

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	Tuesday, 13 February 2024
Time	9.00am

Phillip Holloway
Director Infrastructure Services

I2024/180
Distributed 08/02/24



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)

Committee members are reminded that they should declare and manage all conflicts of interest in respect of any matter on this Agenda, in accordance with the [Code of Conduct](#).

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.

OATH AND AFFIRMATION FOR COUNCILLORS

Councillors are reminded of the oath of office or affirmation of office made at or before their first meeting of the council in accordance with Clause 233A of the Local Government Act 1993. This includes undertaking the duties of the office of councillor in the best interests of the people of Byron Shire and the Byron Shire Council and faithfully and impartially carrying out the functions, powers, authorities and discretions vested under the Act or any other Act to the best of one's ability and judgment.

BYRON SHIRE COUNCIL

BUSINESS OF MEETING

1. APOLOGIES

2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

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Infrastructure Services

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- 4.3 Post 2022 Event Flood Behaviour Analysis - Brunswick River - Final Draft
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ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

Report No. 3.1 Adoption of Minutes from Previous Meeting


Directorate: Infrastructure Services

5 **File No:** I2024/145

RECOMMENDATION:

10 **That the minutes of the Floodplain Management Advisory Committee Meeting held on 8 December 2023 be confirmed.**

Attachments:

15 1 Minutes 08/12/2023 Floodplain Management Advisory Committee Extraordinary, I2023/1963, page 8 [↓](#) 

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1

Report

The attachment to this report provides the minutes of the Floodplain Management Advisory Committee Meeting of 8 December 2023.

Report to Council

- 5 The minutes will be reported to Council on 22 February 2024.

Minutes of Meeting
Extraordinary Floodplain Management
Advisory Committee Meeting

Venue	Conference Room, Station Street, Mullumbimby
Date	Friday, 8 December 2023
Time	9:00am



BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

EXTRAORDINARY FLOODPLAIN MANAGEMENT ADVISORY COMMITTEE MEETING
MINUTES 8 DECEMBER 2023

Minutes of the Extraordinary Floodplain Management Advisory Committee Meeting held on Friday, 8 December 2023

File No: I2023/1963

PRESENT:

Councillors:	Cr M Lyon (Mayor)	In Person from 9.30am
	Cr D Dey	In Person
Staff:	Samuel Frumpui (Manager Works)	Zoom 9.48am
	James Flockton (Infrastructure Planning Coordinator)	In Person
	Steve Twohill (Flood and Drainage Engineer)	In Person
	Chloe Dowsett (Coast and Biodiversity Coordinator)	Zoom
	Shelley Flower (Minute Taker)	Zoom
Members:	Scott Moffett (Dept of Planning and Environment)	Zoom
	Peter Mair (State Emergency Service) – voting member	In person
	Jeremy Carpenter (SES)	In person
	Karl Allen	In person
	Matthew Lambourne	In person
	Steven Harris	In person
	Catherine Lane	In person
	Robert Crossley	In person
Visitors:	Dan Woods (WMA Water)	Zoom (11am)
	Martin Rose (DPE)	Zoom

Cr Dey (Chair) opened the meeting at 9.07am and acknowledged that the meeting was being held on Bundjalung Country.

APOLOGIES:

Cr C Coorey, Phil Holloway (Director Infrastructure Services), Rebecca Brewin, Ziwar Sattouf, Ben Fitzgibbon (DPE), Toong Chin (DPE).

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

EXTRAORDINARY FLOODPLAIN MANAGEMENT ADVISORY COMMITTEE MEETING
MINUTES 8 DECEMBER 2023

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

Report No. 3.1 Adoption of Minutes from Previous Meeting
File No: I2023/1931

Committee Recommendation:

That the minutes of the Floodplain Management Advisory Committee Meeting held on 21 November 2023 be confirmed. (Dey/Lyon)

The recommendation was put to the vote and declared carried.

BUSINESS ARISING FROM PREVIOUS MINUTES

There was no business arising from previous minutes.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 4.1 Floodplain Management Advisory Committee Goals for 2024
File No: I2023/1928

Committee Recommendation:

1. That the Floodplain Management Advisory Committee note the report.
2. That Council staff present the draft Development Control Plan at the next Floodplain Management Advisory Committee.
3. That Council staff ask the Department of Planning & Environment (DPE) to provide an update on options that limit fill on new construction in floodplains at the next Floodplain Management Advisory Committee meeting.
4. That Council staff update the Floodplain Management Advisory Committee on enforcement of no-fill zones on floodplains.
5. That Council consider following the lead of Tweed Shire Council in making the Flood Certificate information publicly available for all properties covered by

FLOOD Extraordinary Floodplain Management Advisory Committee Meeting page 4

BYRON SHIRE COUNCIL

EXTRAORDINARY FLOODPLAIN MANAGEMENT ADVISORY COMMITTEE MEETING
MINUTES 8 DECEMBER 2023

suitable floodplain plans.

