

Minutes

Minutes of the Floodplain Management Committee Meeting held Friday 1 September 2023

Venue:

Murwillumbah Council Chambers

Time:

9:11 am

In Attendance:

Voting Members:

Cr Chris Cherry (Mayor, Tweed Shire Council)
Max Boyd (Community Representative)
Felicia Cecil (Community Representative)
Samuel Dawson (Community Representative) – (Left at 9.47am and back at 10.55am)
Jenna Ford (Community Representative)
Thomas Rehfeld (Community Representative)
Robert Quirk (Community Representative) (Chair)
Jennifer Kidd (Community Representative)
Scott Moffett (Department of Planning and Environment)
Peter Mair (Local Commander, NSW SES)

Alternates:

Jeremy Carpenter (Planning and Research Officer, NSW SES)
Martin Rose (Department of Planning and Environment, online)

Council Officers:

Danny Rose (Manager Roads and Stormwater)
Leon McLean (Engineer Flooding and Stormwater)
Angie Cousens (Engineer Infrastructure)
Denise Galle (Director Planning & Regulation)
Stuart Russell (Senior Strategic Planner, online)
Michelle Bernabe-Salazer (Community Liaison Officer)
David Bell (Senior Program Leader Environmental Health) – for Outstanding Action item 3.

Apologies:

David Oxenham (Director Engineering)
Tim Mackney (Acting Director Engineering)
Doreen Harwood (Enterprise Risk & Emergency Management Officer)

Guests:

Gareth James (Executive Director of Program Delivery, Northern Rivers Reconstruction Corporation) – for Outstanding Action items 1-3.

Acknowledgement of Country (read by the Chair, Robert Quirk)

Confirmation of Minutes of Previous Meeting 1 June March 2023

Moved: Samuel Dawson

Seconded: Cr Chris Cherry

RESOLVED that the Minutes of the Floodplain Management Committee meeting held Friday 1 June 2023 be accepted as a true and accurate record of the proceedings of that meeting.

The motion was unanimously **Carried**.

Business Arising:

1. NRRC Standing Invitation

Previous minutes requested a standing invitation to Mike Rayner as a Board Member for NRRC – he has confirmed that the board has folded as part of transition of NRRC to be part of NSW Reconstruction Agency – so has declined as he no longer holds a position.

2. Introduction of New Committee Members

Scott Moffett Senior Floodplain Officer from Department of Planning and Environment will be taking over the responsibilities for this committee from Martin Rose. Previous work at Byron Shire Council and Toowoomba Regional Council after their 2011 floods.

Jeremy Carpenter Planning and Research Officer from SES. Background is International Peace and Security work and served in a variety of research programs and advisory roles. New to this flood and emergency risk management role, learning SES processes and systems and developing an understanding of the context we are working in.

Denise Galle – Council’s new Director of Planning Regulation. Has worked at Council since 2002 in the Planning and Regulation Division.

3. Late Agenda Item (S-Link consultation)

RQ - Jenny has written to myself as committee chair and Cr Cherry asking for the S-link to not be discussed today.

JK - Concern that correspondence was late and lengthy and more importantly doesn't fit with the terms of reference of our committee.

DR – It's only information for consultation and it's an opportunity for this committee to either note that information, discuss the information or, if the committee is feeling it is outside the terms of reference to make no comment on it. Council will be providing a submission to the consultation, as it is required for the S-Link development application.

Jenny is correct in saying it is out of the terms of reference to comment on individual development applications, but now is an opportunity to have a say on flood related issues before the technical documentation is prepared. The committee can vote as to whether they consider it in general business, if not information has been provided so it can be discussed with community members.

The committee voted to keep S-link on the agenda for general business.

Outstanding Actions/Resolutions:

1. NRRC Resilient Homes/Lands Programs Update

GJ: Provided background on recent transfer of NRRC under NSW Reconstruction Authority. The NSWRA have legislative powers and a lot of funding through the DRFA process, means NRRC can work more effectively with Councils.

