

Notice of Meeting

Floodplain Management Advisory Committee Meeting

A Floodplain Management Advisory Committee Meeting of
Byron Shire Council will be held as follows:

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 16 June 2022
Time	2.00pm

Phillip Holloway
Director Infrastructure Services

I2022/696
Distributed 09/06/22



CONFLICT OF INTERESTS

What is a “Conflict of Interests” - A conflict of interests can be of two types:

Pecuniary - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

Non-pecuniary – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Code of Conduct for Councillors (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

Remoteness – a person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in the Code of Conduct for Councillors.

Who has a Pecuniary Interest? - a person has a pecuniary interest in a matter if the pecuniary interest is the interest of the person, or another person with whom the person is associated (see below).

Relatives, Partners - a person is taken to have a pecuniary interest in a matter if:

- The person’s spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

N.B. “Relative”, in relation to a person means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person’s spouse;
- (b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

No Interest in the Matter - however, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body, or
- Just because the person is a member of, or is employed by, the Council.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
 - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or

- (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

No Knowledge - a person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Non-pecuniary Interests - Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as of the provisions in the Code of Conduct (particularly if you have a significant non-pecuniary interest)

RECORDING OF VOTING ON PLANNING MATTERS

Clause 375A of the Local Government Act 1993 – Recording of voting on planning matters

- (1) In this section, **planning decision** means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:
- (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
- (b) not including the making of an order under that Act.
- (2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- (3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- (4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
- (5) This section extends to a meeting that is closed to the public.

BYRON SHIRE COUNCIL
BUSINESS OF MEETING

1. APOLOGIES

2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

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ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

Report No. 3.1 Adoption of Minutes from Previous Meeting

Directorate: Infrastructure Services

5 **Report Author:** Shelley Flower, Executive Assistant IS

File No: I2022/586

10 **RECOMMENDATION:**

That the minutes of the Floodplain Management Advisory Committee Meeting held on 21 April 2022 be confirmed.

15 **Attachments:**

1 Minutes 21/04/2022 Floodplain Management Advisory Committee, I2022/388 , page 7 [↓](#)

Report

The attachment to this report provides the minutes of the Floodplain Management Advisory Committee Meeting of 21 April 2022.

5 Report to Council

The minutes were reported to Council on 26 May 2022. **Comments**

In accordance with the Committee Recommendations, Council resolved the following:

22-226: Resolved that Council notes the minutes of the Floodplain Management Advisory Committee Meeting held on 21 April 2022.

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STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 4.1 Byron Shire Council Flood Risk Management Plan-Actions and Accomplishments

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Directorate: Infrastructure Services
Report Author: Scott Moffett, Drainage & Flood Engineer, IS - Works - Infrastructure Planning
File No: I2022/632

10 **Summary:**

Council has adopted three sets of Flood Risk Management Studies (FRMS) and Plans (FRMP) for the shires three main catchments. These are:

- Brunswick River Catchment (North Byron)
- Tallow Creek Catchment
- Belongil Creek catchment

15

A summary of prioritised actions has been prepared based on the outcomes of the three adopted Flood Risk Management Plans

20

RECOMMENDATION:

That Council note the current Byron Shire Council Flood Mitigation Program, attachment 1 (E2022/52007), and the Floodplain Management Advisory Committee receive a further report with all actions prioritised as per discussion with the committee.

25

Attachments:

- 1 BSC Flood Mitigation Program, E2022/52007 , page 14 [↓](#)

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Report

Council has adopted three sets of Flood Risk Management Studies and Plans for the shires three main catchments. These are:-

- Brunswick River Catchment (North Byron);
- 5 • Tallow Creek Catchment; and
- Belongil Creek catchment.

The Brunswick River Catchment is drained by three major tributaries, Marshalls Creek (North Arm), Simpsons Creek (South Arm) and the Brunswick River (West and Main Arm).

10 A North Byron detailed flood study and subsequent FRMS and FRMP were developed and adopted in 2020. The FRMP listed 25 recommended actions with associated priority rankings.