6. That Council staff provide a presentation on the flood warnings and warning systems to the next Floodplain Management Advisory Committee meeting.
(Dey/Lambourne)

The recommendation was put to the vote and declared carried.

Report No. 4.2 Community Education Strategy and Review of Flood Options -
Project Update

File No: I2023/1927

Committee Recommendation:

That the Floodplain Management Advisory Committee receive a further update on the 'Community Education Strategy and Review of Flood Options' project and a briefing on ways of further engaging community, for example with animations from existing and future flood models.
(Dey/Lambourne)

The recommendation was put to the vote and declared carried.

Report No. 4.3 Post 2022 Event Flood Behaviour Analysis - Brunswick River -
Final Draft Report - September 2023-NSW Department of
Planning & Environment (DPE)

File No: I2023/1935

Committee Recommendation:

1. That the Floodplain Management Advisory Committee advise Council to ask the NSW DPE to update figures in Appendix D of DPE's "Post 2022 Event Flood Behaviour Analysis - Brunswick River - Final Draft Report - September 2023" so that they display the point number and that the computed and recorded flood levels are tabulated, and that the flooded areas in the figures display the calibrated model results as contours.
2. That, subject to the changes in point 1 above and the changes discussed in the Committee meeting held on 8 December 2023, the Floodplain Management Advisory Committee endorses the report.
3. That Council staff release the report to the public with proactive advertising, and with notice to Committee members.
(Dey/Lane)

The recommendation was put to the vote and declared carried.

Report No. 4. Byron Bay Drainage Upgrade Update

File No: I2023/1929

FLOOD Extraordinary Floodplain Management Advisory Committee Meeting page 5

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

EXTRAORDINARY FLOODPLAIN MANAGEMENT ADVISORY COMMITTEE MEETING
MINUTES 8 DECEMBER 2023

Committee Recommendation:

**That the Floodplain Management Advisory Committee note the update on the Byron
Drainage Upgrade Strategy.** (Dey/Harris)

The recommendation was put to the vote and declared carried.

There being no further business the meeting concluded at 1.15pm.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 4.1 Floodplain Management Advisory Committee Goals for 2024

5 **Directorate:** Infrastructure Services
Report Author: Steve Twohill, Flood and Drainage Engineer
Honey Ayres, Project Support Officer
File No: I2024/129

Summary:

10 This report addresses the Floodplain Advisory Committee recommendations of Report 4.1 tabled at the Friday 8 December 2023 committee meeting. These recommendations have not yet subject to a Council resolution. However, council staff provide this report in good faith to keep the committee informed of the responses to these matters acknowledging that the Committee will end in September under this current Council term.

15 The list of items is as follows and is discussed in this report:

1. That Council staff present the draft Development Control Plan at the next Floodplain Management Advisory Committee.
2. That Council staff ask the Department of Planning & Environment (DPE) to provide an update on options that limit fill on new construction in floodplains at the next Floodplain Management Advisory Committee meeting.
- 20 3. That Council staff update the Floodplain Management Advisory Committee on enforcement of no-fill zones on floodplains.
4. That Council consider following the lead of Tweed Shire Council in making the Flood Certificate information publicly available for all properties covered by suitable floodplain plans.
- 25 5. That Council staff provide a presentation on the flood warnings and warning systems to the next Floodplain Management Advisory Committee meeting.

30 In addition to the above recommendations, Councillor Dey on behalf of the committee on 22 January 2024 requested the following additional items to be discussed at this February 13 meeting. Council staff have not included commentary or background information reporting on these items. Staff sought clarification on these items with Councillor Dey which he advised given that the next meeting is scheduled for May, the Committee wanted to raise and discuss these items in further detail at this meeting.

The list of items for discussion are:

BYRON SHIRE COUNCIL

STAFF REPORTS - INFRASTRUCTURE SERVICES

4.1

6. Discussion on the draft Review of the 2022 Flood event commissioned by DPE and undertaken by WMA Water.
7. Moving forward on the mitigation options, as were discussed with community in November 2023.
- 5 8. Promotion of Option “RR - Removal of Myokum St embankment, increased Jubilee Ave culvert capacity and removal of railway embankment”.
9. Producing a Brochure on Mitigations Options.

10

RECOMMENDATION:

That the Floodplain Management Advisory Committee note the report.

15

Report

This report addresses the Floodplain Advisory Committee recommendations of Report 4.1 tabled at the Friday 8 December 2023 committee meeting. These recommendations have not yet subject to a council resolution. However, council staff provide this report in good
5 faith to keep the committee informed of the responses to these matters acknowledging that the Committee will end in September under this current Council term.

