

Ordinary Minutes

UNCONFIRMED Minutes of the Floodplain Management Advisory Committee Meeting held Friday 22 March 2024

Venue: Murwillumbah Council Chambers, Murwillumbah Civic & Cultural Centre

Time: 9:15 am

Present:

Voting Members:

Cr Chris Cherry (Mayor, Tweed Shire Council)

Max Boyd (Community Representative)

Felicia Cecil (Community Representative)

Jenna Ford (Community Representative)

Thomas Rehfeld (Community Representative) - online

Robert Quirk (Community Representative) (Chair)

Jennifer Kidd (Community Representative) - online

Scott Moffett (Dept of Climate Change, Energy, the Environment and Water)

Peter Mair (Local Commander, NSW SES)

Alternates:

David Bartlett (for Robert Quirk)

Jeremy Carpenter (Planning and Research Officer, NSW SES)

Council Officers:

David Oxenham (Director Engineering)

Danny Rose (Manager Roads and Stormwater)

Leon McLean (Engineer Flooding and Stormwater)

Angie Cousens (Engineer Infrastructure)

Denise Galle (Director Planning & Regulation)

Michelle Bernabe-Salazer (Community Liaison Officer)

Cheryl Jackson (Executive Assistant - Engineering)

Guests:

Geoff Waterhouse (NSW Reconstruction Authority)

Gareth James (NSW Reconstruction Authority)

Apologies:

Samuel Dawson (Community Representative) Stuart Russell (Senior Strategic Planner)

Doreen Harwood (Enterprise Risk & Emergency Management Officer)

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Acknowledgement of Country (read by Mayor Chris Cherry)

Minutes of Previous Meeting:

Moved: Cr Chris Cherry

Seconded: Felicia Cecil

RESOLVED that the 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.

The motion was unanimously **Carried**.

Declaration of Interests: Robert Quirk and David Bartlett declared a non-significant non-pecuniary interest in Agenda Item 6 Rural Drainage Reports.

Business Arising:

1. DCP-A3 amendments (DR)

There were zero public submissions and the revised DCP has now been adopted by Council.

21 March 2024 Council Report:

Amendments to Tweed Development Control Plan Section A3 - Development of Flood Liable Land

Action:

RESOLVED that Council:

1. Endorses Tweed Development Control Plan Section A3 - Development of Flood Liable Land Version 1.6 for adoption and implementation as exhibited.

2. Gives notice of the adoption and commencement of the above in accordance with the Environmental Planning and Assessment Regulation 2021.

3. Notes that the community have expressed deep concern with regards to development on flood liable land and advises that a comprehensive review of DCP A3 development on Flood Liable Land will commence later this year following the completion of the Tweed Valley Flood Study Update and Expansion Report with input from the Floodplain Management Advisory Committee and community and industry engagement.

2. Tweed Coastal Creeks Floodplain Risk Management Study and Plan Update (LM)

a. Input to Coastal Creeks Flood Study (TR)

The CBBRA Flood Mitigation Committee has done work in statistical analysis of flooding in the Cudgen Lake area. We also have other information including, but not limited to

- Lived experience of the 2022 floods*
- Anecdotal evidence of current and past flooding events*
- Statistical analysis of lake heights*
- Photos and other evidence of flood activity*

What is the process and timing to provide this information to the Flood Study?

LM presented a power point to discuss proposed updates to:

- Tweed Byron Coastal Creeks Flood Study
- Tweed Coastal Creeks Floodplain Risk Management Study

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Council is off the grant reserve list and a tender brief is to be drafted. Community input is required as the first step in the flood study update. Opportunity for community input into the options analysed in the risk management study will be provided. LM is very happy to accept input from FMC members, including CBBRA in advance. It was explained that consultation will be done in the second half of this year.

Appreciation was shown by Scott Moffett (DPE) for the efforts to meet the grant requirements, and noted the combined work of Tweed and Byron Councils to address the southern boundary of the study area..

Outstanding Actions/Resolutions:

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

There was a new State Government manual gazetted last year – the 2023 manual.

Information sessions are being planned to aid the roll out of the manual and toolkit. The first priority is to work with technical staff. After this, a workshop will be held at the higher level for Councillors and community representatives. All northern NSW and inland Councils will be offered workshops. Once programs are agreed upon, information will be disseminated.

