

Minutes

Minutes of the Floodplain Management Committee Meeting held Friday 24 November 2023

Venue:

Council Chambers, Murwillumbah Civic & Cultural Centre

Time:

9:12 am

In Attendance:

Voting Members:

Cr Chris Cherry (Mayor, Tweed Shire Council)
Felicia Cecil (Community Representative)
Samuel Dawson (Community Representative)
Thomas Rehfeld (Community Representative)
Robert Quirk (Community Representative) (Chair)
Jennifer Kidd (Community Representative)
Scott Moffett (Department of Planning and Environment) (Online)
Peter Mair (Local Commander, NSW SES)

Alternates:

Jeremy Carpenter (Planning and Research Officer, NSW SES)

Council Officers:

Danny Rose (Manager Roads and Stormwater)
Leon McLean (Engineer Flooding and Stormwater)
Denise Galle (Director Planning & Regulation)
Michelle Bernabe-Salazer (Community Liaison Officer)
Doreen Harwood (Enterprise Risk & Emergency Management Officer) (Online)
David Bell (Senior Program Leader Environmental Health)

Apologies:

Max Boyd (Community Representative)
Jenna Ford (Community Representative)
David Bartlett (for Robert Quirk)
Kieron Hendicott (NSW Reconstruction Authority)
David Oxenham (Director Engineering)
Angie Cousens (Engineer Infrastructure)
Stuart Russell (Senior Strategic Planner)

Guests:

Gareth James (Executive Director of Program Delivery, NSW Reconstruction Authority)
Geoff Waterhouse (Program Director Northern Rivers Recovery & Resilience Program
NSW Reconstruction Authority)

Acknowledgement of Country (read by Danny Rose)

Confirmation of Minutes of Previous Meeting 1 September 2023

Moved: Cr Chris Cherry

Seconded: Denise Galle

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

The motion was unanimously **Carried**.

Business Arising:

1. NSWRA/NRRC Caravan Park letter

DR – Following on from last meeting, there was a resolution, which was supported by Council to write to the NSW Reconstruction Authority / Northern Rivers Reconstruction Corporation, regarding concerns around caravan parks and their residents. There were two parts being for;

- a) Ongoing legislative issues around caravan parks and how difficult we find it as a regulator of compliance in trying to interpret the legislation and to work with the caravan park owners and residents and
- b) Request for support for caravan park residents post the 2022 flood and lack of eligibility of a lot of the existing funding programs, which has been acknowledged by the NRRC to date, but asking for consideration from the Reconstruction Authority

Advising a letter was sent on 13 November to Amanda Leck, Head - Adaptation, Mitigation & Reconstruction NSW Reconstruction Authority, and we will get a response in due course and will then advise the committee.

GJ– Letter received and working on a response now. Advising a review of the legislation around caravans and manufactured homes at the moment, with submissions open until 15 December 2023 on the Planning website and then potential funding for programs for residents is a decision for Government to make and DPE will be advocating strongly for.

DG – Council will be undertaking a submission, Council's David Bell will be leading that review. Council has been advised that the review announced is a two-phase review and Council is more interested in the second part, which will be later in 2024. A submission will be prepared by 15 December.

DR – One particular part does refer to Flood Standards due to specific recommendations from 2022 Flood Enquiry, around flood prone caravan parks. The exhibited draft does look to prohibit new permanent dwelling sites on flood prone land in caravan parks being defined by the flood planning area not the probable maximum flood. Short term sites will continue to be permitted and proposed changes won't be retrospective, so they won't change what is already happening in those flood liable caravan parks, but will potentially give us extra means to prevent new permanent or long-term sites being created in those caravan parks, which is Council's current policy but will give us extra support when applications come in.

2. Tweed Valley Flood Study Update an Expansion – public exhibition

LM – The Study which was presented last meeting has now gone to Council and was endorsed to put out to public exhibition. With help from the Consultant and Council's Community Liaison Officer, we are busy preparing all materials and mapping out the program of public information sessions that we intend to run. The report has an entire chapter on what has changed since the 2009 study, so it should be very clear. Should the exhibition period crossover into the Christmas period, we would extend it, so it will go further into the new year to cater for those people away at Christmas time.