The list of items is discussed below:

1. That Council staff present the draft Development Control Plan at the next Floodplain Management Advisory Committee.
- 10 This matter was referred to Council's Sustainable Environment & Economy directorate for a response. Due to the Christmas closedown and holiday leave period, Council staff have been unable to provide an update in time for this meeting.

Further reporting to the committee has been requested from the Strategic Planning team, the committee may wish to seek Council support of a recommendation to receive this
15 reporting.

2. That Council staff ask the Department of Planning & Environment (DPE) to provide an update on options that limit fill on new construction in floodplains at the next Floodplain Management Advisory Committee meeting.

Council staff referred this matter to the Department of Planning & Environment (DPE) for a
20 response and advice on this matter. DPE referred staff to the recently adopted Flood Risk Management Manual 2023 [Flood risk management manual \(nsw.gov.au\)](https://www.nsw.gov.au) which provides advice in relation to this matter. We will refer to this document as the "Flood Manual" for the purposes of this report. Site specific fill and flood controls are generally investigated and established through the processes of the Flood Manual in the Floodplain Risk
25 Management Study and Plan phase once the Flood model has been delivered. DPE advised they are willing to address questions from the floor on this matter from the committee.

3. That Council staff update the Floodplain Management Advisory Committee on enforcement of no-fill zones on floodplains.

30 This matter was referred to Council's Sustainable Environment & Economy directorate for a response. Due to the Christmas closedown and holiday leave period, council staff have been unable to provide an update in time for this meeting.

Council's Regulation and Enforcement team perform a regulatory role which includes Development Control and Compliance among many other aspects of Council business.
35 Unauthorised fill scenarios are investigated on a case-by-case scenario in accordance with the adopted Enforcement Policy.

Further reporting to the committee has been requested from the Regulation and Enforcement team, the committee may wish to seek Council support of a recommendation to receive this reporting.

BYRON SHIRE COUNCIL

STAFF REPORTS - INFRASTRUCTURE SERVICES

4.1

4. That Council consider following the lead of Tweed Shire Council in making the Flood Certificate information publicly available for all properties covered by suitable floodplain plans.

5 This matter is noted and supported by Council staff. Implementing this process would require it being a recommendation of the relevant adopted Floodplain Risk Management Study and Plan. This recommendation would then underpin a future grant funding application to implement this initiative.

10 Recommend that this process be deferred until the upcoming Belongil and Tallow Floodplain Risk Management Study and Plan/s including the associated updated flood study. Similarly for the catchment contained within the North Byron Floodplain Risk Management Study and Plan area. The recent review of the 2022 Flood Event commissioned by DPE reported that the current North Byron Flood Study has come to the end of its serviceable life and an update is a recommended to inform the Floodplain Risk Management process.

15 Recommend that the implementation of the Flood Certificate information is deferred until the three (3) main catchments within Byron Shire – North Byron / Belongil & Tallow Creek/s Flood Study/s and their associated Floodplain Risk Management Study/s and Plan/s are updated and adopted.

20 Future grant funding application/s shall be sought once an adopted recommendation is included in their associated Floodplain Risk Management Plan/s.

5. That Council staff provide a presentation on the flood warnings and warning systems to the next Floodplain Management Advisory Committee meeting.

25 This matter is noted and supported by Council staff, due to the Christmas closedown and holiday leave period, Council staff have unable to provide an update in time for this meeting. The staff priorities have been focussed on the many (approximately 30 in total) flood grant related projects. The majority of these need to be completed by 30 June 2024 to ensure funding.

30 A number of these flood related projects involve installing additional water surface and rainfall gauges within the shire, which will integrate into council's Guardian Incident Management System (IMS) system for flood warning scenarios.

The report to the previous committee meeting in December 2023 outlined the details of the Byron Flood Warning Network and Disaster Dashboard. The Dashboard can be found at <https://emergency.byron.nsw.gov.au/>

35 A presentation of the system can be provided via a committee recommendation to Council. We recommend that a presentation is deferred until the current related flood grant activities associated with the flood warning system are completed and operational which is expected in the 3rd quarter of 2024.

Additional Items for Discussion by the Committee

In addition to the above recommendations, Councillor Dey on behalf of the committee on 22 January 2024 requested the following additional to be discussed at this February 13 meeting. Council staff have not included commentary or background information reporting on these items. Staff sought clarification on these items with Councillor Dey which he advised given that the next meeting is scheduled for May, the Committee wanted to raise and discuss these items in further detail at this meeting. The list of items for discussion are:-

- 5
 - 10
 - 15
6. Discussion on the draft Review of the 2022 Flood event commissioned by DPE and undertaken by WMA Water.
 7. Moving forward on the mitigation options, as were discussed with community in November 2023.
 8. Promotion of Option “RR - Removal of Myokum St embankment, increased Jubilee Ave culvert capacity and removal of railway embankment”.
 9. Producing a Brochure on Mitigations Options.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
3: Nurtured Environment	3.3: Protect the health of coastline, estuaries, waterways, and catchments	3.3.2: Floodplain management - Mitigate the impact of flooding on private and public property	3.3.2.3	Floodplain Risk Management Committee coordination

Recent Resolutions

- N/A

5 Legal/Statutory/Policy Considerations

Further information can be provided to specific items when further reporting is provided.

