

## Minutes of the Floodplain Management Committee Meeting held Friday 4 June 2021

### Venue:

Council Chambers, Murwillumbah Civic Centre

### Time:

8.00am

### Present:

Cr James Owen (left the meeting at 11.00am), Cr Chris Cherry (alternate from 11am), Cr Katie Milne, David Oxenham (left the meeting at 11.00am and returned at 12.30pm), Danny Rose, Leon McLean, Doreen Harwood, Stuart Russell, Angie Cousens (TSC), Daniel Wood (WMA Water, attended for Items 1 and 2), Martin Rose (DPIE), Peter Mair, Chad Ellis (SES), Felicia Cecil, Robert Quirk, Max Boyd, Samuel Dawson (arrived at 8.30am and left the meeting at 10.45am), Dion Andrews, Jenny Kidd

### Apologies:

Steven Smith, Mike Allen, Michelle BernabeSalazer

### Minutes of Previous Meeting:

Moved: Robert Quirk

Seconded: Max Boyd

**RESOLVED** that the Minutes of the Floodplain Management Committee meeting held Friday 14 June 2019 be accepted as a true and accurate record of the proceedings of that meeting.

### Business Arising:

**ACTION:** FC requested that the attachments to the minutes be circulated in hard copy to herself and MA.

### Agenda Items:

#### 1. Tweed Valley Flood Study Update and Expansion

Council has engaged WMA Water to conduct the Tweed Valley Flood Study Update and Expansion. The objectives of the study are to:

1. Expand the existing 2009 flood study out into the hinterland and rural areas of the shire for the first time.
2. Incorporate intelligence and lessons learned from the March 2017 flood event.
3. Upgrade to *Australian Rainfall and Runoff 2019* industry best practice guidance
4. Take advantage of improvements in computing power and software development since 2009.

The flood study defines existing flood conditions and risk. It does not consider future changes in the floodplain associated with development.

Daniel Wood (WMA Water) provided the committee a summary of work completed to date. Community consultation, data collection and the early stages of hydrologic and hydraulic model calibration complete. Some challenges have been encountered, but these are being addressed as needed.

Work will continue and the committee will be updated at future meetings.

## **2. Murwillumbah Leagues Club (Brothers) Drainage Study**

DR outlined the ongoing drainage issues being experienced in the area and related public sewer, safety, amenity and health problems.

Council has resolved to undertake a 'Drainage Study' to identify options to alleviate regular, nuisance, flooding and its impacts in the area.

WMA Water (who are also doing the Tweed Valley Flood Study Update and Expansion) has won the tender to perform the drainage study and work will commence ASAP.

The committee will be updated on progress at future meetings.

## **3. Burringbar, Mooball & Crabbes Creek Flash Flood Warning System**

LM provided an update on project progress and an overview of the warning system function.

The system includes an automated flood prediction system which utilises real-time gauge data and Bureau of Meteorology predictive products to forecast flooding in the catchments.

The system also includes a warning distribution component. This will be primarily SMS based, but with alternative pre-recorded landline voice calls for those with areas with poor reception.

The system is intended to be complimentary to other resilience initiatives such as CATs teams and local communication networks.

The flash flood warning system should be available to the public by the end of this year. The committee will be updated on progress at future meetings.

## **4. Early Warning Network General Tweed Warning Service**

LM outlined an opportunity to provide the Tweed community with Bureau of Meteorology warnings directly to their phones using a service offered by 'Early Warning Network'.

DA stated that this is already available via the "weatherzone" app and further education on this may be preferable. CE cautioned on the potential to add to the volume of warning messages and contribute to "warning fatigue".

The committee provided 'in-principle' support for the initiative, subject to further investigation of options, including free services.

**Moved:** Max Boyd  
**Seconded:** Felicia Cecil

**RECOMMENDATION:**

**That Council Officers further investigate, and if appropriate implement, provision of a General Tweed Warning Service to improve the dissemination of Bureau of Meteorology warnings in the community.**

**FOR VOTE: Unanimous**

## **5. Gales Kingscliff Masterplan**

DR provided an overview of the recent Gales Kingscliff pre-gateway planning proposal, related master-planning process, and associated applications. While this Committee does not generally provide input to individual planning applications, the Gales' Master Plan has the potential to significantly influence flood behaviour in the West Kingscliff and Chinderah floodplain.