15 The Tallow Creek Catchment is drained by Tallow Creek and receives a large proportion of the urban Suffolk Park district runoff. A detailed flood study and subsequent FRMS and FRMP were developed and adopted in 2009 with an update being adopted in 2015. The FRMP listed 24 recommended actions with associated priority rankings. Tallow Creek opens to the ocean and is known as an intermittently closed and open lagoon system (ICOLL).

20 The Belongil Creek Catchment is drained by Belongil Creek and receives a large proportion of the urban Byron Bay central business district runoff in addition to wetland and agricultural runoff. A detailed flood study and subsequent FRMS and FRMP were developed and adopted in 2015. The FRMP listed 10 recommended actions with associated priority rankings. Belongil Creek opens to the ocean and is known as an intermittently closed and open lagoon system (ICOLL).

25 A summary of prioritised actions has been prepared based on the outcomes of the three adopted Flood Risk Management Plans, as per attachment 1 (E2022/52007)..

Key issues

Several key issues have been identified that will impact the delivery of the flood mitigation program. These include, however, not limited to:-

- 30 • Available budget-Council budgets are limited. It is likely that grant funding will be required to financially assist Council with delivery;
- Timing and community expectations-Following the recent 2022 flood natural disaster the community expect a quick delivery of the actions. Realistic delivery programs will need to be communicated effectively with the community highlighting budgetary and resource constraints; and
- 35

- Local Council and State responsibilities- Following the recent 2022 flood natural disaster the community has an expectation that Council can undertake any and all works. This is sometimes not the case with many actions the responsibility of various state departments such as SES, Crown, Marine Parks, Fisheries and the National Parks and Wildlife Services. Realistic delivery programs will need to be communicated effectively with the community highlighting budgetary and resource constraints.

Next steps

Further prioritisation of actions, budget sourcing and delivery program development. The committee may recommend prioritise at the meeting and further prioritised report provided.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.1: Provide a road network which is safe, accessible and maintained to an acceptable level of service	1.1.6: Provide stormwater infrastructure to manage flood mitigation, social and environmental outcomes	1.1.6.1	Review and update 10 year Stormwater Levy program

Recent Resolutions

Not Applicable

Legal/Statutory/Policy Considerations

Not Applicable

Financial Considerations

It is likely that grant funding will be required to financially assist Council with delivery

Report No. 4.2 Byron Bay Drainage Upgrade Project

Directorate: Infrastructure Services

Report Author: Scott Moffett, Drainage & Flood Engineer, IS - Works - Infrastructure Planning

5 **File No:** I2022/633

Summary:

Council have been successful in obtaining Commonwealth grant funding to deliver the Byron Bay Drainage Strategy Design (Total funding value \$1.282M).

10 The tender document has been prepared for the design phase and will be released in mid June 2022.

RECOMMENDATION:

15 **That Council notes the current progress of the Byron Bay Drainage Strategy and the Floodplain Management Advisory Committee receive a further report with a consultation plan for the project.**

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Report

The Byron Drainage Strategy will design the town centres flood mitigation plan and the prioritisation of stormwater drainage infrastructure upgrades.

5 The Strategy will include a technical assessment of work to date, model updates and modelling to prepare concept drainage layouts. Understanding, and resolving social and environmental conflicts, key stakeholder inputs. Once a concept layout is complete detail survey will be completed and detail designs prepared. Upon completion the project will be construction ready.

10 The Strategy will detail a drainage system adaptable to future projected sea-level rise, ocean storm surges and increased rainfall intensities associated with climate change. It will also provide updated information to the NSW State Emergency Service to effectively prepare and implement local flood plans to deal with flood emergency response within the Byron Bay town centre.