Resilient Homes Program: region wide 500 offers made for voluntary purchase. 200 Tweed homes eligible, with around 100 offers made. Raising and retrofit component has identified around 70 people in the Tweed who are eligible, and a further 20 require investigations on the floor heights. Will be arranging to do some surveys across the region to confirm eligibility.

Resilient Lands Program: –There are a couple of sites in the Tweed (confidential due to ongoing commercial negotiations), which will give a decent yield in terms of dwellings on those sites to alleviate the amount of buybacks in the regions and hopefully provide some extra supply as well.

JK – Asking about the proposed distribution on buybacks and raising and retrofits – surprised about only being 70 in the Tweed and are these in the priority four zone?

GJ – If you are in that sort of risk rating zone, it depends on the habitable floor height of the home. Have used the same regional risk profile, 1:20 flood height across Tweed, Byron, Ballina and Kyogle. Now looking at adding 100mm to that height to potentially capture a more people.

MB – Of paramount importance, concerned about protection levels for people eventually getting another block of land to get out of the flood prone areas, to solve this once and for all.

GJ – All new land we are looking at is above the PMF and low bushfire risk.

MB – Astounded that the cheapest block of land in Tweed is \$600,000. Has a study been done on finding land above PMF that can be bought at a price that people can afford?

DG – At Tweed, it's very timely, we have a Growth Housing Management Strategy that has recently been commissioned, this is to replace the 2009 Urban Land Release Strategy area and will do an analysis to see whether that land that was previously identified is still suitable. PSA Consultant Group will be doing the Strategy and will be put on Your Say Tweed for feedback, and they can speak to this committee. The floodplain hasn't yet been completely ruled out. The first report is to look at all land and an analysis of the floodplain land and how much is above the PMF and then Council will have to make some decisions about what the strategy adopts moving forward. Research is being done and hoping to have something on exhibition by the end of the year.

Secondly in terms of affordability, Council has commissioned URBIS to do an Affordable Housing Strategy and they are working with Council officers and PSA who are doing the GHMS. We do have to be careful as there is a difference between the roles of Council and the State Government in providing affordable housing and social housing, which are two different things. The Affordable Housing Strategy will be making recommendations that align with the Growth Housing Management Strategy and put out options for consultation. Important as they will help frame the environment of the Tweed not only for the next few years, but long term.

2. Community/Social planning matters associated with the NRRC Resilient Homes Fund programs.

GJ - Properties purchased under the resilient homes program will have the right to build a home on the land extinguished. This is a voluntary process and NRRC will work with Councils to discuss the best ongoing alternative use of that land. Depends on where the land is and how to use it.

CC – Asked how NRRC intends to deal with vacant land within their buyback areas. GJ stated that vacant land is currently ineligible for the Resilient Home Program but NRRC are aware of the problem. Currently, NRRC does not have a policy answer for this.

DG – From a Town Planning point of view, if you have residentially zoned land that land parcel has a 'dwelling entitlement' and you are lawfully allowed to lodge your dwelling DA. However, at development assessment still must be considered on its merits. Just because council has that land zoned for a purpose (e.g. residential) doesn't mean that it would meet the merit test. We have our current flood Development Control Plan, DCP-A3, and in light of the flood study that we are doing at the moment that may necessitate a change to the DCP, which would change the rules around where you can build a home. So, it might be permissible to get you in the door to lodge a DA, but not necessarily an approval.

Council, then might have its own policies, or may even consider amending the LEP, based on the results of the flood study so that you are not relying on the DCP at a merit level, but actually stop the permissibility of the DA coming in the door in these areas. We are just at information gathering stage now and need to see what the Reconstruction Authority is doing and what the impact of that is and then Council may have to adjust its planning framework going forward to make sure we get some good outcomes. We first need to have a flood study that informs any change to our statutory regime. This is the hierarchical document that says what is and is not acceptable based on the science for the Tweed and then build on that.

DG – There are not strong legal provisions to just stop a legacy approval. If there is a development consent, even if approved in the 1960's or 1970's, when the acts first came in, if it has lawfully commenced based on legal precedence, those DA's potentially stay alive forever. The EP&A Act does allow for revoking consents with compensation through an LEP amendment or State Environmental Planning Policy, but we aren't aware that it has been done before since the act was created in 1979. Very complex issues as you are dealing with people's lives and livelihoods, so it is not taken lightly when we change the LEP.

