

Minutes

Minutes of the Floodplain Management Advisory Committee Meeting held Friday 21 June 2024

Venue: Murwillumbah Council Chambers, Murwillumbah Civic & Cultural Centre

Time: 9:15 am

Present:

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 (Dept of Climate Change, Energy, the Environment and Water) – Online

Peter Mair (Local Commander, NSW SES)

Alternates:

Jeremy Carpenter (Planning and Research Officer, NSW SES) - Online

Council Officers:

David Oxenham (Director Engineering)

Danny Rose (Manager Roads and Stormwater)

Leon McLean (Engineer Flooding and Stormwater) - Online

Angie Cousens (Engineer Infrastructure)

Denise Galle (Director Planning & Regulation) - Online

Doreen Hardwood (Enterprise Risk & Emergency Management Officer) – Online

Michelle Bernabe-Salazer (Community Liaison Officer)

Naomi Kenny (Administration Assistant – Engineering – (Minute Taker)

Guests:

Karen McPaul (NSW Reconstruction Authority)

Geoff Waterhouse (NSW Reconstruction Authority)

Apologies:

Max Boyd (Community Representative)

Jenna Ford (Community Representative)

Moved: Chris Cherry

Seconded: Felicia Cecil

Apologies were accepted unanimously **Carried.**

Acknowledgement of Country (read by Cr Cherry)

Declaration of Interests: Danny Rose declared that he is a Director of Floodplain Management Australia – conference discussion, Item 1 in General Business.

Ordinary Minutes of Previous Meeting:

Moved: Jenny Kidd

Seconded: Felicia Cecil

RESOLVED that the Ordinary Minutes of the Floodplain Management Committee Meeting held 24 November 2023 be accepted as a true and accurate record of the proceedings of that meeting.

Confidential Minutes of Previous Meeting:

Two Corrections made;

- incorrect agency name for Scott Moffett, now updated to; Department of Climate Change, Energy, the Environment and Water.
- correction on reason for previous meeting to go into confidentiality, being for

Local Government Act

This report is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

Moved: Chris Cherry

Seconded: Felicia Cecil

RESOLVED that the Confidential Minutes of the Floodplain Management Committee Meeting held 24 November 2023, as amended, be accepted as a true and accurate record of the proceedings of that meeting.

These motions were unanimously **Carried**.

Business Arising:

Land rezonings for residential purposes (confidential)

DR – Unconfirmed minutes and any recommendations made by this committee are referred to the Executive Leadership Team and elected Council for endorsement.

The recommendation from the confidential minutes of the previous meeting that “no more rezoning for residential purposes takes place in the Tweed Shire below the probable maximum flood level”, was amended and Council resolved that:

1. The Confidential Minutes of the Floodplain Management Advisory Committee Meeting held Friday 22 March be received, and

2. Council:

a) Notes the concerns of the Floodplain Management Advisory Committee with respect to the rezoning of further land below probable maximum flood level (flood prone land) in Tweed

Shire due to the enormous recovery costs and social impacts of major floods in 2017 and 2022.

b) Notes the unanimous recommendation made to Council in the Floodplain Management Advisory Committee that: No more rezoning for residential purposes takes place in the Tweed Shire below the PMF (Probable Maximum Flood) level.

c) Requests a workshop with the Floodplain Management Advisory Committee, staff and Councillors and an appropriate Department of Planning representative, on the possible ramifications of enacting the recommendation made by the Floodplain Management Advisory Committee to allow consideration of this as an option going forward in managing Tweed Shire Flooding risk.

To satisfy 2(c), Council will arrange a workshop for briefings and discussions from relevant agencies. Danny has spoken with colleagues in DEECCW (Duncan McLuckie from the floodplain management team), and also agency representatives from Department of Planning, Housing and Infrastructure. It is relevant that both agencies provide advice to staff and committee members. A meeting potentially proposed in late July / early August, most agency representatives will be online and Scott Moffett hoping to attend in person. Potential dates to be circulated to the committee.

CC – Would like the workshop to discuss mapping showing where the PMF levels are in the Tweed Shire and what consequence it would have if we were not able to do any development below that level, what areas we would be limited to and how that would affect our areas of growth.

DR – The purpose of this workshop is a briefing, to discuss the frameworks are in place from both the Department of Planning and the Flood team from DEECCW viewpoint. This will inform decision making for the risk management processes that follow the Flood Study adoption. No decisions will be made at the workshop. Urban zones and land releases will be highlighted. We can look at the difference between the 1% flood extent and the PMF extent in terms of the amount of land impacted and well as the difference in level.