DR – Council's main reason for us doing this study is to identify what is changed and where we need to adjust things, which is a big part of what we are putting out to the community. We will go beyond the minimum requirements for public exhibition for this one, we do realise how big it is and how hard it is to digest for the community and the need for a good process and this will not be rushed.

DR – Post flood study adoption, priority will be on adjusting the flood planning levels using flood study maps. We will have good data for the first time for a lot of villages like Uki as we have only had historic level and not a map before. This will be the priority for updating, and changes to flood planning levels will come via this committee, but no timeframe as yet, will depend on how well the community receive the new information.

DR – A broader review, which will follow the flood planning levels, will be in two stages. We have to adopt the latest information so that the planners can use that for the initial rules that we have already got that refer to the design flood levels and flood planning levels. Then a broader review of the DCP is overdue and will follow. We have to be mindful that if it relates to risk management process, we have to do it within the bounds of the process from the Flood Risk Management Manual. For large changes and critical issues, like filling of the floodplain, community input and industry input will probably have to be done as a risk management exercise which will need extra funding and resourcing to go with it.

DR - Flood Risk Management Manual for NSW

<https://www.environment.nsw.gov.au/research-and-publications/publications-search/flood-risk-management-manual>

New release, gazetted in July/August. All legislation and environmental planning instruments that relate to the old floodplain manual have now been updated by the state, so it all refers to the new manual – all online and manual is one part and then there are guidelines in a toolbox that sits underneath the manual. No longer a printed document.

SM – Further to Danny's above information on the new Floodplain Manual, in addition the DPE are offering targeted workshops on the Manual to council and flood committees, if Council wishes to pursue, we can discuss and arrange something.

ACTION: Offer of Flood Study Workshop – unanimous support from committee – Scott and Danny to discuss and schedule in 2024.

3. Councillor Workshop “Minimising Current and Future Flood Risk in the Tweed Shire” - Addendum comments

DR – Councillor workshop was held September, around a previous report which this committee considered. Tom Rehfeld attended the session and has provided a submission to the committee.

TR – No mention at all of anything related to the Coastal Creeks, given it was a presentation to the Councillors of Risk in the Tweed for Flood. He suggests putting an addendum to that meeting and asks to put a motion in, that a copy of this addendum is given to each of the Councillors to ensure their awareness of the potential risk of coastal creeks area, particularly Bogangar. Change of topography, the fact that we had a one in seven hundred years, biggest flood event in the Tweed, Northern Rivers and no one is talking about it. General opinion in the Bogangar community is that our area is being ignored as it was not mentioned in the workshop, and it should be rectified that Tweed should at least recognise a flood risk in our area.

DR – Responded in an email to Tom to clarify – Disputing that Council has neglected Coastal Creeks at all. The workshop was to talk generally about flood risk, with several mentions of Pottsville, Mooball, Bogangar and Cabarita. The workshop was an explanation on Council’s and the State Government’s approach and managing flood risk across the entire shire and the different options that are available. This committee and Council have resolved to progress flood risk management on the coastal creeks by way of updated Flood Study (to discuss further in outstanding actions).

TR – happy to defer raising motion until later item.

4. Correspondence from NEMA to request for CSIRO Tweed Flood Study

DR – Closing the loop on discussions with this committee, Council, the public meeting, and a meeting with NEMA and CSIRO. Council formally wrote to NEMA, Justine Elliot, Geoff Provost /Janelle Saffin, requesting CSIRO flood study and CSIRO peer review of Tweed Valley Flood Study. The letter attached to the agenda confirms that CSIRO do not have the funding or resource capacity to do so.

Responding to community concerns voiced by JK about the validity of the exhibited Tweed Valley Flood Study Update and Expansion, DR explained that the study has had oversight from this committee, the Technical Sub-Committee, and industry leading consultants using updated technology and data collected from recent floods.

CC – Suggests information be given to the wider community on this information. The committee should forward letters to Janelle Safrin & Justine Elliot, to advise of the resourcing issue for CSIRO – need for community to know, this needs to be sourced well.

ACTION: DR to forward the CSIRO/NEMA response to federal and state members for their information.