15 The request for tender will be released in the month of June 2022 with the project due to commence in August 2022.

Next steps

The following will be undertaken in 2022:

- Request for Tender release
- Consultancy engagement
- 20 • Data collection
- Initial survey commencement
- Initial model development
- Reporting to the Floodplain Management Advisory Committee

Strategic Considerations

25 **Community Strategic Plan and Operational Plan**

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.1: Provide a road network which is safe, accessible and maintained to an acceptable level of service	1.1.6: Provide stormwater infrastructure to manage flood mitigation, social and environmental outcomes	1.1.6.1	Review and update 10 year Stormwater Levy program

Recent Resolutions

Not applicable

Legal/Statutory/Policy Considerations

Not applicable

5 Financial Considerations

\$1,282,000 in funding is available. \$1,080,000 in grant funding (Preparing Australian Communities) and \$220,000 in Council funding.

Consultation and Engagement

10 A consultation plan will be prepared with Council's Comms team to ensure the project consults with the committee and community appropriately.

Report No. 4.3 Capricornia Canal and Marshalls Creek

Directorate: Infrastructure Services

Report Author: Scott Moffett, Drainage & Flood Engineer, IS - Works - Infrastructure Planning

5 **File No:** I2022/636

Summary:

Cr Asren Pugh recently raised a Notice of Motion detailed below.

10 *“Refers the requests raised by the North Byron Shire community regarding dredging the Capricornia Canal and Marshalls Creek to Council’s Water and Sewer Advisory Committee, Coastal and ICOLL Advisory Committee, and Floodplain Management Committee with a view to consider the requests; in particular the option of removing the Marshalls Creek rock walls at Brunswick Heads and its potential to reduce siltation of Marshalls Creek”.*

15 This report reproduces Council staff response to the Notice of Motion (refer File Number I2022/498) and facilitates further discussion by the Flood Advisory Committee.

RECOMMENDATION:

20 **That the Floodplain Management Advisory Committee receive a further report with a proposed scope that includes recommendation received from the committee.**

Report

Council have resolved that Council's Floodplain Management Advisory Committee and Coastal and ICOLL Advisory Committee consider the requests raised by the North Byron Shire community regarding dredging the Capricornia Canal and Marshalls Creek with a view to consider the requests; in particular the option of removing the Marshalls Creek rock walls at Brunswick Heads and its potential to reduce siltation of Marshalls Creek.

Flood Risk Management Options (Dredging and Removal of Rock Walls)

The North Byron Floodplain Management Study notes the following on page 109 and can be found at <https://www.byron.nsw.gov.au/files/assets/public/hptrim/land-use-and-planning-planning-strategies-working-documents-north-byron-coastal-creeks-flood-study/e2021-43013-north-byron-floodplain-risk-management-study-web.pdf>

Option MC – Marshalls Creek Dredging at Ocean Shores

Option MC investigates dredging along Marshalls Creek. The option is modelled assuming the river bed was lowered by 0.5 m from just to the east of the Pacific Motorway Bridge near Billinudgel down to the confluence of Marshalls Creek with Brunswick River (approximately 7.5 km). Diagram 32 shows the location and extent of dredging along Marshalls Creek.



Diagram 32: Option MC - Marshalls Creek Dredging.

Option MC Preliminary Results

Preliminary results for MC show a maximum decrease in flood levels of potentially up to 0.05 m in Ocean Shores and New Brighton and 0.01 m in South Golden Beach.

Due to the limited impact on flood behaviour, and the likely considerable economic and environmental impacts, this option is not recommended for further consideration.

5 It is not unusual for dredging to provide limited if any flood mitigation results when modelled. This is usually because it does not create more storage or a mechanism to greatly alter flood levels because the dredged area fills with water and only allows for an increase in flow velocities. Further it can fill in again quite quickly with sediment moving in the creek system.

A number of rock wall alterations were also modelled in the study, none provided a level of flood mitigation that resulted in them being a recommended action in the Floodplain Management Plan. Further details can be found from page 102 of the above document.

10 The Brunswick Estuary is a system dominated by ocean processes in the lower reaches, like all the Shire's estuaries/ICOLLs. There is a constant push of sand into the lower reaches due to the high littoral drift of sediment up the coast from south to north. This is evident in the formation of bars within the entrance. As such, lower catchment flood levels tend to be dominated by ocean levels.