Meeting Suspend standing orders – 9.30am

Moved – Robert Quirk (Chair)

Seconded – Chris Cherry

Motion unanimously **Carried**.

Resumed standing orders – 9.36am

Moved - Robert Quirk (Chair)

Seconded - Tom Rehfeld

Motion unanimously **Carried**.

Outstanding Actions/Resolutions:

Flood Risk Management Manual workshop (Scott Moffett, DCCEEW):

SM - New State Government Flood Risk Management Manual gazetted July 2023. Technical workshop to be held to discuss the manual and toolkit, planned for 2 July 2024 in Ballina, specifically for Council technical staff. Following this, Scott, Danny and Leon can brief Councillors and the Committee on the Manual, including guidelines on flood modelling and climate change and implications on Flood Risk Management in the Tweed.

DR – This is the last scheduled meeting of this committee due to the Council elections coming up in September – membership of this committee dissolves and will call for new members – current

members are encouraged to remain involved. Window running out for current committee to be educated on the Manual - preference to do so with the new committee later in 2024. General agreement from Committee members that briefing should be held over for the new Committee.

TR – When is the Manual effective from and is it retrospective to all studies that are currently in progress or only new studies?

SM – Last manual was gazetted in 2005, the fundamental philosophy of the Manual and guidelines is the same, this new Manual brings 20 years of extra data which looks at all rainfall and climate change recommendations. All studies from now on need to follow this manual, no changes to existing adopted studies will be required. The upcoming Coastal Creeks Study will definitely be produced under the new Manual guidelines.

Link to NSW Flood Risk Management Manual 2023:

<https://www.environment.nsw.gov.au/topics/water/floodplains/floodplain-manual>

DR – Danny Rose, Leon McLean, Angie Cousens & Colleen Forbes (Planning) will be representing Tweed Shire Council at the Workshop in Ballina on 2 July.

Outcomes of meeting with Rural Industries Stakeholders (DR)

DR - A meeting was held with rural stakeholders on 20 March 2024 to discuss concerns related to the Tweed Valley Flood Study Update and Expansion project.

Update on the agreed following actions - all correspondence committed to by Council has been sent and any responses received will be advised to the committee.

- a) Ask CSIRO if they can resource a parallel study to their Richmond project for Tweed and confirm timeframes for their Richmond flood study project – *letter sent this week under Director Engineering's signature to both CSIRO & NEMA re-enforcing the request.*
- b) Follow up with State and Federal MPs seeking NEMA funding through the responsible Minister for a Tweed CSIRO study – *letters sent out under the Mayor's signature this week.*
- c) Pursue grant funding for sensitivity analysis of LiDAR and bathymetry datasets to be received from CSIRO, expected in July 2024 – *Council have not received datasets from CSIRO, current advice is around 30 June 2024, our intent will be to incorporate into the risk management study.*
- d) Move quickly to a risk management study (TVFRMS) following adoption of the TVFS U&E – adoption of the flood study – *with the adoption of the TVFS U&E, Council has already put in a state grant program application to commence the risk management study which will include the sensitive analysis assuming we have the data sets to ensure we are working off the best possible flood data.*
- e) Build transparency into the review of all options in TVFRMS, including discounted options or things previously considered unviable – *future action.*

- f) Community participation in identifying and prioritising options in the TVFRMS be undertaken prior to the draft study formulation and exhibition – *future action*.
- g) Follow up on request to Transport for NSW for a 2022 Flood Impact Review for the M1 Pacific Highway (Tumbulgum, Chinderah, Burringbar, Mooball, Crabbes Creek) – *letter sent out this week under the Mayor's signature*.
- h) Table State Government ('Culleton' and 'MEMS') reports on rural floodplain drainage to Floodplain Management Committee – *discussed at the last meeting and committee recommended we wait for a response from NRJO submissions on those documents*.

JK – Concerns raised that when driving along Tweed Valley Way it appears that the major drainage structures under M1 are being obstructed by mature vegetation, now few outlets for clearing floodplain stormwater, asking can we check the floodplain has not blocked which could be a future problem.

DR – Suggests Tumbulgum Community Association write to Council with observations and concerns on this and then Council can send on to colleagues at Transport for NSW.

ACTION – Tumbulgum Community Association to write to Council asking Transport for NSW to have trees removed along the M1 where they are causing blockages of the stormwater structures.