Financial Considerations

Nil

Consultation and Engagement

10 Nil

Report No. 4.2 Community Education Strategy and Review of Flood Options - Project Update

Directorate: Infrastructure Services

5 **Report Author:** Steve Twohill, Flood and Drainage Engineer
Chloe Dowsett, Biodiversity and Sustainability Coordinator

File No: I2024/157

Summary:

10 This report provides an update to the Floodplain Advisory Committee requested in their recommendation of Report 4.2 tabled at the Friday 8 December 2023 committee meeting. This recommendation has not been ratified with a council resolution. However, Council staff provide this report in good faith to keep the committee informed of the responses to these matters acknowledging that the Committee will end in September under this current Council term.

The list of items is as follows and is discussed in this report:

- 15 1. **That the Floodplain Management Advisory Committee receive a further update on the ‘Community Education Strategy and Review of Flood Options’ project and a briefing on ways of further engaging community, for example with animations from existing and future flood models.**

20 Consultants JBP have progressed this assessment and project since the public meeting held on 6 December 2023 and the ensuing Christmas holiday period. Council staff have met with the Consultant JBP in late December 2023 and February 2024 to discuss ways of further engaging the community in relation to improved flood awareness to this region.

25 In addition, Council sought permission from the NSW Department of Planning & Environment (DPE) to provide and release the confidential 2022 Flood event review report that was presented to the committee late last year. DPE have agreed to that request in late December 2023, this information has been provided to JBP.

30 This project has budgetary constraints that are already committed with an agreed scope. Staff have negotiated with the consultant JBP to undertake a review of the DPE 2022 flood event review report and integrate outcomes where appropriate in this assessment. The report is well underway however too premature to release for this committee meeting.

35 Animation and graphical recreation of the flood event are supported, however that aspect is not included in the scope for this project. Given that DPE has commissioned this review by WMA Water and the fact that it is their report and work, we recommend that DPE commission animation graphic models of the 2022 flood event and provide to Council to assist in future community engagement for this project.

BYRON SHIRE COUNCIL

STAFF REPORTS - INFRASTRUCTURE SERVICES

4.2

We anticipate that the Final report will be presented to the committee at the next scheduled meeting in May 2024.

5

RECOMMENDATION:

That the Floodplain Management Advisory Committee:-

1. **Note the update on the 'Community Education Strategy and Review of Flood Options' project which focusses on the Northern Byron Shire communities; and**
2. **Recommend that the NSW Department of Planning & Environment (DPE) be requested to commission animation graphic models of the 2022 flood event and provide to Council to assist in future community engagement.**

15

Report

Background & Project Status:

5 This report provides an update to the Floodplain Advisory Committee requested in their recommendation of Report 4.2 tabled at the Friday 8 December 2023 committee meeting. This recommendation has not been ratified with a council resolution. However, Council staff provide this report in good faith to keep the committee informed of the responses to these matters acknowledging that the Committee will end in September under this current Council term.

10 Background to this project is contained in the previous report table at the 8 December 2023 meeting – refer File I2023/1607

Consultants JBP have progressed this assessment and project since the public meeting held on 6 December 2023 and the ensuing Christmas holiday period. Council staff have met with the Consultant JBP in late December 2023 and February 2024 to discuss ways of further engaging the community in relation to improved flood awareness to this region.

15 In addition, Council sought permission from the NSW Department of Planning & Environment (DPE) to provide and release the confidential 2022 Flood event review report that was presented to the committee late last year. DPE have agreed to that request in late December 2023, this information has been provided to JBP.

20 This project has budgetary constraints that are already committed with an agreed scope. Staff have negotiated with the consultant JBP to undertake a review of the DPE 2022 flood event review report and integrate outcomes where appropriate in this assessment. The report is well underway however too premature to release for this committee meeting.

25 Animation and graphical recreation of the flood event are supported, however that aspect is not included in the scope for this project. Given that DPE has commissioned this review by WMA Water and the fact that it is their report and work, we recommend that DPE commission animation graphic models of the 2022 flood event and provide to Council to assist in future community engagement for this project.

