

## **FLOODGATE MANAGEMENT PROTOCOL**

### **Tweed River Catchment**

This protocol shall apply to floodgates which have had winches installed or other modifications (eg sluice gate) by Tweed Shire Council (TSC) for the purposes of active management of those floodgates. The aims of such management includes drainage channel flushing, aquatic weed control, increasing fish passage, habitat improvement, ASS leachate control and neutralisation, and temporary inundation of pasture land with river water.

Floodgate Management Agreements (FMA), in respect of various sites, are to be made between the relevant Drainage Union (DU) and TSC. The DU and TSC have appointed representatives to a Floodgate Management Group (FMG) which upon consultation with NSW Fisheries (NSWF) will formulate a FMA.

#### **Responsibilities of TSC.**

1. Nomination of at least 1 (2 max.) TSC representative(s) to the FMG.
2. Supply and installation of winches to floodgate(s) for active floodgate management (following suitability assessment of site by NSWF).
3. Supply and installation of water quality monitoring units (pilot projects only).
4. Provision of water quality data and interpretation to NSWF and DU members each quarter from sites where monitoring units are installed.
5. Review project based on monitoring programme data every year.
6. Undertake maintenance and repairs to floodgates as required or scheduled in line with NSWF policy and guidelines and the Fisheries Management Act.
7. Provide to the FMG property and contact details of landholders, who are not members of the relevant DU, whose property or income may be affected by implementation of the FMA.

#### **Responsibilities of DU.**

1. Nomination of 2 DU members to the FMG.
2. Nomination of 2 floodgate winch operators (may be members of FMG) who will be responsible for the opening and closure of the floodgate as set out in the FMA.
3. Maintain floodgates in 'open' position during non-flood periods and abide by all other conditions as set out in the relevant FMA.
4. Ensure all activities undertaken by members in relation to active floodgate management are conducted in a safe manner in accordance with all relevant training and legal requirements.
5. Maintain a register of floodgate closures, including length of closure and reasons.
6. Supply information on closures to the FMG every 3 months.
7. Provide a contact register of members responsible for each set of drains/active floodgate management areas to the FMG.
8. Review project, in conjunction with TSC and NSWF, based upon monitoring programme data every year (6 months in the case of pilot projects).
9. Provide to the FMG contact and property details of those of its members whose property or income may be affected by implementation of the FMA.
10. Ensure all members are kept informed of the active floodgate management process from the initial consultations to beyond signing the FMA.

## **Assessment of Floodgates for the Installation of Winches.**

Floodgates will be considered for winch installations where:-

1. The drain/creek is in an area of tidal influence;
2. The drain/creek upstream from the floodgate(s) is greater than 300m in length;
3. NSWF have assessed the site and recommended the installation of winches;
4. The FMG agree to the conditions and responsibilities set out in this protocol;
5. The FMA is signed;

# FLOODGATE MANAGEMENT PLAN & AGREEMENT



(Location)  
(TSC Floodgate No. \_\_\_\_)

## Aim

This Floodgate Management Plan authorises the local stakeholders to actively manage floodgates and associated waterways, in consultation with Tweed Shire Council, for the following purposes:

- a) Drainage channel flushing
- b) Weed control
- c) Increased fish passage
- d) Acid Sulfate Soil leachate flushing and neutralisation
- e) Manage inundation of agricultural land

## Floodgate Management

1. This Agreement is made in respect of the floodgate(s) identified above.
2. Tweed Shire Council has fitted a (winch / sluice gate / tidal gate / other \_\_\_\_\_) to \_\_\_\_ cell (s)
3. The management of this floodgate is by the authority of the Council, acting in consultation with the stakeholders.
4. All stakeholders owning or occupying property adjoining the drainage channel or watercourse behind the floodgates and whose property may be affected by implementation of the plan, have been invited to be part of a Floodgate Management Group (signatories and contact details are listed in Attachment A). The Floodgate Management Group will include a Council representative (Floodplain Officer). This group may include an existing Drainage Union.
5. Any stakeholder objecting to the implementation of this Management Plan may lodge such objections with Council for its consideration.
6. Council has authorised the following persons to act as volunteer Floodgate Operators:
  - i. (Coordinator)
  - ii. (Deputy coordinator)
  - iii.
7. Council will train the volunteer Floodgate Operators in the following:

- i. Clarification of the decision making process
- ii. Safe operation of the floodgates (Occupational Health and Safety)
- iii. Identification of potential adverse impacts of floodgate operation and legal liability
- iv. Salinity, water quality, and habitat monitoring
- v. Access to tidal and meteorological information
- vi. Emergency provisions
- vii. Reporting to Council (eg adverse effects, maintenance issues, hazard identification)

## 8. Gate Openings and closures

The Floodgate Operators will act in accordance with the Management Plan and liaise with all stakeholders on an ongoing basis.

All decisions regarding the operation of floodgates will be made as follows.

Manual gates will be closed by delegated Operator(s) when:

- a. Local flooding of the area, either from rainfall, high tides or a combination of both is predicted
- b. A General Flood warning is issued by the Bureau of Meteorology
- c. Drain maintenance is being conducted and low drain levels are required
- d. Any adverse impacts are identified, either visually or, from the monitoring programme. In this instance the gates will be closed until the adverse effects are addressed and resolved
- e. Any unforeseen impact occurs which is likely to cause effects detrimental to the aims of active management. In this instance the gates will be closed until the adverse effects are addressed and resolved

The gate will be opened at the earliest opportunity after the closure trigger events have ceased.

### **Tidal Floodgates**

The tidal floodgate level will be set and adjusted by Council staff in consultation with the stakeholders.