Morning tea break 9.53am – 10am

Agenda Items:

1. Tweed Valley Flood Study Update and Expansion – adoption (Attachment C)

Flood Study Report hardcopies and USB handed out to the committee.

DR – Regular reporting over a number of years to this committee on this project, reinforcing how essential this flood study is. This is the document and the tool to underpin the whole risk management process going forward for the Tweed Valley (separate to the Coastal Creeks), it is going to be the reference point in the short to medium term. The study has been prepared by market leading consultants using the best available information and current best practice in the local and state government floodplain management industry. We take on board the community ideas around the CSIRO process, but assure the committee that the process used for the preparation for the TVFS is in line with the Manual and requirements of grant funding from the state. The process has been overseen by this committee as well as the technical sub-committee, which is made up of council officers, DEECCW and SES. This study has produced a modelling tool that is well collaborated against known flood events of different sizes and gives us confidence that the predictive models are as technically sound as possible, for different sized flood events, right up to the PMF and also for climate change scenarios into the future. They are predictions, models are always educated guesses and we have a lot of confidence in this model and it is a quantum leap from the 2009 flood study. We recommend to the committee the adoption of the TVFS today so we can then move on to the Risk Management Study.

LM – 64 submissions received during the public exhibition period including a few late ones which we were happy to include. Much of the feedback received related to concerns about future development and difficulties understanding a highly technical document. Various changes have been made in response to the feedback, to the models and the report, with expanded discussion on flood behaviour and to clarify information. This is the most detailed, comprehensive, highest resolution flood study we have ever done in the Tweed Valley; no flood study is ever perfect, but

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this one is “bloody good” and importantly it is fit for the purpose we need it for. The final report is now submitted for the committee’s consideration.

SM – Congratulate Tweed Shire Council on the undertaking of the flood study, as it is an enormous amount of work. The flood committee and strategic planners have been involved. The Tweed is a very complex catchment and we as practitioners and the committee are here to save lives, property, and critical infrastructure, that is not to be taken lightly, it is not something we do for fun, we do it because we are passionate, and we are looking at achieving these goals. I have reviewed this study word for word, and it sets a standard that will be followed consistently in the years to follow and with the coastal creeks study to come.

DR – Would like to acknowledge that the NSW State Government has paid 2/3 of the cost of the flood study, which allows all the good work that we do and bring back to the committee, acknowledging DEECCW and its predecessors in that process and we thank you.

CC – Doesn’t believe that the committee have had enough time to read through the study to be able to make a decision on the adoption of the flood study at this point in time. The submissions report should have been provided to the committee to read through and to see what the changes were in the document due to these submissions and what the public’s issues/objections were, so we can discuss how we have addressed them.

LM – referring to the imminent Climate Change consideration chapter update to ARR 2019 – eagerly awaiting the document’s release, we may consider an addendum to this study based on what information comes out in the final draft. Recommend we do not delay this study, we can run a separate supplementary body of work to consider the updates, if required.

SM – DCCEEW currently has a firm position on the draft ARR climate change parameters. The ARR is a national and well respected body that looks at rainfall runoff distributions, intensity frequency durations and climate change factors Australia wide – the draft paper ARR paper that has been written so far – DCCEEW are not 100% confident in that at this time. Not saying it is incorrect, but it is an Australian wide national approach, we need to be confident that it is fit for purpose for the dynamic weather systems we have here in North East NSW. DCCEEW position is to follow the climate change section in the 2023 Manual and would strongly encourage that all councils use the 2016 data until the draft ARR chapter has been released and other state bodies, such as key flooding and drainage people in DCCEEW have time to seriously review this in context of Northern NSW.

TR – We are trying to adopt what is essentially a technical document, I understand concerns that the majority of the community does not understand the technical details in this document, the community will never understand this document, trying to change it so the community understands it, they never will. I refer to this document as a model recalibration – they have updated the model to make it better, it is not something you give to the community. As part of this process, we do have to adopt it and we have to take the advice that on a technical level its correct and I can’t judge that. I can only adopt this based on the technical advice. Don’t worry about this document, the next one is the one the community want. The community are aware there is a flooding problem. We have to tell them what and how we are going to fix it. In my opinion, I am happy to adopt this document on the technical advisors’ saying this is the best they can do, I can accept that. Trying to make this a community facing document we are defeating what it is supposed to be, this is building a model so we can test scenarios.

At this point the committee discussed various possible motions and amendments to address the concerns from members that they had not received the submissions report or properly reviewed the flood study report. It was noted that the documents still needs to go through the elected Council, and there are no further scheduled meetings of the current committee.