FC expressed the Chinderah community's serious concerns with widespread filling in the catchment. She noted that some residents, including herself had already experienced water levels in 2017 higher than before. DR noted an alignment of concerns with Council Officer assessments which are not satisfied with the current proposal.

MB expressed a general concern related to developing what was originally 'swamp land', and government's continued policy to prevent sterilisation of flood prone land from development, contrary to "common sense". MB highlighted that there is flood free land being contemplated for rezoning at Murwillumbah that should be pursued instead. DR explained that many of the sites are zoned residential and the planning controls that are in place to mitigate flood risk above 1% AEP level, which Gales Kingscliff will need to comply with.

DA suggested that drainage from the catchment, via the Kingscliff/Chinderah Drain, should not rely on regular maintenance of the channel to ensure efficient drainage. DA cited a case in Redcliffe where this had failed and created various issues. DR agreed and noted the need for revised drainage strategies.

JK explained that the upstream villages (e.g. Tumbulgum) watch with interest development in the lower catchment and are very concerned with potential impacts upstream as a result of filling in the subject catchment. She considered the issues raised may expose Council to future liability.

FC noted that the Chinderah Residents Association has previously met with the owner of Gales Kingscliff and it was stated that if the developments were not approved by Council they will be the subject of a court case. DR explained that Gales do have the right of appeal, should the application(s) be refused, but that this does not stop Council Officers raising concerns related to the proposal(s).

KM asked if the recent Flood Prone Land Package, released by the NSW Department of Planning, Industry and Environment (DPIE), offered any opportunity to better control development in the area. DR provided a brief explanation of the Flood Prone Land Package

(see also item 8), which is generally in line with Tweed Shire Council's existing floodplain development policies and controls.

RQ suggested that the committee make a resolution to Council expressing the committee's serious concerns related to the Gales Kingscliff developments and the potential for negative flooding impacts on the existing community.

When the committee discussed making more detailed remarks on the potential flooding impacts of Gale's development, DR reiterated to the committee that it is outside of the scope of the FMC to comment on specific development applications. It was also noted that most committee members have not seen the detailed application plans and associated documents relating to the various Gales Kingscliff applications.

**Moved: Robert Quirk**  
**Seconded: Felicia Cecil**

## **RECOMMENDATION:**

**That Council notes the concerns of the Floodplain Management Committee in relation to the proposals for urban land release and widescale filling of the floodplain in West Kingscliff due to the following issues:**

- **Impacts on existing urban and rural areas upstream and downstream of West Kingscliff**
- **Limitations on the capacity to upgrade drainage systems to offset the loss of floodplain storage**
- **The impacts of drainage upgrades on Chinderah, including adjoining residents and the environment**
- **The ability to maintain drainage and flood mitigation systems in perpetuity, where they pass through environmental areas, and**
- **The ongoing flood risk to residents of the future subdivisions.**

**FOR VOTE: Unanimous**

## **6. Flood Watch Camera Network**

LM described the network of "Flood Watch Cameras" currently being installed at:

1. Byangum Bridge
2. Boat Harbour Bridge
3. Bilambil
4. Murwillumbah Bridge
5. Terranora Broadwater
6. Tweed Valley Way (Oakes Avenue)

DA asked about the Bilambil location and the potential for it to be used for the community to understand flood levels at other points of interest, particularly road crossings (e.g. level marker in camera view).

CC identified a need for additional cameras at Wooyung Road and Crabbes Creek.

## 7. Property Flood Reports

LM demonstrated Council's recently released "Property Flood Reports" system which provides property specific flood information to the community.

The system has been released to the public, but has not been promoted yet due to impending website upgrades and competing flood related messages. The committee considered rates notices as one vehicle to promote the reports.

The committee discussed how community members without access to computers might get this information. DR and LM undertook to discuss the matter with Community Services, with libraries being offered as a possible solution.

<https://www.tweed.nsw.gov.au/PropertyFloodReports>

## 8. Flood Prone Land Package

DR provided a detailed summary of the recently released "Flood Prone Land Package" by NSW Department of Planning, Industry and Environment.