30 Council staff anticipate that the Final report will be presented to the committee at the next scheduled meeting in May 2024. In addition, there are eight (8) interrelated flood related investigations in this study area that will be nearing completion at that time. These other projects include: -

PM22_30091 - AGRN1012 - Local Government Recovery Grant Program

PM22_1486 - Flood Warning Systems (Gauges) Upgrade - Shire Wide

PM23_1513 - Flood Pump Generator Power Supply - South Golden Beach

35 PM23_1514 - Rear Drainage Easements Upgrade - South Golden Beach

PM23_1516 - Flood Pump Investigation for Western Levee - South Golden Beach

BYRON SHIRE COUNCIL

STAFF REPORTS - INFRASTRUCTURE SERVICES

4.2

PM23_1517 - Drainage Easement Maintenance Access Upgrade - Narooma Drive

PM23_1519 - Flood Gate Upgrade Options Investigation - South Golden Beach

PM23_##### - Sky Pump Feasibility Investigation - South Golden Beach Canal system

- 5 Once all these investigations are complete, there is an opportunity to report all of these projects in a consolidated and integrated manner to the community June/July 2024.

Project Status:

Refer above for the project status.

Next steps

- 10 The Floodplain Advisory Management Committee will be updated as the project progresses. Committee members will be provided an opportunity to be further involved during the later stage of the project at an options workshop (date not yet confirmed).

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
3: Nurtured Environment	3.3: Protect the health of coastline, estuaries, waterways, and catchments	3.3.2: Floodplain management - Mitigate the impact of flooding on private and public property	3.3.2.3	Floodplain Risk Management Committee coordination

Legal/Statutory/Policy Considerations

- 15 The study will align with the framework established by the NSW Floodplain Development Manual and national best practice as outlined in the Australian Institute for Disaster Resilience Handbook 7: Managing the floodplain: best practice in flood risk management in Australia (AIDR, 2017).

Financial Considerations

This is a grant funded project comprising consultancy fees only of \$37,940 (excl. GST).

Consultation and Engagement

5 A Community and Stakeholder Engagement Plan (CSEP) has been developed for the project for implementation. The CSEP aims to collate community and stakeholder concerns and ideas and address all concerns after reviewing management options and data. The CSEP considers different approaches to communications and engagement, following the IAP2 Public Participation Spectrum. The key outcomes of the project is improved community and stakeholder understanding and education on flood risk and flood
10 risk management, as such the below is proposed:

- Council Staff/DPE representatives are given a steering role (Empowered).
- Council's Advisory Committees are *Involved*
- The community is *Involved* within the project. This is deliberately not at a level that would allow their request for new mitigation scenarios to be tested without checks from
15 flood engineers to ensure they are viable; however, it will ensure they are a focus on this project.

**Report No. 4.3 Post 2022 Event Flood Behaviour Analysis -
Brunswick River - Final Draft Report -
September 2023-NSW Department of
Planning & Environment**

5 **Directorate:** Infrastructure Services
Report Author: Steve Twohill, Flood and Drainage Engineer
File No: I2024/178

Summary:

10 The NSW Department of Planning & Environment (DPE) have undertaken two (2) briefing sessions with the Committee in November/December on the confidential “Post 2022 Event Flood Behaviour Analysis - Brunswick River – Final Draft Report - September 2023” for review and input from the Flood Advisory Committee (FAC).

15 The FAC provided extensive feedback to DPE on the draft report late last year. Council staff have requested from DPE the final report be released in time for this committee meeting. This report was not complete at the time of this agenda reporting. DPE staff have advised it is being finalised and is expected to be released to the public by the date of this meeting.

20 Councillor Dey on behalf of the committee on 22 January and 3 February 2024 requested the following additional items to be discussed at this February 13 meeting. Council staff have not included commentary or background information reporting on these items. Staff sought clarification on these items with Cr Dey which he advised given that the next meeting is scheduled for May, the Committee wanted to raise and discuss these items in further detail at this meeting.

25 For the purposes of this report, we have categorised these items as “Post 2022 Flood Event Development Controls Discussion”

The list of items for discussion are:

- 30 1. How to set flood and hence floor levels with poor quality information, namely the 2020 FPMS&P. We want to discuss using the higher of two sets of levels: 1. from the 2020 FPMS&P; 2. from a peak water surface established from community data throughout the floodplains (peak levels February and March 2022).
- 35 2. Peak water surface profile for Brunswick River at Brunswick Heads for the February 2022 flood flow. This shows a steep gradient close to ocean outlet (see Summary Report wmawater.com.au). Same for profiles at Billinudgel, Mullumbimby, Waterlily Park & Ocean Shores.

BYRON SHIRE COUNCIL

STAFF REPORTS - INFRASTRUCTURE SERVICES

4.3

3. Discussion on flood-prone housing options under Resolution 23-654.
4. Discussion on New City Drain Project Mullumbimby
5. Discussion on highlighting the List of Actions (63) endorsed by the Committee in document E2022/52007) more prominent and findable.

