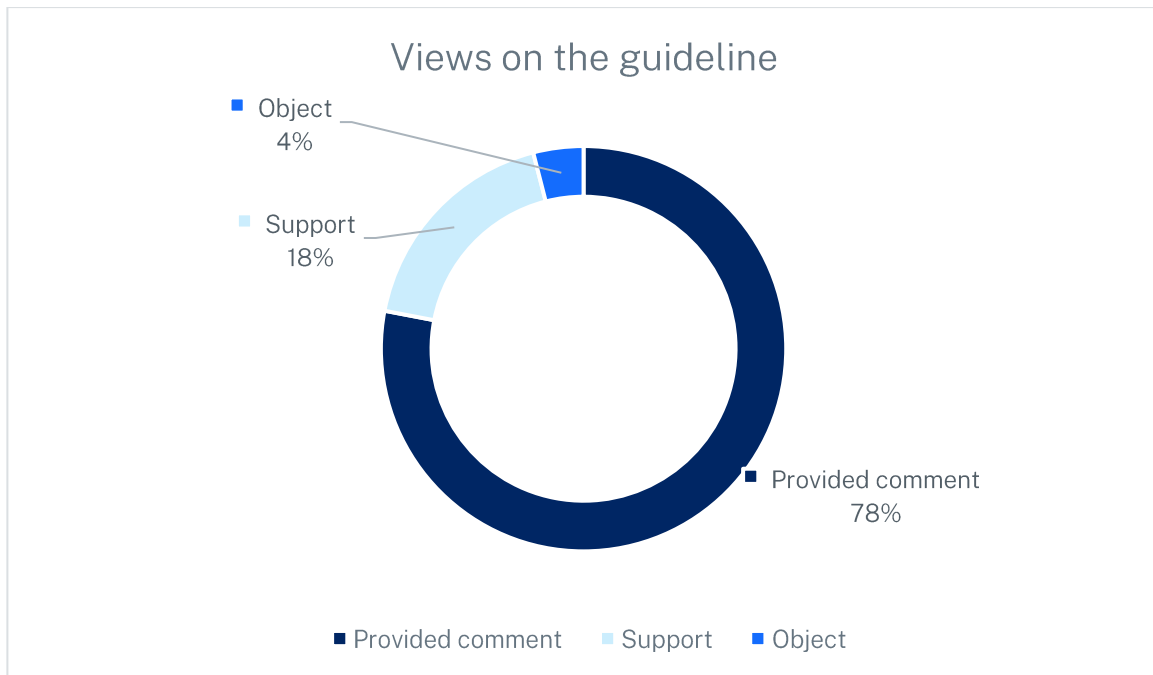


Fig 2: Breakdown of views on the guideline

Main themes from submissions

General comments

The submissions expressed the following general comments:

- support for providing guidance on shelter-in-place as it is an existing flood risk management measure currently implemented in communities and redevelopment areas
- concern regarding inconsistencies with the Floodplain Development Manual including the updated draft Manual technical guides
- concern that current draft guideline requiring councils to develop their own shelter-in-place control does not provide consistency NSW wide.

Duration of shelter-in-place

Submissions conflicted in relation to their views on a safe duration of shelter-in-place such as:

- extend the six-hour maximum duration of sheltering-in-place due to the measures required by the guideline (power, water, wastewater)
- reduce the six-hour maximum duration of sheltering-in-place

- review how the duration of shelter-in-place is considered from duration of inundation to duration of isolation.

Flood events and types of flooding included in guideline

The submissions suggested the following amendments:

- include other types of flooding under the guideline, including riverine
- allow for a broader application of shelter-in-place, including consideration of allowing shelter-in-place below the Probable Maximum Flood (PMF)
- clarify what Annual Exceedance Probability (AEP) event is considered for the duration of inundation
- clarify the meaning of ‘full range of flooding’ when the guideline only relates to flood inundation for less than six hours
- clarify how the guideline would apply in a location where multiple types of flooding are present (with both durations shorter and longer than six hours)
- clarify that shelter-in-place applies in a flash flood context.

The submissions also raised concern about the lack of warning in most flash flood events, which poses significant risk to community.