## 9. Occupational Health & Safety

Section 355 of the *Local Government Act 1993* states that a function of council may be exercised by a committee. An important function in forming a Floodgate Management Group is that it provides an avenue for Council, through a resolution, to recognise the Group as a '355' committee of council and receive delegated authority to operate the nominated floodgate(s). Becoming a 355 committee allows insurance provisions to apply to the Floodgate Management Group under Council's delegated authority in so far as it acts in accordance with the Floodgate Management Plan.

Floodgate Operators must, while undertaking any delegated function of Council, use equipment in accordance with the correct procedures, as demonstrated during their training. Floodgate operators must report to Council any matter that could affect the safe undertaking of the activity or any incidents or near misses which relate to health and safety of the those undertaking the voluntary activity.

Floodgate operators, while undertaking any delegated function of Council, must take reasonable care for the health and safety of themselves and for others in the vicinity who may be affected by the volunteers' acts or omissions whilst undertaking that function.

Floodgate operators must, while undertaking a delegated function of Council, co-operate with any officer of the Council or other person so far as is necessary to enable compliance with any requirement under the *Occupational Health and Safety Act, 2000* or the regulations, that is imposed, in the interests of health, safety and welfare, on the floodgate operators or any other person.

#### 10. Management Plan Review

The delegated authority provided by Council in this plan will be reviewed in accordance with the *Local Government Act, 1993*. Under current legislation a review of delegations is required within 12 months of an ordinary election.

Any condition outlined in this plan may be varied at the request of any stakeholder, provided all affected stakeholders have been consulted and are in concurrence with such a variation and the Council adopts the revised plan.

#### 11. Council Authorisation

Council owns the \_\_\_\_\_ floodgates (No. \_\_\_\_\_) and water control structures and is under no obligation to operate the structures during non-flood periods. It does so to assist the community and stakeholders. Council reserves the right to put aside this agreement if it considers such action is warranted.

This Floodgate Management Plan was endorsed by Council resolution passed on 6 / 07 / 2005 .

Those stakeholders authorised to operate the floodgates under this plan will, in so far as they act in accordance with the Plan, be considered volunteers of Council.

#### **Special Clauses:**

**Tweed Shire Council**

**Signed:**

**Signed:**

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**Name:**

**Name:**

**Position: Planning & Infrastructure  
Engineer**

**Position: Manager Environmental & Health  
Services Unit**

**Date:**

**Date:**

**Floodgate Management Group**

**Signed:**

**Signed:**

.....

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**Name:**

**Name:**

**Position:**

**Position:**

**Authorised Floodgate Operator**

**Authorised Floodgate Operator**

**Date:**

**Date:**



# FLOODGATE MANAGEMENT PLAN & AGREEMENT



(Location)  
(TSC Floodgate No. \_\_\_\_)

## Aim

This Floodgate Management Plan authorises the local stakeholders to actively manage floodgates and associated waterways, in consultation with Tweed Shire Council, for the following purposes:

- f) Drainage channel flushing
- g) Weed control
- h) Increased fish passage
- i) Acid Sulfate Soil leachate flushing and neutralisation
- j) Manage inundation of agricultural land

## Floodgate Management

1. This Agreement is made in respect of the floodgate(s) identified above.
2. Tweed Shire Council has fitted a (winch / sluice gate / tidal gate)
3. The management of this floodgate is by the authority of the Council, acting in consultation with the stakeholders.
4. All stakeholders owning or occupying property adjoining the drainage channel or watercourse behind the floodgates and whose property may be affected by implementation of the plan, have been invited to be part of a Floodgate Management Group (signatories and contact details are listed in Attachment A). The Floodgate Management Group will include a Council representative (Floodplain Officer). This group may consist of an existing Drainage Union.
5. Any stakeholder objecting to the implementation of this Management Plan may lodge such objections with Council for its consideration.
6. Council has authorised the following persons to represent the Floodgate Management Group in the management of the floodgate:
  - iv. ....
  - v. ....



7. Council will advise the Floodgate Management Group in:
- viii. Clarification of the decision making process
  - ix. Identification of potential adverse impacts of floodgate operation and legal liability
  - x. Salinity, water quality, and habitat monitoring
  - xi. Access to tidal and meteorological information
  - xii. Emergency provisions
  - xiii. Reporting to Council (eg adverse effects, maintenance issues, hazard identification)

8. Gate Openings and closures

The modified floodgate will be set and adjusted by Council staff in consultation with the floodgate management group.

All decisions regarding the operation of floodgates will be made as follows.

Gates can be closed when:

- a. Local flooding of the area, either from rainfall, high tides or a combination of both is predicted
- b. A General Flood warning is issued by the Bureau of Meteorology
- c. Drain maintenance is being conducted and low drain levels are required
- d. Any adverse impacts are identified, either visually or, from the monitoring programme. In this instance the gates will be closed until the adverse effects are addressed and resolved
- e. Any unforeseen impact occurs which is likely to cause effects detrimental to the aims of active management. In this instance the gates will be closed until the adverse effects are addressed and resolved

The gate will be opened at the earliest opportunity after the closure trigger events have ceased.

9. Council Authorisation

Council owns the \_\_\_\_\_ floodgates (No. \_\_\_\_\_) and water control structures and is under no obligation to operate the structures during non-flood periods. It does so to assist the community and stakeholders. Council reserves the right to put aside this agreement if it considers such action is warranted.

This Floodgate Management Plan was endorsed by Council resolution passed on 6 / 07 / 2005 .

**Tweed Shire Council**

**Signed:**

**Signed:**

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**Name:**

**Name:**

**Position: Planning & Infrastructure  
Engineer**

**Position: Coordinator Natural Resource  
Management**

**Date:**

**Date:**

**Floodgate Management Group Representatives**

**Signed:**

**Signed:**

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**Name:**

**Name:**

**Date:**

**Date:**

