

## Ku-ring-gai Council submission - Special flood considerations clause

This submission has been prepared by Ku-ring-gai Council staff. Due to the lead time for reporting to Council Meetings, it has not been formally endorsed by Council.

Staff at Ku-ring-gai support the implementation of special flood considerations for developments impacted by flooding above the 1%AEP event. However, defining the area based on the term 'Probable Maximum Flood' (PMF) is not supported as it is likely to cause unintended impacts.

During the finalisation of the Middle Harbour Southern Catchments Flood Study in 2022, there was significant community objection to formally identifying areas between the Flood Planning Area (FPA) and PMF on planning certificates, particularly for areas dominated by overland flow flooding.

Although it was clarified that any controls would only relate to special and sensitive types of development, the issues around property value, insurance impacts and overly conservative planning controls were consistently raised. This was particularly evident on properties impacted by shallow overland flows.

A key issue to consider if there is a blanket adoption of the special flood clause, is that the reference to "Probable Maximum Flood" may have significant unintended impacts on land identified with marginal overland flow during extreme events (anything above 1% AEP). By applying the clause to "land between the flood planning area and the probable maximum flood" in 5.22 (2)(a), raw model outputs will be relied upon to determine the PMF and it will unintentionally 'tag' very marginally impacted properties.

Councils currently have the ability to determine a Flood Planning Area through the flood risk management process. Although this is usually based on the 1% AEP event, logical filters are applied to raw model outputs to ensure that properties are not 'tagged' due to very shallow or nuisance flows. This approach was applied to the Middle Harbour Southern Catchments Flood Study – where a 'PMF tagging' map was produced to address community feedback on the PMF tagging issue. Please see General Business Item 22 on the December 2022 Ku-ring-gai Council Meeting Agenda ([Agenda of Ordinary Meeting of Council - Tuesday, 13 December 2022 \(nsw.gov.au\)](#)).

For the legislation to be fair and consistent, the special flood considerations clause should not simply refer to the 'Probable Maximum Flood'. The guidelines and supporting documentation need to be developed to allow for a "special considerations area", or similar, to be determined, similar to the filtered 'PMF tagging' map prepared for the Middle Harbour Southern Catchments area.

This would ensure that model outputs and controls are applied fairly and consistently across all areas of flood planning decision making.

Regards,

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