3. NRRC Resilient Homes Fund Programs and Caravan Parks

GJ – Caravan Parks, because of their land ownership arrangement, are not eligible for the Resilient Homes Program because a caravan park is generally owned by an operator who sells a lease or license to occupy the land. The Resilient Homes Program requires us to purchase a residential home, not a business and a caravan park is essentially a business. We are aware that this is a shortcoming of the program, and we are working to try and to come up with policies to address that. Noted that the flood inquiry had a recommendation that these caravan parks should still be there, but they shouldn't be for permanent residents. That is a policy position which is more a planning issue, but if there is a possible second tranche, there could be an opportunity to do something with Caravan Parks and we would have to work with Councils. People in caravan parks are eligible for other government programs for assistance, just not the Resilient Homes Program.

GJ - There is a new program that we are administrating for the Commonwealth called the Northern Rivers Recovery and Resilience Program (NRRRP), and its \$150 million for 36 projects across the region of which 7 are in the Tweed. These will include upgrading pumps and putting in new pumps and 'no regrets' mitigation activities that we can undertake whilst we wait for the CSIRO flood modelling to come through to make those bigger mitigation decisions, which is being delivered with Councils and NSW Public Works.

DB - Noticed a real change in caravan parks and caravan park operation over the last 20 years, moving much more towards places where people live as opposed to go on holiday. After the 2022 flood our entire team visited the all the parks in Chinderah to listen, offer assistance and offer help and coordinate assistance. Legislation hasn't changed over that time, hard for Council to regulate and respond to complaints and what is allowed under the legislation. In the last 18 months an influx of structures that technically may be regarded as a caravan – then once set up look like a manufactured homes. We have been in contact with all parks in the Tweed to get a handle on how big this issues is and advise on details of these structures. We have been lobbying with the State Government before 2022 floods, to have more regulation for us and other Councils in NSW. Initially had an informal group of 4 Councils in NSW to now a State-wide forum, as there is no State Government assistance to manage these issues.

FC – Questions as to why there are so many parks that have an Over 50's policy as there is some much homelessness currently in the Tweed after the Floods.

DG – Advised that it is an internal policy of the landowner. It has nothing to do with any historical approvals that Tweed Shire Council have issued. There is Seniors Housing Developments which are stipulated by law – but none of our caravan parks are a senior's living developments, so it is literally just a landowner issue.

CC – This is a big issue, and there are a number of parks in a vulnerable area. Does this Committee ask Council to ask NRRC for advocacy for these people in Caravan Parks as they are not eligible for VHP and have no solution at all. Can Council request that Gareth from NRRC help advocate for legislation for the people.

GJ – Yes, would welcome that and think it should be requested to put it on the agenda for the next Community Leaders Forum to get the backing from the Mayors, the other councillors and four local members to advocate.

DG – Two parts to that,

1. To fix the legislation and
2. To provide an alternative funding mechanism because they are not eligible for the program, these people are our most at risk and most vulnerable people.

MOTION –

The Floodplain Management Committee requests that Council writes to the Northern Rivers Reconstruction Corporation requesting:

1. advocacy and assistance in resolving the issues with caravan parks and the associated legislation; and
2. suitable flood recovery assistance programs be made available to caravan park residents as they appear to be ineligible for existing NRRRC programs.

Moved

Robert Quirk

Seconded

Felicia Cecil

The motion was unanimously **Carried**.

Morning Tea – 10.25am to 10.42am

Agenda Items:

1. Flood Mitigation Project Updates (LM)

Tweed Heads South Levee and Drainage Study. Engaged Catchment Simulation Solutions, just completed the initial community consultation.

Dorothy/William Street Levee Area Pump Station – Preliminary phase nearing completion. NRRRP Program now on board, funding now for an optimal high-capacity pump station. To be built mid next year if all goes to plan.

Mooball Creek Training Walls Repair – waiting on Crown Lands license, not sure as when it will be approved, but will go to tender once approved.