MOTION –

The Committee agrees to provide their support or otherwise for adoption of the Draft Tweed Valley Flood Study Update & Expansion, via a flying minute, after they have been provided with the public submissions report and list of changes made. Replies to be received one week after receiving report.

Moved – Jenny Kidd

Seconded – Felicia Cecil

Motion unanimously **Carried**.

2. Flood Management Project Updates (LM)

Tweed Heads South Levee and Drainage Study – on pause awaiting revised outputs from the Tweed Valley study, expecting to be resolved in the coming weeks and then will continue.

Pump Station behind Dorothy/William Streets Levee (Murwillumbah Leagues Club) – Construction in progress.

Coastal Creeks Floodplain Risk Management Study and Plan – Procurement process to engage a consultant commenced, tenders are open, closing end July.

Mooball Creek Training Walls Repair – Engaged a contractor to execute the repair works to start in late July / early August. – expect to be completed by October.

Kingscliff Drainage Strategy – Consultant analysing mitigation options and strategies.

Grant Applications - in with DCCEEW for:

- Flood Recovery and Resilience Grants Program, Murwillumbah CBD Levee Spillway Upgrade.
- 2024/25 Floodplain Management Program: Tweed Valley Floodplain Risk Management Study and Plan Update.

3. NSW Reconstruction Authority Updates

- **NRRC Resilient Homes / Lands Program (Karen McPaul) – slideshow presentation provided (attached to minutes)**

Resilient Homes Program

Buy Back Stream total of 781 offers approved and 432 completed across Northern Rivers. Tweed Shire has 156 offers approved, 115 offers accepted and 73 purchases complete, with the others progressing.

Distribution of areas – >60% in South Murwillumbah, then Burringbar, Bray Park, Tumbulgum and Mooball. More discussions between Karen and Jenny offline concerning Tumbulgum.

Raise and Retrofit Stream – total of 332 engaged, 8 offers approved and 5 completed across Northern Rivers. Tweed Shire has 60 homeowners engaged, 1 offer approved and 1 completed. 18 homes have been assessed and reports to be received in the next 2 weeks. The majority are located in Chinderah.

JK – asked if property owners that moved early after the floods whilst earlier stages of the program were being rolled out, have those residents been re-visited who have already done works to their property, using their own funds?

KM – Yes, if homeowners are in the program and in prioritised areas, NSWRA have started to reimburse homeowners that have completed eligible works that are in line with the program.

State Budget announcement of \$525 million for Buy Back Raising and Retrofits – received advise that an extra \$90 million additional funding has been allocated for this scheme.

- Resilient Lands Program

Announced sites for suitable land development in the Northern Rivers (Southern Cross University, East Lismore & Mount Pleasant Goonellabah) and then also infrastructure investigations on other land suitable in Ballina, Richmond Valley and Byron area. The team is due for discussions with Tweed Shire next week. Hoping that a lot of our homeowners that have been brought back through resilient homes program will be prioritised for these new development sites.

- **NRRRP Projects (GW) – slideshow presentation shown**

36 projects across the Northern Rivers under the Northern Rivers Recovery and Resilience Program (NRRRP). \$150 million in funds from an emergency fund for these works.

Tweed Shire has 7 projects in the region. With additional agency funding the Tweed has \$10.3 million funding for these projects.

- 6 Flood Mitigation Projects:

1. Wharf Street Pump Station – Request for Tender next week
2. Dorothy/William Streets Pump Station (Murwillumbah Leagues Club) – under construction
3. Lavendar Creek Pump Station Upgrade – Out to tender
4. East Murwillumbah Levee – Request for Tender soon
5. Alma Street – In design
6. Lot 4 Quarry Road and modification of Condong Creek – Request for Tender in 2-3 weeks

CC – Concern that Tweed received less funding than most Northern Rivers Councils.

DR – not necessarily bad news, as it shows that we were further advanced with Flood Mitigation works and programs in line with past risk management plans and didn't need as much help as other areas.

GW – Agreed it reflects Tweed's maintenance and program schemes have been kept relatively up to date, funding is well earned and well deserved. Dorothy/Williams to be completed in September, another pump station in the market to tender and another three to be released. Positive local circular economy impacts expected. Most projects to be completed ahead of schedule.

RQ – Blacks drain, Condong Creek, confirming if works still going ahead?

