

52nd Floodplain Management Association Conference
21 – 24 February 2012
Batemans Bay

**So just how exceptional is Fairfield?
Contesting the 100 Year ARI plus
0.5 metre freeboard**

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Fairfield City Council

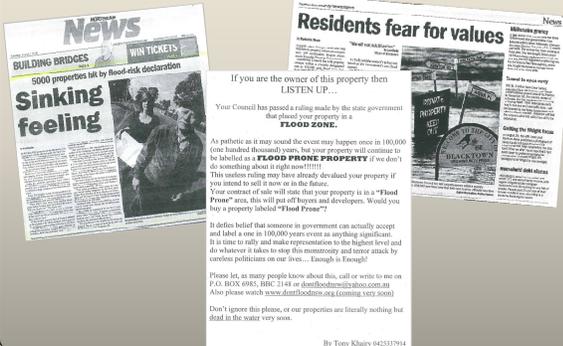


It all started in mid-2006 ...

- Blacktown City Council made the decision to notify property owners of flood affectation up to the PMF
- Undertaken in accordance with the Flood Prone Land Policy
- Part of an update to Council's DCP




The public reaction ...



Residents fear for values

If you are the owner of this property then LISTEN UP ...

Your Council has passed a ruling made by the state government that places your property in a FLOOD ZONE.

As public as it may sound the event may happen once in 100,000 (one hundred thousand) years, but your property will continue to be labelled as **FLOOD PRONE PROPERTY** if we don't do something about it right now!!!!!!

This useless ruling may have already devalued your property if you intend to sell it now or in the future.

Your contract of sale will state that your property is in a "Flood Prone" area, this will put off buyers and developers. Would you buy a property labelled "Flood Prone"?

It defies belief that someone in government can actually accept and label a zone in 100,000 years event as anything significant. It is time to rally and make representation to the highest level and do whatever it takes to stop this monstrosity and never attack by careless politicians on our lives... Enough is Enough!

Please let as many people know about this, call or write to me on P.O. BOX 6985, M6C 2148 or don@floodwin.com.au Also please watch www.don@floodwin.org (contact 1832 8088)

Don't ignore this please, or our properties are literally nothing but dead in the water very soon.

By Tony Khairy 0425337914

Which was reminiscent of ...



Flood group seeking interview with Wran

Fairfield 'first' with flood map

FLOODING BLUNDER ALLEGED

THOUSANDS HURT BY FLOOD POLICY

'FLOOD LEVELS ARE ACCURATE'

TOP HOMES VALUELESS

The political response ...



Flood listing backdown

Rouse Hill Times

Victory claimed

FLOOD WIN

The Section 117 Ministerial Direction

- Planning circular, ministerial direction and guideline simultaneously released by Department of Planning (DOP) in 2007
- Councils should adopt the 100 year ARI flood plus 0.5 metre freeboard as the flood planning level (FPL)
- No flood related development controls should be imposed on residential development above this FPL




The reaction of floodplain managers ...

"An abandonment of the flood risk management approach and a return to a prescriptive approach, which fails to recognise the importance of flooding above the 100 year ARI"

"It represents a misunderstanding of floodplain management principles resulting from a failure to have planners 'on board' in the floodplain risk management process"

"A repudiation of the long-standing merits-based approach to setting FPLs"

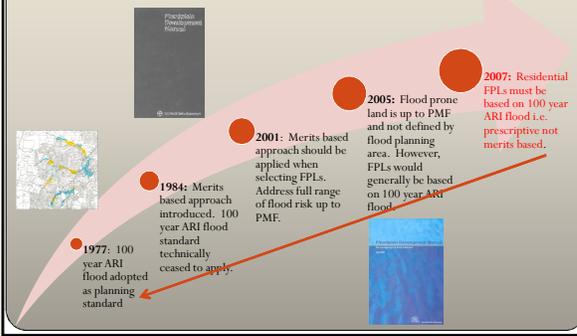
The case for exceptional circumstances

- The DOP allowed councils to put forward a case for using a different FPL based on:
 - local flood behaviour
 - associated flood hazards
 - flood history or a particular historic flood
- Fairfield City Council believed it owed a duty of care to residents and consequently applied for exceptional circumstances in April 2011.

Overview of Council's case

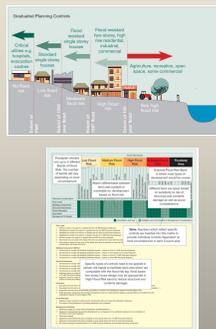
- Contradiction between the ministerial direction and the merits based approach
- Flood history and severity in Fairfield City
- Proactive floodplain management
- The importance of controls in low risk areas
- Implications for current investigations

Evolution of the Merits-Based Approach



The problems with the DOP approach

- Fundamental issues with setting singular FPL:
 - Lack of recognition of flooding above FPL
 - Polarisation of floodplain into 'flood prone' and 'flood free'
 - Unable to nominate other FPLs for different landuses, densities or floodplains within an LGA
 - Difficult to redefine FPLs in the future
- Contradicts latest thinking in floodplain management i.e. Graduated planning controls



The problems with the DOP approach

- DOP guideline required to be read and applied in conjunction with the FDM. Suggests principles are consistent when they are not.
- DOP guideline notes that safety of people is one of the key issues to be considered in floodplain risk management. However no controls above the FPL compromises safety.



Landuse planning perspectives

- Problems in lack of coordination between planning and engineering professions identified by Grech and Bewsher in 2007, still apparent
- However, coordinated approach taken between Council's planners and engineers in preparing case for exceptional circumstances
- Planning Legislation Review a good opportunity to promote better integration of floodplain management and landuse planning

Final thoughts

- Recommend other councils apply in order to demonstrate duty of care
- Key points:
 - Contradictions with merits based approach
 - Matrix approach to controls versus single FPL
 - Absence of controls = increased risk
 - Community engagement can be done sensitively
 - Coordinate with planners
 - Seek support from FMCs, LEMCs, SES and others