RECOMMENDATION:

- 10 1. **That the Flood Advisory Committee endorses the “Post 2022 Event Flood Behaviour Analysis - Brunswick River - Final Report ” - NSW Department of Planning & Environment (DPE) – attachment to be circulated under separate cover once issued by DPE.**

15 Attachments:

- 1 BSC Flood Mitigation Program, E2022/52007 , page 30  

Report

5 The NSW Department of Planning & Environment (DPE) have undertaken two (2) briefing sessions with the Committee in November/December on the confidential “Post 2022 Event Flood Behaviour Analysis - Brunswick River – Final Draft Report - September 2023” for review and input from the Flood Advisory Committee (FAC).

10 The FAC provided extensive feedback to DPE on the draft report late last year. Council staff have requested from DPE the final report be released in time for this committee meeting. This report was not complete at the time of this agenda reporting. DPE staff have advised it is being finalised and is expected to be released to the public by the date of this meeting.

Additional Items for Discussion by the Committee

15 Councillor Dey on behalf of the committee on 22 January and 3 February 2024 requested the following additional items to be discussed at this February 13 meeting. Council staff have not included commentary or background information reporting on these items. Staff sought clarification on these items with Cr Dey which he advised given that the next meeting is scheduled for May, the Committee wanted to raise and discuss these items in further detail at this meeting.

For the purposes of this report, we have categorised these items as “Post 2022 Flood Event Development Controls Discussion”.

20 The list of items for discussion are:

1. How to set flood and hence floor levels with poor quality information, namely the 2020 FPMS&P. We want to discuss using the higher of two sets of levels: 1. from the 2020 FPMS&P; 2. from a peak water surface established from community data throughout the floodplains (peak levels February and March 2022).
- 25 2. Peak water surface profile for Brunswick River at Brunswick Heads for the February 2022 flood flow. This shows a steep gradient close to ocean outlet (see Summary Report wmawater.com.au). Same for profiles at Billinudgel, Mullumbimby, Waterlily Park & Ocean Shores.
- 30 3. Discussion on flood-prone housing options under Resolution 23-654.
4. Discussion on New City Drain Project Mullumbimby
- 35 5. Discussion on highlighting the List of Actions (63) endorsed by the Committee in document E2022/52007) more prominent and findable.

Key issues

Not applicable

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
5 3: Nurtured Environment	3.3: Protect the health of coastline, estuaries, waterways, and catchments	3.3.2: Floodplain management - Mitigate the impact of flooding on private and public property	3.3.2.3	Floodplain Risk Management Committee coordination

Recent Resolutions

- 23-271, 23-094, 22-606, 22-352, 23-654

Legal/Statutory/Policy Considerations

10 The updated Floodplain Development Manual 2023 supports the policy and guides councils through the floodplain risk management process. The manual helps councils develop and implement local floodplain risk management plans and outlines the technical assistance provided by the NSW Government.

The manual details the roles and responsibilities of various NSW agencies and includes information on:

- 15
- the preparation of flood studies, floodplain risk management studies and plans
 - floodplain risk management options
 - flood planning levels and areas
 - hydraulic and hazard categorisation
 - emergency response planning.

20 The manual was originally gazetted in 2005 with a new updated manual being gazetted in 2023. It is the manual relating to the development of flood-labile land for the purposes of section 733 of the Local Government Act 1993.

Financial Considerations

There are no financial considerations in this instance as the report is being commissioned by NSW DPE.

Consultation and Engagement

- 5 NSW DPE have provided this final draft report as a confidential document for the review and input from the Flood Advisory Committee only. Once review feedback has been provided NSW DPE shall release as a final report to the public.

Byron Shire Council - 2022 - Whole Flood Mitigation Program' (E2022/52007)