15 Dredging campaigns in the Brunswick Estuary have historically been undertaken to improve the navigability of the estuary entrance for the commercial fishing fleet. Generally, the benefits have been short-lived with the dredging channels quickly filling in due to sediment deposits from the high littoral transport system along the coastline. Dredging activities have, however, changed the tidal prism of the Brunswick Estuary and have therefore altered the salinity regime, increased turbidity, and reduced areas of
20 important habitat, such as shallow water, seagrass and intertidal mud banks. The ecological value of the estuary is unique falling within the Cape Byron Marine Park, and the impact of dredging to this waterway would be significant.

25 The North Byron Floodplain Management Study was developed by a reputable consultant with expertise in flood modelling and flood risk management. The development of flood plans follows a step by step process in accordance with the State Government Flood Manual and close consultation with experts within the flood department. The inclusion of options within a Flood Management Plan is based on robust science, modelling, sensitivity testing and expert knowledge.

30 Staff are aware that historical / legacy issues arise each time there is a flood event and our community has been significantly impacted, however to pursue management options that have already been assessed through a robust scientific process and deemed unfeasible results in loss of focus and distraction from implementation of actions in an endorsed Plan.

Recommended Investigation

35 A recommended action from the North Byron Floodplain Management Plan is *to Develop a sediment transport model to investigate modification to the rock walls, as part of the Coastal Management Program for the Brunswick Estuary*. This modelling is aimed at managing sedimentation from an estuary health perspective not flood mitigation.

40 Council is in the process of preparing Coastal Management Programs (CMPs) for its parts of the Byron Shire coastline, prioritising the Open Coast and ICOLLs in the four-stage process set out to develop the long-term strategy. Council has not yet commenced the development of a CMP for the Brunswick Estuary.

5 However, as part of Council's preparation of CMPs for the Open Coast and ICOLLs, the Byron Shire Coastal Hazard Assessment, currently underway, which will cover the entire spatial extent of the Shire's coastline and will inform the CMP. A key task of the Hazard Study is the development of a quantified conceptual sand transport model for the coastal zone. The preparation of sand transport model will include detailed assessment of:

- coastal geomorphology and geophysical setting
- marine and shoreline sediments
- wave climate and coastal processes
- time history of anthropogenic changes along the coastline (including minor and major works such as the Brunswick River training works)
- sediment budgets and the influence of natural and anthropogenic changes on sediment sources and sinks (sediment gains or losses determine whether shorelines will either erode or accrete).

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Development of the sediment budget requires consideration of the various possible sources of sand, transport pathways, sinks, and agents of transport. The Brunswick River entrance is a known key source and sink of sediment which will be assessed in detail through this analysis as part of the study. Development of a quantified conceptual sand movement model is important as it focuses on sand transport (or sediment transport) and the key drivers that govern the processes of sand movement. The forcing agents (where does the sand come from and how?) will also be considered in the context of a changing climate. Understanding sediment transport is essential to inform decision making on potential coastal management options to address coastal hazards and/or key issues such as sedimentation.

25 Council has not yet commenced the development of a CMP for the Brunswick Estuary. Stage 1 of development of the CMP process comprises a Scoping Study to:

- collate existing information on the study area;
- carry out stakeholder and community engagement;
- understand values and management issues (i.e. such as community concerns regarding sedimentation of Marshalls Creek);
- identify any information gaps; and
- outline studies required to be carried out to inform the later stages of the CMP development.

35 It is not until Stage 3 of the CMP process where management options are identified and evaluated through risk assessment and cost, benefit analysis. Any management options such as dredging or rock wall alterations (to deal with sedimentation issues) would need to be supported as a feasible option in Stage 3 for inclusion in a CMP before it could proceed.

Key issues

40 The process followed in the North Byron Floodplain Management Plan has not resulted in the broader community accepting that dredging or rock wall changes will have limited impact on flood levels.