Agenda Items:

1. Tweed Valley Flood Study Update and Expansion – public exhibition (LM)

Outcomes from meeting with rural industries' stakeholders 20 March 2024 (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.

At the meeting it was agreed that the following actions would be put to the Floodplain Management Committee:

- Ask CSIRO if they can resource a parallel study to their Richmond project for Tweed and confirm timeframes for their Richmond flood study project.
- Follow up with State and Federal MPs seeking NEMA funding through the responsible Minister for a Tweed CSIRO study.
- Pursue grant funding for sensitivity analysis of LiDAR and bathymetry datasets to be received from CSIRO, expected in July 2024.
- Move quickly to a risk management study (TVFRMS) following adoption of the TVFSU&E.
- Build transparency into the review of all options in TVFRMS, including discounted options or things previously considered unviable.
- Community participation in identifying and prioritising options in the TVFRMS be undertaken prior to the draft study formulation and exhibition.
- 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).

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- Table State Government ('Culleton' and 'MEMS') reports on rural floodplain drainage to Floodplain Management Committee.

Moved: Jenna Ford

Seconded: Felicia Cecil

RESOLVED that the outcomes from meeting with Rural Industries' Stakeholders 20 March 2024 be accepted

The motion was unanimously **Carried**.

From 30 January 2024 through to 17 March 2024 the Tweed Valley Flood Study Update and Expansion project was on public exhibition. Seven community information sessions were held and a variety of materials and media prepared. Roughly 70 submissions have been received in which some really good feedback has been provided. The study will now be amended, a report finalised, to be presented back to FMC, after which a Council Report will be created.

FC mentioned that the Kingscliff session could have been managed better, as there was some disappointment raised by attendees at this meeting. The caravan residents wanted some dialogue. It was explained that these sessions were information based only, in which not all answers were available. The intent was only to bring people to discuss the study face-to-face. However, this feedback will be taken on board.

It was raised that historically caravan parks were temporary holiday use only but are now mostly permanent residences, a situation that has been created by caravan park owners. It was explained that Council does get pressure to approve further flood-prone caravan parks, especially during the current housing crisis. This is a complex multi-faceted problem in which at risk people are acknowledged.

When finalising this matter, DCCEEW and SES questioned whether they were voting members. It was confirmed from Terms of Reference that both agencies were voting members. This can be reviewed for the next term of the committee following the September Council elections.

2. Flood Mitigation Project Updates

Pump Station behind Dorothy/William Streets Levee (Murwillumbah Leagues Club) Contract has been awarded. Design is now being finalised with construction due to commence in May 2024.

Additional Flood Monitoring Cameras – there are 6 preferred locations identified. Crabbes Creek Road (first causeway), Wooyung Road (floodplain crossing west of fruit stall), Clothiers Creek Road (floodplain crossing just east of Pacific Highway), Fingal Road (just South of Wommin Lagoon inlet), Terranora Road (just North of Dulguigan Road intersection), Kennedy Drive (at Pyramid Holiday Park entrance).

CC asked if Pottsville Road was considered. It was, but it didn't make the first version of the priority list.

Tweed Heads South Levee and Drainage Study - Flood study component nearing completion. Risk management options commencing soon. Likely to be an agenda item at a future FMC meeting.

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3. NSW Reconstruction Authority Updates

- a. NRRC Resilient Homes / Lands Programs
- b. State Disaster Mitigation Plan

Geoff Waterhouse (Reconstruction Authority):

There are 36 projects in progress under the Northern Rivers Recovery and Resilience Program (NRRRP). Including 4 x Murwillumbah pump stations:

- Wharf Street
- Dorothy/William Streets
- Lavender Creek
- East Murwillumbah

Floor level surveys: Survey data collection package is out to tender. 13,000 high risk data points across all Northern NSW Councils, that are due in June 2024.

Scope for works on Quarry Road earthworks project is in progress

Evacuation Routes – collating data on specific LGAs for May 2025 deliverables, to add to the existing LGAs data.

DO highlighted the positive impacts of these projects, and expressed appreciation to Federal and State government grants. TfNSW is also conducting a project for road resilience, looking at how to maintain road connectivity under all natural hazards. Discussions are currently being held with TfNSW to ensure there isn't an overlap on projects.

Gareth James (Reconstruction Authority):

Working with other Councils on the Resilient Homes Programs

Resilient Lands Program land release for Lismore announced.