ACTION: LM/MBS to ensure the message of the peer review and the non-involvement of CSIRO of the Tweed Valley Flood Study is noted in the exhibition period, so it is clear as to whom is and is not involved.

Outstanding Actions/Resolutions:

1. Tweed Coastal Creeks Floodplain Risk Management Study and Plan Update

DR – This committee and Council had previously resolved to pursue a risk management study update and flood study update for Tweed Coastal Creeks as an integrated project. Grant Application completed and sent to DPE through Floodplain Management Program early 2023. Unfortunately, a letter was received on November 6 advising that the project is highly ranked, but due to restrictions in funding and other priorities across the state it has been placed onto a “reserve” list. Will be contacted in early 2024 if funding is available to move off the reserve list and commence the project.

SM – Verbal advice as of this morning, confirming reserve list is not a “no,” it is a “not yet.” Grants unit really would like to see other grant projects completed first.

SM – Project is on reserve list, money has been put aside and timing to be determined. Factors will include the Tweed Valley Flood Study Update and DPE to complete the Post Flood 2022 Analysis. It is essential the lesson learned from the post-2022 review is considered before the scope of works for the Coastal Creeks Risk Management Study and Plan are developed. DPE will issue a final draft of the Post Flood report to Council before Christmas with an opportunity for it to be shared with the flood committee at their discretion. Then a workshop will be held with DPE and the consultant and will be available to the flood committee. Council will receive all raw data that is associated with the post analysis report for Council’s consumption. A very technical report and lots of involvement.

DR – There is some confusion over this new advice from DPE. Council and DPE will discuss offline and, once confirmed, advice will be given to the committee.

ACTION: DR and SM to clarify pre-requisites to move the Coastal Creeks project off the grant reserve list, and convey this advice to the committee, and specifically to TR given urgency for CBBRA.

Morning Tea Break - 10.06am to 10.14am

Agenda Items:

1. Flood Mitigation Project Updates (LM)

VHP/VHR: Almost wrapped up our voluntary purchase of 91-95 River Street South Murwillumbah and the rehabilitation of that site.

Voluntary House Raising had two active approvals, one has withdrawn as they accepted a NSWRA buyback, the other property in Burringbar has just raised their house.

As the Reconstruction Authority now has in place all of their programs, Council will unlikely be

following through with much, if any, activity in the VHP/VHR space.

Mooball Creek Training Walls: Still waiting on Crown Lands Licence

CBD Addendum Study: Working through feedback with consultant, information to be finalised in the coming weeks and will come back to next committee meeting and then to Council for adoption.

Tweed Valley Flood Study Update and Expansion: Out on public exhibition soon and then into the new year. Community feedback will be considered, any amendments made, and the final report reported to FMC and Council for adoption.

South Tweed Levee and Drainage Study: Community consultation is complete, Catchment Simulation Solutions building the high-resolution flood model for the area and interim report has been summarised and a meeting next week is scheduled to discuss and move on to the next stage.

Levee Audit: NSW Public Works has sent through assessment on the condition of our levees and we are currently working with them as there are a number of defects and renewals required. Public Works have roughly \$14 million across North Coast to assist in restoring defects and this is our best opportunity in years to get these works done.

Kingscliff Drainage Strategy: Consultant running design events and cumulative development scenarios.

2. Northern Rivers Recovery and Resilience Program (NRRRP) Project Summary Geoff Waterhouse – NSW Reconstruction Authority (PowerPoint Presentation Shown)

NRRRP Program Director – Federal Government through National Emergency Management Authority in with consultation with CSIRO

Core streams of Nature based projects, healing rivers and riparian work,

Strategic Projects - evacuation and route assessments,

Infrastructure and Assessment Programs,

Infrastructure around flood management - assets and upgrades,

In the Tweed there are currently 7 Projects for delivery:

- Earthworks at Lot 4 Quarry Road and Condong Creek

- Lavender Creek Pump Station Upgrade

- Wharf Street Pump Station Upgrade

- East Murwillumbah New Pump Station

- Alma Street Raising

- Dorothy/William Streets Street Pump Station

- Detailed Evacuation Procedures (working with SES and TSC).

PowerPoint Presentation to be included in the minutes.