Options

1. Do nothing.
2. Complete further studies.

Next steps

- 5 It is proposed to discuss at the committee meeting the following questions:
 1. Why haven't the outcomes of the North Byron Floodplain Management Plan been accepted by the community?
 2. Should we do further complete further studies?
 3. If further studies were completed, what should be included in the scope?

10 Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
Community Objective 3: We protect and enhance our natural environment	3.3: Partner to protect and enhance the health of the Shire's coastlines, estuaries, waterways and catchments	3.3.1: Implement Coastal Management Program	3.3.1.1	Continue preparing a Coastal Management Program (CMP) in accordance with the staged process for Cape Byron to South Golden Beach

Recent Resolutions

No Applicable

Legal/Statutory/Policy Considerations

15 Not applicable

Financial Considerations

Development of a conceptual sand/sediment transport model is part of the Byron Shire Coastal Hazard Assessment is not funded. Any other studies are currently unfunded.

20 Commencement of a Coastal Management Program for the Brunswick Estuary is currently unfunded. However, the planning of this process may commence in the 2022/23 FY pending funding and staff capacity.

Estimating the costs of further studies is difficult without a clear scope.

Consultation and Engagement

Extensive consultation and engagement was undertaken during the public exhibition stage of the North Byron Flood Risk Management Study and Plan prior to adoption in 2020.

Report No. 4.4 Byron Shire Post 2022 Flood Analysis Update

Directorate: Infrastructure Services

5 **Report Author:** Scott Moffett, Drainage & Flood Engineer, IS - Works - Infrastructure Planning

File No: I2022/651

Summary:

10 Following the recent flooding and rain events, Council has been working closely with State Emergency Services (SES), the Department of Planning & Environment (DPE) and specialist flooding consultants to undertake a post events data collection and summary report.

This report provides a summary of actions and ongoing activities for discussion by the Floodplain Management Advisory Committee (FMAC).

15

RECOMMENDATION:

20 **That Council notes the report and the Floodplain Management Advisory Committee continue to receive progress reports on the Post 2022 Flood Analysis.**

Report

5 Following the recent flooding and rain events, Council has been working closely with State Emergency Services (SES), the Department of Planning & Environment (DPE) along with specialist flooding external consultants to undertake a post event/s data collection and summary report.

Council initiated the first phase internal post event survey protocols immediately following the recent events. Council's Flooding and Drainage Engineer was contacted by SES to collaborate in obtaining post event survey marks.

10 SES contracted Public Works Advisory (PWA) to provide survey resourcing across the Byron Shire. DPE then became involved to oversee the data collection. Council's Flooding and Drainage Engineer worked closely with SES, DPE and PWA to isolate the areas of interest with a focus on the main urbanised areas of the shire.

15 Post event survey has now been completed and SES, DPE and PWA, along with Council are currently collating the data and undertaking quality assurance checks. This data will be available for use by Council in the coming weeks. Survey has covered the Brunswick River, Belongil, Tallow Creek catchments and Bangalow.

20 Council then initiated the second phase of post event survey protocols. This has involved releasing media alerts to all shire residents to ask for assistance with collection of additional private property survey. This initiative has been very successful with over 200 responses received so far and more coming in every day. Council has mobilised survey resources to begin the final stage of the survey involving surveying private property recorded flood marks. The scope, timing and funding arrangements have now been negotiated with various Government departments and authorities together with Council.

25 Council contacted DPE to initiate a post event technical analysis. Following discussions with Council's Flooding and Drainage Engineer, DPE agreed to fund all the post event technical analysis.

30 The post event technical analysis will cover the Brunswick River, Belongil, Tallow Creek catchments and Bangalow. Consultants WMA have been commissioned by DPE for the Brunswick River catchment and BMT have been commissioned by DPE for the Belongil and Tallow Creek catchments. QIT, Council Emergency Dashboard provider have also been commissioned to undertake a post event analysis of Councils flood warning system.

There is a large amount of works involved to complete the post event technical analysis and current estimates from DPE and consultants is likely to take two to three months as a minimum.