Resilient Homes Program: There were questions raised on criteria confusion, appeals and the lack of communication. Gareth will provide information on the number of successful applicants, and explained that prioritisation was done on the risk analysis. If residents would like to appeal there is initially an internal review (soft appeal). There are lengthier appeal processes outside of the organisation. Suggestion from Tumbulgum Community Association that more communication needs to be given to the community. Gareth will talk to his team about more communication for TCA. JK is to put her concerns in writing and Gareth can forward these questions on. Tumbulgum residents have issued an invitation for someone to speak to them. Gareth will also provide a figure on how many people require assistance in total, from the 2022 floods.

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Confidential session (11:20 am – 11:50 am)

Refer to Minutes of the Confidential Floodplain Management Committee Meeting held 22 March 2024.

Please refer to General Business No. 1 in the Confidential Floodplain Management Committee Minutes 22 March 2024. This matter was discussed in a Confidential Session for the following reasons:

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:

- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

4. Grant Applications

- a. Flood Recovery and Resilience Grants Program (just closed): Murwillumbah CBD Levee Spillway Upgrade.
- b. 2024/25 Floodplain Management Program: Tweed Valley Floodplain Risk Management Study and Plan Update.
- c. Round 2 Disaster Resilience Fund: Tweed Valley Flood Study Update and Expansion Sensitivity Analysis – CSIRO LiDAR and Bathymetry Datasets.

Moved: Max Boyd

Seconded: Felicia Cecil

RESOLVED that the information provided about the grant applications be accepted.

The motion was unanimously **Carried**.

5. NSW Planning Circular PS24-001

Update on addressing flood risk in planning decisions (Attachment B) and how we do Floodplain development.

The circular was issued on 1 March 2024 and was in response to the 2022 NSW Flood Inquiry. The intent was to provide policy updates and to clarify political statements. This document sets out the planning framework Council is to follow. Instead of a removal of development rights, a risk approach applies. The intent is not to stop floodplain developments. There are some benefits to developments, however a level of assessment is required – for example, is the flood risk acceptable?

Council is to keep on doing what we have been doing for many years and is to develop a disaster adaptation plan, once guidelines are released by NSWRA mid 2024.

It was questioned whether Council can still do their own assessments outside of the planning circular guidance. The key is to work closely with the multiple stakeholders/experts and consider impacts like insurance. The Committee felt Council should be encouraged to take a lead and not to repeat mistakes.

Scott Moffatt – left the meeting at 12:15pm

6. Rural Drainage Reports (Attachments C, D, E)

Two NSW State Government reports.

Culleton Report – Northern Rivers' Agricultural Drainage Review
11 Findings and Recommendations dealing with:

Barriers to maintenance

- Insufficient investment
- Regulatory complexity
- Tensions over climate change

Opportunities to simplify the Regulatory Framework

- Streamline processes in existing framework
- Councils assume more responsibility
- Responsibility vested in a single agency

MEMS Report – Marine Estate Management Strategy, Coastal Floodplain Drainage Project
Options Report.

On exhibition to 19 February 2024 - 21 April 2024.

Focusses on addressing approval complexities for rural drainage.
There has been stakeholder consultation.

Discussed the NRJO response:

- 29 February 2024
- Critical of consultation – limited input on options.
- Limited value to Councils.
- Add additional regulatory complexity.
- Does not consider Culleton Report findings and recommendations.
- Strong concerns from rural stakeholders.
- Request consultation not proceed on MEMS Report.
- Replace with processes to implement Culleton Report.

It is noted that Cr Chris Cherry (Mayor) is on the NRJO.

Chris Cherry and Gareth James left at 12:33 pm

The committee agreed to wait on the outcomes of the NRJO submission. Concerns were raised that Tweed is good at what they do in rural floodplain management and they shouldn't be put into the same category as all other councils. For example, RQ stated that Tweed has had 12 acid sulphate studies and Tweed leads the world in this regard.

General Business:

Link to NSW Flood Risk Management Manual 2023:

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

FC requested that Council hold annual forums to educate residents about flooding. DR suggested that the committee park this request for the time being, as there is an education program that will soon be rolled out by NSWRA under the NRRRP, that may overlap this request.

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Next Meeting:

The next meeting of the Floodplain Management Committee Meeting will be held Friday 21 June 2024.

The meeting closed at 12:41pm.