There are several components to the package, including considerations for LEP amendments/rezonings, information on planning certificates, and new LEP clauses. The package allows Councils to use the floodplain risk management framework in the NSW Manual to determine appropriate flood planning areas and controls for development up to the PMF.

For the most part, Tweed Shire Council's floodplain development controls are already in line with the revised guidance. This is largely due to the "exceptional circumstances" approvals that were previously sought and provided to TSC despite planning guidelines in 2007 that limited application of flood controls to the 1% AEP flood level.

The package includes a compulsory and an optional LEP flood clause to ensure that flood prone development provides appropriate protections to people, property and the environment, including consideration of impacts, emergency response and climate change.

In the short-term, a decision is required from Council on whether or not to "opt-in" to the optional "Special Flood Considerations" LEP Clause. This clause enables Council to apply controls for safe occupation and evacuation of the floodplain between the flood planning area (generally the 1% AEP + 0.5m freeboard) and the PMF. DR recommended that Council opt-in to maintain the current best-practice floodplain development controls and proposed that the committee make this recommendation to Council.

KM asked whether the committee should pursue amendments to the flood planning levels and areas in response to the new guidelines. SR noted that there were a lot of considerations for the town planners and this was still being unpacked and responses considered. DR recommended that a more detailed report be provided to Council outlining these responses.

# Minutes

**Moved:** Max Boyd  
**Seconded:** Robert Quirk

**RECOMMENDATION:**

That Council advises the Department of Planning Industry and Environment that it will opt in to the “Special Flood Considerations” Clause in the Local Environmental Plan.

**FOR VOTE: Unanimous**

**Moved:** Robert Quirk  
**Seconded:** Max Boyd

**RECOMMENDATION:**

That a detailed report be provided to Council outlining the content of the Flood Prone Land Package and the implications for Council’s floodplain management approach and planning instruments.

**FOR VOTE: Unanimous**

## 9. Voluntary House Purchase (VHP) and Raising (VHR) Progress Update

LM provided a summary of progress since last FMC meeting on the VHP and VHR Schemes.

MB asked is a full summary of the schemes achievements could be included in the minutes.

**ACTION:** LM to compile and circulate a summary of all the VHP schemes purchases since 2017.

MB noted the problem with flood prone houses building in underneath (below flood level) and associated damages/losses due to this practice. DR explained the complex nature of this issue with related social and housing affordability challenges.

## 10. Mooball Designated Flood Level

LM explained a problem with how Council currently applies flood levels to Mooball Village south of the railway embankment. The levels applied are not consistent with other areas of the Tweed that are protected by man-made embankments and may permit development at lower levels (and therefore greater risk) than is appropriate.

Potential implications for existing houses and an impending planning proposal south of Mooball village were discussed.

LM recommended that Development Control Plan Section A3 - Development of Flood Liable Land be updated to treat Mooball Village similar to an “Area Behind Levee”. This would mean future development would need to comply with higher floor levels that reflect the true flood risk of the area.

Further investigation of the appropriate levels to apply is required. An update to DCP-A3 would require community consultation which would include direct notification of properties affected by the proposed change.

Opportunities to solidify the incidental flood protection that the railway embankment provides (e.g. floodgates) were also flagged for investigation.

**Moved:** Robert Quirk  
**Seconded:** Chris Cherry

#### **RECOMMENDATION:**

**The process commence to amend Development Control Plan Section A3 - Development of Flood Liable Land to apply a Designated Flood Level to Mooball Village that is consistent with other “Area Behind Levee” approaches.**

**FOR VOTE: Unanimous**

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#### **General Business:**

##### **11. Flood Mounds**

RQ requested clarification on Council’s previous advice with regards to the permissibility and approval pathway for “flood mounds” to be used on farms as refuges for agricultural machinery and stock.

DR responded by explaining that such works are not prohibited under the LEP as they are ancillary to agriculture. Permissibility under the DCP is site specific and must be assessed on a case-by-case basis. The key control being the high flow or low flow classification of the land.

CC thought that a similar question had been referred to FMC through the rural lands strategy process.

RQ moved that the committee recommend to Council in-principle support for flood mounds on rural agricultural properties subject to DCP and LEP advice available from Council Staff.