35 Council staff will provide a digital GIS presentation of all post event survey information gained to date at the committee meeting.

Key issues

- Timing of works (reliance on DPE and third-party consultants)
- Privacy of data

Next steps

- 5
- Quality assurance and sorting of phase one survey data
 - Process survey for phase two data collection
 - Review draft post event technical analysis
 - Finalise reporting and report back to the Floodplain Management Advisory Committee

10 **Financial Considerations**

- Council's Flooding and Drainage Engineer's time and resource allocation
- All other activities are fully funded by DPE and SES (approx. \$150 000)

Consultation and Engagement

- 15 Community consultation has been in the form of digital flood survey mark requests via media releases and Council's website.

Report No. 4.5 Voluntary House Raising

Directorate: Infrastructure Services

5 **Report Author:** Scott Moffett, Drainage & Flood Engineer, IS - Works - Infrastructure Planning

File No: I2022/686

Summary:

Council has applied under the Department of Planning and Environment 2022-23 Floodplain Management Grant for Voluntary House Raising funding.

10 Under this program, state government provide two thirds funding with a remaining one third contribution required. The following provides an overview of the program, draft guidelines and proposes that the landowner provides the remaining one third funding contribution.

15

RECOMMENDATION:

That Council support:

- 20 1. **The Draft Byron Shire Council Voluntary House Raising Scheme Guidelines Attachment 1 (E2022/29988) being placed on public exhibition as per Council policy;**
- 25 2. **The benefiting landowner being responsible for the one third funding contribution under the NSW Floodplain Management Program Voluntary House Raising funding grant**
- 30 3. **That for any approved Voluntary House Raising dwellings, Council's development applications fees be waived in order to minimise the costs related to these essential works**
- 35 4. **The Floodplain Management Advisory Committee receive a further report that maps and details the number of houses across the shire with floors levels below the 100 year flood level that are ineligible for funding under the NSW Floodplain Management Program Voluntary House Raising funding grant and the number houses with floors between the 100 year flood level and the probable maximum flood**

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Attachments:

- 1 BSC Voluntary House Raising Scheme - DRAFT Guidelines, E2022/29988 , page 35 [↓](#)

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Report

5 Each year, the Department of Planning and Environment Floodplain Management Grant for Voluntary House Raising funding supports local government to manage flood risk. The main aim of the NSW Floodplain Management Grant Program is to reduce the impact of flooding and flood liability on communities and reduce the damage floods cause using environmentally friendly methods.

Within this program is the opportunity to apply for Voluntary House Raising (VHR) further information can be found here [Floodplain management grants | NSW Environment and Heritage](#)

10 Council has applied for VHR, under the 2022-23, round and will continue in future years. If successful, Council will manage and administer the VHR Scheme. The grant outcome is anticipated to be known in November 2022.

15 The VHR scheme is aimed at reducing flood damage to houses by raising the habitable floor level of individual buildings, therefore, reducing the economic and social burden of flooding on the community and government.

Benefits of VHR include:

- reduced flood damage to houses and their contents
- reduced personal loss, stress and post-flood trauma
- reduced frequency of household disruption
- 20 • reduced clean up after floods
- improved safety (if isolated)

A VHR scheme is part of an overall floodplain risk management strategy for the Byron Shire rather than a stand-alone program.

To be eligible for consideration under the VHR scheme properties need to be:

- 25 • With floor heights below the Flood Planning Level (0.5 metres above the 1% predicted flood level)
- Not identified in a designated Voluntary House Purchase area
- Constructed prior to 1986
- Constructed of a material that is suitable for raising (i.e., wood, not brick)

30 Funding is available on a 2:1 basis. The NSW Government will fund two-thirds of the eligible cost of raising the dwelling and it is recommended that the property owner is responsible for the remaining one-third of costs.

35 Council is unable to financially contribute the remaining one-third to the VHR scheme as the raising is not being undertaken in compensation for other flood mitigation works, and the private owner of the property receives significant benefit from the raising of their house in the form of reduced flood exposure and potential increased property value.