Scale and development types

The submissions identified the following about scale and development types in the draft guideline:

- off-site evacuation should be the primary strategy, shelter-in-place should be considered a last resort
- supportive of shelters that must be structurally safe and accessible during flood events up to the PMF
- the use of shelter-in-place is not appropriate for new development as self-evacuation out of the floodplain of the community should be achievable in new developments
- include small scale development (including single dwellings and secondary dwellings) as well as large scale developments in the guideline for shelter-in-place
- indicate with more clarity where shelter-in-place is unsuitable
- clarification needed in relation to the application of shelter-in-place to greenfield areas and to large scale urban renewal

- concern expressed about development intensification on flood prone land when a blanket six-hour shelter-in-place duration applies despite current Flood Risk Management Plans not allowing development intensification
- concern expressed about the appropriateness of shelter-in-place for vulnerable populations
- clarification needed in relation to what land uses the guideline applies to.

Draft guideline structure/terminology

The submissions identified the following about the structure of and terminology in the guideline:

- include a glossary to identify and define key terms
- include case studies of development applications to clarify when shelter-in-place would be acceptable
- provide distinct sections that provide recommendations for development assessment and strategic planning
- provide sample shelter-in-place development control plan (DCP) controls to be used by councils, as appropriate mapping becomes available
- remove the term 'greenfield' from the document
- the terms 'horizontal evacuation' and 'vertical evacuation' should be removed and replaced with accepted state-wide terminology.

Additional considerations

The submissions identified additional considerations to include in the guideline:

- outline what shelter-in-place actions needed to be taken before, during and after sheltering-in-place
- consider vehicle management
- state that development must not result in an increase to risk to life, health, or property
- recommend a merits-based approach to shelter-in-place in flash flood environments rather than a dividing line approach
- adopt a place-based approach for when shelter-in-place is used based on catchment behaviour and localised constraints, including evacuation.

Additional guidance sought

Submissions received identified the following points for additional guidance:

- where existing shelter-in-place policies have been adopted by councils in NSW are any further actions required to resolve inconsistencies between council and state policies
- how shelter-in-place can be managed post approval
- what structures would be appropriate for a shelter
- how the possibility of people entering flood waters during shelter-in-place should be considered
- whether shelters can be centralised/communal and whether shelters could be provided outside the building
- specific detail to establish design criteria in the guideline for an acceptable shelter
- how secondary risks, such as medical emergencies, are addressed in shelter-in-place circumstances
- how communication is maintained during shelter-in-place.

Response to submissions

The Department reviewed and considered the feedback and suggestions provided in submissions and has updated the guideline.

Duration of shelter-in-place and types of flood events

In response to submissions received about the duration of shelter-in-place:

- the accepted definition for flash flooding in NSW remains
- the accepted duration of shelter-in-place has been amended to less than 12 hours from the commencement of rainfall consistent with the accepted definition of flash flooding.

In response to submissions received about flood events and types of flooding:

- shelter-in-place is a nationally accepted last resort measure for flash flooding
- it has been clarified
 - that the guideline is for flash flood events only
 - that the guideline will apply to flooding with a maximum duration of 12 hours in flash flood catchments where no other flood hazard exists

- the full range of flood events up to the PMF require consideration
- shelter-in-place location should be above the PMF level.

Scale and development types

In response to submissions received about scale and development types, the guideline clarifies when it applies, including identifying land uses that may not be appropriate for shelter-in-place.

Draft guideline structure

In response to submissions received about the draft guideline's structure, the guideline has been amended to include key terms, clarify the purpose of the guideline and refine structure to distinguish key elements.

Additional guidance sought

Guidance on the circumstances where shelter-in-place may be appropriate has been updated to be consistent with the updated Flood Risk Management Manual 2023.

In response to submissions, the guideline clarifies:

- sheltering-in-place facilities are required to be a part of the building
- centralised communal shelters can be used but these must be freely accessible internally
- council owned buildings could provide external public access for shelter-in-place purposes
- the following considerations for shelter-in-place:
 - the increase to risk to life, health, or property of people living on the floodplain created by shelter-in-place
 - risks associated with sheltering-in-place, including secondary risks
 - vulnerable population's ability to shelter-in-place
 - effective forecasting of flood events, warning times, community risk and communicating risk to the community
 - maintaining communication throughout sheltering-in-place.