

29 March 2023

Anja Te Wake
NSW Department of Planning and Environment

Dear Anja,

Re: Exhibition of 'Special Flood Considerations' clause and draft Shelter-in-Place Guideline

Thank you for providing Wagga Wagga City Council (Council) with the opportunity to respond to the public exhibition of the 'Special Flood Considerations' clause and draft Shelter-in-Place Guideline.

The documents exhibited to the public were:

- The Explanation of Intended Effect: Special Flood Considerations Clause
- Draft Shelter-in-Place Guideline

Council provides the following comments for the Department's consideration:

1) Reference to Council in Table 1 of the EIE

In 2021, Council 'opted-in' to the introduction of Clause 5.22 *Special Flood Considerations* into the *Wagga Wagga Local Environmental Plan 2010* (WWLEP 2010). Table 1 of the Explanation of Intended Effect noted the proposed changes to the WWLEP 2010 as follows:

LEP	Change	Reason
Wagga Wagga Local Environmental Plan 2010	Schedule 2 – Removal of the words 'clause 7.2' from subclause (3) and insert instead 'clause 7.1'	Refers to the old terminology and the repealed flood planning clause 7.2

Clause 7.2 has since been repealed and effectively replaced with the Standard Instrument Clause 5.21 *Flood planning*. The Department is proposing to remove reference to Clause 7.2 in Schedule 2 of the WWLEP and instead refer to Clause 7.1 *Restrictions in new dwellings at North Wagga Wagga*. Clause 7.1 refers specifically to dwelling restrictions in North Wagga, rather than to flood planning considerations; it is therefore not suitable for reference in Schedule 2.

Instead, in subclause (3) of Schedule 2, reference should be made to Clause 5.21, so that the clause reads:

Emergency services facilities

...

(3) Must not be constructed or installed on or in a heritage item, heritage conservation area, land on which an Aboriginal item is located or land at or below the flood planning level (within the meaning of clause 7.2) within the flooding planning area (within the meaning of clause 5.21).

2) Location of the Special Flood Considerations clause

Council supports the inclusion of the ‘Special Flood Considerations’ clause within Local Environmental Plans. This would mean it is located with other relevant flood planning information, such as Standard Instrument Clause 5.21 and any local flood planning clauses (such as Clause 7.1 in the WWLEP 2010), creating ease of access for applicants, industry and community.

3) Draft Shelter-in-Place Guideline

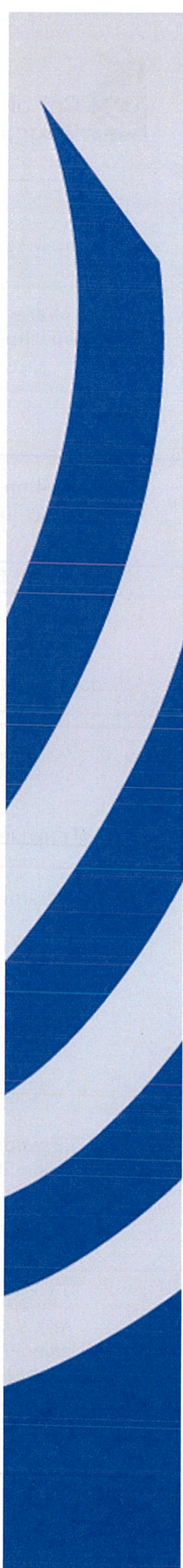
Council notes that the draft Guideline will not be compulsory for councils to adopt and that it will act as a guideline to be utilised by councils in the way they consider most appropriate.

In Wagga Wagga, the predominant flood mechanism is riverine flooding. For our community, Shelter-in-Place is not an appropriate management technique for riverine flooding – in the event of the PMF for riverine flooding, the speed and volume of water renders Shelter-in-Place ineffective. During smaller riverine flooding events, residents sheltering-in-place in parts of Wagga Wagga could be isolated for several days, requiring SES assistance, which places the lives of rescuers unnecessarily at risk.

However, Council also recognises that the recently mapped Wagga Wagga Major Overland Flood Flow (MOFFs) may present some risk of flash flooding, where Shelter-in-Place may be appropriate. Council is in the process of gaining a full understanding of the MOFFs mechanism. If Shelter-in-Place is a feasible management technique for flash flooding caused by MOFFs, Council will explore adoption or integration of the Guidelines within existing planning and flood management documents.

In relation to the content of the draft Shelter-in-Place Guidelines, Council notes one issue requiring clarification:

Draft Shelter-in-Place Guideline	Comment
The draft Guidelines state that Shelter-in-Place may be used if “the duration of flood inundation is less than six hours” (p.4).	<p>How does the Department intend for this to be proven by the applicant – should this include a certain flood event?</p> <p>i.e. Shelter-in-Place may be used if the 1% AEP event for the area has a duration of inundation that is less than six hours?</p>



We again thank the Department for the opportunity to respond to the public exhibition of the Explanation of Intended Effect: Special Flood Considerations Clause and the draft Shelter-in-Place Guidelines.

If you have any questions in relation to this submission, please do not hesitate to contact Chloe Boyd, Strategic Town Planner, on 1300 292 442.

Yours sincerely,

A handwritten signature in black ink, appearing to read "John Sidgwick".

John Sidgwick
Director, Regional Activation