5 Based on feedback from Council's working within the VHR Scheme, it is likely to cost approximately \$150,000 to raise a house; this is dependent on the size of the house, location, materials, labour availability and design. It is also recognised that due to the severe and wide-reaching impacts of the 2022 Storm and Flood event and the COVID-19 building boom within the Northern Rivers, that contractors and materials may be hard to source and further increase costs and or delays.

Inclusion of a property within the VHR Scheme is not necessarily confirmation that the property will be eligible for access to State Government funding. Further checks against the VHR Guidelines will be undertaken at the application stage for each property.

10 Attachment 1 (E2022/29988) details how the Voluntary House Raising Scheme will be managed and recognises that is entirely voluntary and properties are under no obligation to participate.

15 The owner of the property is responsible for managing the various activities associated with the actual raising the dwelling. Council officers will provide oversight, guidance and administration of the VHR scheme.

The property owner is responsible for:

- Gaining the relevant development approvals
- Seeking quotes for raising works
- Engaging a suitable contractor

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- Monitoring the works
- Organising certification of the works
- Submission of grant funding claims to Council

25 It will also be a condition of approval for all raised dwellings that the areas below design flood level (the lower storey) are not to be used for habitable purposes (i.e. enclosed as bedrooms, rumpus rooms, ground floor secondary dwellings or similar). In this regard the lower level can be used as a garage and storage and in some cases a laundry. The area under the house should be left open to enable the free flow of floodwaters in the event of a flood.

Eligible and ineligible costs

30 Costs **eligible** for funding are those that are essential to raise the footprint of the existing habitable floor area or relocate the existing dwelling to a location on higher ground within the same lot (as applicable). Such costs include but are not limited to:

- plan and document preparation, including survey costs
- development application costs

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- site preparation costs
- disconnection of services and provision of temporary services (water, electricity, communications, gas and stormwater, including rainwater tanks)
- preparation for and raising of the floor to the required minimum flood design level

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- installation of supporting structure for the elevated floor
- reconnection of services

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- the installation of front and back doorsteps or ramp and associated safety rails/devices
- costs associated with inspection and approval by the council
- relocating the house to an appropriate site within the same property if this is considered the most cost-effective option to meet the required minimum design floor level.

Costs which are **not eligible** for funding include but are not limited to:

- any additional features, improvements, renovations and substitutions of services requested by the homeowner, such as landscaping and concrete floor to the understorey
- raising the property above the minimum design floor level that is required
- accommodation for the homeowner while works are being done
- remedial works to the house
- expenses incurred prior to a funding agreement being entered (unless otherwise agreed to in writing by the department).

(Source: <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Water/Coast-estuary-and-flood-grants/floodplain-management-program-guidelines-voluntary-house-raising-schemes-220095.pdf?la=en&hash=B11D5E75BE8DC1D17B0C1C7BBAE74B471160E9F9>)

Strategic Considerations

Community Strategic Plan and Operational Plan

Aligned within upcoming 2022-23 Delivery Program:

- 3.3.2 Floodplain Management – Mitigate the impact of flooding on private and public property.

Recent Resolutions

22-001 Resolved:

That Council notes the report and Attachment 1 (#E2022/30893) for Byron Shire Council's grant submissions as of 31 March 2022.

That Council receives a report in June on the Voluntary House Raising Scheme detailing the process and co-contribution funding requirements. (Dey/Lyon)

motion was put to the vote and declared carried.

Financial Considerations

No Council financial contributions are recommended; however, staff resourcing to manage the funding and provide guidance on the house raising will be required. Feedback from

neighbouring Tweed Shire has advised that it can take up to 3 years for house raising to occur: from grant application to construction completion.

Consultation and Engagement

5 The Voluntary House Raising Scheme is managed as per the NSW Department of Planning and Environment Floodplain Management Program Guidelines.

Council considered the property owner contribution at a recent Strategic Planning Workshop on 2 June.

