



27 February 2023

Resilience Planning Team
Department of Planning and Environment
Locked Bag 5022
Parramatta NSW 2124

Our ref: GAS 00
Enquiries: Michael Griffith

Submission on the Special flood considerations clause and Shelter-in-place Guideline

Thank you for the opportunity to provide comments on the Special flood considerations clause and Shelter-in-place Guideline. Our staff submission on the documents is attached.

Council encourages the Department of Planning and Environment to have further conversations with councils, emergency services and industry stakeholders prior to finalising the documents. We look forward to working through our submission points with your team.

Please let me know if you require any additional information.

Yours sincerely

A handwritten signature in black ink, appearing to read "M. Griffith".

Michael Griffith

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Submission on Special flood considerations clause and Shelter-in-place Guideline

Firstly, the Department of Planning and Environment (the Department) are to be commended for exploring additional planning controls and guidance to land at risk of flooding. Council supports commitments made by the Department to reduce the extent of property damage and potential loss of life and build greater resilience into our communities. This submission is provided in two sections.

Special flood considerations clause

Council is currently working on developing a new MidCoast planning framework - a Local Environment Plan and a Development Control Plan - to provide a clear, consistent, region-wide framework for development. Once in place, the new plans will guide the way we manage land across the MidCoast, catering for the needs of our current communities and helping to shape our future.

We are currently drafting the MidCoast Local Environmental Plan. Once this project is further progressed, we will examine whether clause 5.22 is suitable for inclusion and if any amendments are required to the clause to ensure it suits the diverse landscape of the MidCoast and covers appropriate land uses. A key challenge is that we have varying approaches to flooding from the former three councils prior to the merger and formation of MidCoast Council.

Council acknowledges the work being undertaken by the Department to respond to the recommendations of the independent 2022 NSW Flood Inquiry conducted by Mary O’Kane and Mick Fuller. Prior to making a decision on whether to insert the clause in all Local Environmental Plans or in the State Environment Planning Policy (Resilience and Hazards) 2021, Council encourages the Department to provide additional information on how the clause could be integrated into the State Environment Planning Policy (Resilience and Hazards) 2021 and how it would be drafted to cover a broad range of landscapes across NSW.

In Table 1 of the Explanation of Intended Effect, it is noted that a change will be made to the Greater Taree Local Environmental Plan 2010. The change identified is the removal of part 3.2(3). The change should only remove 3.2(3)(cb) rather than an entire section 3.2(3) of the Complying Development clause.

Shelter-in-place Guideline

Council has concern that the Shelter-in-place Guideline is too simple and a lot of additional detail is required to realise the desired intent. This could include developing shelter-in-place controls for Development Control Plans (DCP), that councils could then include in their DCPs. Any guidelines should also make it very clear what actions need to be taken before, during and after an event that triggers shelter-in-place. Council supports the Department’s proposal for ongoing community education campaigns.

The proposed guideline seems to only address flash flooding (i.e. flooding less than 6 hours duration). It is recommended that the guideline have a broader scope. Within the MidCoast there are examples where the shelter-in-place approach has been applied for riverine flooding, though we would not recommend applying shelter-in-place in a flash flooding context. Any guidelines need to be mindful of the implications of encouraging people to stay in their homes rather than evacuate. Council encourages the Department to have further conversations with councils, emergency services and industry stakeholders prior to finalising the guideline.