	Floodplain Management Plan	Proposed Mitigation Action	Priority	Responsibility	Approx Value	Comments
1	North Byron	Flood Planning Levels revised based on the recommendations of the FRMS.	Complete	Complete	Staff Time	Complete
2	North Byron	Section 10.7 (5) certificates to provide further detail of flood behaviour. Consideration to providing property-level flood information via an online GIS platform	Complete	Complete	Staff Time	Complete
3	North Byron	Byron Shire Council and SES to consider the findings and recommendations of the FRMS in the development of the Flood Warning Network for North Byron.	Complete	Complete	Staff Time	Complete
4	North Byron	Identify key roads and implement automatic warning signs and depth indicators.	High	BSC - IPT	\$100,000	Grant being investigated
5	North Byron	Council consider updating the DCP to incorporate the recommendations detailed in the FRMS; Provide more detailed guidance on the principles of wet proofing, appropriate design and materials, with direct reference to available guidelines; include a requirement for an assessment of property level protection as part of the DCP2014 planning matrix criteria FL4; Implement the recommendations regarding appropriate fill areas in the DCP2014	Partially complete	BSC - SEE / IPT	Staff Time	To be discussed with SEE
6	North Byron	Development a whole of catchment drainage model and overland flow path investigation.	High Priority	BSC - IPT	\$250,000	2:1 grant submitted May 22
7	North Byron	Undertake more detailed assessment of properties which may benefit from property level protection	High	BSC - IPT	\$50,000	Will form part of the scope of Shire overland flow path study
8	North Byron	Implement debris control measures for Federation Bridge and Billinudgel Railway Bridge.	Design underway	BSC - IPT	\$100,000	Grant funded for design phase only
9	North Byron	Undertake an Evacuation Assessment for Mullumbimby.	High Priority	SES (tech intel from IPT)	Staff Time	Underway by SES
10	North Byron	Changes to land use zoning should consider flood compatibility based on the recommendations of the FRMS.	Complete	Complete	Staff Time	Complete
11	North Byron	Further investigate raising eligible residential properties to reduce flood damages.	Moderate	BSC - IPT	Staff Time (pending Council decision on VHR Council/State contribution)	Underway as part of VHR/VHP scheme
12	North Byron	Further detailed assessment of Saltwater Creek upgrade assessment and mitigation options for Mullumbimby.	Moderate	BSC - IPT	Refer to item 6	Will form part of the scope of Shire overland flow path study
13	North Byron	Form a committee, comprising council, state, emergency services and community member representatives to oversee the implementation of the FRMP	Complete	Complete	Complete	Complete
14	North Byron	Council and the SES to update the Local Flood Plan based on findings of the FRMS.	Moderate	SES (tech intel from IPT)	Staff Time	Underway by SES
15	North Byron	Revise the Flood Planning Area based on the recommendations of the FRMS.	Complete	Complete	Staff Time	Complete
16	North Byron	Engage with the community to prepare an ongoing flood education program, with appropriate evaluation by Council and SES following implementation.	Moderate	SES/BSC - IPT / Comms	\$20,000	Funding to be sought
17	North Byron	Further consideration of Avocado Court drainage modification.	Moderate	BSC - IPT	Refer to item 6	Will form part of the scope of Shire overland flow path study
18	North Byron	Byron Shire Council compliance team investigate illegal builds south of North Heads Road.	Ongoing	BSC - SEE	Staff Time	To be discussed with SEE
19	North Byron	Develop a sediment transport model to investigate modification to the rock walls, as part of the Coastal Management Program for the Brunswick Estuary.	Moderate	BSC - SEE / IPT	\$150,000	Being considered as part Coastal Management Plan
20	North Byron	Further consideration of Billinudgel infrastructure improvements.	Moderate	BSC - IPT	Refer to item 6	Will form part of the scope of Shire overland flow path study
21	North Byron	Develop guidance on the design and installation of fencing traversing waterways and channels.	Moderate	BSC - IPT	\$15,000	Funding to be sought