DO – Confirmed that NRRRP (project 6 above) is working on a vacant block of land (Lot 4 Quarry Road) that Council brought several years ago due to it being included in the 2014 Flood Risk Management Plan. Works will modify the landform as it is a main flow path off the end of the airfield. We now have approval to include channel modifications to build a maintenance bench along the creek frontage to Lot 4, in accordance with the drainage management plan for Condong Creek which was done in collaboration with the Blacks Swamp Drainage Union. This adds to works already completed alongside the airfield. Remaining works are currently not funded by this NRRRP

program and Council is looking to opportunities for funding. Council has done work in formalizing some land tenure anomalies because land is externally owned. Council has resolved to create easements over the land and agreements with organisations to do so. If funding can come our way, further works can be completed.

David expressed gratitude to Geoff as this body of work has effectively come ahead of time, these items have been in the Flood Risk Management Plan for a number of years and has all of a sudden come to fruition because of \$150 million from the Federal Government and it is a really great outcome for the community. There is work we thought would almost never get done. These projects are off the back of the work of this committee.

Scott Moffatt – left the meeting at 11.42am

General Business:

1. Floodplain Management Australia National Conference, Brisbane 22-24 May 2024 (CC)

CC – Attended the conference and it was excellent. There were lots of discussions on land use planning and climate change, risk and hazard exposure and vulnerability - what flood risk is tolerable now and in the future. Believes there is benefit if flood experts could talk directly to planners as well. Would like to put forward the idea we recommend Council planners attend in the future.

DG – I have attended in past years when hosted more locally. They are incredibly beneficial, Tweed Shire Council is fortunate enough to have the staff that we do like of Danny, Leon and Angie who are absolute subject matter experts who do fantastic briefings with myself and the planners, the risk management approach to flooding then filters back to our strategic planning work once our risk framework has been undertaken, Not opposed to staff attending, but note under resourcing in the planning team at the moment, and the learnings from these events do filter down through the organisation.

MOTION

On the basis of feedback from the conference in Brisbane, that we recommend Council support planning staff attending these meetings.

Moved – Jenny Kidd

Seconded – Chris Cherry

Motion unanimously **Carried**.

2. Letter to FMAC from Mr Jeremy Cornford

DR – Letter shown with photographs from both 2017 and 2022 floods (attached to minutes). Catalysts for concerns related to his observations in 2022 regarding the DA for fill around Turnock Street and the S-Link proposal.

CC – Notes that the original fill application for Turnock St was approved by the court. More recent application to change the fill type. Was originally sand and now approved to be any type of fill.

TR – Questioned where the water was coming from in these photographs. Danny confirmed in a flood of this extent it is a combination of local flooding and riverine flooding. Riverine flooding breaks out through Chinderah and across the M1, backing up drainage systems and across the low parts of the floodplain into West Kingscliff. Local water from Cudgen Hill and rainfall on Kingscliff itself.

Denise Galle – left the meeting at 11.54am

FC – The Chinderah residents are not going to be convinced that continually filling of the floodplain in Cudgen/Chinderah is not having a detrimental effort on our lifestyle.

DR – Notes the committee's concerns and these are taken seriously when assessing development applications. The original Turnock Street application has gone all the way to the Supreme Court, and the recent DA has been refused by Council. There is a merit-based assessment and a lot of controls in place we are obliged to follow, while also looking at social and environmental impacts of development. As soon as the Flood Study is locked in, we can incorporate that information into the planning scheme, but we can't just jump ahead and change planning controls. We need to show the decision making process, and involve our planning teams, the community and development industry, who also need to be aware of those changes. There is no State Government policy that says, "no more floodplain development", that has been clarified by Dept of Planning. Terms of reference adopted by council for this committee say that the committee does not deal with individual DA matters, but the committee develops and consider strategies that are then fed into the development assessment process.

Letter and photographs to be circulated with the minutes.

3. General Discussions

Tweed Coast Waterways Committee asking to have a seat with this committee in the future. This could be accommodated by relevant Council staff, and/or committee nominations for the next term of Council.

Chair, Robert Quirk, thanked the current committee for the participation over the past three years, encouraged all to re-nominate again, as it is a very good working committee with great input, and I look forward to seeing you all again.

Next Meeting:

There is no further meetings of the current Floodplain Management Advisory Committee scheduled due to the end of term of Council. The committee will be re-constituted after the election and further meetings scheduled then.

However, the Flood Risk Management Manual briefing with DCCEEW agency staff is set for either 26 July or 2 August, open to all committee members, to be confirmed.

The meeting closed at 12:19pm.