

Further response to the applicant's submission of 19/02/2024 provided by Councils assessment planner (Tuesday 20.02.2024 12.40pm)

Essentially, the proposal by way of increasing housing and population north of the creek would adversely affect an emergency flood evacuation. This is due to the additional number of people that may require evacuation – estimated at an additional 200 persons for 67 dwellings. With no sufficient emergency evacuation measures available in the event of a flood evacuation, Cl.5.21(2) requires that **development consent must not be granted**.

In considering the applicant's response, Council's position remains that the application be refused principally on grounds of emergency access / egress noting the following:

1. The suggested Emergency evacuation is @ 450m walk east to Riddell Street over grassland and paddock fences. This is a minimum 5m hazardous walk through unsealed sodden grass during flood event for Emergency Services to carry a stretcher, including crossing paddock fences. This is considered unacceptable as an Emergency Response.
2. Emergency vehicle access/egress has a considerable duration of 117 minutes / @ 2 hours in the "Defined Flood" event, rendering them unable to effectively respond. Closest Westpac rescue helicopters based in Sydney (Westpac) and Wollongong (Toll)
3. Precedence as referred to relates to a 1% AEP flood event, whereas the proposal is affected by a 5% AEP event – i.e. 5 x more likely
4. Reference has been made to previous LEC decision with respect to flood affected properties. The most relevant of these (118-120 Koonaa Street, Albion Park) has road access affected in a 1% AEP event. The proposed development is affected much more frequently, and potentially for longer periods. This, along with the density of the development, significantly increases the risk to life and affects evacuation.
5. Shelter in place is ideally suited to existing developments where other practical measures to provide evacuation access are not feasible. Opportunity exists for the proposed development to undertake works to significantly reduce the frequency at which isolation occurs.
6. Flood waters should not be entered due to the risk and uncertainty regarding the road/bridge underneath the flood waters. The calculations provided within the report relate to vehicle stability ($VD > 0.6m^2/s$), however evacuation is restricted for the period at which the bridge is submerged. It is unclear from the report what the duration of inundation is for the bridge, however this is likely to be longer than the periods calculated for vehicle stability. The bridge is also likely to be affected during more frequent events (10%, 20%, etc).

<https://legislation.nsw.gov.au/view/html/inforce/current/epi-2011-0680#sec.5.21>

5.21 Flood planning

(1) The objectives of this clause are as follows—

(a) to minimise the flood risk to life and property associated with the use of land,

(b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,

(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,

(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.

(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

(a) is compatible with the flood function and behaviour on the land, and

(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and

(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and

(d) incorporates appropriate measures to manage risk to life in the event of a flood, and

(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—

(a) the impact of the development on projected changes to flood behaviour as a result of climate change,

(b) the intended design and scale of buildings resulting from the development,

(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,

(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.

(4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.

(5) In this clause—

Considering Flooding in Land Use Planning Guideline means the Considering Flooding in Land Use Planning Guideline published on the Department's website on 14 July 2021.

flood planning area has the same meaning as it has in the Flood Risk Management Manual.

Flood Risk Management Manual means the Flood Risk Management Manual, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.