Northern River Drainage Reset Program – NRRRC are administering a grant program. Meet last week with the Drainage Unions and lodged a project list for the application. Soil Conservation Service will be projecting managing.

Kingscliff Drainage strategy – Consultant is building the model that will be used to test drainage upgrades.

NEMA Northern Rivers Recovery and Resilience Program (NRRRP) –

- *Earthworks across Lot 4 Quarry Road
- *Lavender Creek Pump Station Upgrade
- *Wharf Street Pump Station Upgrade
- *East Murwillumbah Pump Station
- *Alma Street Raising
- *Evacuation Planning Study
- *Floor level survey

2. Tweed Valley Flood Study Update and Expansion

The project, which has been presented to the Committee various times over the last few years, has now reached draft report stage and is ready to be presented to Council for public exhibition.

SM – Advised update on CSIRO, LIDAR now hoping for a March 2024 date.

Discussion on new modelling and mapping slide of 1% AEP from 2009 vs 2023, due to changes to flow conditions at the river mouth and bridges at Murwillumbah and Barneys Point. Study includes scenarios for ocean dominated flooding as well. Confident that this is a better model than we had in 2009 as it is much more accurate, using better technology and calibrated to 2017 and 2022 floods.

Some committee members were concerned that they had not had enough time to digest and comment on the draft report. It was agreed that a further 2 weeks would be allocated for Committee member feedback/comments to be emailed in prior to reporting to Council.

FC and SD requested hard copy printouts of the attachments.

MOTION

That the Floodplain Management Committee supports the Draft Flood Study Update and Expansion for reporting to Council for public exhibition, subject to final comments submitted by Committee members.

MOVED – Thomas Rehfeld

SECONDED – Samuel Dawson

The motion was unanimously **Carried**.

3. Addendum to CBD Levee and Drainage Study (LM)

This draft report was circulated to the committee by email back in June. Draft recommends that we upgrade Lavender Creek and Wharf Street and potentially install a new pump station at East Murwillumbah. Study is to guide the implementation of pump upgrades, which now line up with funding from NRRRP.

The addendum study is now on public exhibition. Once complete any community feedback will be considered and incorporated into the final report.

4. Bureau of Meteorology Flood Warning System Upgrades

From October 2023, the Bureau will be upgrading their telecommunications equipment in Tweed, including sites at Kunghur, Limpinwood, Murwillumbah and Tweed Heads, to make the network more reliable, resilient, and secure. \$236 million over next 10 years from the Australian Government to work on long standing risks in the flood warning network.

SM outlined a DPE led Flood Warning network infrastructure upgrade program that is incoming. This project should provide clarity on who is doing what in this space.

Denise Galle left 11.47am

General Business:

DR – Highlighted the Gazzetal and public release of the Flood Risk Management Manual and its toolkit, from the State Government and led by DPE and their Environmental Heritage Group – <https://www.environment.nsw.gov.au/research-and-publications/publications-search/flood-risk-management-manual> . Council yet to have a formal briefing from the State, happy for the committee to be part of any webinars.

SD – Suggestion to Council about Community frustration about road repairs that are continually popping up on social media. Suggest timelines about works especially the likes of Tyalgum.

MB-S – Confirms that a weekly update is done on Council's website on flood restoration on roads, also information goes in Tweed Link and on social media. Does discuss the major landslips and included Tyalgum also.

SD – Maybe some sort of information communicated in a different format to advise the community.

Proposed New Road in Kingscliff - Southern Link (S-Link)

DR – Late attachments to the agenda produced by Gales Kingscliff. This road link (Turnock Street to Tweed Coast Road) is part of Council's road network planning and Kingscliff Locality Plan, and Council has endorsed preparation of the planning and design for the road with Gales' consultants. They are working on the Environmental Impact Statement, guided by State government requirements (SEARs), that include consultation with stakeholders. The plans show a filled embankment structure across the floodplain with a footprint which tries to limit the amount of fill and environmental clearing. Tabled the information for the committee to consider.

The Committee noted the receipt of this information.

Next Meeting:

The next meeting of the Floodplain Management Committee will be held on Thursday 24 November 2023.

The meeting closed at 12.21pm