3. NRRC Resilient Homes / Lands Programs Update (GJ)

NRRC dissolved in October 2023 – now NSW Reconstruction Authority

Tranche 1 Homes program funding 670 offers in region, 450 acceptances – 136 offers in

Tweed with 76 acceptances.

Raising and retrofit – looking to reimburse soon with more developments – 330 in region. Government has released further \$100 million to the Northern Rivers for Resilient Homes Program.

(DR) On behalf of this committee, note the fact that 76 acceptances within the home buy backs within the Tweed, represents Council's whole long-term voluntary house purchase program which would have taken 50+ years to deliver under the previous DPE funded Council scheme. This is very significant. NRRC and RA information now matches in better with Council's schemes. Acknowledgement needs to be made that in less than two years this program has made significant permanent progress in removing flood risk.

CC - Leaders Forum – Tranche two funding - Asked the community committee members their opinions on options on how funding is to be distributed. Options of retrofit and house raising or buy backs - 27 buy backs and 10-15 house raising suggested – request feedback from committee. The committee discussed various pros and cons of buybacks versus raising and retrofit. GJ clarified that the current approach has not allowed a high-risk property identified for buy-back to jump into the lower risk house raising eligibility. This could have adverse outcomes for residents. Money can achieve more raisings than buy backs and help more people, but they will not be those at highest risk.

GJ - Technical assessment is approaching completion, assessment has been done on location, housing type, cost, infrastructure, planning approvals and affordability on buy back value. Analysis will be presented to the Ministers and then confirmed publicly within the very near future, priority areas will be shortlisted. Position on relocation of buy back dwellings also nearing completion. From a policy setting, looking at buying land and then moving the dwelling to offering a licence to occupy whilst work being completed, to facilitate not a cheap but RA 100% behind this option. Lands program has \$100 million allocated to facilitate the infrastructure that is needed to process for each site.

4. DCP-A3 amendments (DR)

Information for committee - Section A3 of our Development Control Plan relates to Floodplain Development, it is the rulebook on assessing and approving flood prone development with conditions. A draft amendment is about to go on exhibition for A3, minor review to close loopholes on definitions on existing homes being able to make additions and extensions below the flood planning level. More extensive review of A3 planned for 2024 following the Tweed FS.

5. FMA Conference Presentation – “5 Years between major floods, what’s changed?” (DR)

DR delivered his 2023 Floodplain Management Australia National Conference presentation for the committee's information.

General Business:

1. Letter to TSC – Flood Gauges

TR – Tabled a letter from CBBRA outlining various requests for upgrades to gauges around Bogangar haven't been actioned by Council over 12 months.

LM went through the list of requests and explained that these were either not requested at the December 2022 meeting, not related to Council infrastructure, or have since been delivered.

ACTION: DR to respond to CBBRA letter advising as above and that any requests for emergency response upgrades should go through the SES

PM – STP gauge Clothiers Creek gauge and Hastings (listed under lower Tweed) can they be moved to the coastal creek, maybe that would be easier to find.

ACTION: Request to Bureau of Meteorology to move Clothiers Creek and Hastings Point Gauges on webpage from "Lower Tweed" to Tweed Coast."

2. River dredging

RQ: Comment at the Sustainable Agricultural Meeting regarding "some parts of the Tweed River would benefit from dredging."

DR responded to a Council resolution to prepare a report on pros and cons and costs and benefits and use of dredging for flood mitigation purposes (copy attached to minutes). Dredging has occurred on most parts of the Tweed River and Coastal Creeks historically, which has caused huge environmental changes to the river.

No current program for dredging for flood mitigation purposes. Various studies before having shown benefits being none to marginal, where some reduction in flood level is predicted, that the volume of water is passed downstream to other areas and create worse flooding in other areas. To also be considered are the enormous financial costs, disposal costs and environmental approvals and environmental impacts. Council does do maintenance dredging of drainage outlets and other marine infrastructure that is beneficial and will continue, but not wholesale dredging for flood mitigation. State manages dredging for navigational purposes. Council has noted the report.

CC – Really good explanation of the report, important to share with the committee.

SM – Asked if Council would formally share with DPE to be able to share with other local Councils.

Next Meeting:

2024 meeting dates are to be confirmed.

Meeting closed at 12.24pm