**Moved:** Robert Quirk  
**Seconded:** Dion Andrews

#### **RECOMMENDATION:**

**Council provides in-principle support for “flood mounds” (fill pads) on rural agricultural properties, subject to DCP and LEP permissibility advice available from Council Staff, to minimise agricultural losses from future floods.**

**FOR VOTE: Unanimous**



## Post Meeting Note:

Advice received from Stuart Russell, Senior Strategic Planner (TSC) is as follows:

The extracts below are from previous reports to Council and the Rural Land Strategy:

### **Construction of mounds in the floodplain**

The ability to provide refuge on farm to preserve livestock and machinery in the event of a flood where it does not interrupt flooding or result in other adverse impacts is already permissible as ancillary development in the RU1 Primary Production and RU2 Rural Landscape zones.

LEP clause 7.2 Earthworks identifies when development consent is required and matters to consider where the earthworks are not ancillary to development.

Guidelines regarding where such structures can be constructed and dimensions can be found in *DCP Section A3 Development of Flood Liable Land*.

As such, the ability to construct mounds in flood prone areas is already addressed in the LEP and DCP.

### **Transferability of dwelling entitlements**

At this time dwelling entitlements are not transferable, and the transferability of dwelling entitlements is a complex matter of law; however, in response to Rob's enquiry, an additional action was added into the Rural Land Strategy which proposes that an investigation be undertaken into the ability to transfer dwelling entitlements in certain circumstances.

Action 101 from the Rural Land Strategy:

101 Dwelling entitlements – transferability	Investigate options to transfer dwelling entitlements from RU1 Primary Production and RU2 Rural Landscape zoned land which is mapped as being affected by the 100 year Design Flood Level, to higher land under the same ownership.	Options to allow transfer of dwelling entitlements from flood affected land to higher land under the same ownership are identified, and pending the outcome of the investigation, guidelines and planning controls developed.	<ul style="list-style-type: none"><li>• Council</li><li>• DPIE</li><li>• Rural industry groups</li></ul>
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## **12. South Murwillumbah Industrial Land Swap Project**

DR provided an update on the Industrial Land Swap project which aims to move large employment generating land uses out of flood prone areas of South Murwillumbah to the "Industry Central" subdivision which is almost completely flood free.

The land has been purchased. Candidates have been selected for relocation. Subdivision works are now being planned with funding submissions being prepared for grant funding.

MB expressed strong support for the project.



## 13. Bray Park Weir Tidal Overtopping Frequency

MB presented a summary (by Council) of the frequency of tidal overtopping over Bray Park Weir in recent years. The summary showed a clear trend of increasing overtopping frequency. MB believed this tells a very serious and important story with regards to sea level rise and future flooding.

## 14. Wardrop Valley Future Urban Land Release Area

MB noted the rise in population in the Murwillumbah area, the limitations on further expansion to the west, and the need for additional land release areas to cater for future population growth.

Max presented the area identified between Kielvale and Nunderi (Area 1 – Figure 14) in the Tweed Urban and Employment Land Release Strategy (2009) and asked what barriers are holding up development in this area. SR was unable to answer in detail without further investigation.

MB moved that a report be presented to the next FMC meeting outlining what needs to be done to move forward with development in this area.

**ACTION:** Council's Strategic Planning Unit to provide a report to the next Floodplain management Committee on the actions required to facilitate release of urban development land in the Kielvale/Nunderi area.

## 15. Post 2017 Flood Efforts

MB moved that Council and Council staff be congratulated on their various flood mitigation initiatives and actions since the March 2017 flood disaster.

### **RECOMMENDATION:**

**The Committee extends their congratulations to Council and Council staff on the various flood mitigation initiatives and actions since the March 2017 flood disaster.**

**Moved: Max Boyd**  
**Seconded: Robert Quirk**

**FOR VOTE: Unanimous**

## 16. Future Floodplain Management Committee Meetings

DR noted that Local Government elections are scheduled for September 2021. Therefore, this meeting will be the last for the committee in this particular composition. DR thanked all current members for their efforts as part of this committee and encouraged all to renew their expressions of interest in committee membership post-election.

# Minutes



## **Next Meeting:**

The next meeting of the Floodplain Management Committee will in late 2021 (post-election) at a date to be determined.

The meeting closed at 1.30pm.