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22	North Byron	Consider establishing a Voluntary House Purchase scheme for eligible properties.	Complete	BSC - IPT	Staff Time (pending Council decision on VHR Council/State contribution)	Grant submitted May 22
23	North Byron	More detailed assessment of potential raising of River Street to provide improved flood immunity and evacuation.	Low	BSC - IPT	Refer to item 6	Will form part of the scope of Shire overland flow path study
24	North Byron	Implement the recommendations of the South Golden Beach levee audit.	Low	BSC - IPT	\$200,000	Funding to be sought
25	North Byron	Further consider viable options to implement the recommendations of the New City Road drainage assessment.	Low	BSC - IPT	Refer to item 6	Will form part of the scope of Shire overland flow path study
26	Tallow Creek	New Byron Local Environment Plan to more robustly protect existing development from increased flooding impacts resulting from future development and update to be in line with NSW Floodplain Development Manual (2005)	Complete	Complete	Staff Time	Complete
27	Tallow Creek	Commence undertaking to rezone the land identified as high flood hazard for the 1 in 100 year ARI flood to preclude these areas from future development	Complete	Complete	Staff Time	Complete
28	Tallow Creek	Adopt FPLs as part of the DCP 2002 as the extent of flood prone land in the Tallow Creek catchment that consider climate change conditions (Scenario 4)	Complete	Complete	Staff Time	Complete
29	Tallow Creek	Implementation of design measures and evacuation plans to minimise impacts on future planned community uses as identified in the DCP No. 9	Medium Priority	BSC - SEE	Staff Time	To be discussed with SEE
30	Tallow Creek	Adopt prescribed areas of fill exclusion.	Complete	Complete	Staff Time	Complete
31	Tallow Creek	Ensure future developments within the catchment utilise on-site stormwater detention measures to maintain pre-development peak runoff characteristics.	Complete	Complete	Staff Time	Already part of BSC DCP
32	Tallow Creek	Prepare a section contribution plan for all civil works in this plan.	Complete	Complete	\$20,000	Wasn't supported or adopted by Council
33	Tallow Creek	Update 149 certificates and any lots with additional controls over them, including add 1495 certificates for lots effected by PMF and not within the FPL.	Complete	Complete	Staff Time	Complete
34	Tallow Creek	Adopt new version of the hydraulic model to allow for assessment of all proposed development	Complete	Complete	Staff Time	Complete
35	Tallow Creek	Establish relationship between flood return period, sand bar levels and flooding conditions in Tallow Lake to assist in SES flood evacuation planning	Underway	BSC - IPT	\$15,000	Contract awarded.
36	Tallow Creek	Support SES in inclusion of Suffolk Park in Flood Response Plan	Complete	SES (tech intel from BSC)	Staff Time	To be discussed with SES
37	Tallow Creek	Install flood gauge at Broken Head Road culvert showing example flood levels	Underway	BSC - IPT	\$500	To be completed in June 2022
38	Tallow Creek	Install lake level and rainfall monitoring station on Tallow Lake and connect to Council's flood warning system	Complete	Complete	\$25,000	Complete
39	Tallow Creek	Upgrade Broken Head Road Crossing of South Tallow Creek	Medium Priority	BSC - IPT	\$355,000	2009 price - needs to be increased to current day value
40	Tallow Creek	Upgrade Coogera Circuit Detention	Medium Priority	BSC - IPT	\$380,000	2010 price - needs to be increased to current day value
41	Tallow Creek	Raise footpath at Tallow Lake footbridge to ensure trafficable up to a lake level of 2.5mAHD.	Complete	Complete	\$44,000	Complete
42	Tallow Creek	Develop and implement asset management and maintenance plan	Complete	Complete	\$20,000	Complete
43	Tallow Creek	Implement interim management plan through water level and quality monitoring	Complete	Complete	\$100,000	Complete
44	Tallow Creek	Develop data collection program for variables such as sand bar and lake stored level, to support development of long-term management plan.	Complete	Complete	Staff Time	Complete
45	Tallow Creek	Inspect the sand bar and record its level every year prior to the onset of the rainfall season	Complete	Complete	Staff Time	Complete
46	Tallow Creek	Monitor the level of the opening during the rainfall season and undertake maintenance earthworks to restore the level as per the accepted Interim Sandbar Management Strategy.	Complete	Complete	Staff Time	Complete
47	Tallow Creek	Update Council Geographic Information Systems (GIS) to include outputs of this plan and update any lots with additional controls over them.	Complete	Complete	Staff Time	Complete
48	Tallow Creek	Ensure authority uses the GIS layers to prepare property reports.	Complete	Complete	Staff Time	Complete
49	Tallow Creek	Add adopted document to Council's website, plus additional A1 pdf of FPL	Complete	Complete	Staff Time	Complete

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50	Belongil Creek	Preferred Byron Drainage Strategy	Immediate Priority	BSC - IPT	\$1,300,000	Grant awarded for design phase only. Contract award by August 22
51	Belongil Creek	Preferred Byron Drainage Strategy Construction	High Priority	BSC - IPT	\$15,000,000	Grant awarded for design phase only. Contract award by August 23. Construction phase grant application required.
52	Belongil Creek	Development Controls	Complete	Complete	Staff Time	Complete
53	Belongil Creek	Community Flood Awareness	Immediate Priority	BSC - IPT / Comms	\$10,000	Funding to be sought
54	Belongil Creek	Emergency Planning (SMS Messaging)	Complete	Complete	\$220,000	As part of flood warning network and emergency dashboard
55	Belongil Creek	Flood Information Dataset	Complete	Complete	\$220,000	As part of flood warning network and emergency dashboard
56	Belongil Creek	Belongil Creek Entrance Strategy	Complete	Complete	\$125,000	Complete
57	Belongil Creek	Flood Gauges	Complete	Complete	\$75,000	This is always ongoing, upgrading gauges/telemetry etc
58	Belongil Creek	Drainage Infrastructure Maintenance	High Priority	BSC - Operations	\$1,092,400	One of clean of main drains in Byron Bay
59	Belongil Creek	Voluntary House Raising Scheme	Medium Priority	BSC - IPT	\$8,550,000	Grant submitted May 22 for 2/3 funding for upto 2 houses. Total Scheme is 57 houses at \$150 per house.
60	Staff Recommended Not Supported By A Plan	SGB Flood Pump Generator	Funded	BSC - IPT	\$140,000	Protection from power failures.
61	Staff Recommended Not Supported By A Plan	Investigate Options for SGB Flood Gate Upgrades	High Priority	BSC - IPT	\$30,000	Better solutions? No pipes? flood gates with automated knife valves for full closure?
62	Staff Recommended Not Supported By A Plan	Design SGB and Fern Beach Flood Levy Upgrades	High Priority	BSC - IPT	\$100,000	Levy over topped in 2022. Propose to raise Levy.
63	Staff Recommended Not Supported By A Plan	Investigate Flood Levy for Western SGB	Medium Priority	BSC - IPT	\$30,000	Post 2022 flood, investigate the benefits of a levy for west of Capricornia Canal.
Total Program Value					\$27,587,900	